

ORDINANCE NO.: 2020 - 44

INTRODUCED BY: MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF REPEALING SECTION 10.06 OF THE VILLAGE CHARTER AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Oakwood Charter Commission, pursuant to the authority vested in it by Section 12.02 of the Oakwood Village Charter, has considered the proposed repeal of Section 10.06 of the said Charter to permit then-present officeholders and the electorate of the Village to enact appropriate civil service rules when and if the Village achieves status as a city; and

WHEREAS, the Oakwood Charter Review Commission has recommended said repeal of Charter Section 10.06 by passage of Charter Review Commission Resolution No. CRC 2020 – 11, a copy of which is attached hereto and incorporated herein as Exhibit 1, and

WHEREAS, Section 12.01 of the Village Charter and the Ohio Constitution require that Council submit to the electors any proposed alterations, revisions or amendments to the Charter at the next regular election or at a special election on a date designated by Council after submission by Council of the proposed Charter Amendment;

NOW, THEREFORE, Be It Ordained by the Council of the Village of Oakwood, County of Cuyahoga, State of Ohio, that:

Section 1: There shall be submitted to the electors of the Village of Oakwood, Ohio, on the date of the regular election to be held on the 3rd day of November, 2020, the question of whether Section 10.06 of the Charter of the Village of Oakwood, which presently reads as follows:

Sec. 10.06. CIVIL SERVICE COMMISSION.

A. COMMISSION ESTABLISHED.

If and when the municipality becomes a City as provided by the applicable laws of the State of Ohio, there is established a Civil Service Commission of three members who shall be electors of the Municipality not holding other Municipal office or employment. They shall be appointed by the Mayor and approved by a majority of Council for terms of six (6) years, excepting that initially one member shall be appointed for a term of four (4) years, and one for a term of six (6) years. Any vacancy shall be filled by the Mayor for the unexpired term and approved by Council.

B. OFFICERS.

In January of each year the Commission shall elect one of its members as Chairman and elect a Secretary who may or may not be a member. Two members shall constitute a quorum and the concurrence of two members shall be necessary for any decision or action of the Commission.

C. COMMISSION TO PROVIDE BY RULE.

In all matters dealing with the civil service of the Municipality, the Civil Service Commission shall provide by rule for the ascertainment of merit and fitness, as far as practicable, as a basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, for conducting examinations and maintaining eligible lists for the appointing authority, for the classification of offices and positions, for maintenance of a complete roster of all persons in the classified service, which shall be public, for hearing appeals to it, for making an annual report to the Mayor and Council, for grading applicants, for a test of manual skills where required, for reasonable credit for seniority in a promotional examination, for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for positions in the classified service; for the conduct of the affairs of the Commission; and for appeals in case of transfer, reduction, suspension or removal. The action of the Commission on any appeal shall be final except as otherwise provided by the general laws of Ohio.

D. SERVICE CLASSIFICATION.

Except as herein provided, the Commission shall determine the practicability of competitive examinations for any nonelective office or job classification in the service of the Municipality. The Civil Service is hereby divided into unclassified and classified service. The unclassified service shall include:

1. All officers elected by the people;
2. Any member of a board or commission, or any head of a department, sub department or division thereof, including the Police and Fire Departments;
3. Secretaries, and assistants to the Mayor, and one secretary and assistants to each department or division head;
4. Any deputy of an elected or appointed officer who holds fiduciary relationship to his principal;
5. Any office or position requiring peculiar or exceptional qualifications;
6. Plumbing, heating, building, electrical, health, sanitary, zoning or sewer inspectors;
7. Temporary or provisional employees, whose employment, unless extended by the Commission, shall not exceed one hundred twenty (120) days;

8. Unskilled labor;
9. The Clerk of Council, his assistants and one secretary;
10. Two secretaries, assistants or clerks for each board or commission, if provided by Council; and
11. Part-time employees.

