

Part E-Safety & Civil Service

CHARTER OF THE CITY OF CLEVELAND

**includes Recommendations from 2008 Charter Review Commission that were never placed on the ballot.

Chapter 25 Police and Fire Service**

Chapter 27 Civil Service**

CHAPTER 25 – POLICE AND FIRE SERVICE

§ 115 General Provisions

§ 115-1 Office of Professional Standards

§ 115-2 Civilian Police Review Board

§ 115-3 Powers and Duties of Board

§ 115-4 Investigation and Disposition of Complaints

§ 116 Police Force; Control by Chief

§ 117 Special Policemen

§ 118 Fire Force; Control by Chief

§ 119 Suspension of Police and Firemen

§ 120 Suspension of Fire Chief

§ 121 Appeal to Civil Service Commission

§ 122 Classification of Police and Fire Service

§ 123 Relief of Policemen and Firemen

§ 115 General Provisions

The City shall maintain a Police Force and Fire Force, and the Mayor shall be executive head of both forces. If these Forces are or shall be placed in a department in accordance with the provisions of Section 77 of this Charter, the director of this department shall be their executive head under the direction of the Mayor.

(Effective November 9, 1931)

§ 115-1 Office of Professional Standards

There shall be in the office of the executive head of the police force an Office of Professional Standards, consisting of one or more investigators appointed by the executive head of the police force, an administrator, and the Police Review Board. The executive head of the police force may designate an officer of the police force to administer the Office of Professional Standards, or an employee appointed to the position of Professional Standards Administrator in conformity with the civil service provisions of this Charter.

(Effective November 4, 2008)

§ 115-2 Civilian Police Review Board

The Civilian Police Review Board shall consist of nine (9) members who are representative of the diverse communities within Cleveland. Five (5) members shall be appointed by the Mayor. Four (4) members shall be appointed by Council. Each of the police districts shall be represented by at least one (1) citizen who resides in that district. At least one member of the Board shall be between the ages of 18 and 30 at the time of appointment and may be among the members appointed by either the Mayor or the Council. No member of the Board shall be employed currently as a law enforcement officer and no member shall be a current or former employee of the Cleveland Division of Police. Vacancies during a term shall be filled in the same manner as original appointments for the unexpired term. Within 30 days of any vacancy on the Board, including vacancies caused by the end of a term, the City shall post an announcement of any vacancy and a request for applications to fill any vacancy. Members shall be chosen from the applicants. The members of the Civilian Police Review Board holding the office as of the effective date of this section may continue in office for the remainder of their terms recognizing that all of the police districts may not be represented until the service of those members is completed. The two additional members shall be appointed by Council and their terms shall commence on February 7, 2017. The next two vacancies following the effective date of this

section, whether for a new term or an unexpired term, shall be filled by Council. Terms of office for members of the Board shall be for four years. No member may serve for more than two four-year terms when the second term begins less than four years after the end of the first term. However, a person may be eligible for appointment four years after the end date of the second term. Time spent fulfilling an unexpired term of two years or less shall not be considered as part of the two consecutive terms. The executive head of the police force may remove any member of the Board, upon notice and hearing, for neglect of duty or malfeasance in office. All members of the Board shall participate in initial and annual training on topics relevant to the duties of the Board. Members of the Board shall receive compensation as may be established by the Council. The Civilian Police Review Board shall have its own budget separate from the budget for the Department of Public Safety Administration. The person in charge of administering the Office of Professional Standards shall oversee the budget on behalf of, and with guidance from, the Board. The Board shall designate annually one member of the Board to serve as its chair and one member to serve as its vice chair. No person shall serve more than two consecutive one-year terms in each position, but, except as further provided, may be eligible for appointment two years after the end date of the second term. A person may be eligible to serve in one of the positions for up to two consecutive one-year terms consecutive to service in the other position, but then may not serve in either position for two years after the end date of the term for the second position even if service in the first or second position was less than two years. The Board shall appoint personnel as its staff as it deems necessary.
(Effective November 8, 2016)

§ 115-3 Powers and Duties of Board

The Police Review Board shall receive, cause investigation of, and recommend resolution of complaints filed with it alleging misconduct by members of the Cleveland police force, when such misconduct is directed toward any person who is not a member of that police force. The misconduct complained of may include, but need not be limited to, the use of excessive or deadly force. The Board shall perform such other duties not inconsistent with the provisions of this Charter as may be required by the executive head of the police force. On its own complaint, the Board may cause investigation of incidents involving the use of deadly force by members of the police force and incidents resulting in the injury or death of persons in the custody of the police force. In order to carry out its functions, the Board or any person authorized by it may compel the attendance of witnesses and the production of books, papers, and other evidence, and for that purpose may issue subpoenas or attachments, to be signed by the chairman of the Board, which shall be served and executed by any officer authorized to serve subpoenas and other processes. The Council shall provide by ordinance the penalty or penalties for contempt in refusing to obey any such subpoena or to produce such books, papers and other evidence. Subject to the approval of the executive head of the police force, the Police Review Board shall make rules providing for the procedure of the Board and for the review of complaints filed with it. Rules of the Commission and amendments thereto shall take effect fifteen (15) days after their publication in the *City Record*.
(Effective August 8, 1988)

