

As Introduced

**124th General Assembly
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H. B. No. 515

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

A B I L L

To amend sections 504.09, 504.12, 505.38, 505.49, and 1
4123.29 of the Revised Code to make changes 2
relating to the keeping of the board of township 3
trustees' journal, the taking of minutes of board 4
meetings, and the publication of board resolutions 5
in a home rule township; to allow civil service 6
townships that are urban townships to appoint any 7
one of the three highest scorers on a police or 8
fire department promotional exam; and to place 9
urban township employees in the same occupational 10
classifications as municipal employees for workers' 11
compensation purposes. 12

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 504.09, 504.12, 505.38, 505.49, and 13
4123.29 of the Revised Code be amended to read as follows: 14

Sec. 504.09. A board of township trustees shall determine its 15
own rules and order of business and keep a journal of its 16
proceedings. Notwithstanding section 507.04 of the Revised Code 17
and anything to the contrary in section 504.04 of the Revised 18
Code, the board may designate, by majority vote, any person to 19

keep its journal and take the minutes of board meetings. A 20
majority of the members of the board constitutes a quorum. 21

Sec. 504.12. No resolution and no section or numbered or 22
lettered division of a section shall be revised or amended unless 23
the new resolution contains the entire resolution, section, or 24
division as revised or amended, and the resolution, section, or 25
division so amended shall be repealed. This requirement does not 26
prevent the amendment of a resolution by the addition of a new 27
section, or division, and in this case the full text of the former 28
resolution need not be set forth, nor does this section prevent 29
repeals by implication. Except in the case of a codification or 30
recodification of resolutions, a separate vote shall be taken on 31
each resolution proposed to be amended. Resolutions that have been 32
introduced and have received their first reading or their first 33
and second readings, but have not been voted on for passage, may 34
be amended or revised by a majority vote of the members of the 35
board of township trustees, and the amended or revised resolution 36
need not receive additional readings. 37

The board of township trustees of a limited home rule 38
township may revise, codify, and publish in book form the 39
resolutions of the township in the same manner as provided in 40
section 731.23 of the Revised Code for municipal corporations. 41
Resolutions adopted by the board shall be published in the same 42
manner as provided by sections 731.21, 731.22, 731.24, 731.25, and 43
731.26 of the Revised Code for municipal corporations, except that 44
they shall be published in newspapers circulating within the 45
township. The clerk of the township shall perform the duties that 46
the clerk of the legislative authority of a municipal corporation 47
is required to perform under those sections. 48

The procedures provided in this section apply only to 49
resolutions adopted pursuant to a township's limited home rule 50
powers as authorized by this chapter. 51

Sec. 505.38. (A) In each township or fire district that has a fire department, the head of the department shall be a fire chief, appointed by the board of township trustees, except that, in a joint fire district, the fire chief shall be appointed by the board of fire district trustees. Neither this section nor any other section of the Revised Code requires, or shall be construed to require, that the fire chief be a resident of the township or fire district.

The board shall provide for the employment of firefighters as it considers best and shall fix their compensation. No person shall be appointed as a permanent full-time paid member, whose duties include fire fighting, of the fire department of any township or fire district unless that person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program. Those appointees shall continue in office until removed from office as provided by sections 733.35 to 733.39 of the Revised Code. To initiate removal proceedings, and for that purpose, the board shall designate the fire chief or a private citizen to investigate the conduct and prepare the necessary charges in conformity with those sections ~~733.35 to 733.39 of the Revised Code.~~

In case of the removal of a fire chief or any member of the fire department of a township or fire district, an appeal may be had from the decision of the board to the court of common pleas of the county in which the township or fire district fire department is situated to determine the sufficiency of the cause of removal. The appeal from the findings of the board shall be taken within ten days.

