

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2015-0010

<p>Sponsored by: <b>Councilmembers Simon, Miller, Germana and Conwell and County Executive Budish</b></p> <p>Co-sponsored by: <b>Councilmembers Brown and Gallagher</b></p>	<p><b>An Ordinance</b> amending Sections 113.02, 301.02, 303.01 and 303.04 of the Cuyahoga County Code and enacting Section 303.07 of the Cuyahoga County Code to establish procedures by which the Personnel Review Commission adopts its Administrative Rules and to make various changes to the County’s civil service code; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, Cuyahoga County Charter Section 9.01 states “The Personnel Review Commission shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness;” and,

WHEREAS, Cuyahoga County Charter Section 9.01 further states “The County’s human resources policies and systems, including ethics policies for County employees, shall be established by ordinance....;” and,

WHEREAS, Cuyahoga County Charter Section 9.02(4) states that the Personnel Review Commission has “[r]esponsibility for the creation of rules and policies related to the Personnel Review Commission’s authority set forth in this Charter in accordance with the human resource policies established by ordinance;” and,

WHEREAS, Cuyahoga County Charter Section 9.03 states “The Personnel Review Commission shall administer a clear, countywide classification and salary administration system for technical, specialist, administrative and clerical functions with a limited number of broad pay ranges within each classification. The classification system shall include the employees of the offices listed in Article V of this Charter, as well as those of the County Executive and County Council except those employees in positions designated as unclassified by general law. The classification system shall, to the extent permitted by the Ohio Constitution, include the employees of all offices, officers, agencies, departments, boards, commissions or other public bodies, other than separate political subdivisions, that are supported in whole or in part from taxes levied, or other financial assistance provided, by the County;” and

WHEREAS, Council has determined to establish a review process by which the Personnel Review Commission shall submit its proposed Administrative Rules to Council to ensure such rules are in accordance with the human resources policies established in the County Code; and,

WHEREAS, Council further wishes to establish the reporting requirements for County appointing authorities operating within the jurisdiction of the Personnel Review Commission; and,

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of the County.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 113.02(I) of the Cuyahoga County Code is hereby enacted as follows (additions are bolded and underlined, deletions are stricken):

**Section 113.02 Adoption of Rules**

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**I. Notwithstanding any other provision of this Code, in lieu of submitting its rules to the Administrative Rules Board, the Administrative Rules of the Personnel Review Commission shall be submitted to the Council to ensure that a proposed rule is in accordance with the human resources policies established by this Code, as required by Charter § 9.02(4). The specific language of a proposed rule shall clearly identify any new rule and/or any modification, addition, or deletion of an existing rule, and shall be submitted to the Clerk of Council. Unless extended by a formal resolution of Council, the Council shall have not more than sixty (60) days following the submission of the proposed rule(s) to determine whether the proposed rule(s) is/are in accordance with the human resources policies established by this Code. A proposed rule shall not take effect prior to the expiration of the 60-day review period established by this section unless Council approves the rule(s) prior to the expiration of that review period. If Council determines that a proposed rule is in accordance with the human resources policies established in this Code, the Personnel Review Commission shall submit the proposed rule to the clerk of the Administrative Rules Board for codification in the Administrative Code. If Council determines that a proposed rule or any provision of a proposed rule is not in accordance with the human resources policies established by this Code, Council may declare such proposed rule or provision inapplicable to county employees or appointing authorities. Any proposed rule or provision declared inapplicable shall not be codified in the Administrative Code.**

**SECTION 2.** Section 301.02 of the Cuyahoga County Code are hereby amended as follows (additions are bolded and underlined, deletions are stricken):

**Section 301.02 Administrative Rules**

The Personnel Review Commission may, in accordance with the policies and procedures set forth in this Code, adopt administrative rules and procedures to carry out its powers and duties as set forth in the County Charter and this Chapter. **In the event of a conflict between the Administrative Rules of the Personnel Review Commission and Title 3, Employment Practices, the Code shall prevail.**

**SECTION 3.** Sections 303.01(A) and 303.01(B)(1) of the Cuyahoga County Code are hereby amended as follows (additions are bolded and underlined, deletions are stricken):

**Section 303.01 Pay Equity Incorporation and amendment of relevant ORC/OAC civil service provisions**

A. The following Sections of Chapter 124 of the Ohio Revised Code are hereby amended as they apply to County employees. All sections of Chapter 124 **applicable to Ohio counties** that are not specifically amended or superseded by this Chapter 303 remain in full effect in their entirety. **In the event of a conflict between the Administrative Rules of the Personnel Review Commission and Title 3, Employment Practices, the Code shall prevail. Substantive changes to the Ohio Revised Code and/or the Ohio Administrative Code as may apply to the county shall be made only through ordinance.**

124.14 - Job Classification - Pay Ranges.