§ 115-4 Investigation and Disposition of Complaints

Under the general direction of the executive head of the police force, the officer or employee in charge of administering the Office of Professional Standards shall cause a full and complete investigation to be made of each complaint filed with the Board, except complaints which relate to matters or occurrences that are the subject of pending criminal proceedings. The investigation shall be confined to matters set forth in the complaint. Upon completion of an investigation, the

administrator shall prepare a report and submit the report to the Police Review Board for its review and disposition. Prior to recommending action on a complaint or to determining that a complaint warrants no action, the Board may, in its sole discretion, hold a hearing, pursuant to its rules. If the Board decides that the complaint should be resolved by promulgation or amendment of rules and regulations established by the executive head of the police force pursuant to Section 116 of the Charter, the Board shall submit its recommendation to the executive head of the police force and shall notify the complainant of its disposition of his complaint. If the Board decides that disciplinary action should be taken against any of the officers or employees under the management and control of the Chief of Police, the Board shall submit its recommendation to the Chief of Police. Within ten days after receipt of the Board's recommendation, the Chief of Police shall notify the Board in writing whether he has decided to suspend the officer or employee, pursuant to Section 119 of this Charter, and, if so, the period and the cause of the suspension. If the Chief decides to suspend the officer or employee and the Board concurs with the Chief as to the period and cause of the suspension, the Chief shall proceed to suspend the officer or employee in accordance with Section 119 of this Charter. If the Chief decides not to suspend the officer or employee, or if the Chief decides to suspend the officer or employee but the Board does not concur with the period or cause of suspension decided upon by the Chief, the Board, notwithstanding the provisions of Section 119 of this Charter to the contrary, may suspend the officer or employee. Irrespective of whether the Board suspends the officer or employee for ten working days or less, the board shall forthwith certify in writing the fact, together with the cause of the suspension, to the executive head of the police force, who shall proceed in accordance with the provisions of Section 119 of this Charter. The Board shall notify the complainant of its disposition of his complaint. If the Board determines that the complaint warrants no action, the Board shall so notify the complainant.

(Effective August 8, 1988)

§ 116 Police Force; Control by Chief

The Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police to protect the people from homeland security threats and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

(Effective November 2, 2004)

§ 117 Special Policemen

No person shall act as a special policeman, special detective or other special police officer for any purpose whatsoever, except upon written authority from the Mayor or from the director of the department of which the Police Force may be a part. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

(Effective November 9, 1931)

2008 RECOMMENDATION #70:

Enact New Section 116-1 and amend Sections 116 and 117 to authorize the Director of Port Control to establish an airport police force as of January 1, 2009 led by a Chief of Airport Police appointed by the Director of Port Control with the approval of the Mayor who shall have exclusive control the stationing and transfer of officers and employees in the airport police force.

Proposed Language:

§ 116 Police Force; Control by Chief

Except as provided in Sections 116-1 of this Charter, the Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police to protect the people from homeland security threats and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. Except as provided in Sections 116-1 of this Charter, the Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

§ 116-1 Airport Police Force; Control by Director of Port Control [NEW]

As of January 1, 2009, the Director of Port Control is authorized to establish an Airport Police Force consisting of a Chief of Airport Police and such other officers, patrolmen and employees as may be provided by ordinance of the Council. The Airport Police Force shall provide law enforcement and related security services to the City-owned airports. The Chief of Airport Police shall be appointed by the Director of Port Control with the approval of the Mayor, shall have had training and experience in law enforcement, and shall serve at the pleasure of the Director of Port Control. The Chief of Airport Police shall have exclusive control of the stationing and transfer of officers and employees constituting the Airport Police Force, under such rules and regulations as may be established by the Director of Port Control.

§ 117 Special Policemen

Except for members of the Airport Police Force established under Sections 116-1 of this Charter, no person shall act as a special policeman, special detective or other special police officer for any purpose whatsoever, except upon written authority from the Mayor or from the director of the department of which the Police Force may be a part. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

Reason: This new section and related amendments authorize the Director of Port Control to create an airport police force to meet the needs of the City's two airports and the traveling public.

§ 118 Fire Force; Control by Chief

The Fire Force shall consist of a Chief and such other officers, firemen and employees as may be provided by ordinance or resolution of the Council. In case of riot, conflagration, or like emergency the Mayor may appoint additional firemen and officers for temporary service who need not be in the classified service. The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the Fire Force under such rules and regulations as may be established by the Mayor or by the director of the department of which the said Fire Chief may be immediately responsible.

(Effective November 9, 1931)

2008 RECOMMENDATION #71:

Enact New Section 118-1 and amend Section 118 to authorize the Director of Port Control to establish an airport rescue and fire force as of January 1, 2009 led by a Chief of Airport Rescue and Fire appointed by the Director of Port Control with the approval of the Mayor who shall have exclusive control the stationing and transfer of officers and employees in the airport police force.

Proposed Language:

§ 118 Fire Force; Control by Chief

Except as provided in Section 118-1 of this Charter, the Fire Force shall consist of a Chief and such other officers, firemen and employees as may be provided by ordinance or resolution of the Council. In case of riot, conflagration, or like emergency the Mayor may appoint additional firemen and officers for temporary service who need not be in the classified service. Except as provided in Section 118-1 of the Charter, the Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the Fire Force under such rules and regulations as may be established by the Mayor or by the director of the department of which the said Fire Chief may be immediately responsible.

