

# CSC Update

State Personnel Board of Review

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## SPBR Launches Civil Service Outreach Program

The State Personnel Board of Review is pleased to announce the implementation of its Civil Service Outreach Program, designed to offer guidance in the area of civil service law to municipal and township civil service commissions throughout the State of Ohio.

Elements of the CSOP will include a suggested hearing procedures manual, designed to provide guidance to commissions conducting employee appeals (anticipated November 2000); an outline for forming a civil service commission; guidelines for handling investigation requests initiated pursuant to R.C. 124.40; publication of a twice-yearly newsletter; and regional civil service law training seminars (anticipated February 2000).

The Board's goal is to provide long-term assistance to civil service commissions of both statutory and charter cities by sharing its knowledge and experience in the field of civil service law.

## July 2000 Survey Results

In July 2000, the Board asked municipal civil service commissions and city law directors to respond to a survey identifying areas of concern to them regarding civil service law. Survey responses helped to pinpoint several common areas of interest.

Out of the 140 responses received, 97% of the respondents indicated that they would find a newsletter helpful. 90% of the respondents indicated that they would be interested in attending civil service law training seminars.

Particular areas of interest identified by respondents included civil service testing; promotional examinations; requirements of eligibility lists; military and seniority credits; impact of collective bargaining agreements on civil service law; statutory cities v. "home rule" cities; public records law; and the relationship between civil service commissions and local school districts.

Resources requested by those responding to the survey included access to current civil service laws; hearing procedure guidelines; additional testing agencies; a support hotline; comprehensive updates on changes to civil service laws; current civil services case law; local civil service law training seminars; and a prototype of civil service commission administrative rules.

Many of the topics initially mentioned by respondents have been incorporated into this premiere issue of SPBR's newsletter. Future issues will continue to address the areas of interest identified by the survey responses, as well as other topics of merit.



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# The Ohio Local Government Records Program *Judy Walker, Ohio Historical Society*

Do you have mounds of paperwork, correspondence, and old checks piling up that you just are not sure what to do with? Are you running out of space to store these records in your filing cabinets, office or building? Would you like to know what steps to take to correct the problem and ensure that you are complying with Ohio's records laws? The Local Government Records (LGR) Program can help you answer these questions by assisting with and advising you on records management issues.

Once you make the decision to begin a records management program in your office, get started by finding out what records are being held by your office. Begin by taking an inventory of your records. Some of the information to include when taking an inventory is the type of record, the originating office, a brief description of the information contained in the record, the dates the record span, the format of the record, the quantity of material, and where the record is stored.

After completing your inventory, you can begin making decisions about how long to keep your records. Select a person in your office that knows the office's records fairly well to make these decisions.

The length of time you keep a record should be based on the value of the record. A record can be judged by four values: administrative, legal, fiscal, and historical. Of these values, administrative, legal and fiscal should be your primary concern.



- ♦ A record has **administrative value** if it is used by the office or agency to carry out its duties. Administrative value is based on how often and for how long the record is used by office personnel and whether a program would be jeopardized upon disposal of the record. Records should be retained as long as they have administrative value.
- ♦ A record has **legal value** if it documents or protects rights or obligations of citizens or the agency that created it. Retain records having legal value until all the legal rights or obligations expire.
- ♦ A record has **fiscal value** if it pertains to the receipt, transfer, payment, adjustment, or encumbrance of funds, or if it is required for an audit. Retain records as long as they have fiscal value.
- ♦ The Local Government Records Program's primary concern is the **historical value** of a record. We use this value to help us decide what records we should select to be placed into an archive.

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*The CSC Update is provided by the State Personnel Board of Review to raise awareness regarding issues related to Ohio civil service law. The contents of this newsletter should not be considered legal advice. Readers are encouraged to contact SPBR at 614/466-7046 for specific questions.*

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After evaluating your records, you may still be uncertain of the length of time you should hold them. We provide records manuals for counties, municipalities and townships that give you guidelines for retaining various types of records. Copies of these manuals are available online at [www.ohiohistory.org/lgr](http://www.ohiohistory.org/lgr) or may be purchased by contacting the Local Government Records Program.

Before disposing of records, you must complete either an RC-1 or an RC-2 form. An RC-1 is an "Application for One-Time Disposal of Obsolete Records" and is only used for records that are no longer being created. An RC-2, "Schedule of Records Retention and Disposition" is used for those records still being created by your office.

Once you have filled out an RC-1 or RC-2, the forms must be reviewed and approved by your Records Commission. If your commission passes your schedule, it is forwarded to the Ohio Historical Society for review and approval. We forward it to the State Auditor's Office; the Auditor reviews it and returns the original to us. A copy of the approved schedule is sent to you.

