

Mr. Thomas J. Murphy, Secretary
Civil Service Commission

(continued)

You state that frequently the eligible list which you forward to the department heads contains only one name, and department heads have objected to being required to make an appointment from so limited a field, asserting that they are in fact being given no freedom of choice in selecting their employees. Their position is that where fewer than five names are on an eligible list, the Civil Service Commission is obliged to hold a new examination in order to obtain more names. You enclose as an example of this position a letter from the Baltimore Urban Renewal and Housing Agency, setting forth its views on the subject.

Section 149 of the Baltimore City Charter (1949 Edition) requires that the Civil Service Commission shall provide in its rules -

"(e) For the certification, as occasion may require, to the appointing officer of the persons eligible to employment under the rules of the Commission, provided that in the case of the Competitive Class such certification shall include only the five persons standing highest on the appropriate list, or the person or persons on such list when it contains five names or less." (Italics supplied)

Rule 31 of the Rules of the Civil Service Commission, enacted in pursuance of this Charter section, provides for the certification to the appointing officer of the first five names appearing on the employment list, "or all the names on said list, if it contains only five names or fewer * * * * *"

It is clear from a reading of the Charter section that it was anticipated that an eligible list might contain only one name and the section makes provision, in such a case, for the certification of the one name to the department head; likewise the Rules provide for a list containing fewer than five names.