§ 118-1 Airport Rescue and Fire Force; Control by the Director of Port Control [NEW]

As of January 1, 2009, the Director of Port Control is authorized to establish an Airport Rescue and Fire Force consisting of a Chief and such other officers, firemen and employees as may be provided by ordinance of Council. The Airport Fire Force shall provide aircraft rescue, pre-hospital care and fire first responder services to the City-owned airports in addition to the Fire Force. The Chief of Airport Rescue and Fire shall be appointed by the Director of Port Control with the approval of the Mayor, shall have had training and experience in fire protection, and shall serve at the pleasure of the Director of Port Control. The Chief of Airport Rescue and Fire shall have exclusive control of the stationing and transfer of officers and employees constituting the Airport Rescue and Fire Force, under such rules and regulations as may be established by the Director of Port Control.

Reason: This new section and related amendments authorize the Director of Port Control to create an airport fire force to meet the needs of the City's two airports and the traveling public.

2008 RECOMMENDATION #72:

Amend Section 118 to reorganize the command staff of the Fire Force to include six Deputy Chiefs of Fire, four Commanders of Fire and a seventh Deputy Chief or fifth Commander for homeland security, to be appointed by the Mayor from persons recommended by the Fire Chief with the concurrence of the Safety Director from either the ranks of the Fire Force or outside the division and serve at the pleasure of the Mayor, and that, upon termination in the new opposition, the officers appointed from the ranks revert to the civil service status held at the time of appointment.

Proposed Language:

§ 118 Fire Force; Control by Chief

The Fire Force shall consist of a Chief, six Deputy Chiefs of Fire, four Commanders of Fire and other officers, firefighters and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a seventh Deputy Chief or a fifth Commander to protect the people from homeland security threats. In case of riot, conflagration, or like emergency the Mayor may appoint additional firefighters and officers for temporary service who need not be in the classified service. The Fire Chief, the Deputy Chiefs of Fire, and the Commanders of Fire shall be appointed by the Mayor from the division of fire or they may be persons appointed from outside the division who shall have had training and experience in fire fighting and they shall serve at the pleasure of the Mayor; provide, however, that the Mayor shall appoint to the positions of Deputy Chief of Fire and Commander of Fire from among persons recommended by the Chief of Fire with the concurrence of the executive head of the Fire Force if the executive head be other than the Mayor. Upon termination of their service as Chief of Fire, Deputy Chief of Fire, or Commander of Fire they shall, if appointed from the division of fire, revert to the civil service status held by them at the time of appointment, in so far as it is competent for this charter so to provide. The Fire Chief shall have exclusive control of the stationing and transfer of all firefighters and other officers and employees constituting the Fire Force under rules and regulations as may be established by the Mayor or by the director of the department of which the Fire Chief may be immediately responsible.

Reason: This amendment creates a command staff in the Fire Force consistent with the command staff in the Police Force.

§ 119 Suspension of Police and Firemen

The Chief of Police and Fire Chief shall have the exclusive right to suspend any of the officers or employees who are in the classified service and are under their respective management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. Prior to suspending any officer or employee of the police force, the Chief of Police shall ascertain

whether a complaint on file with the Police Review Board relates to the conduct of the officer or employee in question. If so, the Chief of Police shall not suspend the officer or employee unless the Police Review Board concurs with the Chief's decision, in accordance with Section 115-4 of this Charter. If the Chief of Police or the Chief of Fire suspends an officer or employee under his control for a period not to exceed ten (10) working days, the Chief's decision shall be final. If the Chief of Police or Chief of Fire suspends any officer or employee under his control for more than ten (10) working days, the Chief concerned shall forthwith in writing certify the fact, together with the cause for the suspension, to the director of the department to whom he may be responsible, or if there be no such director then to the Mayor, who within five days from the receipt of such certificate shall, either personally or through a hearing officer appointed by the Director or the Mayor, hold a hearing into the cause of the suspension in accordance with the requirements of due process of law and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal and such judgment shall be final, except as otherwise hereinafter provided. If a hearing officer is used, and the Mayor or the Director of the department to whom the Chief may be responsible shall promptly upon receipt of the hearing officer's report and recommendations review the report and recommendations of the hearing officer and render a decision. The Director or the Mayor shall cause a copy of the written certification of suspension by the Chief and the cause giving rise to such suspension, the hearing officer's report and recommendations, and the decision of the Mayor or the Director to be filed with the Civil Service Commission. The Director or a hearing officer in any such hearing shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred upon the Mayor, or the Council or a committee thereof by this Charter.

(Effective August 8, 1988)

§ 120 Suspension of Fire Chief

The Mayor shall have the exclusive right to suspend the Fire Chief for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If such Chief be so suspended, the Mayor shall forthwith certify the fact, together with the cause of such suspension, to the Civil Service Commission, who within five (5) days from the date of the receipt of such notice shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

(Effective November 6, 1951)

§ 121 Appeal to Civil Service Commission

Any person in the classified service, who is suspended for more than three (3) days, demoted, or dismissed from the service of the City, may file a written appeal from the decision to the Civil Service Commission within ten days from and after the date of the suspension, demotion, or dismissal. The director of the department involved, upon notice from the Commission of the appeal, shall transmit to the Commission a copy of the charges and proceedings. The Commission shall set the appeal for hearing within thirty days from and after the filing of the same with the Commission, and may affirm, disaffirm or modify the judgment of the director, and the judgment of the Commission in the matter shall be final.

(Effective November 4, 2008)

2008 RECOMMENDATIONS #73 to #76

There are four substantive recommended amendments suggested to existing Charter Section 121.

