

2022

CHARTER REVIEW COMMISSION

THE CITY OF
COLUMBUS

ANDREW J. GINTHER, MAYOR

CIVIL SERVICE COMMISSION

**Civil Service Commission
Recommendations**

Changes to Sections

148, 149, 151, 152, 156 & 158

- 148 1(b) Classification (clarifying unclassified positions of the mayor)
- 149 (f) Rules (options for limiting banding)
- 148 2(b) Classification (clarifying non-competitive)
- 149 (b) Rules (clarification of what skills are tested)
- 149 (c) Rules (deletion of misinformation)
- 149 (e) Rules (modernization of language)
- 149 (g) Rules (correction of temp to provisional)
- 149 (i) Rules (clarification of noncompetitive appointments similar to 148 2(b))
- 149 (j) Rules (modernization of language)
- 149 (n) Rules (deleting obsolete language)
- 149 (o) Rules (updating probationary rules)
- 149-1 Appeals (modernization of language and removal of outdated information)
- 151 Appointments (modernization of language)
- 152 Present Civil Service Employees (remove outdated language)
- 158 Residency (already presented by City Auditor and CAO)

Mayor's Office Request for Review

Significant Change to Banding

Modernization of Language

- Deletion of illegal and other misinformation
- Clarification and deletion of old language
- Updates requested by departments
- Correcting previous changes (provisional)

This was previously presented by Auditor

Sec. 148 Classification.

1) The Unclassified service shall include:

(b) Executive assistants and administrative assistants to the mayor.

Sec. 148 Classification.

1) The Unclassified service shall include:

(b) Executive **staff** assistants and administrative assistants to **and all other staff of the office of** the mayor **unless stated otherwise in this section.**

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

(f) For the use of no fewer than three bands for each competitive eligible list, for the assignment of eligibles into bands based upon their test scores and for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of persons standing in the highest band on such list. When the highest band contains fewer than five names the names of persons standing in the next highest band may also be certified.

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The rules shall provide:

(f) For the use of no ~~fewer~~ **more** than three bands for each competitive eligible list, for the assignment of eligibles into bands based upon their test scores and for the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class. ~~, of persons standing in the highest band on such list. When the highest band contains fewer than five names the names of persons standing in the next highest band may also be certified.~~

Sec. 148. Classification.

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 two classes, to be known as the competitive class and the non-competitive class.

(b) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and unskilled positions for which it is impracticable to give competitive examinations, as may be determined by the rules of the commission.

Sec. 148. –Classification.

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 two classes, to be known as the competitive class and the non-competitive class.

(b) The noncompetitive class shall consist of all positions ~~requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and unskilled positions~~ for which it is impracticable to give competitive examinations, as may be determined by the rules of the commission.

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

(b) For open competitive examination in the competitive class, to test the relative fitness of applicants for such positions. Employees of any public utility taken over by the city, who are in the service of said utility at the time of such acquisition, shall come under the provisions of the merit system without examination, but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. ~~It shall make an annual report to the Mayor.~~ **(Review with Auditors Change to Sec. 231)**

The rules shall provide:

(b) For open competitive examination in the competitive class, to test the relative ~~fitness~~ **knowledge, skill, ability and other characteristics** of applicants for such positions. Employees of any public ~~utility~~ **entity** taken over by the city, who are in the service of said ~~utility~~ **entity** at the time of such acquisition, shall come under the provisions of the merit system without examination, but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

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The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

(c) For public notice in the City Bulletin or otherwise of the time and place of all competitive examinations.

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(c) For public notice ~~in the City Bulletin or otherwise~~ of the time and place of all competitive examinations.

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The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical conditions and moral character, or who have attempted deception or fraud in connection with any examination.

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The rules shall provide:

(e) For the rejection of candidates or eligibles who fail to ~~comply with reasonable requirements as to age, sex, physical conditions and moral character~~ **meet job related qualifications and standards**, or who have attempted deception or fraud in connection with any examination.

Sec. 149. Rules.

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

(g) For temporary employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

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The rules shall provide:

(g) For temporary **provisional** employment without examination, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

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The rules shall provide:

(i) For noncompetitive examinations for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character. Also for noncompetitive testing for certain unskilled job categories where it is impracticable to determine the merit and fitness of applicants by competitive examinations.

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Sec. 149. Rules.

The rules shall provide:

(j) For promotion based on competitive examinations and records of efficiency, character, conduct and seniority. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments; provided that for promotional vacancies in the uniformed ranks of the Police and Fire Divisions, including any competitive vacancy for which the entry-level position was firefighter or police officer, the names of eligibles shall not be assigned into bands as provided in subsection (f) and each promotional vacancy shall be filled from one of the three persons standing highest on the appropriate eligible list; and further provided, that any advancement in the uniformed ranks shall constitute promotion and, whenever practicable, vacancies in the uniformed ranks shall be filled by promotion.

