



City of Cincinnati

801 Plum Street
Cincinnati, OH 45202

Agenda - Final

Public Safety & Governance

Councilmember Scotty Johnson, Chair
Vice Mayor Jan-Michele Kearney, Vice Chair
Councilmember Mark Jeffreys
Councilmember Anna Albi

Wednesday, January 22, 2025

9:30 AM

Council Chambers, Room 300

PRESENTATIONS

Creating Opportunity & Closing Cincinnati's Wealth Gap

presented by Dr. Wendy Ellis, Bishop Ennis Tait and Dr. Daniel Chen

AGENDA

[202500009](#)

ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 1/8/2025, **MODIFYING** Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code by **AMENDING** Section 932 of Division 4 to increase the salary schedule for the classification of Municipal Worker.

Sponsors:

City Manager

Attachments:

[Transmittal](#)

[Ordinance](#)

[202500024](#)

ORDINANCE (EMERGENCY) submitted by Sheryl M. M. Long, City Manager, on 1/15/2025, **MODIFYING** Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code by **AMENDING** Section 033 of Division 5 to ensure that the classification title and salary range of the Environmental Programs Manager is consistent with the position's level of responsibility and competitive with similar positions across internal and external job markets.

Sponsors:

City Manager

Attachments:

[Transmittal](#)

[Ordinance](#)

[202500008](#)

ORDINANCE submitted by Sheryl M. M. Long, City Manager, on 1/8/2025, **ESTABLISHING**, the classification and salary range schedule for new employment classifications of Arborist 1 and Arborist 2 and **ORDAINING** Sections 843 and 844 of Division 1, Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code to reflect these new employment classifications.

Sponsors:

City Manager

Attachments: [Transmittal](#)
[Ordinance](#)

[202500031](#) **MOTION**, submitted by Vice Mayor Kearney, **WE MOVE** that the administration of the City of Cincinnati to provide a report within ninety (90) days on creating a policy for city employees who are living donors of organs (e.g., a kidney or parts of a liver), or bone marrow to receive full pay for time off needed to prepare for and complete the transplant process, and to recover from the medical procedure. UC Health and the Center for Closing the Health Gap recommend such a policy in order to encourage more living donors. (BALANCE ON FILE IN THE CLERK’S OFFICE) (STATEMENT ATTACHED).

Sponsors: Kearney

Attachments: [202500031](#)

[202500001](#) **REPORT**, dated 1/8/2025, submitted Sheryl M. M. Long, City Manager, regarding HR Department’s response to Motion 202400694.

Sponsors: City Manager

Attachments: [Report](#)

[202500002](#) **REPORT**, dated 1/8/2025, submitted Sheryl M. M. Long, City Manager, regarding Liquor Permit Violations and Enforcement. (Ref. Doc. 202402230)

Sponsors: City Manager

Attachments: [Report](#)

ADJOURNMENT

January 08, 2025

To: Mayor and Members of City Council
202500009

From: Sheryl M.M. Long, City Manager

**Subject: Emergency Ordinance: Salary Change for Non-Represented
Municipal Workers**

Attached is an Ordinance captioned:

MODIFYING Chapter 307, "Classified Compensation Schedules," of the Cincinnati Municipal Code by **AMENDING** Section 932 of Division 4 to increase the salary schedule for the classification of Municipal Worker.

The Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure that the modified salary is consistent with the scope of services and the level of responsibilities of the Municipal Worker classification.

The Administration recommends passage of this Emergency Ordinance.

cc: Latisha Hazell, HR Director

EMERGENCY

CNS

- 2025

MODIFYING Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code by **AMENDING** Section 932 of Division 4 to increase the salary schedule for the classification of Municipal Worker.

WHEREAS, Cincinnati Municipal Code (“CMC”) Chapter 307, “Classified Compensation Schedules,” currently provides a salary schedule for the classification of Municipal Worker; and

WHEREAS, all represented Municipal Workers in the American Federation of State, County and Municipal Employees (“AFSCME”) bargaining unit received an across-the-board wage adjustment to \$17.55 per hour, effective August 4, 2024; and

WHEREAS, the AFSCME-represented Municipal Worker classification is limited to Municipal Workers in Salary Division 4M, which is limited to employees of the Department of Public Services and the Cincinnati Recreation Commission; and

WHEREAS, non-represented Municipal Workers in Salary Division 4 are employed by other departments but perform similar work to AFSCME-represented Municipal Workers; and

WHEREAS, Council wishes to modify the current salary schedule for non-represented Municipal Workers within Salary Division 4 of CMC Chapter 307 to align with the wage increase provided to AFSCME-represented Municipal Workers to ensure wage equity for similar work and to retain qualified staff across departments; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 932 of Division 4 of Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code is amended to read as follows:

Classification	Hourly (Annual) Salary
Municipal Worker (932)	\$16.38 (\$34,070.40)
	<u>\$17.55 (\$36,504.00)</u>

Section 2. That the proper City officials are authorized to do all things necessary to carry out the provisions of Section 1, including updating applicable rules and regulations and policies

and procedures in accordance with the modifications to the Cincinnati Municipal Code provided for by this ordinance.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to adjust the salary schedule of the Municipal Worker classification to ensure competitive recruitment and retention.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.

