

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 23-80 AC CMS

AN ORDINANCE AUTHORIZING AND DIRECTING THE SUBMISSION TO A VOTE OF THE ELECTORS OF THE CITY OF OBERLIN, OHIO, AT A SPECIAL ELECTION TO BE HELD ON MARCH 19, 2024, A PROPOSAL TO AMEND SECTION XIX(G) OF THE CHARTER OF THE CITY OF OBERLIN, OHIO, TO AUTHORIZE THE ADOPTION OF CIVIL SERVICE RULES THAT DIFFER FROM STATE LAW, AND TO EXTEND THE PROHIBITION OF DISCRIMINATION FOR EMPLOYMENT, RATES OF PAY OR PROMOTION TO INCLUDE RELIGION, SEX, ANCESTRY, MILITARY STATUS, FAMILIAL STATUS, AND GENDER IDENTITY AND EXPRESSION IN ADDITION TO RACE, COLOR, CREED, GENDER, AGE, DISABILITY, SEXUAL ORIENTATION, POLITICAL AFFILIATION OR PLACE OF NATIONAL ORIGIN AS AN EMERGENCY MEASURE

WHEREAS, The Council of the City of Oberlin, pursuant to Section XXVIII of the Charter of the City of Oberlin, previously appointed a Charter Review Committee to review the Charter of the City and make recommendations to the Council; and

WHEREAS, the Charter Review Committee has completed its task of reviewing the Charter and has made its recommendations to the Council; and

WHEREAS, this Council has determined that it is in the best interest of the City of Oberlin to propose those recommended Charter amendments to the electors of the City of Oberlin for approval.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio that:

SECTION 1. The proposed amendments to Section XIX(G) of the Charter of the City of Oberlin, Ohio, as is set forth in the attachment hereto, which is marked "**Exhibit A**" and incorporated herein by reference, are, subject to approval by the electors of the City of Oberlin, hereby approved and adopted.

SECTION 2. This Council hereby authorizes the submission of the proposed amendments to the electors of the City of Oberlin for acceptance or rejection at a special election to be held on March 19, 2024, and if approved by a majority vote of the electors, shall become effective as of the date of passage.

SECTION 3. The ballot language for said proposed amendments to Section XIX(G) of the Charter of the City of Oberlin, Ohio, shall read as follows or as required to be modified by the Ohio Secretary of State:

### PROPOSED CHARTER AMENDMENT

(A majority affirmative vote is necessary for passage.)

Shall Section XIX(G) of the Charter of the City of Oberlin be amended to authorize

the adoption of civil service rules that differ from State law and to extend the prohibition of discrimination for employment, rates of pay or promotion to include, religion, sex, ancestry, military status, familial status, and gender identity and expression, in addition to race, color, creed, gender, age, disability, sexual orientation, political affiliations and place of national origin?

	YES	SHALL THE PROPOSED AMENDMENTS TO SECTION XIX (G) OF THE CHARTER OF THE CITY OF OBERLIN, OHIO, BE ADOPTED?
	NO	

SECTION 4. If this ordinance receives the affirmative vote of at least 2/3 of its members, the Clerk of Council of the City of Oberlin shall cause this ordinance to be certified to the Board of Elections of Lorain County, Ohio, no later than 4:00 p.m. on December 20, 2023, and shall further cause the full text of said proposed Charter Amendment to be published in a newspaper of general circulation in the City of Oberlin, Ohio, at least once a week for three consecutive weeks during the month of February of 2024.

SECTION 5. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were conducted 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.

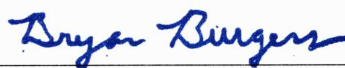
SECTION 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to comply with applicable time requirements to place a charter amendment on the ballot, and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: November 20, 2023  
2nd Reading: December 4, 2023  
3<sup>rd</sup> Reading: \_\_\_\_\_

ATTEST:



\_\_\_\_\_  
BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



\_\_\_\_\_  
BRYAN BURGESS  
PRESIDENT OF COUNCIL

POSTED: 12/05/2023

EFFECTIVE DATE: 12/04/2023

## EXHIBIT A

### SECTION XIX.     BOARDS AND COMMISSIONS.

\* \* \*

G. Civil Service Commission. Council shall appoint a Civil Service Commission. The Commission shall keep minutes of its proceedings and records of its examinations, make investigations concerning the enforcement of the Civil Service provisions of this Charter and report annually to Council.

The Commission shall have the authority to adopt rules and regulations to govern its proceedings and to fulfill its duties, which may differ from State law. In the event of a conflict with State law, rules adopted by the Commission, which have been approved by ordinance of Council, shall supersede the provisions of State law and will be determinative,

The Commission shall conduct or arrange for practical and impartial examinations, provide a list of eligible employees and arrange for promotions within the Classified Service, which shall comprise all positions not specifically included by this Charter in the Unclassified Service.

The Unclassified Service shall include:

- (1) Officers elected by the people
- (2) The City Manager
- (3) Appointive positions, commissions and boards
- (4) Heads of departments, including the Police Chief and Fire Chief
- (5) Administrative assistants to appointive and elective officials, department heads and boards or commissions.
- (6) Temporary or part-time employees, except volunteer part-time firefighters and part-time police officers, provided that Council may, by Ordinance, designate part-time firefighters and part-time police officers as being part of the Unclassified Service.

The Classified Service shall be divided into competitive and noncompetitive classes.

(1) The competitive class shall include all positions and employments for which it is practicable to determine merit and fitness of applicants by competitive examination.

(2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character and as may be determined by the rules of the Commission, and unskilled labor.

1.     Probation. An appointment or promotion shall not be deemed complete until a period of probation not to exceed one (1) year has elapsed, and a probationer may be discharged or reduced in rank or pay at any time within the probationary period upon the recommendation of the head of the department in which said probationer is employed.

2.     Discharge or Reduction. An employee of any department in the City who is in the Classified Service shall not be discharged or reduced in rank or pay until he or she has been

presented with reasons for such discharge or reduction, specifically stated in writing, and has been given an opportunity to be heard in his or her own defense. The reason for such discharge or reduction and any reply in writing shall be filed with the Commission.

3. Appeal to the Commission. Any employee of any department in the City in the Classified Service who is suspended, reduced in rank, or dismissed from a department by the director of that department or the City Manager may appeal the decision of such officer to the Civil Service Commission, and such Commission shall define the manner, time, and place by which such appeal shall be heard. The judgment of the Commission shall be final.

4. No Discrimination. All employment and promotion shall be solely on the basis of merit, whether for classified or unclassified positions or temporary employment. There shall be no discrimination against individuals with respect to race, religion, color, creed, age, sex, ancestry, marital status, disability, sexual orientation, gender identity or expression, political affiliation, or place of national origin for employment, rates of pay, or promotion.

5. Present Civil Service Employees. All persons in the employ of the Municipality holding positions in the Classified Service as established by this Charter at the time it takes effect shall, unless their positions be abolished, retain same until discharged, reduced, promoted or transferred.