No person who is appointed as a volunteer firefighter of the fire department of any township or fire district shall remain in

that position unless either of the following applies: 83

(1) Within one year of the appointment, the person has 84
received a certificate issued under former section 3303.07 of the 85
Revised Code or division (C)(1) or (2) of section 4765.55 of the 86
Revised Code evidencing satisfactory completion of a firefighter 87
training program. 88

(2) The person began serving as a permanent full-time paid 89
firefighter with the fire department of a city or village prior to 90
July 2, 1970, or as a volunteer firefighter with the fire 91
department of a city, village, or other township or fire district 92
prior to July 2, 1979, and receives a certificate issued under 93
division (C)(3) of section 4765.55 of the Revised Code. 94

No person shall receive an appointment under this section, in 95
the case of a volunteer firefighter, unless the person has, not 96
more than sixty days prior to receiving the appointment, passed a 97
physical examination, given by a licensed physician, showing that 98
the person meets the physical requirements necessary to perform 99
the duties of the position to which the person is appointed as 100
established by the board of township trustees having jurisdiction 101
over the appointment. The appointing authority ~~shall~~, prior to 102
making an appointment, shall file with the Ohio police and fire 103
pension fund or the local volunteer fire fighters' dependents fund 104
board a copy of the report or findings of that licensed physician. 105
The professional fee for the physical examination shall be paid 106
for by the board of township trustees. 107

(B) In each township not having a fire department, the board 108
of township trustees shall appoint a fire prevention officer who 109
shall exercise all of the duties of a fire chief except those 110
involving the maintenance and operation of fire apparatus. The 111
~~board of township trustees~~ may appoint one or more deputy fire 112
prevention officers who shall exercise the duties assigned by the 113
fire prevention officer. 114

The board of ~~township trustees~~ may fix the compensation for 115
the fire prevention officer and the fire prevention officer's 116
deputies as it considers best. The board of ~~township trustees~~ 117
shall appoint each fire prevention officer and deputy for a 118
one-year term. An appointee may be reappointed at the end of a 119
term to another one-year term. Any appointee may be removed from 120
office during a term as provided by sections 733.35 to 733.39 of 121
the Revised Code. Section 505.45 of the Revised Code extends to 122
those officers. 123

(C)(1) Division (A) of this section ~~shall~~ does not apply to 124
any township that has a population of ten thousand or more persons 125
residing within the township and outside of any municipal 126
corporation, that has its own fire department employing ten or 127
more full-time paid employees, and that has a civil service 128
commission established under division (B) of section 124.40 of the 129
Revised Code. The township shall comply with the procedures for 130
the employment, promotion, and discharge of firefighters provided 131
by Chapter 124. of the Revised Code, except ~~that the~~ as otherwise 132
provided in divisions (C)(2) and (3) of this section. 133

(2) The board of township trustees of the township may 134
appoint the fire chief, and any person so appointed shall be in 135
the unclassified service under section 124.11 of the Revised Code 136
and shall serve at the pleasure of the board. Neither this section 137
nor any other section of the Revised Code requires, or shall be 138
construed to require, that the fire chief be a resident of the 139
township. A person who is appointed fire chief under these 140
conditions and who is removed by the board or resigns from the 141
position is entitled to return to the classified service in the 142
township fire department in the position held just prior to the 143
appointment as fire chief. ~~The~~ 144

(3) The appointing authority of an urban township, as defined 145
in section 504.01 of the Revised Code, may appoint to a vacant 146

position any one of the three highest scorers on the eligible list
for a promotional examination.

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(4) The board of township trustees shall determine the number
of personnel required and establish salary schedules and
conditions of employment not in conflict with Chapter 124. of the
Revised Code. ~~No~~

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(5) No person shall receive an original appointment as a
permanent full-time paid member of the fire department of the
township described in this division unless the person has received
a certificate issued under former section 3303.07 or section
4765.55 of the Revised Code evidencing the satisfactory completion
of a firefighter training program. ~~Persons~~

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(6) Persons employed as firefighters in the township
described in this division on the date a civil service commission
is appointed pursuant to division (B) of section 124.40 of the
Revised Code ~~shall~~, without being required to pass a competitive
examination or a firefighter training program, shall retain their
employment and any rank previously granted them by action of the
board of township trustees or otherwise, but those persons are
eligible for promotion only by compliance with Chapter 124. of the
Revised Code.

