



APPOINTMENTS REPORT 2016

**Cuyahoga County
Personnel Review Commission**

Background

Cuyahoga County Charter Article IX, Section 9.02 sets forth various responsibilities for the Personnel Review Commission, one of which is compliance with federal and state laws regarding personnel matters within the County Executive's organization and departments. This particular report has been prepared to assess compliance with the civil service laws of the County, the Ohio Revised Code and the State of Ohio Constitution. A fundamental requirement of these laws is that appointments in the civil service of the County shall be made according to merit and fitness, to be ascertained as far as practicable, by competitive examinations.

Objective and Methodology

This report is the annual summary of appointments made to classified civil service positions within the County Executive's organization and departments and the assessment of the County's compliance with the various civil service laws that apply to the County. Throughout the year, the PRC establishes lists of eligible candidates deemed qualified for hire and provides those lists to the County's Appointing Authorities to make appointments. In turn, the County's Human Resources Department periodically recommends hiring decisions from those lists, and creates Personnel Agendas that include those recommendations and are sent to the County Executive for final approval. This report is based on a comparison of those two sources of information. The report consists of the following information:

- Employee Name
- Classification
- Type of Position
- Bargaining vs. Non-Bargaining
- Eligibility List Date
- Personnel Agenda Data (Approval by County Executive)
- PRC Eligibility List (Date Established)

The PRC worked collaboratively with the Human Resources Department to address questions and concerns that arose during the preparation of this report, and many of the concerns identified initially by the PRC have been resolved. Many of those concerns were the result of errors in spelling of candidates' names or the titles used on the Personnel Agendas. Specifically, the PRC acknowledges the assistance of Matthew Kelly, the County's Manager of Talent Acquisition and Employment, who was instrumental in researching and resolving issues raised by the PRC staff. Those concerns which were not yet effectively resolved are described in detail in the next section of this report.

This report as well as the raw data that accompanies the report will be posted on the PRC's website at <http://prc.cuyahogacounty.us/en-US/Compliance.aspx>.

COMPLIANCE REPORT

The PRC began its civil service testing operations on January 6, 2015, and at that time, the County was still utilizing eligibility lists that had been established by the County prior to the PRC's involvement with civil service testing. During 2016, the PRC operated with the understanding that any prior eligibility lists established by the County's Human Resources department had expired as they would have passed the one year expiration date by 2016.

This current report reflects that the County made a total of 473 appointments in 2016. Of those 473, 347 were original appointments, 103 were promotional appointments within the same Appointing Authority and 23 were promotional appointments that resulted in transfers across Appointing Authorities. The County also made 11 temporary appointments during 2016 (temporary work assignments will be addressed in a separate PRC compliance report).

As reflected in the attached report (Addendum A) over 91% of the appointments made by the County in 2016 were in compliance with civil service regulations. The following concerns were noted in our review:

1. Budget Officer 3 (Public Safety) – This promotion/transfer was included on the April 11, 2016 Personnel Agenda; the PRC has not yet conducted an examination for this classification.

According to Human Resources, the appointment was made from a process that started before January 6, 2015, when the PRC began its testing operations. The PRC is awaiting confirmatory documentation from the Human Resources department that these appointments were made from an established eligibility list.

2. Clerical Specialist (Children & Family Services) – Four (4) promotional appointments were made in this classification and included on the April 21, 2016 Personnel Agenda, although these names were not on the PRC's established eligibility list which was current at that time.

According to Human Resources, these promotions were part of a Memorandum of Understanding with the Union; Human Resources has not provided any documentation to support this statement.

3. Deputy Sherriff Lieutenant (Sheriff's Department) – Two (2) promotional appointments were made to this classification and included on the August 26, 2016 Personnel Agenda.

Written promotional testing is required by the collective bargaining unit that represents this classification; the PRC has not yet conducted any testing for this classification.

Human Resources reports that testing was completed in June 2016, but has not provided any documentation to support this statement.

4. Dockworker (Sheriff's Department) – Two (2) original appointments were made to this classification and included in Personnel Agendas dated March 23, 2016 and April 11, 2016; the PRC has not established an eligibility list for this classification.

This is a longstanding open posting from prior to the January, 2015 date when the PRC began its testing operations; the PRC is awaiting confirmatory documentation from the Human Resources department that these appointments were made from an established eligibility list.

5. Forensic Scientist 2 – Firearms & Toolmarks (Medical Examiner) – An original appointment was made to this classification and noted on the June 24, 2016 Personnel Agenda; there was no PRC established eligibility list for this classification at that time.