Proposed Language:

§ 137-1 Appeal to Civil Service Commission [Formerly Section 121]

A non-probationary employee in the classified service, who is suspended for more than three (3) days, demoted, or dismissed from the service of the City may file a written appeal from the decision to the Civil Service Commission within ten days from and after the date of the suspension, demotion, or dismissal. The appointing authority involved, upon notice from the Commission of the appeal, shall transmit to the Commission a copy of the charges and proceedings. The Commission shall set the appeal for hearing within thirty days from and after the filing of the same with the Commission.

After the appointing authority has reviewed the findings and recommendations of the hearing officer and made a final decision, the Commission, after a hearing at a regularly scheduled meeting, may affirm, disaffirm or modify the decision of the appointing authority. The judgment of the Commission in the matter shall be final.

2008 Recommendation #73: Renumber and relocate the section from existing Section 121 to new Section 137-1.

Reason: This proposal moves existing Section 121 into the Civil Service chapter of the Charter where it belongs.

?2008 Recommendation #74: Amend section to allow appeals from non-probationary employees to the Civil Service Commission from suspensions of more than three days, instead of only suspensions of more than 10 days.

Reason: This amendment increases the right of employees to appeal disciplinary actions to the Civil Service Commission but does not unduly burden appointing authorities and the staff of the Commission in addressing disciplinary issues.

?2008 Recommendation #75: Amend section to provide that the Civil Service Commission shall set an appeal for hearing within 30 days of filing, instead of a hearing within 10 days of filing.

Reason: This amendment gives the Commission additional time to hear the increase in appeals that could result from adoption of Recommendation #74.

2008 Recommendation #76: Amend section to provide that, after the appointing authority has reviewed the findings and recommendations of the hearing officer and made a final decision, the Civil Service Commission, after a hearing at a regularly scheduled meeting, may affirm, disaffirm or modify the decision of the appointing authority.

Reason: This amendment reflects current practice as reflected in the civil service rules.

§ 122 Classification of Police and Fire Service

The director of the department immediately in charge thereof or the Mayor, shall classify the police and fire service of the City, in conformity with the ordinance of the Council concerning the number of persons to be employed therein, and shall make rules for the regulation and discipline of such service except as hereinbefore provided.
(Effective November 9, 1931)

§ 123 Relief of Policemen and Firemen

The Council may provide by general ordinance for the relief, out of the police or fire funds, of members of the police and fire service temporarily or permanently disabled in the discharge of their duties. Nothing herein shall impair, restrict, or repeal any provision of general law authorizing the levying of taxes to provide for firemen, policemen and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.
(Effective November 9, 1931)

CHAPTER 27 – CIVIL SERVICE

§ 124 Civil Service Commission; Appointment, Term and Removal

§ 125 Officers of Commission; Salaries

§ 126 Division into Classified and Unclassified Service

§ 127 Enactment of Civil Service Rules

§ 128 Required Provisions of Rules

§ 129 Civil Service Tests

§ 130 Eligible Lists; Temporary Appointments

§ 131 Appointments

§ 131-1 Employees Hired Without Test before August 6, 2008

§ 132 Limitation on Appointment and Transfer

§ 133 Promotions Wherever Practicable

§ 134 Eligible Lists Open to the Public

§ 135 List of Persons in Classified Service

§ 136 Standard of Efficiency

§ 137 Investigations by Commission

§ 138 Fraud Upon Civil Service Provisions

§ 139 Political Assessments Prohibited

§ 140 Tenure; Political Activity Prohibited

§ 141 Violations and Penalties

§ 142 Present Civil Service Employees – Repealed

§ 124 Civil Service Commission; Appointment, Term and Removal

The Mayor shall appoint five electors of the City as Civil Service Commissioners to serve for terms of six years. The Mayor shall designate one of said commissioners as the Secretary of said Commission. No member of the Commission shall hold any other public office or employment except that of notary public or member of the State militia. Members of the existing Civil Service Commission shall continue in office as though appointed in accordance with the provisions of this section and, as their terms expire, their places shall be filled by the Mayor for terms of six years. Not more than three members of the Civil Service Commission shall be members of the same political party. The Mayor shall fill any vacancy in the Commission for the unexpired term. A member of the Civil Service Commission may be removed by the Mayor for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the Mayor, to be held at least ten days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

(Effective November 21, 1967)

§ 125 Officers of Commission; Salaries

The Civil Service Commission shall designate one of its members as President and shall appoint a Chief Examiner and such other officers and employees as may be necessary. The salaries of the Commission shall be determined by the Council and a sufficient fund shall be appropriated each year to carry out the civil service provisions of this Charter. The salaries of the Chief Examiner and other subordinates shall be fixed by the Commission.

(Effective November 21, 1967)

2008 RECOMMENDATIONS #77 and #78:

There are two substantive recommended amendments to existing Charter Section 125.

Proposed Language:

§ 125 Officers of Commission; Salaries

The Civil Service Commission shall designate one of its members as President and shall appoint a Chief Examiner. The Secretary of the Civil Service Commission shall appoint other officers and employees as may be necessary. The salaries of the Commission shall be determined by the Council and a sufficient fund shall be appropriated each year to carry out the civil service provisions of this Charter. The salaries of the Chief Examiner and other subordinates shall be fixed by the Secretary of the Civil Service Commission.

2008 Recommendation #77: Amend section to provide that the Civil Service Commission appoints the Chief Examiner and the other officers and employees are appointed by the Secretary of the Civil Service Commission.

