

ORDINANCE NO. 3 , 2008

**AN ORDINANCE AMENDING SECTION 33.24 OF THE CODE OF ORDINANCES  
GOVERNING PROMOTIONAL EXAMINATIONS**

**WHEREAS**, Council updated the classified and unclassified service by Ordinance No. 1, 2003 on February 5, 2003 under the expressed authority granted to the City Council by § 6.04 of the Charter declaring the unclassified service to include the positions of Lieutenant in the Police Department and Assistant Chief in the Fire Department; and

**WHEREAS**, in removing these positions of Police Lieutenant and Assistant Fire Chief from the classified service, it is necessary to reconcile § 33.24 of the Code of Ordinances to clarify the promotional process within each Department to exclude these two positions from the requirements of a classified service promotional examination; and

**WHEREAS**, in reconciling the text of § 33.24 to clarify this process, the Civil Service Commission also recommended amending the text of § 33.24 to clarify the examination process within the remaining classified service when the Civil Service Commission elects to hold an open promotional examination.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the City of Montgomery, Hamilton County, Ohio, that:

**SECTION 1.** Section 33.24 of the Code of Ordinances is hereby amended as set forth on Schedule "A" attached hereto and incorporated herein in its entirety by reference. The additions and deletions to the text are noted in the draft copy of the ordinance and the final substituted text is included as a part of such Schedule A.

**SECTION 2.** All other portions of § 33.24 which are not amended are hereby ratified.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: May 7, 2008

ATTEST: Susan J. Hamm  
Susan J. Hamm, Clerk of Council

Gerri Harbison  
Gerri Harbison, Mayor

APPROVED AS TO FORM:  
Terrence M. Donnellon  
Terrence M. Donnellon, Law Director

## § 33.24 PROMOTIONS.

(A) *Commission to rule on promotional examinations.* Whenever there is a vacancy in a position within the classified service, having a classification above a lower grade in a series, the Commission shall determine whether the position is to be filled by promotional examination or by open- competitive examination. If the Commission determines the vacancy is to be filled by promotional examination, the Commission shall determine which class or classes of employees in the classified service shall be eligible to compete. If the position is to be filled by open-competitive examination, the Commission shall determine what service requirements are necessary from candidates outside the City's classified service. When a promotional examination is held, the eligible list resulting from such examination shall be used to fill the vacancy as provided in § 33.24(F). If an open-competitive examination is held, the procedure set forth in §§ 33.19 through 33.22 shall be followed to fill the position, provided however, the number of eligible candidates certified for promotion shall be set by § 33.24(F).

(B) *Promotional examinations/Open-Competitive Examination.*

(1) A promotional examination or an open-competitive examination is a fitness test as defined in division (E) of this section. The examination is used to determine the relative standing of applicants for promotion or appointment to a position in a specified class. The Commission shall determine what experience would be a natural preparation for the position to which to be appointed. The Commission shall determine whether or not service in a specific position for a specific period of time is required before an employee may be eligible for promotional examination. Provided, however, to be eligible for the promotional examination for the position of Sergeant within the Police Department, an applicant must have three prior years of full-time service with the City as a patrol officer and to be eligible for the promotional examination for the position of Lieutenant within the Fire Department, an applicant must have three prior years of full-time service with the City as a firefighter/paramedic. If the Commission elects to hold an open-competitive examination for appointment to either the Sergeant's position within the Police Department or Lieutenant's position within the Fire Department, the Commission shall determine in advance of the notice of examination what prior service within another jurisdiction is required at a minimum to be eligible to take the examination.

(2) No employee shall be deemed eligible for a promotional examination whose last performance rating within the City was determined to be unsatisfactory. Also, if an employee with a satisfactory rating has been reprimanded since the last performance rating or if an applicant from an outside department seeking a promotion in an open-competitive examination has been reprimanded with his employer during the previous twelve (12) months, the Commission may disapprove his or her application for examination after first giving the applicant an opportunity to be heard before the Commission. If the Commission from such hearing decides to disapprove the application, the reasons for the disapproval shall be stated in writing and a copy presented to the applicant.

(C) *Announcement of examination.* Whenever the Commission orders a promotional examination to be held, notice of the examination shall be published by the Commission and posted in the department or departments in which the eligible employees then serve.

Additionally, it shall be the duty of the department head in each department in which such eligible employees serve to provide a minimum of thirty (30) days advance written notice of the date of the promotional examination and the closing date specified by the Commission for registration for the examination to each employee within the department who is eligible for such examination. If the examination is determined to be an open-competitive examination as provided by Charter § 6.04, the Commission shall appropriately advertise such examination in a newspaper in general circulation within the City and in such other public media from which the City would typically draw applications for employment. Such advertisements shall occur a minimum of thirty (30) days in advance of the closing date specified by the Commission for registration for the examination.

