



H.B. 515

124th General Assembly
(As Introduced)

Reps. Schmidt, Seitz, Raga, Brinkman, Hagan, Faber, Collier, Carano, Seaver, Schaffer, Lendrum, Fessler, Grendell, Blasdel, Schneider

BILL SUMMARY

- Requires urban township employees to be in the same occupational classifications as municipal employees for workers' compensation purposes.
- Allows urban townships that are civil service townships to promote any one of the three highest scorers on a police or fire department promotional exam.
- Makes changes related to board meeting minutes and township journal publications in a limited home rule township.

CONTENT AND OPERATION

Urban townships

Overview

Current law defines "urban townships" as townships that adopt a limited home rule government and have a population in their unincorporated territory of 15,000 or more (sec. 504.01(B)--not in the bill). Although this definition exists in current law, there are no requirements in current law that relate particularly to urban townships. The bill proposes to enact a few provisions that relate particularly to them.

Workers' compensation classifications for purposes of rate determinations

Background law. The Administrator of Workers' Compensation, with the consent of the Workers' Compensation Oversight Commission (WCOC), is required by current law to fix the lowest possible rates of premium for employers

who are required to make payments to the State Insurance Fund (sec. 4123.34--not in the bill). The Administrator pays for claims under the Workers' Compensation Law from the State Insurance Fund. Employers who are required by the Workers' Compensation Law to pay into the State Insurance Fund are known as "state-fund employers"; employers who, instead of paying premiums into the State Insurance Fund, pay for claims directly are known as "self-insuring employers." Currently, all public employers are state-funded employers, although current law permits them to become self-insuring employers.

The Administrator has discretion to apply a rating system that the Administrator finds is best calculated to merit rate or individually rate the risk of state-fund employers on the basis of an employer's history of industrial accident and occupational disease claims. The Administrator is required to adopt rules, with the WCOC's advice and consent, governing rate revisions so that there is an equitable distribution of losses among the several classes of occupations or industries. (Secs. 4121.121(B)(5) and 4123.34(B) and (C)--not in the bill; sec. 4123.29.)

In establishing rates applicable to state-fund employers, the Administrator, with the WCOC's approval, is currently required to classify occupations or industries with respect to their degree of hazard and to determine the risks of the different classes according to the categories established by the National Council on Compensation Insurance (NCCI) (sec. 4123.29(A)(1); sec. 4121.121(B)(5)--not in the bill). The current rules adopted by the Administrator show that the NCCI has one classification for city employees, one classification for village employees, and one classification for township employees. In those same rules, the Administrator has established the base rate per \$100 of payroll for each of those classifications. The township base rate is currently higher than the village base rate, which is higher than the city base rate. (See O.A.C. Rule 4123-17-34--Appendix A.)

Changes proposed by the bill. The bill requires the Administrator to place employees of urban townships in the same occupational classifications as employees of *municipal corporations*. It is not clear, however, whether the Administrator is to include urban townships in the NCCI category for villages or for cities, or if there is some other intent underlying this provision of the bill. It would appear though that moving urban townships from one classification to another *potentially* could change the base rates for the classification from which the urban townships are removed and for the classification to which they are added. (Sec. 4123.29(A)(1).)

Promotions in "civil service" urban townships

General background. Current law 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)--not in the bill). 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. 505.38(C) and 505.49(C); sec. 124.40(B)--not in the bill.)

Filling vacancies by promotion. Current civil service law requires vacancies in positions above the rank of regular civil service township fireman or police patrolman to be filled by competitive promotional examination. Those with at least a minimum passing grade may have seniority, efficiency, or other credits added to their grade, and must be placed on the appropriate eligible list. The person with the highest rating on an eligible list must be appointed to fill a vacancy. In the case of firemen, if two or more examinees receive the same grade, seniority in fire department service must determine the order in which the examinees are placed on the appropriate eligible list and are eligible to be appointed to fill a vacancy. (Secs. 124.44 to 124.46--not in the bill.)

The bill permits an *urban* township that is also a civil service township to appoint any one of the three highest scorers on the eligible list for a promotional examination to a vacant position in its fire or police department. (Secs. 505.38(C)(3) and 505.49(C)(3).)

Limited home rule townships

Journals

Current law requires the board of township trustees in a limited home rule township to keep a journal of its proceedings. These townships can exercise all powers of local self-government within their unincorporated area, other than powers that are in conflict with general laws, except that they must comply with the requirements and prohibitions of the Limited Home Rule Township Law (sec. 504.04(A)(1)--not in the bill).

Section 507.04 of the Revised Code (not in the bill), a section that applies to all townships, requires the township clerk to keep an accurate record of the proceedings of the board of township trustees at all of its meetings. This, presumably, is a "general law" that a limited home rule township must follow. The bill permits a board of township trustees of a limited home rule township, despite that general law requirement, to designate *any* person to keep its journal and to take the minutes of its board meetings. (Sec. 504.09.)

Township resolutions

Current law specifies limited home rule townships must follow specific requirements for the revision or amendment of resolutions, requires them to publish their resolutions in newspapers or by posting in the same manner as municipal corporations under the Revised Code, and permits them to publish their resolutions in book form in the same manner as municipal corporations under the Revised Code. These provisions of the Limited Home Rule Township Law do not distinguish between resolutions adopted by these townships under "general law" requirements or as an exercise of their limited home rule powers not available to other townships.¹ (Sec. 504.12.)

The bill limits the procedures mentioned above to resolutions adopted "pursuant to a township's limited home rule powers" (sec. 504.12).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	02-19-02	p. 1415

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¹ *The term "general law," as used in the Limited Home Rule Township Law, is not defined. Many people interpret it to mean any law related to townships in the Revised Code. That interpretation is not the same interpretation given to "general law" in the context of municipal home rule; however, there is no reason to assume a relationship between the terms used in those different contexts. Until a court interprets the term in the Limited Home Rule Township Law or a definition of the term is provided in the Law, it will remain unclear what it refers to. This analysis assumes it refers to any Revised Code provision relevant to townships in general.*