Reason: This amendment provides for efficient administration of the civil service staff.

2008 Recommendation #78: Amend section to provide that the Secretary of the Civil Service Commission shall fix the salaries of the Chief Examiner and other subordinates, instead of the Commission?

Reason: This amendment provides for efficient administration of the civil service staff.

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors and assistant directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.
- (f) The secretary to the mayor and one secretary for each director of a department.
- (g) Executive Assistants to the Mayor and Special Assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.
- (h) Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.
- (i) Students enrolled in a recognized educational institution and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.
- (j) School crossing guards.
- (k) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive class, the noncompetitive class and the general labor class.

- (a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.
- (b) The noncompetitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Commission. The fitness of applicants in the noncompetitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.

(c) The general labor class shall include semi-skilled and unskilled labor positions for which it is impractical to give competitive tests. The positions shall be filled from a registration list established and maintained by the Commission. The Commission shall register applicants for positions in the general labor class either continuously or at times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of registration shall determine an applicant's place on the registration list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission. (Effective November 4, 2008)

§ 127 Enactment of Civil Service Rules

The Civil Service Commission shall make, promulgate, and when necessary may amend, rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of City officials and employees in the classified service. Before any such rules or amendments shall become effective they shall be printed and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission. The Commission shall report its proceedings to the Mayor upon his request, and shall make a report to the Mayor at the beginning of each fiscal year. (Effective November 9, 1931)

2008 RECOMMENDATION #87:

Amend Section 127 to provide that any civil service rules shall be printed in the City Record prior to consideration by the Commission at a regularly scheduled meeting at which comments from interested parties may be heard.

Proposed Language:

§ 127 Enactment of Civil Service Rules

The Civil Service Commission shall make, promulgate, and amend, rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of City officials and employees in the classified service. Any rules or amendments shall be printed in the City Record prior to consideration by the Commission at a regularly scheduled meeting at which comments from interested parties may be heard

. The Commission shall make a report to the Mayor of its proceedings upon the Mayor's request.

Reason: Current Charter language does not make clear that proposed rules should be published prior to consideration by the Civil Service Commission. Reports to the Mayor should be made upon request.

§ 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 in the classified service of the City, including officers and employees of the Civil Service Commission. 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 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 eligible lists upon which shall be entered the names of successful candidates in the order of their standing in the competitive tests.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.

- (f) For the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.
- (g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment for periods not to exceed thirty days.
- (i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.
- (j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.
- (k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.
- (m) For discharge or reduction 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 own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.
- (n) 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 from appointing officers.
- (o) 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 system, and to provide for the procedure of the Commission.

(Effective November 9, 1931)

2008 RECOMMENDATIONS #88 to #101:

There are a number of substantive recommended amendments to Charter Section 128.

§ 128 Required Provisions of Rules

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

- (a) For standardized classifications in the classified service of the City, including officers and employees of the Civil Service Commission and the determination of regular status.
- (b) For open competitive tests to ascertain the knowledge and abilities 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 establishing eligible lists from competitive examinations. The list will consist of the names of successful candidates in the order of their standing.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to moral, psychological, or physical character, or who have attempted deception or fraud in connection with any application or examination for a position in the classified service.
- (f) For the certification to the appointing authority, from the appropriate eligible list from a competitive examination to fill a vacancy in the competitive class, of the five persons standing highest on the list, or of the person or persons on the list when it contains five names or less.
- (g) For employment without test in the absence of an eligible list, but the employment shall not continue after the establishment of an eligible list for the classification.
- (h) For qualifications required for positions in the noncompetitive class.
- (i) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.
- (j) For the period of probation for each classification, which period shall begin upon appointment and shall not continue beyond one year and for removal or demotion if the service during the probationary period is unsatisfactory.
- (k) For transfer from a position to a similar position.

(l) For reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in position.

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

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

(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 from appointing officers.

(p) For the publication of the rules and amendments in the City Record.

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

2008 Recommendation #88: Amend division (a) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #89: Amend division (b) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #90: Amend division (d) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #91: Amend division (e) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #92: Amend division (f) to read as provided above.

Reason: Overall, the proposed changes to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter, increases the number from three to five and in general clarifies the rule making authority of the Commission.

2008 Recommendation #93: Amend division (g) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #94: Repeal existing division (h).

Reason: This division should be repealed because temporary employees are proposed to be part of the unclassified service in Charter Section 126. (Recommendation #89)

2008 Recommendation #95: Amend existing division (i) (new division (h)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #96: Enact new division (j) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language

used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #97: Amend existing division (k) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #98: Amend new division (l) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #99: Amend existing division (l) (new division (m)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #100: Amend existing division (m) (new division (n)) to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 Recommendation #101: Amend the last division and final sentence to read as provided above.

Reason: Overall, the proposed change to Charter Section 128 removes obsolete or awkward language, removes functions not currently performed by the Civil Service Commission, incorporates language used in other sections of the Charter and in general clarifies the rule making authority of the Commission.

2008 RECOMMENDATION #102:

Amend Section 128 to provide that copies of all rules, agendas and minutes of the Civil Service Commission "shall be made available to the citizens during all normal business hours of the Commission"?

Proposed Language:

§ 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 in the classified service of the City, including officers and employees of the Civil Service Commission. 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 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 eligible lists upon which shall be entered the names of successful candidates in the order of their standing in the competitive tests.
- (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.
- (f) For the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.
- (g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.
- (h) For temporary employment for periods not to exceed thirty days.
- (i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.
- (j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.
- (k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.
- (l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.
- (m) For discharge or reduction 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 own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.

