



**2024
APPOINTMENTS
COMPLIANCE AUDIT
REPORT**

**Cuyahoga County
Personnel Review Commission**

INTRODUCTION

Cuyahoga County Charter Article IX, Section 9.02, authorizes the Personnel Review Commission (PRC) to review and audit compliance with federal, state, and local laws regarding personnel matters within the County Executive's organization and departments. This includes the responsibility to submit reports and recommendations to the County Executive and County Council on issues of compliance. The County Charter also assigns the Personnel Review Commission with responsibility for ensuring a system of employment of persons in the public (civil) service of the County according to merit and fitness.

The focus of this audit is the County's compliance with civil service laws governing appointments to Cuyahoga County's classified positions.

BACKGROUND

Civil service laws governing appointments to positions in the classified service of the County can be found in the Ohio Constitution (Article XV, Section 10), Ohio Revised Code (ORC) (Chapter 124), Ohio Administrative Code (OAC) (Rule 123:1-25-02 and Rule 123:1-30-04), Cuyahoga County Charter (Section IX), Cuyahoga County Code (Section 303.03), and the PRC Administrative Rules (Section 3.04). A fundamental requirement of these laws is that appointments and promotions in the civil service of counties shall be made according to merit and fitness, to be ascertained, as far as practicable, by competitive examinations.

ORC Chapter 124 divides the civil service into the unclassified and the classified service, then further divides the classified civil service into the competitive class and the non-competitive class (ORC 124.11(B)(2) and ORC 124.30(A)(2)). The non-competitive class includes not only the 'unskilled labor' class but also allows employers to consider other characteristics that may allow a classification to be designated as non-competitive. Employers may consider the practicality of testing for the class, any exceptional qualifications (including licenses and certifications) that are required, the level of education, field of study and specialization required, the nature of experience required and whether skilled labor is required. Public employers may suspend competitive testing for non-competitive positions. The PRC has established different procedures to ensure appointments to both the competitive and the non-competitive classes are made in accordance with applicable civil service laws.

For positions in the competitive classified service, the PRC administers civil service tests. Once the PRC administers a test for a competitive position, the PRC establishes an eligibility list (EL) consisting of those candidates who passed the test, listed in rank order of their test scores. Eligibility lists generally expire after a period ranging from 3 months to 1 year from the date they are originally established. If requested to do so by the County, the PRC will occasionally limit or extend the duration of an eligibility list to meet the unique needs of a department. Once an EL is established, the PRC certifies a certain number of names from the list (either the top ten or top 25% of the names, whichever is greater) as

eligible for hire; that list is then provided to the County's talent acquisition team in the Human Resources department. For purposes of this audit, these lists are referred to as 'certified names lists', or CNLs. For competitive classified positions, the County can extend an offer of employment only to candidates who are on an active CNL. If the County wants to fill additional vacancies after an offer of employment has been extended, the County must submit a written request to the PRC for an additional list of names to be certified from the eligibility list.

For positions in the non-competitive class, the PRC screens applicants to determine whether they meet the minimum requirements of the classification. The PRC then establishes an alphabetical eligibility list of those candidates who meet the minimum requirements of the classification. The entire eligibility list is then provided to HR, and the County can then extend an offer of employment to anyone on that list while the list remains active.

While the PRC has established procedures to govern appointments to classified positions, the agency has also collaborated with HR in various situations to support the County's pressing needs to fill certain positions. For example, in certain competitive, critical positions, the County has historically had significantly more vacancies than names on the eligibility lists. To expedite the hiring process, the PRC has eliminated the need for HR to request multiple certifications from the same EL once they've extended conditional offers or removed names from the original CNL. The PRC allows HR to use the full EL to consider additional candidates beyond the first CNL rather than requesting additional CNLs each time they're needed. This is done with the explicit expectation of HR that offers must be extended following the same process as they would if additional CNLs had been requested for each vacancy. The PRC testing team reviews these appointments to assess the County's compliance with civil service law; any concerns about HR's actions are raised to the PRC's compliance team and issues of non-compliance would be included in this report. In 2024, these critical positions included:

- Correction Officer,
- Social Service Worker 3,
- Employment and Family Services Specialist, and
- Support Officer.

Another example of the PRC's collaboration with the County to expedite hiring is the Accelerated Entry Program (AEP) for Deputy Sheriff. This Program allows the Sheriff's Department to expedite hiring of Deputy Sheriff applicants who meet certain specific requirements (currently employed as a sworn law-enforcement officer in the State or laid off from such a position within 1 year of application, a minimum of 2 years of sworn law-enforcement experience and not under internal investigation). The PRC conducts civil service testing of Deputy Sheriff applicants who do not possess those qualifications and maintains eligibility lists for those tests, but Human Resources manages the selection process for the AEP and verifies the qualifications of applicants hired through that program.

Occasionally, the County reinstates employees who were previously employed by the County; for purposes of this audit the PRC refers to these actions as ‘rehires’. OAC Rule 123:1-25-02 provides that the County could reinstate an employee in the classified service if they served the necessary probationary period if it is within one year of their resignation. Additionally, OAC Rule 123:1-30-04 governs reinstatement of an employee following a disability separation.