When you receive your approved schedule and are ready to dispose of the listed records, you must submit the RC-3 form, "Certificate of Records Disposal" to the Ohio Historical Society. This form does not have to be submitted to your Records Commission, since it has already approved of the destruction of these records. We will date stamp your completed RC-3 form and forward it to the Auditor of the State. Our offices require 15 business days to review the RC-3 forms; if you do not hear from us during this time frame, you may destroy the

*(continued on page 4)*

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## Municipal Authority: Statutory v. Home Rule

Ohio Revised Code Section 705.24 provides that a municipal civil service commission shall enforce Chapter 124. of the Revised Code. Therefore, unless a charter has been properly enacted, making the municipality served by the commission subject to “home rule,” the civil service structure utilized by the State of Ohio is applicable. Use of the State’s structure provides an established framework for personnel transactions and allows municipalities to take advantage of the lessened risk afforded by utilizing the State’s approved plan.

Section 18.03 of the Ohio Constitution provides for a municipality’s local self-government, or “home rule,” upon approval of a charter by a majority of the electors of the municipality. Implementation and use of “home rule” requires an investment of time and expertise in drafting a charter and placing it on the ballot, and subjects a municipality to somewhat greater legal liability.

A chartered municipality has the flexibility to tailor municipal activities to its own distinct needs, and may regulate activities such as the appointment, removal, qualifications, compensation, and duties of its employees. Once enacted, a municipal charter may govern any issue under the municipality’s authority, so long as the charter provisions do not conflict with federal statutes and regulations, or with the Ohio Constitution. Municipal authority will be required to yield to the general laws of the State of Ohio where the municipal regulations have a significant extraterritorial impact on areas of statewide concern.

### **Statewide Concern Doctrine**

The Ohio Supreme Court Case explained the issue of statewide concern in *State Personnel Board of Review v. Bay Village Civil Service Commission* (1986), 28 Ohio St.3d 214. The Court determined that in order for a municipal charter provision to be superseded by state law, the issue sought to be regulated must

- 1) be of significant extraterritorial effect; and,
- 2) even if a matter of local concern is involved, be of general state interest, i.e. the regulation of the subject matter affects the general public of the state as a whole more than it affects the local inhabitants.

*Bay Village* held that the establishment and regulation of municipal civil service commissions are purely matters of local self-government as to which charter provisions prevail over conflicting state statutes.

Ohio’s form of government provides municipalities with two separate general options for governing and regulating municipal affairs: a statutory format and a charter, or “home rule”, format. Each format offers distinct advantages and disadvantages to the electors of a municipality. Civil service commissioners should be familiar with both formats, in order to effectively carry out the duties of the civil service commission.



## Annual Reports Due

If you have not yet filed your annual report with the Board, there is still time to do so. Pursuant to Ohio Revised Code Section 124.40, each municipal civil service commission is required to submit a yearly report of its activities to the State Personnel Board of Review.

Please complete the Report of Activities form mailed to your commission earlier this year and return it, along with your annual report and a copy of your commission’s civil service rules, to the State Personnel Board of Review, 65 East State Street, 12th Floor, Columbus, OH 43215.

If you need to request another Report of Activities form or have any questions regarding annual filing requirements, please contact Elaine Stevenson at 614/466-7046.

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***Please send us your comments, questions and suggestions regarding CSC Update.***

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## In the Next Issue

► ***Political Participation for Civil Service Employees.***

***Effect of Collective Bargaining Agreements on Civil Service Law.***

***Civil Service Testing: Questions and Guidelines.***

## Local Government Records Program *(continued from page 2)*

records listed on your disposal form. If the records listed on the RC-3 are identified as having continuing fiscal and/or historical value you will be notified that the planned records destruction should be stopped. You will not receive a copy of your RC-3 form back, so if you want to be certain that we received your disposal form in the mail, include a self-addressed, stamped postcard. We will date stamp and initial the postcard and send it back to you.

The *Local Government Records Handbook* provides a more detailed guide to records management procedures and best practices for local governments. The Handbook reviews the procedures for inventorying and scheduling your records and provides information about Ohio records laws, various media types and records storage. It is freely available on the website at <http://www.ohiohistory.org/lgr> or may be purchased from the LGR Program.

We at the Local Government Records Program know that Ohio's records laws can be confusing. We know that your other responsibilities often take priority over worrying about records. However, once a good records management plan is in place, the task of maintaining your records will become quite easy. If you have any questions about records management or the LGR Program please contact:

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