

PUBLISHED OCTOBER 30, 2014

OFFICIAL PROCEEDINGS

Excerpt from the minutes of the Duluth City Council meeting held on Monday, October 27, 2014, at 7:00 p.m. in the Council Chamber, City Hall, Duluth, Minnesota.

ORDINANCE NO. 10330

AN ORDINANCE AMENDING CHAPTER 13 OF THE DULUTH CITY CODE, 1959, AS AMENDED, RELATING TO CIVIL SERVICE, ADDING EXPANDED CERTIFICATION FROM UNDERREPRESENTED GROUPS.

The city of Duluth does ordain:

Section 1. That Section 13-23 of the Duluth City Code, 1959, as amended, be amended to read as follows:

Sec. 13-23.1. Certification of eligibles.

Whenever a vacancy in a position in the classified service is to be filled other than by transfer or demotion, the appointing authority shall request that the secretary certify the names of the persons eligible for appointment.

(a) The secretary shall certify from the list in the following order: reappointment, re-employment, promotional, internal-employment and/or open-employment list;

(b) When certification from a reappointment or re-employment list is made, the secretary shall certify the name of the person whose name is highest on the list and who still meets the qualifications of the classification;

(c) When certification from a promotional or internal-employment list is made, the secretary shall certify the names of the three persons highest on the internal employment list; however, when more than one vacancy is to be filled, the number of names certified shall be twice the number of such vacancies. If the internal-employment list has less than three names, additional names may be certified from the open-employment list. Certification shall start with the name in the highest position on the promotional or internal-employment list. When certification is made from a rank consisting of more than one name, the names of all persons in such tied rank shall be certified;

(d) When certification from an open employment list is made, the secretary shall certify the names of the seven persons highest on the open employment list; however, when more than one vacancy is to be filled, an additional two names shall be certified for each additional vacancy. The secretary shall additionally certify names pursuant to Section 13-23.2. When certification is made from a rank consisting of more than one name, the names of all persons in such tied rank shall be certified;

(e) The appointing authority may also request the certification of the name of an additional eligible in case one whose name was first certified withdraws from consideration, does not accept the position or does not respond to the appointing authority's communications;

(f) The secretary shall provide notice of certification by mail or via electronic communication to the applicant certified at the last notification address appearing in the secretary's records;

(g) The notification shall advise the applicant of the certification, the title of the position, the organization unit, the name and address of the appointing authority and other appropriate instructions;

(h) A copy of the notice shall be sent to the appointing authority.

Section 2. That a new Section 13-23.2 be added to the Duluth City Code, 1959, as amended, to read as follows:

Sec. 13-23.2. Expanded certification of eligibles from underrepresented groups.

(a) At least once every calendar year, the secretary shall prepare and present a study to the board regarding the city's employment of persons in protected groups with

respect to race/ethnicity and gender in each EEOC-defined occupational category. The secretary's study shall include the city's most-recent EEO-4 report. When both the secretary and the board find that the study indicates underutilization in any EEOC occupational category with respect to race/ethnicity or gender, certification from open-employment lists for positions in such categories shall be conducted in accordance with this Section in addition to Section 13-23.1;

(b) In addition to the certification of names as provided in Section 13-23.1, the names of the next highest scoring two persons on the open-employment list, per vacancy to be filled, from underrepresented groups shall also be certified. The number of additional certifications made shall not be decreased because any candidates already certified pursuant to Section 13-23.1 are members of an underrepresented group.

Section 3. That this ordinance shall take effect 30 days after its passage and publication.

(Effective date: November 29, 2014)

Councilor Gardner moved passage of the ordinance and the same was adopted upon the following vote:

Yeas: Councilors Filipovich, Fosle, Gardner, Hanson, Julsrud, Larson, Russ, Sipress and President Krug -- 9

Nays: None -- 0

ATTEST:
JEFFREY J. COX, City Clerk

Passed October 27, 2014
Approved October 27, 2014
DON NESS, Mayor