



H.B. 268

124th General Assembly
(As Introduced)

Reps. Carano, Bocchieri, Seitz, Patton, Hartnett, Schmidt, Distel, Roman, Sferra, Woodard, Allen, Beatty, Ford

BILL SUMMARY

- Permits a limited home rule township to adopt a civil service system other than that established in state law.

CONTENT AND OPERATION

Current law

The Revised Code permits a township that has a population of 10,000 or more residing within its unincorporated territory and that has a police or fire department of ten or more full-time paid employees to create a township civil service commission (sec. 124.40(B)). If the board of township trustees of such a township decides to have a civil service commission, state law dictates how the commission is created and provides for employee qualifications and the specific process to make appointments and promotions based on merit, fitness, and competitive examinations (R.C. Chapter 124.).

The township civil service commission's jurisdiction is limited to employees of the township fire and/or police department (provided a department has at least ten full-time paid employees). The board of township trustees may appoint the fire chief and the police chief, and those chiefs serve at the pleasure of the board (secs. 124.40(B), 505.38(C), and 505.49(C)).

Those township civil service provisions apply to any township, including, it appears, limited home rule townships. To become a limited home rule township, a township must have a population of at least 5,000. In addition, the board of township trustees or the voters in the township's unincorporated territory must take some affirmative action to make the township a home rule township. (Secs. 504.01 and 504.02.) A township that adopts a limited home rule government may "[e]xercise all powers of local self-government within the unincorporated area of the township, other than powers that are in conflict with general laws. . . ." (sec.

504.04). Although the term "general laws" is not defined and there has not been any court interpretation of it, a reasonable interpretation might be that it encompasses any or most provisions of the Revised Code. The term "local self-government" also is not statutorily defined, but it would seem to encompass the employment of township employees. If these suppositions are true, the Revised Code provisions regarding township civil service commissions would seem to apply to limited home rule townships.

Changes proposed by the bill

The bill provides that limited home rule townships may establish a civil service system that differs from the statutory township civil service provision described above, including the provisions for the appointment of township fire chiefs and police chiefs by boards of township trustees. That system, however, must provide for appointments and promotions of civil service employees according to merit and fitness determined, as far as practicable, by competitive examinations (secs. 504.04(A)(1) and (C) and 504.21).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	05-22-01	p. 446

h0268-i.124/kl