January 15, 2025

To: Mayor and Members of City Council

202500024

From: Sheryl M.M. Long, City Manager

Subject: Emergency Ordinance: Director of Environmental Programs

Attached is an Emergency Ordinance captioned:

MODIFYING Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code by **AMENDING** Section 033 of Division 5 to ensure that the classification title and salary range of the Environmental Programs Manager is consistent with the position’s level of responsibility and competitive with similar positions across internal and external job markets.

The Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure that the new classification title and salary range is consistent with the scope of services and the level of responsibility. The amendment of the Environmental Programs Manager classification to the Director of Environmental Programs, and the modification of the salary range is necessary to attract and retain a quality Director, and to ensure consistencies in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed to the position.

The Administration recommends passage of this Emergency Ordinance.

cc: Latisha Hazell, HR Director

EMERGENCY

MSS

-2025

MODIFYING Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code by **AMENDING** Section 033 of Division 5 to ensure that the classification title and salary range of the Environmental Programs Manager is consistent with the position’s level of responsibility and competitive with similar positions across internal and external job markets.

WHEREAS, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code provides the current classification title and salary range for the position of Environmental Programs Manager; and

WHEREAS, the classification title and salary range for the position of Environmental Programs Manager require amendment to reflect the knowledge, skill, and abilities required to carry out the duties and tasks prescribed to the position and to attract and retain qualified candidates; and

WHEREAS, the Human Resources Department completed its due diligence and conducted appropriate internal comparisons to ensure that the new classification title and salary range are consistent with the level of responsibility and scope of services associated with the position; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Section 033 of Division 5 of Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code is amended as follows to update the classification title and salary range schedule for the position of Environmental Programs Manager:

Section	Classification	Minimum Annual Salary	Maximum Annual Salary	Division
033	Environmental Programs Manager	\$107,856.21	\$146,706.30	D5
	<u>Director of Environmental Programs</u>	<u>\$107,855.77</u>	<u>\$157,102.81</u>	

Section 2. That the proper City officials are authorized to do all things necessary and proper to carry out the provisions of Section 1, including updating applicable rules and regulations and policies and procedures in accordance with this ordinance.

Section 3. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need to adjust the classification title and salary range of the Environmental Programs Manager classification to ensure that they are consistent with the level of responsibility of this classification and competitive with similar positions across internal and external job markets.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk

Deletions are indicated by strikethrough; additions are indicated by underline.

January 08, 2025

To: Mayor and Members of City Council

From: Sheryl M.M. Long, City Manager

202500008

Subject: Ordinance: Arborist Series

Attached is an Ordinance captioned:

ESTABLISHING, the classification and salary range schedule for new employment classifications of Arborist 1 and Arborist 2 and **ORDAINING** Sections 843 and 844 of Division 1, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code to reflect these new employment classifications.

The Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure that the new classifications and salary ranges are consistent with the scope of services and the level of responsibility of these new positions, considering such factors throughout the evaluation process including liability, scope of responsibility, judgment and independent action and accountability.

The Administration recommends passage of this Ordinance.

cc: Latisha Hazell, HR Director

ESTABLISHING the classification and salary range schedule for new employment classifications of Arborist 1 and Arborist 2 and **ORDAINING** Sections 843 and 844 of Division 1, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code to reflect these new employment classifications.

WHEREAS, the Department of Human Resources, in consultation with the Parks Department, has determined that it is necessary to create new Arborist 1 and Arborist 2 classifications to recruit and retain quality employees; and

WHEREAS, the new employment classifications and compensation plans are necessary to ensure consistency in the knowledge, skills, and abilities required to carry out the duties and tasks prescribed for the positions; and

WHEREAS, creation of the Arborist 1 and Arborist 2 positions and salary ranges provides an opportunity to increase effectiveness while maintaining a standard of excellence and a clear pathway for continued growth and career progression for employees; and

WHEREAS, the Department of Human Resources has done its due diligence and conducted appropriate internal comparisons to ensure that the new classifications and salary ranges are consistent with the scope of services and the level of responsibility of these new positions, considering throughout the evaluation process factors including liability, scope of responsibility, judgment and independent action, accountability, and responsibility; and

WHEREAS, adopting the new salary ranges and classification titles for these positions is based upon a market analysis and internal cost of living adjustment comparisons as approved by Council; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Sections 843 and 844 of Division 1, Chapter 307, “Classified Compensation Schedules,” of the Cincinnati Municipal Code are ordained as follows:

Section	Classification	Minimum Annual Salary	Maximum Annual Salary	Division
843	Arborist 1	\$47,736.00	\$54,820.04	D1
844	Arborist 2	\$54,820.04	\$63,252.80	D1

Section 2. That the proper City officials are authorized to do all things necessary to carry out the provisions of Section 1.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____, 2025

Aftab Pureval, Mayor

Attest: _____
Clerk



2025 60031

Jan-Michele Lemon Kearney
Vice Mayor

January 9, 2025

MOTION

WE MOVE that the administration of the City of Cincinnati provide a report within ninety (90) days on creating a policy for city employees who are living donors of organs (*e.g.*, a kidney or parts of a liver), or bone marrow to receive full pay for time off needed to prepare for and complete the transplant process, and to recover from the medical procedure. UC Health and the Center for Closing the Health Gap recommend such a policy in order to encourage more living donors.