The classified service shall include:

1. Members of the Police and Fire Departments, except for the Police and Fire Chiefs;
2. All other positions and employments, not enumerated above, for which it is practicable to determine merit and fitness of applicants by competitive examinations.

E. VILLAGE EMPLOYEES.

EDITOR' NOTE: This subsection was interpreted and modified by the Cuyahoga County Court of Common Pleas.

Any person who is serving the municipality in a full time or regular part-time position shall be included in classified service and shall be retained in the same or similar position. Those employees will be certified by the Commission and shall be deemed in the classified service.

Those employees in classified positions shall be entitled to hearings and appeals to the Commission under Paragraph C, and shall not be additionally entitled to hearings and appeals under Article VIII, Section 8.04 of the Charter.

F. ACTION BY COUNCIL.

The Council may by ordinance implement the provisions of this article and shall provide funds and assistance for the functioning of the Commission.

G. COMMISSION EMPLOYEES.

The Commission may appoint or employ professional services and may appoint a secretary, clerks, draftsmen and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.

H. CREDIT FOR MILITARY SERVICES.

Any honorably discharged member of the armed forces of the United States shall, in any examination for original appointment, be entitled to receive an additional credit of ten percent of the total grade given in the regular examination in which he/she receives a passing grade.

I. CREDIT FOR CITIZENS.

A current resident of the Municipality shall receive an additional credit of five percent of the total grade given in the examination for original appointment in which he/she receives a passing grade, provided the resident has resided in the Municipality for a minimum of two years.

J. CREDIT FOR PART TIME SERVICE.

Regular part-time employees who have at least one year of continuous service with the municipality in the department for which a full time position is sought shall receive an additional credit of fifteen percent of the total grade given in the examination for original appointment to a full time position in their respective departments in which he/she received a passing grade.

should be repealed.

Section 2: The ballot of said election shall at the top thereof be entitled:

"Proposed Charter Amendment to repeal Section 10.06 in harmony with other portions of the Charter and in compliance with Ohio law regarding residency requirements"

and the question to be submitted on said ballot shall be in words as follows:

"Shall Section 10.06 of the Oakwood Village Charter, which presently reads as follows:

Sec. 10.06. CIVIL SERVICE COMMISSION.

A. COMMISSION ESTABLISHED.

If and when the municipality becomes a City as provided by the applicable laws of the State of Ohio, there is established a Civil Service Commission of three members who shall be electors of the Municipality not holding other Municipal office or employment. They shall be appointed by the Mayor and approved by a majority of Council for terms of six (6) years, excepting that initially one member shall be appointed for a term of four (4) years, and one for a term of six (6) years. Any vacancy shall be filled by the Mayor for the unexpired term and approved by Council.

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4. Any deputy of an elected or appointed officer who holds fiduciary relationship to his principal;
5. Any office or position requiring peculiar or exceptional qualifications;
6. Plumbing, heating, building, electrical, health, sanitary, zoning or sewer inspectors;
7. Temporary or provisional employees, whose employment, unless extended by the Commission, shall not exceed one hundred twenty (120) days;
8. Unskilled labor;
9. The Clerk of Council, his assistants and one secretary;
10. Two secretaries, assistants or clerks for each board or commission, if provided by Council; and

11. Part-time employees.

The classified service shall include:

1. Members of the Police and Fire Departments, except for the Police and Fire Chiefs;
2. All other positions and employments, not enumerated above, for which it is practicable to determine merit and fitness of applicants by competitive examinations.

E. VILLAGE EMPLOYEES.

EDITOR' NOTE: This subsection was interpreted and modified by the Cuyahoga County Court of Common Pleas.

Any person who is serving the municipality in a full time or regular part-time position shall be included in classified service and shall be retained in the same or similar position. Those employees will be certified by the Commission and shall be deemed in the classified service.

Those employees in classified positions shall be entitled to hearings and appeals to the Commission under Paragraph C, and shall not be additionally entitled to hearings and appeals under Article VIII, Section 8.04 of the Charter.

