

County Council of Cuyahoga County, Ohio

Resolution No. R2013-0158

Sponsored by: Councilmembers Conwell and Miller	A Resolution providing for the submission to the electors of the County of Cuyahoga an amendment to Article II, Section 2.03(12) Powers and Duties and Article IX, Sections 9.01 through 9.05 and to add Section 9.06 renaming the Human Resource Commission, changing the appointing authority, clarifying its powers and duties and establishing an office of the Director of Human Resources; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Article XII, Section 12.10 of the Charter of Cuyahoga County provides that “Proposed amendments to this Charter shall be submitted to the electors of the County in the manner provided for by the Ohio Constitution”; and

WHEREAS, Article X, Section 4 of the Ohio Constitution provides that the “legislative authority... of any county may by a two-thirds vote of its members” submit by resolution charter amendments to the electors of the county “to be voted upon at the first general election occurring not sooner than sixty days after their submission”; and

WHEREAS, this Council believes it is in the best interest of the citizens of the County of Cuyahoga to amend the County Charter to rename the “Human Resource Commission” the “Personnel Review Commission,” to change the appointing authority, to clarify the Personnel Review Commission’s administrative powers and duties, and to formally establish an office of the Director of Human Resources.

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

SECTION 1. Pursuant to Article X, Section 4 of the Ohio Constitution and Article XII, Sections 12.10 of the Charter of the County of Cuyahoga, this Council hereby authorizes and directs that there shall be submitted to a vote of qualified electors of the County of Cuyahoga, at the general election to be held on Tuesday, the 5th day of November, 2013, the question of amending Article II, Sections 2.03(12) and Article IX, Sections 9.01 through 9.05 and to add Section 9.06 of the Charter of the County of Cuyahoga, the respective text to be as set forth herein, with boldfaced text being added and crossed out text being deleted as follows:

SECTION 2.03 POWERS AND DUTIES.

(12) To conduct collective bargaining ~~regarding wages and compensatory benefits~~ with any recognized employee bargaining unit ~~in conjunction with the Human Resource Commission,~~ and, administer uniform personnel procedures for all County employees, **and to provide quarterly reports to the Personnel Review Commission regarding the County's collective bargaining strategies and approved contracts.**

SECTION 9.01 ~~HUMAN RESOURCE COMMISSION~~PERSONNEL REVIEW COMMISSION.

There shall be a Personnel Review Commission. ~~The County Executive, subject to confirmation by the Council,~~ **Council** shall appoint the members of **the Personnel Review Commission** ~~a Human Resource Commission~~, consisting of three electors of the County having experience in personnel matters or personnel administration and who are supportive of equal opportunity considerations. No more than two of the three members of the **Personnel Review Commission** ~~Human Resource Commission~~ shall be members of the same political party. **The Personnel Review Commission is authorized to employ persons in the service of the County.** ~~The Personnel Review Commission~~ ~~Human Resource 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. The County's human resources policies and systems, including ethics policies for County employees, shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry. **The Personnel Review Commission shall submit a recommendation regarding any ordinance concerning County personnel policies prior to passage by County Council. In the event the Personnel Review Commission does not endorse an ordinance, the Personnel Review Commission may provide a Statement of Non-Endorsement to the County Council.**

The term of office of each member of the **Personnel Review Commission** ~~Human Resource Commission~~ shall be six years. The terms shall be staggered so that no term expires within less than two years of the expiration of any other term. ~~The County Executive Council~~ shall fill a vacancy occurring for an unexpired term in the same manner as a regular appointment.

Of the terms of office for the initial appointees, one shall be appointed for a term of six years, one shall be appointed for a term of four years and one shall be appointed for a term of two years. The County Executive shall nominate the initial appointees to the **Personnel Review Commission** ~~Human Resource Commission~~ not later than March 1, 2011 and thereafter within thirty days after the occurrence of a vacancy. **The members of the Personnel Review Commission serving as of the effective date of this provision may serve until their existing term expires and may be subject to reappointment by Council.**

No member of the **Personnel Review Commission** ~~Human Resource Commission~~ shall hold any other public office or public employment with the County. The Council shall establish a per diem compensation for the members of the **Personnel Review Commission** ~~Human Resource Commission~~.

The ~~County Executive Council~~ may remove any member of the **Personnel Review Commission** ~~Human Resource Commission~~ for inefficiency, neglect of duty or malfeasance in office after notice and public hearing before the Council, provided that ~~eight~~ **two-thirds of the** members of the Council concur.

