

County Council of Cuyahoga County, Ohio

Ordinance No. O2020-0012

Sponsored by: Councilmembers Brown and Miller	An Ordinance enacting Cuyahoga County Code Section 303.08 to establish positions exempted from the Classified Service and County Non-bargaining Classification Plan; and declaring the necessity that this Ordinance become immediately effective.
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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 9.03 states “The Personnel Review Commission shall administer a clear, countywide classification and salary administration system...” and that “[t]he unclassified service shall include those employees who are unclassified pursuant to general law and Council ordinance.” 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 303.08 of the Cuyahoga County Code is hereby enacted as follows:

The Civil Service of the County shall be divided into the unclassified and the classified service.

(A) UNCLASSIFIED SERVICE

In addition to the positions that comprise the unclassified service under the State civil service laws, the unclassified service of the County shall include:

- (1) All elected officials.
- (2) Members of all commissions, committees, and boards created by this Code, statute, or ordinance.

- (3) All heads of County agencies and departments: Directors, Deputy Directors, Administrators and Assistant Directors.
- (4) In the office of the Executive: Chief of Staff, Chiefs, Executive Assistants and Administrative Assistants.
- (5) In the office of County Council: Chief of Staff, Clerk of Council, Legislative Budget Advisor, Special Counsel and Legislative Assistants.
- (6) All employees of the Board of Revision.
- (7) All employees of the Inspector General.
- (8) In the office of the Treasurer: Chief Investment Officer and Deputy Chief Investment Officer.
- (9) In the office of the Sheriff: Chief Deputy, Special Assistant and Regional Director of Corrections.
- (10) For the Personnel Review Commission: Director and Staff Attorney.
- (11) For the Planning Commission: Director.
- (12) Temporary employees.

The actual duties performed by the employee will determine whether the position is classified or unclassified. The title given to a position is inconsequential to civil service status.

(B) PROPOSING ADDITIONAL UNCLASSIFIED POSITIONS

Appointing Authorities may propose additional unclassified positions not referenced in Section 303.08(A). Those positions shall require the approval of the Personnel Review Commission (“PRC”) and County Council.

The Appointing Authority shall submit the proposed position description along with the justification for such position being considered unclassified to the PRC. The PRC will conduct a review of the actual duties performed by the employee, whether the duties were previously part of a classified position, and the relevant section(s) of the Ohio Revised Code or the County Code. The PRC will prepare a recommendation to County Council regarding the civil service status of the proposed position.

If an Appointing Authority seeks to change a position and/or classification from the classified to the unclassified service, the Appointing Authority shall follow the preceding procedure.

Within thirty days of the enactment of this Ordinance, the Human Resources Department (“HRD”) shall provide the PRC with the job descriptions of all positions in the unclassified service of the County, including the basis for exclusion from the classified service. Within one hundred twenty days of the enactment of this Ordinance, the PRC shall review the unclassified positions to determine whether the civil service status of the positions is accurate based upon the Ohio Revised Code and/or the County Code. The PRC shall provide County Council with a report including recommendations related to the appropriate civil service status of the unclassified positions.

The classified service shall comprise all positions not specifically identified as unclassified in this Ordinance or the Ohio Revised Code.

SECTION 2. 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 3. 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 _____, seconded by _____, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: May 26, 2020

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

Legislation retained per Resolution No. R2020-0271: December 8, 2020

Journal _____
_____, 20__