(n) 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 from appointing officers.

(o) For the publication of the rules and amendments thereto in the City Record. Copies of the rules shall be made available to the citizens during all normal business hours of the Commission.

(p) For the publication of agendas for all meetings of the Commission and for the taking of minutes at each meeting. The agendas and the minutes of the meetings shall be made available to the citizens during all normal business hours of the Commission.

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 system, and to provide for the procedure of the Commission. Copies of the other rules shall be made available to the citizens during all normal business hours of the Commission.

Reason: The existing section only requires that records be maintained. The change makes the records available for inspection and copying during normal business hours.

§ 129 Civil Service Tests

Tests required by the Civil Service Commission shall be practical and shall relate to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. No question in any such test shall relate to political or religious opinion, affiliation or service; and no appointment, transfer, lay-off, promotion, reduction, suspension, or removal shall be affected or influenced by such opinion, affiliations or service. (Effective November 9, 1931)

§ 130 Eligible Lists; Temporary Appointments

Eligible lists created by the Commission shall remain in force not longer than two years. In the absence of an appropriate eligible list, any place may be filled temporarily, without test, for the period limited by the civil service rules, but not exceeding one year. During such period the Commission shall hold the necessary tests for filling any such place permanently. With the consent of the Commission, persons may be temporarily employed for transitory work without test, but no such employment shall continue for more than sixty days, or be renewed. (Effective November 4, 2008)

2008 RECOMMENDATION #103:

Amend Section 130 to provide that positions may be filled temporarily without test for a period limited by the civil service rules but not exceeding one year instead of 90 days.

Proposed Language:

§ 130 Eligible Lists; Temporary Appointments

Eligible lists created by the Commission shall remain in force not longer than two years. In the absence of an appropriate eligible list, any place may be filled temporarily, without test, for the period limited by the civil service rules, but not exceeding one year. During such period the Commission shall hold the necessary tests for filling any such place permanently. With the consent of the Commission, persons may be temporarily employed for transitory work without test, but no such employment shall continue for more than sixty days, or be renewed.

Reason: This amendment extends the time period during which tests must be conducted from 90 days to one year in response to practical challenges that have been identified in complying with the existing requirement.

§ 131 Appointments

When any position in the classified service, except the general labor class, is to be filled, the appointing authority shall notify the Commission of the fact and the Commission shall certify to the authority the names and addresses of the ten candidates standing highest on the eligible list for the class or grade to which that position belongs. The appointing authority shall appoint to that position one of the ten persons whose names are certified. When the eligible list contains less than ten names, those names shall be certified, from which the appointing authority may appoint one for that position. A person certified from the eligible list more than four times to the same appointing authority for a position of the same or similar classification may be omitted

from future certification, but certification for a temporary appointment shall not be counted as one of the certifications. When any position in the general labor class is to be filled, the appointing authority shall notify the Commission of that fact, and the number to be appointed whereupon the Commission shall certify to the appointing officer the names and addresses of twice the number of candidates required to fill the position or positions in the order of their standing on the appropriate eligible list. The appointing officer shall, without restriction as to order, appoint to the position or positions from among the candidates so certified. The name of a person, not selected for appointment, whose standing on the eligible list is above the names of the last person appointed from that certification, shall not be again certified, except upon request, to the same appointing officer. The name of a person not selected for appointment, after being certified to two separate appointing officers shall not again, except upon request of an appointing officer, be certified, but certification for a temporary appointment shall not be counted as one of the certifications. All original and promotional appointments shall be for a probationary period of not to exceed six months to be fixed by the rules of the Commission, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his or her probationary period. At the end of the probationary period, the appointing officer shall transmit to the Commission a record of the employee's service certifying that the service has been satisfactory or unsatisfactory and if the service is unsatisfactory, the employee may, with the approval of the Commission, be removed or reduced without restriction; but dismissal or reduction may be made during that period, as is provided for in Section 121 of the Charter. When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, names may be certified from the eligible list most nearly appropriate to the position to be filled.

(Effective November 3, 2015)

§ 131-1 Employees Hired Without Test before August 6, 2008

Employees in the classified service who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

(Effective November 4, 2008)

2008 RECOMMENDATIONS #104 and #105:

There are two recommended amendments to Charter Section 131.

§131 Appointments

(a) When any position in the competitive classified service is to be filled, the appointing authority shall notify the Commission of the position. The Commission shall certify to the appointing authority the names of the five candidates standing highest on the eligible list for the class to which the position belongs. The appointing authority shall appoint to the position one of the five persons whose names are so certified. When the eligible list contains less than five names, the remaining names shall be certified, from which the appointing authority may appoint one. A person certified from the eligible list more than three times to the same or similar position may be omitted from certification.

(b) When any position in the non-competitive classified service is to be filled, the appointing authority shall notify the Commission of the position. The Commission shall certify to the appointing authority the names of all candidates that meet the qualifications and requirements for the position. The appointing authority shall appoint one of the candidates whose names are so certified.

(c) The name of a person, not selected for appointment, whose standing on the eligible list is above the names of the last person appointed from such certification shall not be again certified, except upon request, to the same appointing officer. The name of a person not selected for appointment, after being certified to two separate appointing officers shall not again, except upon request of an appointing officer, be certified, but certification for a temporary appointment shall not be counted as one of such certifications.

