

ORDINANCE NO. 2009-296

SPONSOR Mr. Pry and Mr. Kostandaras

DATE August 24, 2009

COMMITTEE Personnel

**An Ordinance amending Section 169.04, entitled "Hiring," to enable employees who are laid off or whose positions are abolished to be hired by County appointing authorities during the pendency of the current hiring freeze, for the Executive, and declaring an emergency.**

WHEREAS, by Resolution No. 2009-110, this Council enacted a temporary hiring freeze, codified in Section 169.04(j) of the Codified Ordinances of the County of Summit, on March 30, 2009 until December 31, 2009; and

WHEREAS, this Council and the Executive have learned that some employees in the Sheriff's Office may be laid off in the near future due to budgetary constraints; and

WHEREAS, this Council and the Executive desire to enable employees who are laid off or whose positions are abolished to apply for vacant positions that may arise in other offices within the County; and

WHEREAS, this Council and the Executive desire to amend Section 169.04(j) of the Codified Ordinances of the County of Summit to clarify that laid off employees and employees whose positions are abolished will remain eligible for County employment during the pendency of the current hiring freeze; and

WHEREAS, this Council has determined by reviewing all pertinent information that it is necessary and in the best interest of the County of Summit to amend Section 169.04(j) for the aforementioned reasons;

NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State of Ohio, that:

#### SECTION 1

Section 169.04, subsection (j), of the Codified Ordinances of the County of Summit is hereby amended as follows:

"(j) Temporary Hiring Freeze. Commencing April 1, 2009 and terminating December 31, 2009, no person shall be hired for initial employment by the Fiscal Officer, Clerk of the Court of Common Pleas, Engineer, Prosecutor, Sheriff, County Council, County Executive, Department of Internal Auditing, Human Resource Commission or Office of Consumer Affairs, except as set forth herein.

This section is not intended to limit, and shall not limit, the ability of a current employee of the County to transfer or be promoted to a vacant position in any of the aforementioned offices from within any of the aforementioned offices, between any of the aforementioned offices or from any other Summit County appointing authority, office, agency, board or commission, provided that vacant positions funded in whole or in part with general fund dollars may not be filled except through the transfer or promotion of employees currently funded in whole or in part by the general fund. Furthermore, any

position that has been posted for hiring by any of the aforementioned offices prior to April 1, 2009 may be filled, provided that the personnel action form to hire into said position must be completed and executed in full no later than April 15, 2009.

In the event any of the aforementioned offices are able to demonstrate that the filling of an existing position by hiring a new employee is necessary for the effective and continued operation of the office, County Council may adopt a Resolution authorizing the hiring of a person to fill said vacancy as an exception to this Section.

Seasonal employees may be hired by any office that has historically hired seasonal employees to perform functions and responsibilities of that office, and this Section shall not be construed to prohibit or limit the hiring of said seasonal employees, provided that the employment of those employees shall terminate upon the completion of all seasonal work. Youth employees may be hired by any office as part of a Workforce Investment Act youth employment program, provided that the employment of those employees shall terminate upon the completion of their involvement in the youth employment program.

Any employee who has been laid off or whose position was abolished, at any point after August 1, 2009, as set forth in Section 169.13 of these ordinances, may apply for and be re-hired into a vacant position in any of the aforementioned offices within one (1) year from the date of layoff or abolishment, provided that either (i) the vacant position is not funded in whole or in part by the general fund, or (ii) if the vacant position is funded in whole or in part by the general fund, no other current employee has applied for said position and/or no other current employee who has applied for said position meets the minimum qualifications for the position as outlined in the job description.”

## SECTION 2

All County appointing authorities are hereby encouraged to consider the applications of any laid off employees or employees whose positions were abolished for re-employment with the County for any vacant position in the appointing authority's office, consistent with Section 1, above.

## SECTION 3

This Ordinance is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit, and for the further reason of immediately amending Section 169.04(j) of the Codified Ordinances to enable employees who are laid off or whose positions are abolished to be hired by County appointing authorities during the pendency of the current hiring freeze

## SECTION 4

Provided this Ordinance receives the affirmative vote of eight members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

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SECTION 5

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

INTRODUCED August 10, 2009

ADOPTED August 24, 2009

*Sharilyn P. Greer*  
CLERK OF COUNCIL

*Nick Kostandaras*  
PRESIDENT OF COUNCIL

APPROVED August 24, 2009

*Russell M. Fry*  
EXECUTIVE

ENACTED EFFECTIVE August 24, 2009

Voice Vote: 10-1 YES: Komunale, Crossland, Feeman, Kostandaras, Poda,  
Prentice, Rodgers, Schmidt, Shapiro, Smith NO: Crawford