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Sec. 505.49. (A) As used in this section, "felony" has the
same meaning as in section 109.511 of the Revised Code.

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(B)(1) The township trustees by a two-thirds vote of the
board may adopt rules necessary for the operation of the township
police district, including a determination of the qualifications
of the chief of police, patrol officers, and others to serve as
members of the district police force.

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(2) Except as otherwise provided in division (E) of this
section and subject to division (D) of this section, the township

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trustees by a two-thirds vote of the board shall appoint a chief 177
of police for the district, determine the number of patrol 178
officers and other personnel required by the district, and 179
establish salary schedules and other conditions of employment for 180
the employees of the township police district. The chief of police 181
of the district shall serve at the pleasure of the township 182
trustees and shall appoint patrol officers and other personnel 183
that the district may require, subject to division (D) of this 184
section and to the rules and limits as to qualifications, salary 185
ranges, and numbers of personnel established by the ~~township~~ board 186
of township trustees. The township trustees may include in the 187
township police district and under the direction and control of 188
the chief of police, any constable appointed pursuant to section 189
509.01 of the Revised Code, or may designate the chief of police 190
or any patrol officer appointed by the chief of police as a 191
constable, as provided for in section 509.01 of the Revised Code, 192
for the township police district. 193

(3) Except as provided in division (D) of this section, a 194
patrol officer, other police district employee, or police 195
constable, who has been awarded a certificate attesting to the 196
satisfactory completion of an approved state, county, or municipal 197
police basic training program, as required by section 109.77 of 198
the Revised Code, may be removed or suspended only under the 199
conditions and by the procedures in sections 505.491 to 505.495 of 200
the Revised Code. Any other patrol officer, police district 201
employee, or police constable shall serve at the pleasure of the 202
township trustees. In case of removal or suspension of an 203
appointee by the board of township trustees, that appointee may 204
appeal the decision of the board to the court of common pleas of 205
the county in which the district is situated to determine the 206
sufficiency of the cause of removal or suspension. The appointee 207
shall take the appeal within ten days of written notice to the 208

appointee of the decision of the board.

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(C)(1) Division (B) of this section does not apply to a township that has a population of ten thousand or more persons residing within the township and outside of any municipal corporation, that has its own police department employing ten or more full-time paid employees, and that has a civil service commission established under division (B) of section 124.40 of the Revised Code. ~~That type of~~ The township shall comply with the procedures for the employment, promotion, and discharge of police personnel provided by Chapter 124. of the Revised Code, except ~~that the~~ as otherwise provided in divisions (C)(2) and (3) of this section.

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(2) The board of township trustees of the township may appoint the chief of police, and a person so appointed shall be in the unclassified service under section 124.11 of the Revised Code and shall serve at the pleasure of the board. A person appointed chief of police under these conditions who is removed by the board or who resigns from the position shall be entitled to return to the classified service in the township police department, in the position that person held previous to the person's appointment as chief of police. ~~The~~

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(3) The appointing authority of an urban township, as defined in section 504.01 of the Revised Code, may appoint to a vacant position any one of the three highest scorers on the eligible list for a promotional examination.

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(4) The board of township trustees shall determine the number of personnel required and establish salary schedules and conditions of employment not in conflict with Chapter 124. of the Revised Code. ~~Persons~~

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(5) Persons employed as police personnel in ~~that type of a~~ township described in this division on the date a civil service

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commission is appointed pursuant to division (B) of section 124.40 240
of the Revised Code, without being required to pass a competitive 241
examination or a police training program, shall retain their 242
employment and any rank previously granted them by action of the 243
township trustees or otherwise, but those persons are eligible for 244
promotion only by compliance with Chapter 124. of the Revised 245
Code. ~~This~~ 246

(6) This division does not apply to constables appointed 247
pursuant to section 509.01 of the Revised Code. This division is 248
subject to division (D) of this section. 249

