

AN ORDINANCE

BY: VICE MAYOR BYINGTON

NO. 4811

TO AMEND SECTION 141.02, *MERIT SYSTEM/DEFINITIONS*, OF THE OAKWOOD ADMINISTRATIVE CODE SO AS TO CLASSIFY THE POSITIONS OF MOTOR EQUIPMENT MECHANIC I AND MOTOR EQUIPMENT MECHANIC II AS EXEMPT POSITIONS WHICH MAY BE FILLED WITHOUT NECESSITY OF MERIT SYSTEM EXAMINATIONS, AND DECLARING AN EMERGENCY.

WHEREAS, the Charter of the City of Oakwood lists various job classifications as "exempt," *i.e.*, job classifications which may be filled without the necessity of merit system examinations; and

WHEREAS, Section 8.02 of the Charter authorizes Council to act by ordinance to designate other exempt positions; and

WHEREAS, the unique duties and responsibilities of the positions of Motor Equipment Mechanic I and Motor Equipment Mechanic II in the Public Works Department require persons with previous vehicle and equipment maintenance and repair, welding, fabricating and refinishing experience, and Council has determined that those positions should be classified as "exempt" because it is not practicable to attempt to measure the quality of such experience by written examination;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO:

SECTION I.

Section 141.02, *Merit System/Definitions*, of the Oakwood Administrative Code is hereby amended to read as follows, with new text in **bold** type and deleted text in ~~strikethrough~~ type:

141.02 MERIT SYSTEM/DEFINITIONS.

A. Pursuant to Article VIII, Section 8.01, of the Charter, except as modified by Section 8.02, the merit system of employment shall prevail. Seniority shall be one factor in the determination of merit, but in no case shall seniority be deemed to supersede the application of merit employment principles. This principle of merit employment shall apply to hiring, promotion, in-grade increases and to the continued employment of any employee. It shall also be deemed to require employees to acquire and maintain the necessary skills, abilities and certifications to fulfill properly and completely the duties of the classification in which they are employed.

B. The following definitions shall apply under Chapter 141:

1. Appointing authority. The City Manager is the appointing authority for the City by authority of the City Charter.
2. Exempt classifications. Classifications specifically exempted from competitive examinations by the City Charter are:
 - (a) Members of Council;
 - (b) Clerk of Council;
 - (c) City Manager;
 - (d) Directors of the departments;
 - (e) Secretary to the City Manager;
 - (f) Assistant to the City Manager;
 - (g) Members of boards and commissions appointed by the Council and Advisory Committees appointed by the City Manager;
 - (h) Temporary employees of exceptional, professional or scientific qualifications engaged as consultants;
 - (i) Unskilled laborers; and
 - (j) Seasonal and part-time employees.
 - (k) Council may act by ordinance to designate other positions which may be filled (by original appointment or by promotion) without the necessity of such examinations. The positions of utility clerk, city engineer, water plant operator, engineering technician, secretary to the director of

public safety, account clerk II in the income tax department, secretary to the city engineer, secretary to the director of leisure services, assistant public works director, public works department foreman, **motor equipment mechanic I/II**, account clerk II in the finance department and custodian have been designated as exempt classifications which may be filled without the necessity of merit system examination.

The position of Public Safety Captain is also one which may be filled without the necessity of merit system examination. The unique duties and administrative responsibilities of the position require that professional education, experience and training be used as the selection criteria in making appointments. While the City may use a written examination as part of the selection process, the results of the examination will not serve as the primary basis for appointment to this position.

