EMERGENCY ORDINANCE NO. EOR2015 - 7 - 55

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF HAMILTON, OHIO, AT THE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, A PROPOSED AMENDMENT TO THE CITY CHARTER AND AMENDING SECTION 10.07 RELATIVE TO APPOINTMENTS FROM CIVIL SERVICE EXAMINATIONS AS SET FORTH IN FULL IN THIS ORDINANCE.

WHEREAS, the existing Charter of the City of Hamilton, Ohio has been reviewed by the Charter Review Commission and the Council of the City of Hamilton, Ohio, and Council has recommended that Section 10.07 of the Charter be amended; and

WHEREAS, Section 10.07 of the current City Charter provides as follows:

ARTICLE X
DEPARTMENT OF CIVIL SERVICE

Section 10.07 Appointments

When any position in the classified service is to be filled, the appointing authority shall notify the Director of Civil Service, who shall promptly certify to such appointing authority a list of eligibles for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose name is so certified.

When an entry-level position is to be filled from an eligible list which is established through the administration of an open, competitive civil service examination, the Director of Civil Service shall first identify, without rounding and without consideration of decimal fractions, the three highest whole number ranking scores at which one or more eligibles' names are found, and then certify to the appointing authority the names and addresses of all persons who received one of those three highest whole number ranking scores, irrespective of the number of eligibles so certified.

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

A person on an entry-level eligibility list, who has previously been certified three or more times to the same appointing authority for the same or similar position(s), may be omitted from future certifications to such appointing authority upon the request of such appointing authority and the concurrence of the Civil Service Commission. However, any certification of a person on an entry-level eligibility list for the purpose of making a temporary appointment shall not be counted as one of the three certifications.

and

WHEREAS, this Council has recommended that said Section 10.07 of the Hamilton Charter be amended to provide for not less than ten (10) names or twenty-five percent (25%) of the eligibles, whichever is greater, to be certified to the appointing authority for consideration for a vacancy; and

WHEREAS, to effect the above-described amendment, the Council, by a two-thirds vote, as permitted by Section 9 of Article XVIII of the Ohio Constitution, desires to submit an amendment to the

Charter of the City of Hamilton to the electors of the City at the next general election on Tuesday, November 3, 2015; and

WHEREAS, the subject matter herein constitutes an emergency in that it provides for the immediate preservation of the public peace, property, safety and welfare of the community in that such emergency measure shall permit the election authorities and other officials named in the ordinance to take the necessary actions and to make preparation for the submission of the amendment to the electors of the City at the general election to be held on Tuesday, November 3, 2015; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Hamilton, Ohio:

SECTION I: That a proposed amendment to the Charter of the City of Hamilton, Ohio, to provide for not less than ten (10) names or twenty-five percent (25%) of the eligibles, whichever is greater, be certified to the appointing authority for consideration for a vacancy, shall be submitted to the electors of the City of Hamilton, Ohio for adoption or rejection at the next general election to be held on Tuesday, November 3, 2015. A vote of the majority of the electors of the City of Hamilton, Ohio, voting on the proposed amendment, is required for adoption of said amendment. The proposed amendment is to amend Section 10.07 of the Charter of the City of Hamilton, Ohio to be and read as follows:

ARTICLE X
DEPARTMENT OF CIVIL SERVICE

Section 10.07 Appointments

When any position in the classified service is to be filled, the appointing authority shall notify the Director of Civil Service, who shall promptly certify to such appointing authority a list of eligibles for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose name is so certified.

When an entry-level position is to be filled from an eligible list which is established through the administration of an open, competitive civil service examination, the Director of Civil Service shall first identify, without rounding, the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater, and then certify to the appointing authority the names and addresses of those persons. In the event that fewer than ten names are on the eligible list, the appointing authority may select any of the listed candidates, but is not so obligated. In the event multiple entry-level positions are to be filled, the next top five names or five percent, whichever is greater, of the eligible list shall be added to each subsequent and concurrent selection.

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

A person on an entry-level eligibility list, who has previously been certified three or more times to the same appointing authority for the same or similar position(s), may be omitted from future certifications to such appointing authority upon the request of such appointing authority and the concurrence of the Civil Service Commission. However, any certification of a person on an entry-level eligibility list for the purpose of making a temporary appointment shall not be counted as one of the three certifications.