Sec. 149. Rules.

The rules shall provide:

(j) For promotion based on competitive examinations and ~~records of efficiency, character, conduct fitness~~ **demonstrated knowledge, skills, ability, and seniority, and other characteristics associated for such positions**. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments; provided that for promotional vacancies in the uniformed ranks of the Police and Fire Divisions, ~~including any competitive vacancy for which the entry level position was firefighter or police officer, the names of eligibles shall not be assigned into bands as provided in subsection (f) and~~ each promotional vacancy shall be filled from one of the three persons standing highest on the appropriate eligible list; and further provided, that any advancement in the uniformed ranks shall constitute promotion and, whenever practicable, vacancies in the uniformed ranks shall be filled by promotion.

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The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. It shall make an annual report to the Mayor.

The rules shall provide:

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

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The rules shall provide:

(o) For a probationary period of not less than one month nor more than one year following appointment, with service as a provisional employee in the same position to be included in such period, and with the probationary period to be uniform within the same class, provided, however, that there shall be no probationary period for an appointment resulting from a competitive, promotional examination. The probationary period shall be considered a part of the selection process as a work test period. Unless resulting from a competitive, promotional examination, no appointment shall be permanent until after appointment from a certification list and expiration of the probationary period. The service of any probationary employee may be terminated by the appointing authority at any time during the probationary period or at the end of the probationary period by submitting a written report to the commission and the employee specifying the reason the employee is found to be unsatisfactory and such removal shall be final. Unless the employee has been removed earlier, the appointing authority shall, not less than ten calendar days prior to the end of the probationary period, submit a report to the commission of the decision to make the appointment permanent or remove such employee together with the reason therefor. Failure to make such report at least ten days prior to the expiration of the probationary period shall automatically make the appointment permanent. An employee removed by the appointing authority during or at the end of the probationary period may be restored to the eligible list if the commission determines the employee would be suitable for appointment to another position. There shall be no appeal of any kind from the action of the appointing authority removing an employee during or at the end of the probationary period.

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Sec. 149. Rules. *CONTINUED Corrections for (o)*

The commission shall prescribe, amend and enforce rules for the classified service, shall keep minutes of its proceedings and records of its examinations and shall make investigations concerning the enforcement and effect of the civil service provisions and of the rules thereunder. ~~It shall make an annual report to the Mayor.~~

The rules shall provide:

(o) For a probationary period of not less than ~~one month~~ **90 days** nor more than one year following appointment, **unless associated with a formal training program.** ~~Service as a provisional employee in the same position to be included in such period, and with the probationary period to be uniform within the same class, provided, however, that~~ **There shall be no probationary period for an appointment resulting from a competitive, promotional examination for the uniformed ranks of the Police and Fire Divisions.** The probationary period shall be considered a part of the selection process as a work test period. ~~Unless resulting from a competitive, promotional examination, a~~ **No** appointment shall be permanent until after appointment from a certification list and expiration of the probationary period. The service of any probationary employee may be terminated by the appointing authority at any time during the probationary period or at the end of the probationary period by submitting a written report to the commission and the employee specifying the reason the employee is found to be unsatisfactory and such removal shall be final. ~~Unless the employee has been removed earlier, the appointing authority shall, not less than ten calendar days prior to the end of the probationary period, submit a report to the commission of the decision to make the appointment permanent or remove such employee together with the reason therefor.~~ Failure to make such report **to the commission** at least ten days prior to the expiration of the probationary period shall automatically make the appointment permanent. An employee removed by the appointing authority during or at the end of the probationary period may be restored to the eligible list if the commission determines the employee would be suitable for appointment to another position. There shall be no appeal of any kind from the action of the appointing authority removing an employee during or at the end of the probationary period.

Sec. 149-1. Appeals.

Except as otherwise provided in this charter any employee of the City of Columbus in the classified service, who is suspended, reduced in rank or compensation or discharged, except building and housing regulations superintendent, recreation superintendent, sealer of weights and measures, workhouse superintendent, automotive shop superintendent of the division of municipal garage, sanitation superintendent, and parks superintendent may appeal from such decision or order therefor, to the civil service commission within ten days from and after the date of such decision or order. In such event, the commission shall forthwith notify the official issuing the order of suspension, reduction or discharge, who shall forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal within ten days from and after the filing of the same with the commission and may affirm disaffirm or modify the action of such officer and the commission's judgment in the matter shall be final. In the event that the name of any of the positions enumerated above is hereafter changed, the exception expressed above shall apply to the successor position whatever name it may be called.