3. Classified employees. Same as non-exempt employees.
4. Non-exempt classifications. Employees not specifically exempt by the Charter of the City of Oakwood are sometimes referred to as non-exempt employees. Such non-exempt or classified employees shall be employed under the classified service of the City. Appointment to the classified services of the City shall be determined on the basis of open, competitive examinations except when there is only one qualified candidate.
5. Full-time employees. Employees scheduled to work at least forty (40) hours per week throughout the year shall be considered full-time employees and shall have all rights, benefits and obligations as determined in these Personnel Regulations. Employees in this category may be salaried or paid by the hour.
6. Calendar year. Twelve month period beginning January 1 and ending December 31 of each year.
7. Fiscal year. Same as calendar year.
8. Work year. A period of twelve consecutive months beginning on the first day of employment for any individual. All benefits shall accrue from date of employment.
9. Eligibility list. A list of potential employees who are ranked by the Personnel Officer based on their comparative standing.
 - (a) Original eligibility list. A list of potential employees who are ranked by the Personnel Officer according to their scores on the employment examination.
 - (b) Promotional eligibility list. A list of employees who are ranked by the Personnel Officer according to their scores on the promotional exam for the position which the employees have applied.
 - (c) Reappointment eligibility list. A list created by the Personnel Officer in which the employees shall be ranked in inverse order of their layoff.
10. Regular Part-time employees. Employees who normally work less than forty hours per week. Said employees in this category shall be paid by the hour and shall not be entitled to any benefits outlined in the Personnel Schedule or the Personnel Regulations, except for pro-rated sick leave, vacation and holiday benefits.
11. Temporary or Seasonal employees. Employees hired to complete a specified project or task and who normally work less than 1,250 hours per year. Said employees in this category shall be paid by the hour and shall not be entitled to any benefits allowed in the

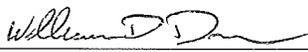
Personnel Schedule or the Personnel Regulations, except for holidays which may occur during their employment.

12. Probation. That period of time which begins immediately after a person becomes a full-time employee of the City. All full-time appointees shall serve a minimum probationary period of one year unless specified to the contrary in the current applicable collective bargaining agreement.
13. Personnel Appeals Board. A three member board created by the City Charter, the members of which are appointed by the City Council for the purpose of hearing appeals by City employees in the classified service who are not part of a grievance procedure under a labor contract, and who have been suspended, demoted in position or compensation, or discharged.
14. Layoff. A reduction in the work force of the City as determined by the City Manager.
15. Leaves. An authorized paid or unpaid absence or vacation from duty or employment for a specified period of time.
16. Allowances. Consist of monetary reimbursement by the City for activity which involves an extraordinary expense to the employee, e.g. meal allowance, private automobile allowance. All such allowances must be authorized in advance by the department head and approved by the City Manager for payment.
17. Retirement. To withdraw from active duty with the City of Oakwood subject to the applicable rules, regulations and statutes of the State of Ohio and after attaining the age and length of service (or disability status) necessary to immediately qualify and receive a pension in accordance with the rules of the Public Employees Retirement System or the Police and Fire Pension Fund of Ohio.
18. Resignation. Voluntary withdrawal of employment from the City. Employees resigning from the service of the City shall not be entitled to compensation for accumulated sick leave.
19. Abolishment of position. Elimination of any particular position or classification from the personnel structure of the City.
20. City. Shall mean the city of Oakwood.

SECTION II.

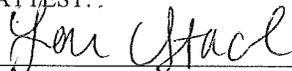
It is hereby declared that this ordinance is an emergency measure to take effect immediately on the basis that it is necessary to implement these changes as quickly as possible in order to maintain morale and promote efficiency, and on the basis of preservation of the public peace, health, safety and welfare.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this 21st day of September, 2015.



Mayor William D. Duncan

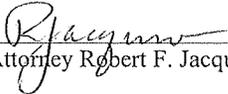
ATTEST:



Clerk of Council Lori Stacel

TO THE CLERK:

Please publish by incorporating the foregoing into the Codified Ordinances of the city of Oakwood, Ohio.



City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION:

I, Lori Stacel, Clerk of Council of the City of Oakwood, State of Ohio, do hereby certify that the foregoing ordinance was duly published by incorporating the same into the Codified Ordinances of the city of Oakwood, Ohio, and that said publication occurred on the date set forth below, subject to formal annual recodification.

Publication date: _____

Clerk of Council Lori Stacel