

ORDINANCE NO. 31-81

By: _____

An ordinance to limit the jurisdiction of the Civil Service Commission, City of Bexley, to employees of the City of Bexley.

Whereas, the Charter of the City of Bexley authorizes the Mayor of the City to appoint civil service commissioners, who shall receive no compensation for their services; and

Whereas, the Charter of the City of Bexley further mandates that the Civil Service Commission shall be governed in all respects by the general laws of the state governing civil service in cities, not in conflict with this Charter and ordinances of Council passed thereunder; and

Whereas, the general laws of the State, Chapter 124, Revised Code provides that the Civil Service shall include all positions of trust or employment in the service of the state, counties, and cities, including city health districts, and city school districts; and

Whereas, the Franklin County Court of Common Pleas in Case No. 74CV-06-2260, found that the non-teaching employees of the Bexley City School District were subject to the civil service laws of the Bexley Charter, which in turn, by incorporation involved the application of Chapter 124, Revised Code; and

Whereas, although Article XV, Sect. 10, of the Ohio Constitution mandates civil service for municipal employees, the Ohio Supreme Court has held that the authority of the general assembly to enact laws applicable to cities, pursuant to such constitutional provision, is limited and applicable only where and to the extent that such laws will not restrict the exercise by such cities of their powers of local self-government; and

Whereas, that Supreme Court has also held that the organization and regulation of its police force, as well as its civil service functions are within a municipality's power of local self-government under Article XVIII, Section 3 of the Ohio Constitution; and

Whereas, the Attorney General has implicitly recognized the power of a charter municipality to exclude non-teaching employees from the jurisdiction of the City Civil Service Commission (See Opinion No. 73-106); and

Whereas, it is the desire of this Council pursuant to the authority of the Charter to define the jurisdiction of the Municipal Civil Service Commission and to limit that jurisdiction to officers and employees only of the City of Bexley consistent with the powers of local self-government.

Now, Therefore, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That the language of the Charter provisions relating to Civil Service (Sections 50-55, Bexley Charter) indicate an intention to limit the application of those provisions and the jurisdiction of the Commission which they establish solely to municipal employees of the City of Bexley.

Section 2. That it is the intention of this Council, pursuant to the power granted by said Charter to, and by this Ordinance

they do hereby limit the jurisdiction of the Civil Service Commission of the City of Bexley to municipal employees and officers of the City of Bexley and to no one else.

Section 3. That this ordinance is passed under the authority of the Charter and is in conflict with the general laws of the state governing civil service in cities;

Section 4. That this Ordinance shall take effect and be in force from and after the earliest time provided by law.

Passed: Nov 24, 1981

J. A. Offerberg
President of Council

Attest: John H. Hickey
Clerk of Council

1st reading: Sept 22, 1981
2nd reading: Oct 13, 1981
Tabled Oct 27, 1981
3rd reading: Nov 24, 1981
adopted

Approved Nov. 24, 1981
David H. Madison
David H. Madison
Mayor