(D) *Application for examinations.* Each eligible applicant who desires to compete for a promotional or open-competitive examination must complete a prescribed application form and present the application to the office of the City Manager on or before the closing date specified in the official announcement of the examination.

(E) *Character of examinations.*

(1) All promotional and open-competitive examinations shall be practical in character and shall relate directly to those matters which fairly test the relative capacity of the person being examined to discharge the particular duties of the class of positions to which promotion or appointment is sought. As may be determined by the Commission, the test may include a written component, an assessment center evaluation, and an oral interview designed to test the applicant's knowledge and applied skills, which in the determination of the Commission, are necessary to fulfill the responsibilities of the position to which the applicant is being tested. Before announcing a promotional or open-competitive examination the Commission shall determine what component parts will comprise the examination and the relative weight to be given to each component part. This information shall be communicated with the notice of eligibility or public advertisement as required in division (C) of this section.

(2) In a promotional examination conducted among employees currently serving in the classified service of the City, an applicant must first attain a passing score on the examination, after which the final score of an applicant in a promotional examination may be determined by adding points to the passing score obtained on the examination for the following:

(a) *Seniority.* For each full year of the first four years of creditable service, one percentage point shall be added to the applicant's final grade; for each full year of creditable service for the next 10 years of such service, 0.6 percentage points shall be added to the applicant's final grade. No applicant may be awarded more than 10 percentage points to the final grade for seniority service. Creditable service shall consist of the years of continuous service with the city. Continuous service is defined as service which is not broken by dismissal or resignation without reinstatement. However, seniority credit is not given for service as an unclassified, emergency, or provisional employee. An employee whose municipal service is interrupted by layoff or by resignation followed by reinstatement as permitted by § 33.22 shall receive credit for his or her service prior to such layoff or resignation. Any employee whose

municipal service is interrupted only by military service shall receive credit for seniority on the basis of his or her combined municipal and military service.

(b) *Performance.* There shall be added to the applicant's test score the score on a scale of 0-10, achieved by such employee in his or her most recent performance evaluation. If the scale used by the department for the most recent performance evaluation is not on a 0-10 scale, then the numerical scale used by the department shall be appropriately converted to a 0-10 scale and each employee's most recent performance evaluation restated with such conversion.

(3) In an open-competitive examination, at the time the Commission determines the component parts of an examination and the relative weight to be given to each component, the Commission also shall determine whether or not additional credit shall be given for seniority service with the City or another jurisdiction and whether past performance evaluations shall be scored and how to credit such scores.

(F) *Promotional or Appointment eligibility list.* In both a promotional and open-competitive examination, the names and final grades representing the combined total from the weighted test score, plus seniority credit and performance credit as appropriate for the highest three applicants who have tested for a position, shall be certified by the Commission to the City Manager from which the City Manager shall make a final appointment to fill the position. The City Manager may conduct such additional interviews as may be appropriate to familiarize the City Manager with the applicant's performance history and ability to fill the position in question. There shall be no additional points awarded for such interview with the City Manager, but the City Manager may choose any one of the three highest ranked applicants to fill the position.

(G) *Inspection of examination papers.* Any applicant may inspect his or her examination papers within thirty (30) days after the results of any promotional or open-competitive examination in which he or she has competed are approved by the Commission. An applicant may review his or her papers only once. No applicant will be permitted to take notes, copy, or otherwise reproduce any portion of his or her examination papers.

(H) *Promotion without examination.* The Commission recognizes the following exceptional situations in which it may authorize a promotion without competition of eligible employees. If a vacancy exists in the classification requiring particular and exceptional qualifications of a scientific, managerial, professional, or educational character, and the City Manager establishes in writing to the satisfaction of the Commission that only one subordinate employee of the department has such qualifications, promotion may be approved under such circumstances consistent with R.C. § 124.30(B) and all Administrative Code Regulations adopted in support thereof.

(I) *Temporary promotions.* An interim or temporary appointment to a higher position made necessary by reason of sickness, disability or other absence of a regular employee may be authorized without examination by the Commission upon the written request of the City Manager who shall set forth such information necessary to substantiate such request. All such temporary positions shall continue only during such period of sickness or disability and cannot

be converted to a permanent appointment without appropriate promotional or open-competitive examination. The reason for such temporary promotion and the proposed duration for such temporary promotion shall be recorded in the minutes of the Commission.

(Ord. 12-1972, passed 7-20-72; Am. Ord. 31-1981, passed 12-2-81; Am. Ord. 10-1982, passed 4-7-82; Am. Ord. 22-1999, passed 9-29-99; Am. Ord. 12-2002, passed 10-2-02)