

OPINION NO. 73-062

Syllabus:

A city civil service commission has no jurisdiction over the personnel of a joint vocational school district, whose facilities are located in the city, but whose territory extends over six counties.

To: Neil M. Laughlin, Licking County Pros. Atty., Newark, Ohio
By: William J. Brown, Attorney General, June 25, 1973

Your request for my opinion reads as follows:

This office has been requested to seek your opinion as to whether the Newark Civil Service Commission would exercise any jurisdiction over

the personnel of the Licking County Joint Vocational School District.

The Licking County Joint Vocational School District is located within the corporate limits of the City of Newark, Ohio. However, said School District extends throughout the entity of Licking County and into five other counties.

Your question is whether a city civil service commission has jurisdiction over personnel of a joint vocational school district, whose facilities are located in the city, but whose territory extends into six counties.

A joint vocational school district may be created by any combination of local, exempted village, city or county boards of education, subject to approval by the state board of education and by each of the boards involved. R.C. 3311.16 - 3311.18. This new joint vocational school district is separate and distinct from the districts which united in its creation. One of my predecessors has said, "A joint vocational school district is an entity in itself separate and apart from any other school district, * * *." Opinion No. 3333, Opinions of the Attorney General for 1962; see also Opinion No. 65-167, Opinions of the Attorney General for 1965; Opinion No. 1523, Opinions of the Attorney General for 1964; Opinion No. 71-012, Opinions of the Attorney General for 1971; Opinion No. 71-015, Opinions of the Attorney General for 1971.

With the exception of those instances in which the new district is created by school districts within the confines of a single county (obviously not the case here), the new vocational school district has its own school board, composed of persons who are members of the creating school boards; and the management and control of its affairs rests exclusively with that board. The pertinent language appears in R.C. 3311.19, which provides in part as follows:

The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education.

Where a joint vocational school district is composed only of two or more local school districts located in one county, or when all the participating districts are in one county and the boards of such participating districts so choose, the county board of education of the county in which the joint vocational school district is located shall serve as the joint vocational school district board of education. Where a joint vocational school district is composed of local school districts of more than one county, or of any combination of county, local, city, or exempted village school districts, unless administration by the county board of education has been chosen by all the participating districts in one county pursuant to this section, then the board of education of the joint vocational school district shall be composed of one or more persons who are members of the boards of education from each of the city, exempted village,

or county school districts affected to be appointed by the boards of education of such school districts.
* * *

The question is whether the personnel of such a joint vocational school district comes under the jurisdiction of a particular municipal civil service commission, apparently because the school facilities, which service a six county area, are located within that particular city. The civil service laws of the state are found in R.C. Chapter 143. The definition section, R.C. 143.01, provides in part as follows:

As used in sections 143.01 to 143.48, inclusive, of the Revised Code:

(A) "Civil service" includes all offices and positions of trust or employment in the service of the state and the counties, cities, city health districts, general health districts, and city school districts.

(B) "State service" includes all such offices and positions in the service of the state, the counties, and general health districts thereof, except the cities, city health districts, and city school districts.

(C) "Classified service" signifies the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts thereof.

(Emphasis added.)

Municipal civil service commissions are provided for by R.C. 143.30, which reads in part as follows:

The mayor or other chief appointing authority of each city in the state shall appoint three persons, one for a term of two years, one for four years, and one for six years, who shall constitute the municipal civil service commission of such city and of the city school district and city health district in which such city is located. Each alternate year thereafter the mayor or other chief appointing authority shall appoint one person, as successor of the member whose term expires, to serve six years. * * * Such municipal civil service commission shall prescribe, amend, and enforce rules not inconsistent with sections 143.01 to 143.48, inclusive, of the Revised Code, for the classification of positions in the civil service of such city and city school district, and all the positions in the city health district; for examinations and resignations therefor; for appointments, promotions, removals, transfers, layoffs, suspensions, reductions, and reinstatements therein; and for standardizing positions and maintaining efficiency therein. Said municipal civil service commission shall exercise all other powers and perform all other duties with respect to the civil service of such city, city school district,

and city health district, as prescribed by said sections and conferred upon the director of state personnel and the state personnel board of review with respect to the civil service of the state; and all authority granted to the director and the board with respect to the service under their jurisdiction shall, except as otherwise provided by sections 143.01 to 143.48, inclusive, of the Revised Code, be held to grant the same authority to the municipal civil service commission with respect to the service under its jurisdiction. The procedure applicable to reductions, suspensions, and removals, as provided for in section 143.27 of the Revised Code, shall govern the civil service of cities. The expense and salaries of a municipal civil service commission shall be determined by the legislative authority of such city and a sufficient sum of money shall be appropriated each year to carry out sections 143.01 to 143.48, inclusive, of the Revised Code, in such city.