WE FURTHER MOVE that the Administration consider incorporating the following provisions in said policy:

1. Application

When organ donation leave is anticipated, verbal notice should be given as far in advance as possible, followed by written documentation to include dates of leave and number of hours requested, as well as supporting medical certification from an appropriate health care provider.

2. Leave provided

- a. All employees who donate a kidney or any portion of a liver shall receive up to two hundred forty (240) hours or six (6) weeks of leave with pay during each calendar year to use during those hours when the employee is absent from work due to the employee's donation.
- b. All employees who donate any portion of a liver shall receive up to four hundred eighty (480) hours or 12 weeks of leave with pay during each calendar year to use during those hours when the employee is absent from work due to the employee's donation.

- c. All employees who donate bone marrow shall receive up to fifty-six (56) hours of leave with pay during each calendar year to use during those hours when the employee is absent from work due to the employee's donation.
- d. The duration of leave for other types of organ donations will be decided on a case-by-case basis by the Director of the City of Cincinnati's Office of Human Resources or their designee, who will consult competent medical authority

3. Use

- a. Organ donation leave shall be exhausted prior to using any sick leave or vacation leave to continue recuperation from the organ donation.
- b. Organ donation leave shall run concurrently with other leave programs (e.g., family medical leave). Organ donation could be considered a serious health condition under the Family Medical Leave Act. Therefore, the employee would be covered under the Act, provided that the employee met the other family medical leave requirements.
- c. The employee using such organ donation leave shall be compensated at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.



Vice Mayor Jan-Michele L. Kearney

STATEMENT

UC Health and the Center for Closing the Health Gap have the goal of increasing the number of living organ donors and ensuring that donors are able to overcome the barrier of needing time off to prepare and recover from the transplant procedure.

As shown by **Attachment A** to this Motion, there is an urgent need to increase living organ donations to save lives. UC Health reports that a kidney from a living donor lasts 10 years longer on the average than a kidney from a donor who is brain-dead. In addition, the kidney from a living donor has a better chance of being accepted by the recipient's immune system.

The Center for Closing the Health Gap reports that on the average, there are 90,000 individuals in the U.S. on the waiting list for a kidney, and 50 percent of those in need of a kidney are African Americans.

Attachment A



Organ Donation:

What is the current waitlist for organ donation? Currently, ~105,000 people are waiting for an organ nationally. That breakdown is ~90,000 people waiting for a kidney and ~9,000 waiting for a liver.

What organ is most readily available for donation? Kidney is the most available due to the body having two and it is easier to transplant and less volatile.

How many transplants do we do in a year? In 2023, UC Health did 407 transplants including Kidney, Liver, Heart, and Pancreas.

What is the average recovery time for an organ donation? Kidney donors can return to work in about 6 weeks. Liver donors are usually 6-12 weeks, depending on how physically demanding their job requires them to perform.

How long is the waitlist for high demand organs? We pride ourselves as one of the programs with one of the fastest to transplant, but that isn't typical. Last year, we were the fastest to transplant in liver with 15 days from listing to transplant. We are also approximately three months in kidney from listing to transplant, which is one of the fastest in the country. Nationally, it is much longer than that with kidney taking years in New York and California.

About the UC Health Transplant Program:

For more than 50 years, UC Health's UC Medical Center has provided excellence in transplantation, breakthrough treatments and research, and compassionate patient-centered care.


Among 250 transplant centers in the U.S., the program ranks 12th by volume for liver transplants and has the highest transplant rate in the nation, according to the Scientific Registry of Transplant Recipients (SRTR). The SRTR used a statistical model comparing the number of expected transplants to the national average of donors with the same characteristics to name UC Health as the top program for transplant rates.

UC Health's Transplant Program also ranks in the top 15% nationally by volume for kidney transplants and in the top 10% nationally for patient outcomes for heart transplants. The experts at UC Health perform heart, kidney, liver, pancreas, bone marrow and multi-organ transplants as well as a wide breadth of academic and clinical research related to transplantation.