Finally, when employees apply for and are appointed to a position with a lower pay grade, that action is entered as a ‘demotion’ in the County’s Human Resources Information System (INFOR). Demotions for disciplinary purposes are not included in this report; the demotions included in the data set reflect either employees who sought a new position in a lower pay grade, or employees who voluntarily sought a demotion to return to a previously held position.

OBJECTIVE AND SCOPE

The objective of this audit is to ensure that the County Executive’s appointments to classified positions in 2024 met the requirements of applicable civil service laws. For purposes of this audit, the PRC reviewed appointments, promotions, rehires and demotions approved by the County Executive during 2024. The audit includes appointments to both competitive and non-competitive positions and both bargaining and non-bargaining positions.

METHODOLOGY

The County’s Human Resources department routinely prepares ‘personnel agendas’ from INFOR; these are lists of personnel actions approved by the County Executive. To conduct this audit, the PRC compared the County’s personnel agendas with the PRC’s ELs and CNLs. Through this process, the PRC was able to verify whether candidates and employees were appointed to classified civil service positions in accordance with applicable civil service laws.

FINDINGS

The PRC reviewed a total of 645 appointments made by the County Executive in 2024, including:

- 355 (52%) competitive new hires,
- 61 (9%) non-competitive new hires,
- 104 (16%) competitive promotions,
- 2 (<1%) non-competitive promotions,
- 102 (15%) rehires, and
- 21 (3%) demotions.

In total, the County complied with applicable civil service laws in 628 of the 645 appointments approved by the County Executive in 2024; this is a compliance rate of 97%. The 17 non-compliant actions represent 3% of the 645 actions reviewed and include:

- 15 competitive new hire appointments, and
- 2 competitive promotions.

Of the 15 new hire appointments that were non-compliant, 11 were not certified by the PRC for employment. Of the 11, two were applicants for the Social Service Worker 3 classification, one of the critical positions that the County is generally pressed to fill. Neither of these applicants possessed the minimum requirements at the time the civil service test was administered. Before the test was conducted, HR informed the PRC that these two applicants were close to earning their bachelor's degrees and requested permission for them to take the required exams knowing they would likely have their degrees soon after the test. To assist the County, the PRC permitted the candidates to take the civil service test based on an explicit understanding with HR that the candidates would not receive job offers until the PRC received documentation of their completed degrees. The PRC did not receive this documentation until two months after the candidates' appointments, at which point the candidates were added to the eligibility list. The other 4 of the 13 applicants received written offers of employment after the eligibility lists they were on had expired; three received a verbal offer before the eligibility lists expired, but the written job offers were made after the expiration date.

Of the two non-compliant promotions, one of the employees was on a certified names list (CNL) for the competitive position of Manager, Business Services (MBS) in the department of Public Works (PW). She was on the list when she was offered that position in PW; however, after the offer was confirmed, the County restructured some positions and promoted her to MBS in the department of Information Technology. Public Works and DOIT are separate appointing authorities per County ordinance; therefore, the employee was not hired from a certified names list for the position into which she was hired. The other employee was not on a certified names list for the position to which she was promoted.

These 17 non-compliant actions violated applicable civil service laws.

CONCLUSION AND RECOMMENDATIONS

The PRC commends the County and HR for a very high level of compliance with civil service laws in 2024. This is a significant accomplishment given that nearly 650 appointments were made in 2024, although this compliance indicator is slightly lower than the compliance rates of the previous four years, which hovered between 99% and 100%. The civil service law violations noted in this report resulted primarily when candidates were appointed without being on either an active eligibility list or an active certified names list. These errors are easily identified and highlight an area of potential improvement in the County's hiring process.

The PRC is encouraged by HR's response to this audit, including the Director's commitment to developing process maps and standard operating procedures (SOPs) to standardize the County's talent acquisition processes. That effort is likely to result in increased consistency in processes such as verbal and written offers of employment. This may also help alleviate the problem of offer letters with no specific names or signatures to verify when an applicant

received an offer of employment. To support HR's continued efforts to improve compliance with civil service laws, the PRC recommends the following:

- Human Resources should implement quality control processes to ensure that all appointments are reviewed to ensure they comply with civil service laws. Practices such as peer reviews, periodic sampling, and supervisory reviews can help to avoid incidents of non-compliance.
- HR employees and managers involved in talent acquisition should receive both new-hire and annual training on civil service requirements and the risks of non-compliance (arguably, employee appointments that do not comply with civil service law should be rescinded). In addition to training on the SOPs, the training should include a review of the PRC's annual appointments audit findings and recommendations, along with coaching on how to avoid the types of errors noted in the audit. Periodically, HR and PRC staff should participate in joint training exercises to familiarize staff with processes used by the other staff to build a 'team' mentality that approaches compliance as a mutual goal.
- When violations result from errors made by HR staff, management should review the violations with the staff to ensure their understanding of the errors and explain how to prevent them going forward. Repeated violations by any specific employee should be addressed through the County's progressive discipline policy.

The PRC acknowledges the assistance of Julie McNulty, the County's Talent Acquisition & Employment Manager who was helpful in researching and resolving issues raised during this audit. Ms. McNulty and HR Director Sarah Nemastil provided the County's response to this audit.

A summary of this report will be posted on the PRC's website at <https://www.cuyahogacounty.gov/personnel-review-commission/about-us/compliance-reporting>. Full copies of this report and the data that support it are available through a public records request to the Personnel Review Commission.