

County Council of Cuyahoga County, Ohio

Ordinance No. O2024-0010

Sponsored by: Cuyahoga County Executive Ronayne/Department of Human Resources/Department of Law	An Ordinance amending Section 303.01.C of the Cuyahoga County Code of Codified Ordinances; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article IX of the Charter of Cuyahoga County establishes a Personnel Review Commission that 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, Article IX of the Charter of Cuyahoga County states that the Personnel Review Commission shall administer a clear, countywide classification and salary administration system for classified employees of the charter government, and pay ranges for each classification that are adopted by Council resolution; and

WHEREAS, the County's current civil service plan is codified in Chapter 303 of the Cuyahoga County Code of Codified Ordinances ("Cuyahoga County Code"); and

WHEREAS, Section 303.01(A) of the Cuyahoga County Code provides that all sections of Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapter 123:1 that are applicable to employees of Ohio counties not specifically amended or superseded by Chapter 303 of the Cuyahoga County Code shall remain in full effect in their entirety; and

WHEREAS, Section 303.01(C)(10) of the Cuyahoga County Code authorizes the Director of Human Resources to assign an unclassified employee to a classification in the County's class plan; and

WHEREAS, the proposed amendments are intended to clarify the authority of the Director of Human Resources to establish the pay of employees who are placed into a classification in the County's class plan pursuant to Section 303.01(C)(10) of the Cuyahoga County Code; 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 a County entity.

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

SECTION 1. Council hereby adopts the following changes to Section 303.01 of the Cuyahoga County Code (added language underlined; deleted language in ~~strike through~~, sub-sections that are remain unchanged in their entirety are noted in *italics* and parentheses):

Section 303.01

- A. *(remains in its entirety)*
- B. Classification Plan. *(remains in its entirety)*
- C. Position Audits.
 - (1) *(remains in its entirety)*
 - (2) *(remains in its entirety)*
 - (3) *(remains in its entirety)*
 - (4) *(remains in its entirety)*
 - (5) *(remains in its entirety)*
 - (6) *(remains in its entirety)*
 - (7) *(remains in its entirety)*
 - (8) Following a final determination of the Director of Human Resources pursuant to Subsections (C)(1), (C)(2), or ~~(D)~~, a non-bargaining, non-probationary employee may file a written appeal with the Personnel Review Commission in accordance with the Personnel Review Commission's Administrative Rules. Employee's may also file an appeal to the limited extent authorized by (C)(6).
 - (9) *(remains in its entirety)*
 - (10) ~~Assignment of Current Employees Who Were Not Previously Classified. The Director of Human Resources may assign a County employee who has not previously been assigned to a classification in the classification plan. An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.~~

D. The Director of Human Resources may assign a County employee who ~~has~~ not ~~currently~~ previously been assigned to a classification in the classification plan; **provided that, if the current rate of pay of an employee assigned to a position under this subsection exceeds the maximum rate of pay for the employee's newly assigned classification, the employee shall be placed in pay step "X" and shall not receive an increase in rate of pay until the maximum rate of pay for that classification exceeds the employee's rate of pay. When the maximum rate of pay for the classification exceeds the employee's rate of pay, the employee is no longer placed at pay step X and may receive an increase in rate of pay up to the maximum rate of pay for that classification. Pay determinations made by the Director under this subsection shall not be arbitrary or capricious and shall be based on the relevant factors identified in Subsection (C)(5).** An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.

DE. To ensure pay equity for like positions, the Personnel Review Commission may conduct audits of final pay determinations pursuant to (B)(3), and of final pay determination made pursuant to (C)(5) where appeal rights have expired and there is no pending appeal. When such an audit is conducted, the Department of Human Resources shall provide the Commission with the rationale and supporting documentation for the Director's final pay determination. The Commission shall provide reports on its audit findings to the Administration and County Council. Nothing in this provision shall require the Commission's audit of pay determinations within like positions to be restricted or limited solely to those employees whose pay is affected by final pay determinations as a result of maintenance of the class plan or the position audit process, but the Personnel Review Commission will not consider in its audit any employees with a pending appeal related to C (5).

124.34 *(remains in its entirety)*

SECTION 2. It is necessary that this Ordinance became 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 Resolution receives the affirmative vote of at least eight (8) 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.

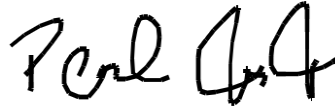
SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council,

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 Ms. Turner, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Stephens, Kelly, Miller, Byrne, Gallagher, Conwell, Turner and Jones

Nays: None



County Council President

10/10/2024

Date



County Executive

10/10/2024

Date



Clerk of Council

10/09/2024

Date

First Reading/Referred to Committee: July 30, 2024

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

Journal CC056
October 8, 2024

Legislation Substituted on the Floor: October 8, 2024