Public Safety and gov 1/9

-AS

January 8, 2025

To: Mayor and Members of City Council
From: Sheryl M. M. Long, City Manager 
Subject: HR Department's Response to Motion 202400694

202500001

REFERENCE DOCUMENT # 202400694

On March 19, the Public Safety and Governance Committee referred the following for a report:

MOTION, submitted by Vice Mayor Kearney and Councilmember Johnson, Individuals who already are struggling financially can be further harmed by old, low-level misdemeanor crimes that can prevent them from obtaining employment and/or housing, and sometimes result in the loss of custody of their children. According to the Center for Community Change, two-thirds of people detained in jails report an income of less than \$12,000. We request a report within 90 days on the feasibility and next steps for City Council to take the following actions: 1. Unilaterally, automatically and annually purge and dismiss capiases and warrants that are seven years old for low-lying, non-violent misdemeanor crimes. (BALANCE ON FILE IN THE CLERK'S OFFICE) (BALANCE OF MOTION ON FILE IN THE CLERK'S OFFICE).

The Motion requested information about three potential actions. First, the feasibility and next steps for City Council to “unilaterally, automatically and annually purge and dismiss capiases and warrants that are seven years old for low-lying, non-violent misdemeanor crimes.” Second, the feasibility and next steps for City Council to “repeal city laws that call for mandatory sentencing for crimes for which the state does not require the same punishment.” Finally, the feasibility and next steps for City Council to “overturn the city’s current policy of delaying employment for all candidates until five years after their conviction, and narrow this requirement to specific crimes. This report addresses each of these items in turn.

I. Purging and dismissing certain capiases and warrants

Background

The City prosecutes all misdemeanor offenses that occur within the City limits. The City Charter provides that “The solicitor shall act as prosecuting attorney in the municipal court.” Charter, Article IV, Section 5a. When a defendant is charged with a crime and served with a citation or warrant, but then does not appear in court on the court date, the case is in “capias” status. If a case is in capias status, it has been assigned to a judge. Warrant status means that a defendant is charged with a crime but has not yet been issued a citation or served with a warrant. If a case is in warrant status, it has not been assigned to a judge.

When a case is stale, meaning that it has not moved forward for many years, the likelihood of successful prosecution plummets. In addition, if a warrant was not served for a time under certain circumstances, a defendant’s right to a speedy trial might be violated, which can result in dismissal of the charges. Therefore, examining whether certain types of capiases or warrants should be purged is within the public’s interest.

Feasibility of automatically purging and dismissing capiases and warrants

Under the Charter, any action regarding misdemeanor prosecutions must be taken by the City Solicitor or her assistants. The motion identifies capiases or warrants for low-level, non-violent misdemeanors that are seven years or older for purging. The Solicitor’s office has been engaged with the Clerk of Courts on this topic to identify all outstanding capias and warrant cases. The current approach has been to compile the case information; identify which cases implicate Marsy’s Law, a victim’s-rights law; further sort the cases between cases that are in warrant status versus capias status; and make a determination on an appropriate outcome. To date, the Solicitor’s office has identified a list of over 11,000 cases that were in warrant or capias status from the 1970s through 2011. The data can be updated to include cases through 2017. Marsy’s Law requires that victims receive notification and an opportunity to be heard about the outcome of a case. A variety of misdemeanor offenses can implicate Marsy’s Law, including some traffic offenses. Further analysis must be done, but a previous review suggested that approximately 75% of the cases did not implicate Marsy’s Law.

The Motion does not identify exactly which misdemeanor offenses would be considered “low-lying” or “non-violent.” The Solicitor’s Office recommends moving forward on purging capiases and warrants that do not implicate Marsy’s Law – in other words, cases that do not have a person that fits the definition of “victim.”

For cases that do not implicate Marsy’s Law, the Solicitor’s Office can dismiss them via an omnibus court entry if the Municipal Court judges agree to accept a single entry that lists all the key information about the various cases. In the alternative, the cases could be dismissed via individual entries, though this is not the recommended process due to additional time and expense.

Although beyond the scope of this Motion, the Solicitor’s Office will also analyze certain stale cases that do implicate Marsy’s Law. However, any potential dismissal process would need to comply with a victim’s right to be notified, as well as engage in an analysis about any speedy trial implications. This involves a case-by-case analysis.

Next Steps

There are no next steps for City Council on this matter at this time. The Solicitor’s Office will continue to pursue the dismissal of cases that are over seven years old that do not implicate Marsy’s Law, including engaging with the Clerk of Courts and the Municipal Court Judges and Administrators.

II. Repealing city laws that require mandatory sentencing for crimes

City Council has authority to amend municipal criminal violations. The following charts identify crimes where the Cincinnati Municipal Code penalty has a mandatory component that the analogous state crime does not. Please note that offenses are not always charged under the CMC as opposed to the ORC. If Council desires to amend any of these provisions, the City Solicitor’s office can draft the appropriate legislation upon request.

