

1 ORDINANCE NO. 2011-204

Late Filing

2
3 SPONSOR Ms. Rodgers

4
5 DATE June 6, 2011

COMMITTEE: Personnel

6
7 **An Ordinance amending Section 169.04 of the Codified Ordinances of the County of**
8 **Summit, entitled "Hiring," to reinstitute the County hiring freeze for the period through**
9 **December 31, 2012, for the Council, and declaring an emergency.**

10
11 WHEREAS, pursuant to Ordinance No. 2009-110, this Council instituted a hiring freeze
12 for the balance of calendar year 2009, whereby the County Charter Offices were prohibited from
13 hiring external employees for employment at the County; and

14
15 WHEREAS, this Council initially enacted the hiring freeze due to a substantial decrease
16 in County revenue as a result of the recession that hit the United States, the State of Ohio and
17 Summit County in late 2008, the effects of which continue to be felt to this day; and

18
19 WHEREAS, pursuant to Ordinance No. 2009-481, this Council extended the hiring
20 freeze through the end of calendar year 2010; and

21
22 WHEREAS, as a result of cost-reduction measures taken from 2008 through this year,
23 including the hiring freeze, the County has reduced its general fund budget by \$18 million and
24 has reduced the number of employees on the general fund by nearly 20%; and

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26 WHEREAS, despite the substantial cost-reduction measures taken by the County and the
27 improvement of the economy and County revenue, the County faces yet another significant
28 reduction in revenue as a result of the FY 2012-2013 biennial State budget proposed by
29 Governor John Kasich, and currently adopted by the House of Representatives, which includes a
30 reduction in local government funds, a reduction in tangible personal property tax phase-out
31 funds and increases in unfunded mandates from the State; and

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33 WHEREAS, the upcoming triennial real property appraisal is anticipated to also
34 negatively impact the County, by determining that housing values have declined in the County,
35 thereby negatively impacting the real property tax revenue that is paid to the general fund; and

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37 WHEREAS, as a result of the proposed budget and upcoming triennial real property
38 reappraisal, the County anticipates a loss of approximately \$5.5 million to \$6.5 million in annual
39 revenue, an amount that will not be fully ascertained until the State budget is adopted and the
40 appraisal is performed; and

41
42 WHEREAS, as a result of the impending reduction in revenue, this Council finds and
43 determines that it is necessary to reinstitute the aforementioned hiring freeze in order to limit the
44 number of individuals that could be hired onto the general fund and for the same to commence
45 upon the effective date of this Ordinance and extend until December 31, 2012.

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

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4 Section 169.04 of the Codified Ordinances of the County of Summit, entitled "Hiring," is
5 hereby amended as follows:

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7 "(j) Temporary Hiring Freeze. Commencing ~~April 1, 2009~~ upon the effective date of
8 Ordinance No. 2011-204 and terminating ~~December 31, 2010~~ December 31, 2012, no person
9 shall be hired for initial employment by the Fiscal Officer, Clerk of the Court of Common Pleas,
10 Engineer, Prosecutor, Sheriff, County Council, County Executive, Department of Internal
11 Auditing, Human Resource Commission, or Office of Consumer Affairs, except as set forth
12 herein.

13
14 This section is not intended to limit, and shall not limit, the ability of a current employee
15 of the County to transfer or be promoted to a vacant position in any of the aforementioned
16 offices from within any of the aforementioned offices, between any of the aforementioned
17 offices or from any other Summit County appointing authority, office, agency, board or
18 commission, provided that vacant positions funded in whole or in part with general fund dollars
19 may not be filled except through the transfer or promotion of employees currently funded in
20 whole or in part by the general fund. ~~Furthermore, any position that has been posted for hiring by~~
21 ~~any of the aforementioned offices prior to April 1, 2009 may be filled, provided that the~~
22 ~~personnel action form to hire into said position must be completed and executed in full no later~~
23 ~~than April 15, 2009.~~

24
25 In the event any of the aforementioned offices are able to demonstrate that the filling of
26 an existing position by hiring a new employee is necessary for the effective and continued
27 operation of the office, County Council may adopt a Resolution authorizing the hiring of a
28 person to fill said vacancy as an exception to this Section. Said employee shall be hired at the
29 minimum compensation allowable by the County's Compensation and Classification Plan,
30 Codified Ordinances and Collective Bargaining Agreements, unless established at a higher rate
31 by a two thirds (2/3) vote of the members of Council.

32
33 Seasonal employees may be hired by any office that has historically hired seasonal
34 employees to perform functions and responsibilities of that office, and this Section shall not be
35 construed to prohibit or limit the hiring of said seasonal employees, provided that the
36 employment of those employees shall terminate upon the completion of all seasonal work. Youth
37 employees may be hired by any office as part of a Workforce Investment Act youth employment
38 program, provided that the employment of those employees shall terminate upon the completion
39 of their involvement in the youth employment program.

40
41 Any employee who has been laid off or whose position was abolished, at any point after
42 August 1, 2009, as set forth in Section 169.13 of these ordinances, may apply for and be re-hired
43 into a vacant position in any of the aforementioned offices within ~~one (1)~~ two (2) years from the
44 date of layoff or abolishment, provided that either (i) the employee is being restored to his or her
45 previous position and sufficiently appropriated funds are available to return that employee to the
46 vacant position, (ii) the vacant position is not funded in whole or in part by the general fund, or
47 (ii) if the vacant position is funded in whole or in part by the general fund, no other current
48 employee has applied for said position and/or no other current employee who has applied for
49 said position meets the minimum qualifications for the position as outlined in the job
50 description."

1 ORDINANCE NO. 2011-204

2 PAGE THREE

3
4 SECTION 2

5
6 This Ordinance is hereby declared an emergency in the interest of the health, safety and
7 welfare of the citizens of the County of Summit and for the further purpose to immediately enact
8 the aforementioned hiring freeze to protect and preserve the current County fund balances to
9 reduce, to the extent possible, the negative impact that the State budget and triennial real
10 property appraisal will have on the County.

11
12 SECTION 3

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


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18 SECTION 4

19
20 It is found and determined that all formal actions of this Council concerning and relating
21 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all
22 deliberations of this Council and of any of its committees that resulted in such formal action,
23 were in meetings open to the public, in compliance with all legal requirements, including section
24 121.22 of the Ohio Revised Code.

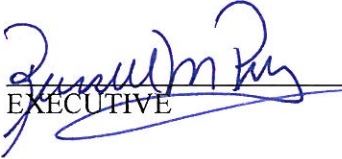
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26 INTRODUCED May 16, 2011

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29 ADOPTED June 6, 2011

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33 CLERK OF COUNCIL


PRESIDENT

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36 APPROVED June 13, 2011

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39 
40 EXECUTIVE

June 13, 2011
ENACTED EFFECTIVE

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42 Voice Vote:11-0 YES: Komunale, Crawford, Feeman, Kostandaras
Kurt, Lee, Prenice, Rodgers, Roemer, Schmidt, Shapiro,