(D)(1) The board of township trustees shall not appoint or 250
employ a person as a chief of police, and the chief of police 251
shall not appoint or employ a person as a patrol officer or other 252
peace officer of a township police district or a township police 253
department, on a permanent basis, on a temporary basis, for a 254
probationary term, or on other than a permanent basis if the 255
person previously has been convicted of or has pleaded guilty to a 256
felony. 257

(2)(a) The board of township trustees shall terminate the 258
appointment or employment of a chief of police, patrol officer, or 259
other peace officer of a township police district or township 260
police department who does either of the following: 261

(i) Pleads guilty to a felony; 262

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 263
plea agreement as provided in division (D) of section 2929.29 of 264
the Revised Code in which the chief of police, patrol officer, or 265
other peace officer of a township police district or township 266
police department agrees to surrender the certificate awarded to 267
that chief of police, patrol officer, or other peace officer under 268
section 109.77 of the Revised Code. 269

(b) The board shall suspend the appointment or employment of 270

a chief of police, patrol officer, or other peace officer of a township police district or township police department who is convicted, after trial, of a felony. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal from that conviction and the conviction is upheld by the highest court to which the appeal is taken or if no timely appeal is filed, the board shall terminate the appointment or employment of that chief of police, patrol officer, or other peace officer. If the chief of police, patrol officer, or other peace officer of a township police district or township police department files an appeal that results in that chief of police's, patrol officer's, or other peace officer's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against the chief of police, patrol officer, or other peace officer, the board shall reinstate that chief of police, patrol officer, or other peace officer. A chief of police, patrol officer, or other peace officer of a township police district or township police department who is reinstated under division (D)(2)(b) of this section shall not receive any back pay unless the conviction of that chief of police, patrol officer, or other peace officer of the felony was reversed on appeal, or the felony charge was dismissed, because the court found insufficient evidence to convict the chief of police, patrol officer, or other peace officer of the felony.

(3) Division (D) of this section does not apply regarding an offense that was committed prior to January 1, 1997.

(4) The suspension or termination of the appointment or employment of a chief of police, patrol officer, or other peace officer under division (D)(2) of this section shall be in accordance with Chapter 119. of the Revised Code.

(E) The board of township trustees may enter into a contract

under section 505.43 or 505.50 of the Revised Code to obtain all
police protection for the township police district from one or
more municipal corporations, county sheriffs, or other townships.
If the board enters into such a contract, subject to division (D)
of this section, it may, but is not required to, appoint a police
chief for the district.

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(F) The members of the police force of a township police
district of a township that adopts the limited self-government
form of township government shall serve as peace officers for the
township territory included in the district.

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(G) A chief of police or patrol officer of a township police
district, or of a township police department, may participate, as
the director of an organized crime task force established under
section 177.02 of the Revised Code or as a member of the
investigatory staff of that task force, in an investigation of
organized criminal activity in any county or counties in this
state under sections 177.01 to 177.03 of the Revised Code.

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Sec. 4123.29. (A) The administrator of workers' compensation,
subject to the approval of the workers' compensation oversight
commission, shall do all of the following:

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(1) Classify occupations or industries with respect to their
degree of hazard and determine the risks of the different classes
according to the categories the national council on compensation
insurance establishes that are applicable to employers in this
state. The administrator shall place employees of urban
townships, as defined in section 504.01 of the Revised Code, in
the same occupational classifications as employees of municipal
corporations.

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(2) Fix the rates of premium of the risks of the classes
based upon the total payroll in each of the classes of occupation
or industry sufficiently large to provide a fund for the

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334 compensation provided for in this chapter and to maintain a state
335 insurance fund from year to year. The administrator shall set the
336 rates at a level that assures the solvency of the fund. Where the
337 payroll cannot be obtained or, in the opinion of the
338 administrator, is not an adequate measure for determining the
339 premium to be paid for the degree of hazard, the administrator may
340 determine the rates of premium upon such other basis, consistent
341 with insurance principles, as is equitable in view of the degree
342 of hazard, and whenever in this chapter reference is made to
343 payroll or expenditure of wages with reference to fixing premiums,
344 the reference shall be construed to have been made also to such
345 other basis for fixing the rates of premium as the administrator
346 may determine under this section.