SECTION 9.02 AUTHORITY OF ~~HUMAN RESOURCE~~ **COMMISSION PERSONNEL REVIEW COMMISSION.**

The **Personnel Review Commission** ~~Human Resource Commission~~ shall have:

- (1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review, **including those of classified employees who work for the County Executive, Prosecuting Attorney, County Planning Commission, and the County Public Defender;**
- (2) Responsibility for administration of ~~countywide~~ compliance with federal and state laws regarding personnel matters **within the County Executive's organization and departments** which the ~~County is the reporting unit and for maintenance of records required by such laws;~~
- (3) **For the County Executive's organization and departments,** authority to ensure:
 - Pay equity for like positions;
 - Standardization of benefits;
 - Approval of qualifications;
 - Consistent discipline;
 - Training of management in personnel practices;
 - Training of employees in job functions;
 - Training for total quality management;
 - Consistent administration of performance management system;
 - Coordination of recruitment;
 - Compliance with ethics resolutions or ordinances as passed by the Council;
- (4) **Responsibility for creation of rules and policies related to the Personnel Review Commission's authority set forth in this Charter in accordance with the human resources policies established by ordinance;**
- (45) Such other functions as may be deemed necessary by the Council for the **Personnel Review Commission** ~~Human Resource Commission~~ to carry out its mission and purpose.

SECTION 9.03 CLASSIFICATION.

The **Personnel Review Commission** ~~Human Resource 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.

SECTION 9.04 APPOINTING AUTHORITIES.

The County Executive and the officers, offices, agencies, departments, boards and commissions and other public bodies, who under this Charter or under general law are authorized to employ persons in the service of the County, shall be appointing authorities. Persons interested in employment with the County shall make application to the Department of Human Resources. No appointing authority shall appoint a person to fill a vacancy in the classified service who does not meet the qualifications for that position approved by the **Personnel Review Commission** ~~Human Resource Commission~~. All Appointing Authorities shall strive in making appointments in both the classified and the unclassified service to ensure that the diversity of the population of the County is reflected in the persons who are employed by the County.

SECTION 9.05 DEPARTMENT OF HUMAN RESOURCES.

There shall be a Department of Human Resources, which shall, **as part of its duties,** ~~serve under the direction of and~~ perform such functions on behalf of the **Personnel Review Commission** ~~Human Resource Commission~~ as the Commission shall ~~delegate~~ ~~prescribe~~. **The Department of Human Resources shall provide regular reports to the Personnel Review Commission regarding the Department's performance of such delegated functions in accordance with timeframes established by the Personnel Review Commission.**

SECTION 9.06 DIRECTOR OF HUMAN RESOURCES: POWERS, DUTIES AND QUALIFICATIONS.

The Director of Human Resources shall be appointed by the Executive, subject to confirmation by Council, and shall serve at the pleasure of the County Executive. The Director of Human Resources shall manage County employment matters including hiring, firing, discipline, layoffs, training, benefits, time and attendance, HR compliance, and drafting policies and procedures. The Director shall be responsible for offering support to the law department on all labor and employment matters. The Director of Human Resources shall have a minimum of five years of experience advising or working in the public sector, experience in employment related matters, management experience or related relevant experience.

SECTION 2. Pursuant to Article X, Section 4 of the Ohio Constitution, and Article XII, Section 12.10 of the Charter of the County of Cuyahoga, this Council hereby directs that the proposed amendment of Article II, Sections 2.03(12) and Article IX, Sections 9.01 through 9.05 and to add Section 9.06 shall be submitted to the Board of Elections of Cuyahoga County, and the question to be submitted on the ballot shall be as follows:

PROPOSED AMENDMENT TO COUNTY CHARTER

Shall Article II, Section 2.03(12) Powers and Duties, and Article IX of the Charter of the County of Cuyahoga be amended to rename the “Human Resource Commission” the “Personnel Review Commission,” to provide that the County Council shall have the authority to appoint and remove members of the Personnel Review Commission, to clarify the Personnel Review Commission’s administrative powers and duties, and to formally establish an office of the Director of Human Resources?

SECTION 3. If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, the existing provisions of Article II, Section 2.03(12) and Article IX, Sections 9.01 through 9.05 and the addition of 9.06 which are inconsistent herewith, shall be and the same are hereby repealed effective as of the date on which such amendment becomes effective.

SECTION 4. The Clerk of this Council is directed to certify a copy of this Resolution to the Board of Elections no earlier than one hundred twenty (120) days and not later than sixty (60) days before the November 5, 2013 election. The Clerk is further directed to take all other actions required by law relative to the submission of said amendment for said election, including, if required by law, mailing or otherwise distributing a copy of said proposed amendment to each of the electors of the County as far as may be reasonably possible prior to thirty (30) days before said election.

SECTION 5. It is necessary that this Resolution become immediately effective to enable the Clerk of Council to perform her duties in time for the amendments to be properly placed on the November 5, 2013 election. Provided that this Resolution receives the affirmative vote of eight (8) members of Council, it shall become immediately effective.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and 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 Mr. Schron, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Schron, Conwell, Jones, Rogers, Simon, Greenspan, Miller, Germana and Connally

Nays: Brady and Gallagher

County Council President

Date

Clerk of Council

Date

First Reading/Referred to Committee: July 23, 2013
Committee(s) Assigned: Committee of the Whole

Committee Report/Second Reading: August 13, 2013

Legislation Substituted on the Floor: August 13, 2013

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