Permitting Drug Abuse, C.M.C. 911-5 and R.C. 2925.13

	C.M.C. 911-5	R.C. 2925.13
Level of Offense	M1 or M3	M1 or F5
Punishment	M1 – mandatory jail of at least 30 days M3 – mandatory jail of at least 10 days	No mandatory minimum jail time

Trespass on the Land or Premises of a Medical Facility, CMC 907.5 and R.C. 2911.21, Criminal Trespass (no Ohio medical facility trespass statute)

	C.M.C. 911-5	R.C. 2911.21
Level of Offense	M1	M4 or M1
Punishment	<p>M1, but <u>three consecutive days shall be served</u> and may be sentenced to a longer term of imprisonment <u>and shall be fined not less than \$150 nor more than \$1000.</u></p> <p>M1, but <u>six consecutive days shall be served</u> and may be sentenced to a longer term of imprisonment and <u>shall be fined not less than \$300 nor more than \$1000</u> if, within five years of the offense, defendant was convicted of one violation of 907-5.</p> <p>M1, but <u>twelve consecutive days shall be served</u> and may be sentenced to a longer term of imprisonment and <u>shall be fined not less than \$600 nor more than \$1000</u> if, within five years of the offense, defendant was convicted of more than one violation of 907-5.</p>	No mandatory minimum jail time; fine of up to \$1000

Storage of Unlicensed or Inoperable Vehicles in Residence or Commercial Districts, C.M.C. 511-31 and R.C. 4513.64, Willfully leaving abandoned junk motor vehicle

	C.M.C. 511-31	R.C. 2911.21
Level of Offense	Civil Offense, or MM, M4, or M1	MM
Punishment	<p>MM on the first offense</p> <p><u>Previous Conviction within the past year, M4</u></p> <p><u>Two Previous Convictions within the past two years M1 and fined not less than \$500 and imprisoned not less than 30 days</u></p>	

Traffic Code Violations – C.M.C. 512-1 provides for enhancements for repeat violations where the state code does not:

Except as written pleas of guilty are accepted as provided by rules of the Hamilton County Municipal Court, every person convicted of or found guilty of a violation of any of the provisions of the traffic code for which another penalty not provided shall,

For a first offense thereof, be fined not more than \$100;

For a second offense within one year thereafter, not more than \$150 or imprisoned in the Hamilton County Justice Center for not more than 10 days, and

For a third or subsequent offense within one year after the first offense, shall be fined not more than \$200 or imprisoned in the Hamilton County Justice Center for not more than 30 days, or both.

Additionally, when a person is found guilty of a first offense for a violation of Section 506-8 upon a finding that the person operated a motor vehicle faster than 35 miles an hour in a business district or faster than 50 miles an hour in other portions, or faster than 70 miles per hour on an interstate highway, or faster than 35 miles per hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, the court may, in addition to the penalty herein provided, sentence such offender to the Hamilton County Justice Center for not more than five days.

Note: current practice is to treat each offense as a minor misdemeanor and not enforce enhancements.

III. City process for hiring candidates with criminal records

The following report from the Department of Human Resources addresses bullet three of the referenced motion, which reads: "Overturn the City's current policy of delaying employment for all candidates until five years after their conviction and narrow this requirement to specific crimes." The report also clarifies the City's existing policy language, outlines state law requirements, details current departmental efforts to support "ban-the-box" initiatives and offers options for consideration by the City Manager.

CURRENT CITY POLICY

The City's current policy, HR P&P 2.11, requires that all candidates vying for employment undergo criminal background checks if the positions are classified as sensitive. According to Civil Service Rule 15, sensitive positions are those involving the following:

1. Access to a private home
2. Handling of money and/or negotiable instruments
3. Inspections for granting licenses, approval of work being done, etc.
4. Contact with children.
5. Access to chemicals, drugs and/or medications
6. Exposure to possibility of bribery or extortion
7. Opportunity for pilferage
8. Concerned with community security (e.g., police and fire protection, water supply, computer programs)
9. Access to sensitive information.
10. Possession of weapons, e.g., firearm, chemical irritant, batons, etc.
11. Any other factor which is determined by the Commission to be a job-related concern is sufficient to consider the classification as sensitive.

Civil Service Rule 15 also stipulates that the Civil Service Commission shall maintain a list of sensitive job classifications or positions for which background investigations shall comprise a portion of the selection process. This list is also available on page five of HRP&P Chapter 2.11 (attached).

For the Police and Fire Departments, background checks are integral to the selection process. For other positions, criminal background checks are conducted after the department determines that an applicant is qualified and extends a conditional offer of employment.

For roles not classified as sensitive, only a Hamilton County record check conducted through Police Records is required. The applicant or employee must fill out a Cincinnati Police Department Personal Information Release form, which is then submitted to Police Records. The resulting report (RCIC Response) is sent directly to the requesting department.

HR P&P 2.11 prohibits employment for any misdemeanors or felonies related to sexual crimes, drug offenses, violent crimes, or domestic violence within the past five years, as well as any felony during the same period.