347 The administrator in setting or revising rates shall furnish
348 to employers an adequate explanation of the basis for the rates
349 set.

350 (3) Develop and make available to employers who are paying
351 premiums to the state insurance fund alternative premium plans.
352 Alternative premium plans shall include retrospective rating
353 plans. The administrator may make available plans under which an
354 advanced deposit may be applied against a specified deductible
355 amount per claim.

356 (4) Offer to insure the obligations of employers under this
357 chapter under a plan that groups, for rating purposes, employers,
358 and pools the risk of the employers within the group provided that
359 the employers meet all of the following conditions:

360 (a) All of the employers within the group are members of an
361 organization that has been in existence for at least two years
362 prior to the date of application for group coverage~~+~~.

363 (b) The organization was formed for purposes other than that
364 of obtaining group workers' compensation under this division~~+~~.

(c) The employers' business in the organization is 365
substantially similar, such that the risks ~~which~~ that are grouped 366
are substantially homogeneous. 367

(d) The group of employers consists of at least one hundred 368
members or the aggregate workers' compensation premiums of the 369
members, as determined by the administrator, are expected to 370
exceed one hundred fifty thousand dollars during the coverage 371
period. 372

(e) The formation and operation of the group program in the 373
organization will substantially improve accident prevention and 374
claims handling for the employers in the group. 375

(f) Each employer seeking to enroll in a group for workers' 376
compensation coverage has an industrial insurance account in good 377
standing with the bureau of workers' compensation, such that, at 378
the time the agreement is processed, no outstanding premiums, 379
penalties, or assessments are due from any of the employers. 380

In providing employer group plans under division (A)(4) of 381
this section, the administrator shall consider an employer group 382
as a single employing entity for purposes of retrospective rating. 383
No employer may be a member of more than one group for the purpose 384
of obtaining workers' compensation coverage under this division. 385

In no event shall division (A)(4) of this section be 386
construed as granting to an employer status as a self-insuring 387
employer. 388

The administrator shall develop classifications of 389
occupations or industries that are sufficiently distinct so as not 390
to group employers in classifications that unfairly represent the 391
risks of employment with the employer. 392

(5) Generally promote employer participation in the state 393
insurance fund through the regular dissemination of information to 394
all classes of employers describing the advantages and benefits of 395

opting to make premium payments to the fund. To that end, the 396
administrator shall regularly make employers aware of the various 397
workers' compensation premium packages developed and offered 398
pursuant to this section. 399

(6) Make available to every employer who is paying premiums 400
to the state insurance fund a program whereby the employer or ~~his~~ 401
the employer's agent pays to the claimant or on behalf of the 402
claimant the first one thousand dollars of a compensable workers' 403
compensation medical-only claim filed by that claimant that is 404
related to the same injury or occupational disease. If an employer 405
elects to enter the program, the administrator shall not reimburse 406
the employer for such amounts paid and shall not charge the first 407
one thousand dollars of any medical-only claim paid by an employer 408
to the employer's experience or otherwise use it in merit rating 409
or determining the risks of any employer for the purpose of 410
payment of premiums under this chapter. The administrator shall 411
adopt rules to implement and administer division (A)(6) of this 412
section. 413

(B) The administrator, with the advice and consent of the 414
oversight commission, by rule, may do both of the following: 415

(1) Grant an employer who makes ~~his~~ the employer's semiannual 416
premium payment at least one month prior to the last day on which 417
the payment may be made without penalty, a discount as the 418
administrator fixes from time to time; 419

(2) Levy a minimum annual administrative charge upon risks 420
where semiannual premium reports develop a charge less than ~~he~~ the 421
administrator considers adequate to offset administrative costs of 422
processing. 423

Section 2. That existing sections 504.09, 504.12, 505.38, 424
505.49, and 4123.29 of the Revised Code are hereby repealed. 425