F. ACTION BY COUNCIL.

The Council may by ordinance implement the provisions of this article and shall provide funds and assistance for the functioning of the Commission.

G. COMMISSION EMPLOYEES.

The Commission may appoint or employ professional services and may appoint a secretary, clerks, draftsmen and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.

H. CREDIT FOR MILITARY SERVICES.

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Regular part-time employees who have at least one year of continuous service with the municipality in the department for which a full time position is sought shall receive an additional credit of fifteen percent of the total grade given in the examination for original appointment to a full time position in their respective departments in which he/she received a passing grade.

be repealed?

YES - For Passage

NO - Against Passage"

Section 3: The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice of the foregoing proposed Charter amendment to be given in accordance with general law.

Section 4: To pay the cost of publishing said notice, there be and is hereby appropriated from the General Fund such sums of money as may be required.

Section 5: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Oakwood for the reason that it is necessary to submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the regular election to be held on November 3, 2020 in order to provide for the fashioning of appropriate civil service rules when and if the Village achieves status as a city for which time is of the essence and, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor

PASSED: _____

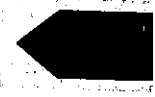
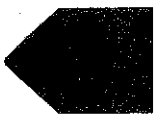
Johnnie A. Warren, President of Council

Debra L. Hladky, Clerk of Council

Presented to the
Mayor: _____

Approved: _____

Mayor, Gary V. Gottschalk



I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2020 -44 was duly and regularly passed by this Council at the meeting held on the _____ day of _____ 2020.

Debra L. Hladky, Clerk of Council

POSTING CERTIFICATE

I, Debra L. Hladky, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2020 -44 was duly posted on the _____ day _____ of _____, 2020 and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

Debra L. Hladky, Clerk of Council

DATED: _____

EXHIBIT 1

RESOLUTION NO. CRC 2020 - 11
INTRODUCED BY CHARTER REVIEW COMMISSION AS A WHOLE

**A RESOLUTION REFERRING TO OAKWOOD VILLAGE COUNCIL
RECOMMENDED AMENDMENTS TO OAKWOOD CHARTER SECTION 10.06**

WHEREAS, Oakwood Charter Section 12.02 commits to the Oakwood Charter Commission the responsibility to review the Oakwood Village Charter and recommend to Oakwood Village Council any alterations, revisions and amendments to the Charter as may be deemed advisable within the judgment of the Commission; and

WHEREAS, the Commission has been duly appointed and it has met and reviewed the Charter; and

WHEREAS, the Commission deems it advisable to amend Section 10.06 of the Charter so that it does not conflict with other portions of the Charter and so that it complies with Ohio law concerning residency preferences;

NOW THEREFORE, BE IT ORDAINED that the Charter Review Commission of the Village of Oakwood, County of Cuyahoga, and State of Ohio recommends to the Oakwood Village Council that:

SECTION 1. Oakwood Village Charter Section 10.06 which presently reads as follows:

Sec. 10.06. CIVIL SERVICE COMMISSION.

A. COMMISSION ESTABLISHED.

If and when the municipality becomes a City as provided by the applicable laws of the State of Ohio, there is established a Civil Service Commission of three members who shall be electors of the Municipality not holding other Municipal office or employment. They shall be appointed by the Mayor and approved by a majority of Council for terms of six (6) years, excepting that initially one member shall be appointed for a term of four (4) years, and one for a term of six (6) years. Any vacancy shall be filled by the Mayor for the unexpired term and approved by Council.

B. OFFICERS.

In January of each year the Commission shall elect one of its members as Chairman and elect a Secretary who may or may not be a member. Two members shall constitute a quorum and the concurrence of two members shall be necessary for any decision or action of the Commission.