Human Resources reports the appointment was made from a September 2014 posting which is still active because there are multiple vacancies and HR wants to keep it open until the next vacancy is filled. The PRC's practice is to begin testing once the posting is closed, to ensure efficiency in our testing operations. This practice by HR is an issue that will continue to be discussed in an effort to establish a consistent policy.

6. MST Therapist (Children & Family Services) – There were three (3) separate promotional appointments were made to this classification and included in the January 26 and November 17, 2016 Personnel Agendas. There was no eligibility list established by the PRC for this classification at that time.

Human Resources reports that these were made in accordance with the CBA that includes these classifications; they have not provided any additional documentation to support this statement.

7. Registered Nurse (Sheriff's Department) – An original appointment was made to this classification and included on the August 19, 2016 Personnel Agenda. This candidate was originally rejected because she indicated she could not work weekends and the job posting required rotating weekends and holidays. The PRC notifies rejected candidates that they have five days to request reconsideration when they are rejected for a reason with which they disagree; they can supply additional documentation to support their request. This candidate did not avail herself of this opportunity.

When the established eligibility list was provided to the Appointing Authority, the Director of Nursing and the Human Resources department reviewed all applicants and directly contacted the candidate to verify her availability for all shifts. She was then interviewed and hired into the classification.

The Human Resources department assures the PRC it is committed to working together in the future to ensure similar situations do not occur.

8. Security Officer (Sheriff's Department) – Four (4) original appointments were made to this classification and included on Personnel Agendas dated May 15, June 24, and August 26 of 2016 but there is no PRC eligibility list established for this classification.

Human Resources reports that there was a longstanding open posting for this classification and that testing was completed for this but that posting is now closed. Human Resources has not provided any additional documentation to support this statement. The PRC is now doing the testing for this classification.

9. Senior Social Services Supervisor (Children & Family Services) – One promotional appointment was made in this classification and included in the August 12, 2016 Personnel Agenda; the candidate hired was not on the PRC's established eligibility list for the classification. The established eligibility list had been previously utilized to make two appointments, after which an HR staff member incorrectly presumed that the list was exhausted and then posted the position again.

The PRC manages the process of determination of when a list is exhausted, not only to maintain consistency and integrity in our process, but also to protect candidates to ensure they are being appropriately considered.

Human Resources reports this was treated as an internal promotion, but has assured the PRC it is committed to working together to ensure similar incidents do not occur in the future.

10. Social Service Worker 4 (Children & Family Services) – One appointment was made to this classification and included in the September 19, 2016 Personnel Agenda. The PRC has not established an eligibility list for this position.

Human Resources reports this is a promotional appointment according to the CBA that represents this classification; no additional documentation was provided to support this statement.

11. Support Officer Lead (Children & Family Services) – Three (3) appointments were made to this classification and included on the July 29, 2016 Personnel Agenda. These applicants were not on the PRC's established eligibility list for this classification.

Human Resources reports that this is a promotion according to the CBA that includes this classification; no additional documentation was provided to support this statement.

12. Social Service Worker 3 (Children & Family Services) – An original appointment was made to this classification and included on the October 24, 2016 Personnel Agenda. This candidate was screened out of the process because he did not meet the minimum requirements for the classification; the PRC had a telephone conversation with the subject matter expert in which she confirmed the minimum qualifications which were being used for screening. The candidate was hired although he was not on the established eligibility list for the position.

One of the primary reasons the PRC exists is to ensure that the County's hiring decisions are based on merit and fitness. This incident occurred outside PRC procedures, and Human Resources has assured the PRC it is committed to working together in the future to ensure similar incidents do not occur.

13. Examiner (Treasury) – An original appointment was made to this bargaining-unit classification and included on the November 4, 2016 Personnel Agenda. This candidate was not on the PRC's established eligibility list for this classification.

Human Resources reports that this was an internal posting and promotion per the CBA for this classification, although it was noted as an appointment on the Personnel Agenda; the PRC is awaiting confirmatory documentation that this candidate was promoted according to a CBA provision.

The PRC will continue to work with the Human Resources department to address those issues where additional documentation would be helpful to support the statements made by HR. It is important to note that while the vast majority of the County's civil service appointments complied with relevant civil service laws, a few concerns noted in this report reflect a need for increased diligence and compliance regarding civil service regulations. The PRC looks forward to continuing our efforts with Human Resources and the County's hiring managers to increase awareness and understanding of these laws; to that end, the PRC is exploring collaborative opportunities with HR for additional training. In addition, planning is underway to engage in quarterly reviews of this report, which will hopefully allow concerns to be addressed in a more expeditious fashion. While this report will continue to be presented to County Council annually, we also expect that engaging in a collaborative quarterly review will serve to both increase awareness and compliance with the civil service laws of Cuyahoga County and the State of Ohio.