When a conviction exceeds five years, the Human Resources Department evaluates its relevance to the job duties to decide on the candidate's eligibility. If deemed unsuitable due to their criminal history, such as a theft conviction for a job involving home entry, candidates are issued a rejection letter detailing the reasons.

CINCINNATI AS A BAN-THE-BOX EMPLOYER

The "Ban the Box" movement aims to remove the checkbox that asks about criminal history from job application forms. This initiative began in the United States with Hawaii implementing the first such law in 1998. The goal is to prevent initial discrimination against applicants with criminal records, allowing them a fair chance to present their qualifications before their criminal background is disclosed.

The City of Cincinnati adopted a "Ban the Box" policy in April of 2010. This initiative was part of a broader movement aimed at removing the checkbox asking about criminal history from job applications, thus helping to reduce employment barriers for individuals with past convictions.

HR policy and procedure chapter 2 section 11 aligns with "ban-the-box" practices by not including conviction questions on initial job applications and making hiring decisions based on a detailed review of the candidate's background relative to the job's requirements. Further, "Ban-the-box" practices are supported through the policy's approach of delaying criminal history questions until after a preliminary decision of qualification has been made, ensuring initial assessments are based on merit rather than criminal background. This approach is designed to reduce bias in the hiring process and increase employment opportunities for individuals with prior convictions, thereby aiding in their reintegration into society.

OHIO STATE LAW REQUIREMENTS

Under Ohio Administrative Code Rule 3701-13-05, background checks are mandatory for public employment, especially in positions involving vulnerable populations such as in schools, healthcare, and daycare centers and certain crimes, such as severe violent offenses or specific sexual offenses, permanently bar individuals from holding these sensitive classifications positions.¹ Further, under Ohio Administrative Code Rule 3701-13-05, certain drug-related convictions are listed as criteria that can disqualify an individual from being employed in a position that involves providing direct care to an older adult. The specific drug-related offenses that can bar employment include corrupting another with drugs, trafficking or aggravated trafficking in drugs, possession of controlled substances, permitting drug abuse, deception to obtain a dangerous drug, and illegal processing of drug documents, among others.

While the state does not specify a uniform period for barring employment but requires that the relevance of a conviction be evaluated based on the nature of the job and the time elapsed since the conviction. The Ohio Revised Code Section 124.34 outlines the regulations for forfeiture of public employment due to felony convictions. According to this code, individuals convicted of a felony immediately lose their status as a classified employee in public employment from the date of conviction. This applies specifically to felonies that include offenses of violence, felony drug abuse, crimes of moral turpitude, felonies involving dishonesty, theft, fraud, and certain felonies related to obstruction of justice, such as having an unlawful interest in a public contract or retaliation.

Further, if an individual is convicted of a felony involving the same conduct for which they were previously removed, they are barred from receiving any compensation after their removal, unless the felony conviction is later reversed or annulled. Those removed due to felony convictions are entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law.²

¹ [Rule 3701-13-05 - Ohio Administrative Code | Ohio Laws](#)

² <https://codes.ohio.gov/ohio-revised-code/section-124.34>

Given the stipulations outlined in the Ohio Revised Code Section 124.34, convictions for specified felonies including those related to violence, drug abuse, moral turpitude, dishonesty, theft, fraud, and particular acts of obstruction of justice necessitate the immediate forfeiture of public employment. Consequently, to maintain compliance with state law and ensure integrity within its workforce, the City as an employer incorporates these felony convictions as criteria that bar individuals from employment, aligning local hiring policies with the rigorous standards mandated at the state level to uphold public trust and safety in civil service.

PROPOSED REVISION OPTIONS TO HRP&P 2.11

Given the flexibility in state law regarding the relevance and recency of convictions, it is proposed that the City, with approval from the City Manager, revises HR P&P 2.11 to:

1. Shorten the blanket restriction period from five years to a more tailored timeframe based on the type of conviction, which considers the nature and gravity of the offense and the responsibilities of the position.

However, the Equal Employment Opportunities Commission (EEOC) does recommend that specific time periods during which a conviction, especially for violent crimes, may impact employment eligibility. More severe crimes, especially violent offenses, often carry longer periods during which they are considered relevant to employment decisions.³

Consideration of shortened time periods of convictions barring employment (misdemeanor for any drug offense, crime of violence or a crime of domestic violence knowingly causing the victim harm and any felony conviction in the last five years) requires further research in conjunction with the City Solicitor's Office.

2. Narrow the scope of drug-related crimes that result in automatic disqualification from employment to specifically include those offenses outlined by the Ohio Administrative Code Rule 3701-13-05. This adjustment could encompass convictions such as Corrupting Another with Drugs, Trafficking or Aggravated Trafficking in Drugs, Possession of Controlled Substances, Permitting Drug Abuse, Deception to Obtain a Dangerous Drug, and Illegal Processing of Drug Documents.

Such narrowing of drug-related crimes barring employment also requires further analysis and legal opinion by the City Solicitor's Office.