All original and promotional appointments shall be for a probationary period of not to exceed six months to be fixed by the rules of the Commission, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his probationary period. At the end of the probationary period, the appointing officer shall transmit to the Commission a record of the

employee's service certifying that such service has been satisfactory or unsatisfactory and if such service is unsatisfactory, the employee may, with the approval of the Commission, be removed or reduced without restriction; but dismissal or reduction may be made during such period, as is provided for in Section 121 of the Charter.

When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, names may be certified from the eligible list most nearly appropriate to the position to be filled.

2008 Recommendation #104: Amend Section 131 so that existing division (a) to read as provided above.

Reason: The amendment clarifies the language in division (a) and increases the number of names to be considered on an eligible list from three to five.

2008 Recommendation #105: Amend Section 131 so that existing division (b) to read as provided above.

Reason: The amendment to division (b) clarifies the authority of the Civil Service Commission in filling positions in the non-competitive classified service.

2008 RECOMMENDATION #106:

Enact new Charter Section 131-1 to "grandfather" employees who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test, provided that any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City and rules promulgated by the Commission.

Proposed Language:

§131-1 Employees Hired Without Test before August 6, 2008 [New]

Employees in the classified service who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

Reason: In order to address the current backlog in testing and to protect current employees, all current classified employees should be grandfathered as regular employees.

§ 132 Limitation on Appointment and Transfer

No person shall be appointed or employed in the service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to or assigned to perform any duties of a position subject to competitive test unless he shall have been appointed to the position from which the transfer is made as a result of competitive test equivalent to that required for the position to be filled.

(Effective November 8, 1938)

§ 133 Promotions Wherever Practicable

Wherever practicable, vacancies shall be filled by promotion. Any advancement in rank or increase in salary beyond the limits fixed for the grade shall constitute a promotion. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments, except that the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which the promotional position belongs and the appointing authority shall appoint one of the three persons whose names are certified; and provided, however, that less than three shall constitute an eligible list, and the appointing authority shall appoint from the eligible list.

(Effective November 3, 2015)

§ 134 Eligible Lists Open to the Public

The lists of eligibles based upon tests held by the Civil Service Commission, with the respective grades of candidates, shall be open to public inspection. Any person appointed from an eligible

list laid off for lack of work or appropriation shall be placed at the head of such eligible list and shall be eligible for reappointment for the period of eligibility provided by the rules of the Commission.

(Effective November 9, 1931)

2008 RECOMMENDATION #107:

Amend Section 134 to provide that eligible lists held by the Civil Service Commission shall be open to public inspection "and copying during all normal business hours of the Civil Service Commission."

Proposed Language:

§ 134 Eligible Lists Open to the Public

The lists of eligibles based upon tests held by the Civil Service Commission, with the respective grades of candidates, shall be open to public inspection and copying during all normal business hours of the Civil Service Commission. Any person appointed from an eligible list laid off for lack of work or appropriation shall be placed at the head of such eligible list and shall be eligible for reappointment for the period of eligibility provided by the rules of the Commission.

Reason: The existing section only requires that lists of eligibles to be open to the public. The addition requires the ability to copy the lists during normal business hours.

§ 135 List of Persons in Classified Service

The Civil Service Commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of each appointment and every subsequent change in status. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of such list. The Treasurer shall not pay, nor shall the Commissioner of Accounts issue a voucher for the payment of, any salary or compensation to any person holding a position in the classified service unless the payroll or account of such salary or compensation shall bear the certificate of the Civil Service Commission that the persons named therein have been appointed or employed and are performing service in accordance with the civil service provisions of this Charter and the rules established thereunder. Any sums paid contrary to the provisions of this section may be recovered from any officer paying or authorizing the payment thereof and from the surety on his official bond.

(Effective November 9, 1931)

2008 RECOMMENDATION #108:

Amend Section 135 to provide that the City, instead of the Civil Service Commission, shall maintain a list of persons employed in the classified service, which list shall show the position held and the date and character of each appointment; and eliminate the remainder of the section.

Proposed Language:

§ 135 List of Persons in Classified Service

The City shall maintain a list of persons employed in the classified service, which list shall show the position held and the date and character of each appointment.

Reason: The current section language is cumbersome and not necessary in light of the computerization of the City's payroll and other systems, and regular state and internal auditing.

2008 RECOMMENDATIONS #109 and #110:

There are two substantive recommended amendments to existing Charter Section 135.

Proposed Language:

§ 135 List of Persons in Classified Service

The Civil Service Commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of each appointment, including whether their appointment is temporary or regular, and every subsequent change in status. The list maintained under this section shall be available for public inspection and copying during

all normal business hours of the Civil Service Commission. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of such list. The Treasurer shall not pay, nor shall the Commissioner of Accounts issue a voucher for the payment of, any salary or compensation to any person holding a position in the classified service unless the payroll or account of such salary or compensation shall bear the certificate of the Civil Service Commission that the persons named therein have been appointed or employed and are performing service in accordance with the civil service provisions of this Charter and the rules established thereunder. Any sums paid contrary to the provisions of this section may be recovered from any officer paying or authorizing the payment thereof and from the surety on his official bond.

2008 Recommendation #109: Amend Section 135 to provide that the Civil Service Commission maintain a list of persons employed in the classified service that includes whether their appointments are temporary or regular.

Reason: The list of persons in the classified service maintained by the Civil Service Commission should include a notation indicating whether he person is a regular or temporary employee.