All persons who are employed by a city school district, city health district, or city health department when a municipal civil service commission having jurisdiction over them is appointed, or when they become subject to civil service by extension of civil service to include new classifications of employees, shall continue to hold their positions until removed in accordance with the civil service laws.

Each municipal civil service commission shall make reports from time to time, as the board requires, of the manner in which the law and the rules and regulations thereunder have been and are being administered, and the results of their administration in such city, city school district, and city health district. A copy of the annual report of each such municipal civil service commission shall be filed in the office of the board as a public record.

Finally, R.C. 143.38 makes provision for payment of a city board of education's share of the cost of administration of the municipal civil service commission in the following language:

Where municipal civil service commissions act for city school districts of the cities for which they are appointed, the boards of education of such city school districts may, by resolution, appropriate each year, to be paid into the treasury of such city, a sum sufficient to meet the portion of the board of education's cost of civil service administration as determined by the ratio of the number of employees of such board in the classified service to the entire number of employees in the classified service in all political divisions administered by such commission.

I think it quite obvious, from a reading of these Sections, that the General Assembly originally intended to limit the

jurisdiction of a city civil service commission, so far as school districts are concerned, only to its own particular city school district.

I assume, however, that an argument has been raised, on the basis of a comparatively recent amendment to R.C. 3311.19, supra, that a joint vocational school district also is subject to the jurisdiction of the civil service commission of the city within which its facilities are located. The amendment to R.C. 3311.19 reads as follows:

* * *A joint vocational school district board of education shall have the same powers, duties and authority for the management and operation of such joint vocational school district as is granted by law to a board of education of a city school district, and shall be subject to all provisions of law that apply to a city school district.
(Emphasis added.)

This language was added by the General Assembly in 1963 as part of a general revision of the statutory provisions governing joint vocational schools. 130 Ohio Laws, 742-750. Prior to that, joint vocational school districts were limited to the confines of one county: the county board of education acted as the board for the joint vocational school district; and its powers, when so acting, were the same as granted by law to the board of a local school district. 129 Ohio Laws, 1544-1545. The change in 1963 permitted cooperation between school districts beyond county lines; established distinct joint vocational school boards; and gave them the powers of a city school board.

The object of this legislation seems to have been to improve and strengthen the quality of vocational education in the state by concentration of facilities. As was noted in a recent Opinion, "the last few years have evidenced great expansion in the field of vocational education." Opinion No. 71-068, Opinions of the Attorney General for 1971. But it is one thing to say that the board of a joint vocational school district shall have all the powers of a city school district board of education. It is quite another thing to say that the personnel of a joint vocational school district, which extends over six counties, shall be subject to the jurisdiction of a single city civil service commission. The location of the facilities depends upon the "plan" initially adopted by the combination of school districts which join to form the new vocational school district. R.C. 3311.16 - 3311.17. The plan may locate the facilities in one city in the new joint district, or it may split them between two cities. It may also locate them within the confines of a village, or it may even place them in some unincorporated location in one of the counties. Any of these possibilities is permissible under the statutes, and in most of them it would be impossible to determine which city civil service commission should have jurisdiction. Such an interpretation would be impractical and unworkable and cannot have been the intent of the General Assembly. Canton v. Bowling Lanes, 16 Ohio St. 2d 47, 53 (1968); State, ex rel. Cooper v. Savord, 153 Ohio St. 367, 371 (1950).

Furthermore, as has already been noted, the civil service Sections of the Revised Code limit the jurisdiction of a city civil service commission to city school districts only. R.C. 143.01, 143.30. If the General Assembly had intended to expand this jurisdiction to include joint vocational school dis-

tricts, it surely would have done so explicitly as it did with regard to city health districts which, though separate political subdivisions of the state, are nevertheless made specifically subject to the jurisdiction of the city civil service commission. R.C. 143.01, 143.30; State, ex rel. Powner v. Underwood, 137 Ohio St. 1 (1940); Scofield v. Strain, 142 Ohio St. 290 (1943); Opinion No. 71-087, Opinions of the Attorney General for 1971.

In specific answer to your question it is my opinion, and you are so advised, that a city civil service commission has no jurisdiction over the personnel of a joint vocational school district, whose facilities are located in the city, but whose territory extends over six counties.