SUMMARY

In conclusion, the Department of Human Resources recognizes that revising HRP&P 2.11 to specify disqualifying drug-related offenses or to adjust the blanket restriction period for felonies and violent crimes would meet the requirements of the Council's motion. However, further analysis is needed in collaboration with the City Solicitor's Office to ensure that these changes adhere to state law, promote fair employment practices while upholding workforce safety considerations. Any decision to amend the existing policy, HR P&P 2.11, remains at the discretion of the City Manager. Additionally, any changes to Civil Service Rule 15 must receive approval from the Cincinnati Civil Service Commission.

cc: Latisha Hazel, Director Human Resources Department
Emily Smart Woerner, City Solicitor, Law Department

³ [Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](https://www.eeoc.gov/enforcement/guidance/consideration-arrest-conviction-records-employment-decisions)

January 8, 2025

To: Mayor and Members of City Council

202500002

From: Sheryl M.M. Long, City Manager 

Subject: Report on Liquor Permit Violations and Enforcement

REFERENCE DOCUMENT # Motion 202402230

On October 23, 2034, the Council referred the following for a report:

WE MOVE for the administration to provide a report within 60 days on the following: 1. A list of establishments in the Central Business District and/or the 45202 zip code for which liquor licenses have been revoked or denied from January 1, 2023 to the present; 2. Violations of every bar or restaurant with an existing liquor license in the Central Business District and/or the 45202 zip code from January 1, 2023 to the present; and 3. In both reports, include the name and address of the bar or restaurant, as well as the number of violations, violation type, date of the violations, and if available, the race and gender of the establishment's owner. (Balance of motion on file).

REPORT

The following reports details (A) pertinent background on the liquor permit process including application and enforcement; information requested by the Motion related to liquor permits in the Central Business District for 2023-2024 including (B) number of permits revoked/denied and (C) liquor violations (type, number, and date).

A. Ohio Division of Liquor Control: Permit Applications and Enforcement

The ability to sell beer, wine and intoxicating liquor is regulated in Ohio by the state, specifically the Ohio Department of Commerce. Through the Ohio Division of Liquor Control (ODLC), the Department of Commerce manages the liquor permit process from beginning to end.

{00412967-3}

When a new application is received, ODLC reviews the submission to ensure that the applicant and location of the business meets the statutory requirements related to holding a permit. Different classes of permits are available for different activities, for example: selling beer versus hard liquor, carry-out versus consumption on the premises; or selling on Sundays, etc. ODLC will notify the local jurisdiction of the application and conduct its own inspection of the premises prior to making a final determination to issue. When a determination is made, it can be appealed to ODLC, then the Ohio Liquor Control Commission, then to court.

In contrast, municipalities have a more restricted role in the process. Cities may object to a new permit or to the annual renewal of a permit based on specific statutory grounds. The City is also required to engage in liquor compliance as part of funding from the state. However, local law enforcement cannot directly enforce administrative liquor violations against a permit holder. When a compliance check uncovers a violation of liquor law, local law enforcement must notify the state and request the issuance of a liquor violation notice from the state. The state then issues a notice of violation, holds a hearing and issues a decision to uphold or reject the violation.

Most liquor permits holders—100% of the permits located in the Central Business District—choose to hold their permits in a business entity or trust. Consequently, the owner, being an artificially constructed person under the law, has no demographic information. While ODLC requires each person with more than 5% ownership interest in the business entity to be disclosed, demographic information is not requested or maintained.

B. Liquor Permits Denied/Revoked

The City does not maintain a database with the information requested regarding all revoked or rejected permits. However, a review of ODLC records indicate there are 274 addresses with an associated liquor permit in the 45202 zip code. Of those, there have been seven liquor permits in the 45202 zip code that were revoked or rejected since January 1, 2023:

- All American Burger Bar LLC DBA Americano
- Cincinnati I HOB LLC DBA Bar 4S/East Side 1st FL & Patio
- Cincinnati I HOB LLC
- Cincinnati I HOB LLC DBA Bar 3 S/West Side 1st FL & Patio
- MTA Convenience Store LLC
- New Management Group LLC
- Studio 615 LLC DBA Studio 615

As referenced above, the owners of all permits are business entities without demographic information.

C. Liquor Permit Violations

To fulfill the City's obligations, the Cincinnati Police Department conducts regular compliance checks at liquor permit premises. Officers verify compliance with liquor laws including basic health code requirements, underage consumption, after hours consumption, and Sunday sales.

Over the last twelve months, the City conducted 156 compliance checks at 92 different locations in the 45202 zip code. Seventeen establishments had at least one violation.