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Except as otherwise provided in this charter any employee of the City of Columbus in the classified service, who is suspended, reduced in rank or compensation or discharged ~~except building and housing regulations superintendent, recreation superintendent, sealer of weights and measures, workhouse superintendent, automotive shop superintendent of the division of municipal garage, sanitation superintendent, and parks superintendent~~ may appeal from such decision or order therefor, to the civil service commission within ten days from and after the date of such decision or order. In such event, the commission shall forthwith notify the official issuing the order of suspension, reduction or discharge, who shall forthwith transmit to the commission a copy of the charges and proceedings thereunder. The commission shall hear such appeal ~~within ten days from~~ **within a reasonable time** after the filing of the same with the commission and may affirm disaffirm or modify the action of such officer and the commission's judgment in the matter shall be final. ~~In the event that the name of any of the positions enumerated above is hereafter changed, the exception expressed above shall apply to the successor position whatever name it may be called.~~

Sec. 151. Appointments.

When a position in the competitive classified service is to be filled, the appointing authority shall notify the commission of that fact and the commission shall certify to such authority names and addresses of candidates standing in the highest band on the eligible list for the class to which such position belongs; provided that for promotions in the uniformed ranks of the Police and Fire Divisions only three names shall be certified. The appointing authority shall appoint one of the persons certified to such position. When the eligible list contains less than five names, or less than three names in the case of promotions in the uniformed ranks of the Police and Fire Divisions, then such names shall be certified, from which number the appointing authority may appoint one for such position.

When no eligible list for such position exists, or when the eligible list has become exhausted and until a new list can be created, the appointing authority may make a temporary appointment. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to such appointing authority.

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When no eligible list for such position exists, or when the eligible list has become exhausted and until a new list can be created, the appointing authority may make a temporary **provisional** appointment. A person certified from an eligible list more than three times to the same or similar position may be omitted from future certifications to such appointing authority.

Sec. 152. Present Civil Service Employees.

All persons holding positions in the service of the city pursuant to appointment from eligible lists at the time this charter takes effect, or who have been continuously in the service of the city in the same position for the five years next preceding, and all persons holding positions in the unskilled labor classification at the time that the amendment of [section 148](#) of the charter of the City of Columbus, Ohio, takes effect and who have held such positions continuously for at least ninety days next preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this charter. The commission shall maintain a list of all persons in the service, showing in connection with each name, the position held, the date and character of each appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of the list.

Sec. 152. Present Civil Service Employees.

~~All persons holding positions in the service of the city pursuant to appointment from eligible lists at the time this charter takes effect, or who have been continuously in the service of the city in the same position for the five years next preceding, and all persons holding positions in the unskilled labor classification at the time that the amendment of [section 148](#) of the charter of the City of Columbus, Ohio, takes effect and who have held such positions continuously for at least ninety days next preceding, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions of this charter. The commission shall maintain a list of all persons in the service, showing in connection with each name, the position held, the date and character of each appointment and of every subsequent change in status. Each appointing officer shall promptly transmit to the commission all information required for the establishment and maintenance of the list.~~

Sec. 158-1. Resident requirements for certain employees.

Unless otherwise specifically provided by this Charter, all employees in the unclassified service and in the competitive class of classified service of the City shall at all times, during their employment, maintain their residence within the boundary lines of the County of Franklin or within the boundary lines of the counties that border on the County of Franklin, except when assigned to City work outside said counties in which case residency within the counties wherein they work shall be required.

Sec. 158-1. Resident requirements for certain employees.

*OHIO SUPREME COURT DECISION AND ORC HAVE INVALIDATED MOST OF THIS SECTION.

STATE LAW ALLOWS FOR ONLY:

ORC 9.481(B)(1) EXCEPT AS OTHERWISE PROVIDED IN DIVISION (B)(2) OF THIS SECTION, **NO POLITICAL SUBDIVISION SHALL REQUIRE ANY OF ITS EMPLOYEES**, AS A CONDITION OF EMPLOYMENT, TO RESIDE IN ANY SPECIFIC AREA OF THE STATE. [DOES NOT APPLY TO VOLUNTEERS]

(B)(2)(b) **TO ENSURE ADEQUATE RESPONSE TIMES BY CERTAIN EMPLOYEES...TO EMERGENCIES OR DISASTERS...MAY ADOPT AN ORDINANCE...THAT REQUIRES ANY INDIVIDUAL EMPLOYED... TO RESIDE EITHER IN THE COUNTY...OR IN ANY ADJACENT COUNTY**

***Addressed by City Auditor and CAO**