SECTION II: That the City Clerk is hereby directed to certify the amendment as set forth above to the Board of Elections of Butler County, Ohio for submission to the electors of the City of Hamilton, Ohio at the next general election to be held on Tuesday, November 3, 2015, to be conducted at the usual places of holding and conducting elections in the City of Hamilton and between the usual hours of opening and

closing the polls on election days as required by the Constitution and laws of the State of Ohio.

SECTION III: That the amendment herein set forth shall be submitted to the electors in such a way so as to allow vote thereon to be cast separated from votes cast on any other question. Said amendment shall be designated on the ballot by the description title as hereinafter set forth and in such other form as shall be determined by the election authorities. The adoption of such amendment by its descriptive title shall have the effect of adopting its text in full as set forth in this ordinance. The form of the ballot to be used at said general election shall be as follows or in such other form as shall be determined by the election authorities.

OFFICIAL BALLOT

General Election
November 3, 2015
City of Hamilton, Ohio

PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF HAMILTON, OHIO
Submitted by the City Council

A Majority Affirmative vote is Necessary for Passage

THE QUESTION

Shall Charter Section 10.07 be amended to read as follows:

"When any position in the classified service is to be filled, the appointing authority shall notify the Director of Civil Service, who shall promptly certify to such appointing authority a list of eligibles for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose name is so certified.

When an entry-level position is to be filled from an eligible list which is established through the administration of an open, competitive civil service examination, the Director of Civil Service shall first identify, without rounding, the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater, and then certify to the appointing authority the names and addresses of those persons. In the event that fewer than ten names are on the eligible list, the appointing authority may select any of the listed candidates, but is not so obligated. In the event multiple entry-level positions are to be filled, the next top five names or five percent, whichever is greater, of the eligible list shall be added to each subsequent and concurrent selection.

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

A person on an entry-level eligibility list, who has previously been certified three or more times to the same appointing authority for the same or similar position(s), may be omitted from future certifications to such appointing authority upon the request of such appointing authority and the concurrence of the Civil Service Commission. However, any certification of a person on an entry-level eligibility list for the purpose of making a temporary appointment shall not be counted as one of the three certifications."

SECTION IV: That the City Clerk shall cause the full text of this ordinance and the proposed Charter amendment contained herein to be published once a week for not less than two (2) consecutive weeks in the Journal News, a newspaper of general circulation in the City of Hamilton, Ohio with

the first publication being at least fifteen (15) days prior to the election at which the proposed Charter amendment is to be submitted to the electors of the City of Hamilton, as authorized by Section 9 of Article XVIII of the Ohio Constitution and Section 731.211 of the Ohio Revised Code.

SECTION V: That the Board of Elections of Butler County, Ohio, shall certify to the City of Hamilton, Ohio, the result of the vote on said amendment, and if said amendment is approved by a majority vote of those voting thereon, Section 10.07, as amended, shall become a part of the Charter of the City of Hamilton, Ohio. Said Board of Elections shall, if the amendment is so approved by the electors, deliver a certified copy of such amendment to the Secretary of State, as provided by Section 9 of Article XVIII of the Ohio Constitution.

SECTION VI: That the Board of Elections of Butler County, Ohio, be and it is hereby directed to give public notice of the time and place of holding such election by publication of such notice at least ten (10) days prior to the date of such election in a newspaper published and of general circulation in the City of Hamilton, Ohio, and to give such other notice, if any, as may be required by law and to take such other actions and to make such arrangement as is necessary for the conduct of the election with respect to the proposed Charter amendment authorized by this ordinance. That the City Manager and the Director of Law are hereby authorized to take any other actions required to submit such amendment to the electors of the City on the date fixed in this ordinance.

SECTION VII: This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble hereto and shall take force from and after its passage.

PASSED: July 8, 2015

Effective Date: Immediately

Mayor

ATTEST: Marcos Nichols
Acting City Clerk

CERTIFICATE

I, Marcos Nichols, Acting City Clerk of the City of Hamilton, Butler County, Ohio, hereby certify that the foregoing Emergency Ordinance No. EOR2015-7-55 was duly published as provided by Section 113.01 of the Codified Ordinances of the City of Hamilton, Ohio, by posting ten days after passage, a copy thereof in each fire station within the City for a period of ten days. POSTED: July 10, 2015

Marcos Nichols

Marcos Nichols, Acting City Clerk
CITY OF HAMILTON, OHIO