When a violation occurs, the Cincinnati Police Department will typically follow up at the same establishment to ensure the violation is corrected. Of the seventeen establishments with one violation in the 45202 zip code, only six establishments had liquor violations at subsequent compliance checks:

- Bar on Race LLC (2)
- Sporting Club Management LLC DBA Scene (2)
- Jack Potts LLC DBA the Drinkery (2)
- Nattiz LLC DBA Knockback Nats (3)
- El Barril Mexican Sport Bar LLC (5)
- Risconi Bar & Kitchen LLC (8)

The number in parenthesis indicates the number of separate dates with a liquor violation. Attached as Appendix I is additional information on each violation including the type and date of occurrence. Again, the owners of all permits are business entities without demographic information.

cc: Emily Smart Woerner, City Solicitor
Colonel Theresa Theetge, Police Chief

APPENDIX I

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49388	4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age	06/06/2024	0435353		BAR ON RACE LLC
50658	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	01/11/2024	0435353		BAR ON RACE LLC
49342	4301:1-1-21 - Permit Not Posted; 4301:1-1-46(B) - Sale Or Transfer Of Alcoholic Beverages Between Permit Holders	09/29/2023	8437503	SCENE	SPORTING CLUB MANAGEMENT GROUP LLC
49341	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	08/25/2023	8437503	SCENE	SPORTING CLUB MANAGEMENT GROUP LLC
49370	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/30/2023	7038805	THE DRINKERY	JACK POTTS LLC
49339	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	8/25/2023	7038805	THE DRINKERY	JACK POTTS LLC
49507	4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition); 4301:1-1-52(B)(5) - Improper Conduct - Drug Possession	8/4/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC
49506	4301:1-1-52(B)(5) - Improper Conduct - Drug Possession; 4301:1-1-52(B)(5) - Improper Conduct - Drug Sales; 4301:1-1-52(B)(5) - Improper Conduct - Drug Use	8/1/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49505	4301:1-1-52(B)(5) - Improper Conduct - Drug Possession; 4301:1-1-52(B)(5) - Improper Conduct - Drug Sales; 4301:1-1-52(B)(5) - Improper Conduct - Drug Use	7/25/2023	6315799	KNOCKBAC K NATS	NATTIZ LLC
49512	4301:1-1-17(E) - Insanitary Conditions (Fixtures, Equipment, Tables, Counters, Coolers/Refrigerators, Or Utensils Not Clean Or Sanitary); 4301:1-1-28(E) - Failure To Maintain Coil Cleaning Records; 4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition)	03/21/2024	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49476	4301:1-1-17(E) - Insanitary Conditions (Fixtures, Equipment, Tables, Counters, Coolers/Refrigerators, Or Utensils Not Clean Or Sanitary); 4301:1-1-17(J) - Insanitary Conditions (Alcoholic Beverages Not Maintained In Potable Condition);	07/13/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49475	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	07/11/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49474	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambli; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	05/19/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
49473	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	04/21/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49472	4301:1-1-53 - Gambling - Acquire, Possess, Control Or Operate A Gambling Device; 4301:1-1-53 - Gambling - Electronic Video Gambling Device; 4301:1-1-53 - Gambling - Game Of Chance For Profit Or Scheme Of Chance; 4301:1-1-53 - Gambling - Operating A Gambling House	03/31/2023	0470146		EL BARRIL MEXICAN SPORT BAR LLC
49586	4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age	6/19/2024	7391066		RISCONI BAR & KITCHEN LLC
49585	4301.69(A) - Sale Of Intoxicating Liquor To A Person Under 21 Years Of Age; 4301.69(A) - Furnishing Intoxicating Liquor To A Person Under 21 Years Of Age	6/6/2024	7391066		RISCONI BAR & KITCHEN LLC
50654	4301.66 - Hindering Or Obstructing Inspection; 4301:1-1-17(I) - Insanitary Conditions (Toilet Facility Not Clean Or Sanitary); 4301:1-1-28(E) - Failure To Maintain Coil Cleaning Records; 4301:1-1-49 - After Hours Consumption Of Beer; 4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor	1/20/2024	7391066		RISCONI BAR & KITCHEN LLC

<u>Violation No.</u>	<u>Violations</u>	<u>Date</u>	<u>Permit No.</u>	<u>DBA</u>	<u>Name</u>
50641	4301.58(C) - Illegal Possession Of Intoxicating Liquor Not Obtained From An Authorized Source; 4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor; 4301:1-1-49 - After Hours Sale Of Intoxicating Liquor; 4301:1-1-49 - Failure To Comply With Provision(S) Of Hours Of Sale Of Alcoholic Beverages	1/13/2024	7391066		RISCONI BAR & KITCHEN LLC
49368	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/30/2023	7391066		RISCONI BAR & KITCHEN LLC
49347	4301.69(A) - Furnishing Beer To A Person Under 21 Years Of Age; 4301.69(A) - Sale Of Beer To A Person Under 21 Years Of Age	11/8/2023	7391066		RISCONI BAR & KITCHEN LLC
49344	4301:1-1-49 - After Hours Consumption Of Intoxicating Liquor	10/14/2023	7391066		RISCONI BAR & KITCHEN LLC