C. COMMISSION TO PROVIDE BY RULE.

In all matters dealing with the civil service of the Municipality, the Civil Service Commission shall provide by rule for the ascertainment of merit and fitness, as far as practicable, as a basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, for conducting examinations and maintaining eligible lists for the appointing authority, for the classification of offices and positions, for maintenance of a complete roster of all persons in the classified service, which shall be public, for hearing appeals to it, for making an annual report to the Mayor and Council, for grading applicants, for a test of manual skills where required, for reasonable credit for seniority in a promotional examination, for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for positions in the classified service; for the conduct of the affairs of the Commission; and for appeals in case of transfer, reduction, suspension or removal. The action of the Commission on any appeal shall be final except as otherwise provided by the general laws of Ohio.

D. SERVICE CLASSIFICATION.

Except as herein provided, the Commission shall determine the practicability of competitive examinations for any nonelective office or job classification in the service of the Municipality. The Civil Service is hereby divided into unclassified and classified service. The unclassified service shall include:

1. All officers elected by the people;
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6. Plumbing, heating, building, electrical, health, sanitary, zoning or sewer inspectors;
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9. The Clerk of Council, his assistants and one secretary;

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The classified service shall include:

1. Members of the Police and Fire Departments, except for the Police and Fire Chiefs;
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E. VILLAGE EMPLOYEES.

EDITOR' NOTE: This subsection was interpreted and modified by the Cuyahoga County Court of Common Pleas.

Any person who is serving the municipality in a full time or regular part-time position shall be included in classified service and shall be retained in the same or similar position. Those employees will be certified by the Commission and shall be deemed in the classified service.

Those employees in classified positions shall be entitled to hearings and appeals to the Commission under Paragraph C, and shall not be additionally entitled to hearings and appeals under Article VIII, Section 8.04 of the Charter.

F. ACTION BY COUNCIL.

The Council may by ordinance implement the provisions of this article and shall provide funds and assistance for the functioning of the Commission.

G. COMMISSION EMPLOYEES.

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a passing grade, provided the resident has resided in the Municipality for a minimum of two years.

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should be amended to read as follows:

Sec. 10.06. CIVIL SERVICE COMMISSION.

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11. All officers elected by the people;
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13. Secretaries, and assistants to the Mayor, and one secretary and assistants to each department or division head;
14. Any deputy of an elected or appointed officer who holds fiduciary relationship to his principal;
15. Any office or position requiring peculiar or exceptional qualifications;
16. Plumbing, heating, building, electrical, health, sanitary, zoning or sewer inspectors;
17. Temporary or provisional employees, whose employment, unless extended by the Commission, shall not exceed one hundred twenty (120) days;
18. Unskilled labor;
19. The Clerk of Council, his assistants and one secretary;
20. Two secretaries, assistants or clerks for each board or commission, if provided by Council; and
11. Part-time employees.

The classified service shall include:

3. Members of the Police and Fire Departments, except for the Police and Fire Chiefs;
4. All other positions and employments, not enumerated above, for which it is practicable to determine merit and fitness of applicants by competitive examinations.

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The Council may by ordinance implement the provisions of this article and shall provide funds and assistance for the functioning of the Commission.

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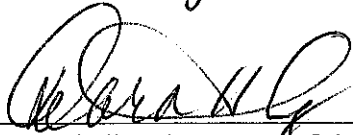
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A "redline" version showing the proposed amendments is attached hereto as Exhibit "A".

SECTION 2. The Secretary of the Commission is hereby authorized and directed to refer the proposed amendment to the Oakwood Village Council for its consideration as provided in Oakwood Village Charter Sections. 12.01 and 12.02.

PASSED: May 20, 2020



Debra L. Hladky, Secretary of the Commission

Exhibit "A"

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~~Those employees in classified positions shall be entitled to hearings and appeals to the Commission under Paragraph C, and shall not be additionally entitled to hearings and appeals under Article VIII, Section ~~HYPERLINK~~~~

F.E. ACTION BY COUNCIL.

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