

Order 298-05/06
Second Reading Waived

Emergency Passage: 6/19/06 8-0 (Duson absent)

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CITY OF PORTLAND
IN THE CITY COUNCIL

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 2, ARTICLE IV (CIVIL SERVICE)
RE: JOB SUITABILITY ASSESSMENTS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Section 2-59 (Minimum qualifications for appointment) of the Portland City Code is hereby amended to read as follows:*

Sec. 2-59. Minimum qualifications for appointments.

(a) *Standards required.* All candidates for appointment shall meet the minimum requirements set forth in this section and any additional requirements set forth hereafter or in the rules of the employment subcommittee not inconsistent herewith.

(b) *Original appointments:*

. . . .

(4) *Health.* Candidates for original appointment shall be in good health and shall be subject to a fitness assessment, and a post-offer medical examination, and in the case of police, a job suitability assessment, pursuant to the rules of the employment subcommittee. Such rules shall be developed in consultation with appropriate professionals and the chief of the department and, to the extent permitted by law, shall be determined by the employment subcommittee to be bona fide occupational requirements for appointment.

. . . .

(f) *Transfers between departments.* Upon the written request of the member to the chief of his or her department, a member in good standing within either department may be transferred from one (1) department to the other to an entry level position, subject to the following conditions and limitations:

. . . .

(6) Any member requesting a transfer may be required to take a polygraph examination and a job suitability assessment to the extent required of original appointments;

2. *That Section 2-65 (Hiring process) of the Portland City Code is hereby amended to read as follows:*

Sec. 2-65. Hiring process.

(a) *Original appointment hiring process.*

. . . .

(6) *Conditional job offer.* Following completion of the above elements of the hiring process, the chief may make a job offer which shall be conditional upon the approval of the city manager, and conditional upon passing a medical examination, as provided in section 2-66 below. In addition, in the case of the police department, such job offer shall be conditional upon passing a polygraph examination and a job suitability assessment. The Director shall be notified of the chief's conditional job offer(s) in order to review the hiring process for compliance with the requirements of this ordinance.

(b) *Promotional appointment hiring process.* In addition to the written test, police evaluation score or fire base score, and seniority, the promotional hiring process shall include an oral board which will consist of one employment subcommittee member, a member designated by the president of each of the affected unions and three (3) members appointed by the chief of the department from either city or non-city personnel, or a combination thereof, which three (3) members may include the chief or his or her designee. A job suitability assessment will also be done as provided in subsection 2-66(c) below.

3. *That Section 2-66 (Physical standards...for appointment) of the Portland City Code is hereby amended to read as follows:*

Sec. 2-66. Physical standards and background investigation for original appointment; Job suitability assessment for promotion and for police original appointment.

. . . .

(c) *Job suitability assessment for promotional appointments and for police original appointments.*

- (1) All candidates whose names appear on any certified list for promotional appointment may be required to be examined by a psychologist for job suitability, the results of which examination shall be used by the chief of the department and by the city manager. Examinations hereunder for promotional appointment shall be required every year, except that the chief may waive said requirement if such examination has been done within three years of the date of the candidate's appearance on a certified list, and the results are available for use by the chief and the city manager. The extent of said examination shall be determined by a psychologist on an individual basis and may be either pre-offer or post-offer, depending upon the content of the assessment, the psychologist's representation as to the purpose of the assessment and the department's preference.

To the extent permitted by law, the chief of either department may request that candidates on an eligible list undergo the job suitability examinations prior to drawing up a certified list if (1) doing so would overcome scheduling difficulties for a candidate and the candidate agrees to such scheduling and (2) doing so is necessary to ensure a timely appointment process. Nothing herein shall change a candidate's position on the eligible list or give him or her any vested rights therein.

- (2) Candidates for police original appointment shall be given a post-offer job suitability assessment as required by the Maine Criminal Justice Academy.

(d) *Failure to pass polygraph test or job suitability assessment for police original appointment or job suitability assessment for police or fire promotional appointment.* Notwithstanding anything herein to the contrary, any candidate for police original appointment who fails to pass a polygraph test as required hereunder, or, in the case of a police original appointment or police or fire promotional appointment, who fails to meet the job suitability assessment pursuant to this section, shall be removed from any list on which the candidate appears pursuant to section 2-61 above, and shall not be eligible to

retake the written test until two years from the date the eligible list from which the candidate was removed was made.
BE IT FURTHER ORDAINED that these amendments are enacted as an Emergency, pursuant to Article II, Section 8 of the Portland City Charter, in order to meet the department's hiring schedule