2008 Recommendation #110: Amend Section 135 be amended to provide that the lists maintained under this section "shall be available for public inspection and copying during all normal business hours of the Civil Service Commission."

Reason: The existing section only requires that lists be maintained. The change makes the lists available for inspection and copying during normal business hours.

§ 136 Standard of Efficiency

The official in charge of personnel administration pursuant to appointment by the Mayor shall establish standards of efficiency and conduct for the officers and employees in the classified service. It shall be his duty to adopt and administer a plan for the equitable and periodic measurement of such conduct and efficiency. It shall also be his duty to maintain complete records of such measurements which shall be used in determining eligibility for increases in rates of compensation; by appointing officers and the Civil Service Commission for assistance in determining the order of layoff and in disciplinary actions; by the Civil Service Commission for assistance in determining eligibility for promotion; and by other officers, as needed, for the betterment of the public service.

(Effective November 6, 1951)

§ 137 Investigations by Commission

The Civil Service Commission may make investigations concerning the facts in respect to the execution of the civil service provisions of this Charter and of the rules established thereunder, and concerning the general condition of the civil service of the City or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the Civil Service Commission by any person. The Commission shall investigate such charges and report its findings to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Each member of the Commission or any person whom the Commission may appoint to make any investigation authorized or required by this section, shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses.

(Effective November 9, 1931)

§ 138 Fraud Upon Civil Service Provisions

No person shall willfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or appointment held or made under the civil service provisions of this Charter, or in any manner commit or attempt to commit any fraud upon the impartial execution of any such provisions or of the civil service rules and regulations.

(Effective November 9, 1931)

§ 139 Political Assessments Prohibited

No person in the administrative service of the City shall directly or indirectly give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment to any position in the service of the city as a reward or return for personal or partisan political service. No person shall take part in preparing any political assessment, subscription or contribution with the intent that it shall be sent or presented to or collected from any person in the administrative service of the City; and no person shall knowingly send or present, directly or indirectly in person or otherwise any political assessment, subscription or contribution to, or request in payment by, any person in such service. (Effective November 9, 1931)

§ 140 Tenure; Political Activity Prohibited

No person about to be appointed to any position in the administrative service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the city shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the service of the City shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office. No person in the classified service of the City shall act as an officer of a political organization or take part in a political campaign, or serve as a member of a committee of any such organization, or circulate or seek signatures to any petition provided for by primary or election laws, or act as a worker in favor of or in opposition to any candidate for public office. (Effective November 9, 1931)

§ 141 Violations and Penalties

It shall be the duty of the Civil Service Commission to supervise the execution of the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representations as to the results of such tests or concerning the person so tested; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or to be tested, or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any persons to impersonate him in connection with any test, registration, application or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance of such test, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter, or any of the rules of the Commission made in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof before the

Municipal Court shall be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000.00) dollars, or imprisoned not more than six months, or both. If such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed from the eligible list; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.
(Effective November 9, 1931)

2008 RECOMMENDATION #111:

Amend Section 141 to provide that a violation is a "misdemeanor of the first degree" and not specifically specify the amount of fine and jail time required to be imposed.

Proposed Language:

§ 141 Violations and Penalties

It shall be the duty of the Civil Service Commission to supervise the execution of the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representations as to the results of such tests or concerning the person so tested; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or to be tested, or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any persons to impersonate him in connection with any test, registration, application or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance of such test, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter, or any of the rules of the Commission made in pursuance thereof, shall be deemed guilty of a misdemeanor of the first degree. If such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed from the eligible list; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.

Reason: By striking the specific dollar amounts and jail time and adding that the violation is a first degree misdemeanor, the Charter will not need to be amended if the Ohio General Assembly increases the penalty for a first degree misdemeanor.

2008 RECOMMENDATION #113:

Amend Section 141 to remove the language requiring that employees in classifications identified by the Council in 1979 shall be compensated in accordance with the prevailing rate of salary and compensation for the services; and to add "in accordance with any applicable collective bargaining agreements" in the first sentence; and to remove the last sentence that requires the Civil Service Commission and the Mayor or any director, when required by the Council, to prepare salary and compensation schedules.

§ 191 Compensation of Officers and Employees

The salary or compensation of all officers and employees in the unclassified service of the City shall be fixed by ordinance, or as may be provided by ordinance. The salary or compensation of all other officers and employees shall be fixed by the appointing authority in accordance with ability, fitness and seniority within the limits set forth in the Council's salary or compensation schedule for which provision is hereinafter made and in accordance with any applicable collective bargaining agreements. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service, which schedule shall provide for like compensation for like services and shall provide minimum and maximum rates (which may be identical) of salary or compensation for each grade and classification of positions determined by the Civil Service Commission under Section 126 of this Charter.

The salary of any officer or member of a board or commission in the unclassified service of the City shall not be increased or diminished during the term for which he was elected or appointed. Salaries and compensation fixed at the time this section takes effect shall continue in force until otherwise fixed as provided in this section. All fees pertaining to any office shall be paid into the City Treasury.

Reason: This amendment clarifies that compensation for bargaining units is fixed in accordance with applicable collective bargaining agreements, removes language that is no longer necessary regarding compensation rates for certain classifications, and removes obsolete language regarding the preparation of salary and compensation schedules.

§ 142 Present Civil Service Employees – Repealed

Note: This section was repealed by the electors on November 7, 1989.