

37.071 APPOINTMENT OF DEPARTMENT HEADS AND DESIGNATED MANAGEMENT EMPLOYEES: THE RULE OF FIVE.

(A) *Appointment by the Mayor.* The Mayor, except in the instances hereinafter noted, shall appoint department heads and designated management employees, as defined below or as otherwise set forth in this Charter or ordinances, from the alphabetical listing of the five highest-scoring candidates of the civil service exam submitted by the Director of Human Resources as set forth in division (C) below.

(B) *Appointment by the Board of Aldermen.*

(1) The Board of Aldermen shall appoint, in accordance with § 6B-2(a)(1) of the Charter of the city, from the alphabetical listing of the five highest-scoring candidates on the civil service exam for the position of City Auditor.

(2) In addition, if the appointing authority is an elected board, then that elected board shall appoint from the alphabetical listing of the five highest scoring candidates on the civil service exam for any such positions.

(C) *Role of the Director of Human Resources with respect to the rule of five.*

(1) The Director of Human Resources shall file the alphabetical listing with the Mayor or appointing authority vested with the power of appointment as set forth in this section.

(2) The Mayor, or other appointing authority with the power to fill the vacancy, shall appoint any one of the five individuals on the alphabetical listing.

(D) *Standard of selection and the number of names to be certified.* When a personnel requisition is received for all positions, the Director of Human Resources shall certify the five highest scoring persons on the eligible list, including those individuals tied with the fifth scorer.

(E) *Withdrawal or removal from certification list.* In the event a candidate withdraws or is removed by the Director of Human Resources pursuant to the rules, then the next highest scoring candidate(s) shall be certified.