(A)(1) The Personnel Review Commission shall establish, and may modify or rescind, subject to approval by County Council, a job classification plan in accordance with the requirements of Section 9.04 of the Cuyahoga County Charter and **Chapter 305 of this Code**. The Commission shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The Commission shall assign a classification title to each classification within the classification plan. However, the Commission shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required, and other conditions affecting employment. The Commission shall describe the duties and responsibilities of the class, and establish the qualifications for being employed in each position in the class. The Commission shall assign each classification ~~to~~ an equitable pay range.

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B. 1. OHIO ADMINISTRATIVE CODE – The following section of Chapter 123:1 of the Ohio Administrative Code is hereby amended as it applies to County employees. All sections in Chapter 123:1 **applicable to Ohio counties** that are not specifically identified in bold below remain in full effect in their entirety.

123:1-7-22 – Reassignments by the Director of Human Resources

The Director may reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one. If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification. Such placement may result in the employee maintaining their current salary, or may result in an increase or reduction in salary.

If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director's final decision to the Personnel Review Commission in accordance with the Commission's rules.

(B) (Deleted in its entirety)

(C) (Deleted in its entirety)

**SECTION 4.** Section 303.04 of the Cuyahoga County Code is hereby amended as follows (additions are bolded and underlined, deletions are stricken):

#### **Section 303.04 Classification and Compensation Plans**

##### A. Classification Plan

The Personnel Review Commission shall administer a countywide classification plan. The classification plan shall be established and adopted by the Personnel Review Commission subject to approval by Cuyahoga County Council. The plan shall provide for the classification and standardization of all positions in the County's classified service. The classification system will serve to organize the work performed by the County's classified employees, and will organize positions into classifications on the basis of duties and responsibilities. All positions in the service

of Cuyahoga County, except those specifically designated as unclassified **as provided by the Charter**, shall be in the classified service. **Appointing authorities are authorized to hire employees into the classified and unclassified service in the manner provided for in the Charter and this Code.** The unclassified service shall consist of the positions specifically exempted from the classified service by general law; **and** the Charter, ~~Ordinance or the Personnel Review Commission.~~ Persons employed in a position in the unclassified service serve at the pleasure of the appointing authority and may be removed from their unclassified position at any time for any lawful reason. All appointing authorities shall provide **quarterly** reports ~~of employees to the unclassified service to the Personnel Review Commission~~ **detailing appointments of classified and unclassified employees.** **The Department of Human Resources shall provide an annual list to the Personnel Review Commission of all current employees and their civil service status.** ~~the procedures contained in the Personnel Review Commission's Rules.~~ **On the date an appointing authority appoints an employee to an unclassified position, the appointing authority shall provide the employee with written information describing the nature of employment in the unclassified civil service. Within thirty days after the date an appointing authority appoints an employee to an unclassified position, the appointing authority shall provide the employee with written information describing the duties of that position. The content of any written report provided to the Personnel Review Commission and/or the failure of the appointing authority to provide the written information described in this Section to the employee or to provide the Personnel Review Commission with a written report shall not confer any additional rights upon the employee before the Personnel Review Commission or in any other appellate body with jurisdiction over an appeal of the employee. The Director of Human Resources and the Personnel Review Commission shall collaborate to develop and provide each appointing authority with a general written description of the nature of employment in the unclassified civil service that shall be provided to employees under this section.**

#### B. Compensation Plan

The Personnel Review Commission shall administer a compensation plan for the County's non-bargaining unit, classified employees, and shall recommend to County Council such modifications as needed to ensure the system provides for compensation based on merit and fitness and to ensure pay equity in like.

**SECTION 5.** Section 303.07 of the Cuyahoga County Code is hereby enacted as follows:

#### **Section 303.07 Subpoenas**

**For the purpose of adjudicating employee appeals, the Personnel Review Commission may subpoena and require the attendance and testimony of**

**witnesses and the production of books, papers, public records, and other documentary evidence pertinent to any matter it has authority to hear.**

**SECTION 6.** It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 7.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Ms. Conwell, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Greenspan, Miller, Germana, Gallagher, Conwell, Jones, Brown, Hairston, Simon and Brady

Nays: None

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County Council President	Date
_____	_____
County Executive	Date
_____	_____
Clerk of Council	Date

First Reading/Referred to Committee: June 23, 2015

Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested: November 17, 2015

Committee Report/Second Reading: November 24, 2015

Journal CC020  
December 8, 2015