

County Council of Cuyahoga County, Ohio

Ordinance No. O2015-0013

Sponsored by: County Executive Budish/Fiscal Officer Co-sponsored by: Councilmembers Miller, Germana, Conwell, Jones and Simon	An Ordinance enacting Chapter 719 of the Cuyahoga County Code to establish payroll procedures for years in which the number of pay periods exceeds the usual and customary number of pay periods, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, County employees are typically paid on a biweekly basis with 26 biweekly pay periods in a normal year; and,

WHEREAS, because a calendar year does not conform exactly to 26 biweekly pay periods, a 27th biweekly pay occurs once every eleven years; and,

WHEREAS, pursuant to O.R.C. 5705.13(B), a County may establish a special revenue fund to “accumulate resources for payment of salaries during any fiscal year when the number of pay periods exceeds the usual and customary number of pay periods”; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a county entity.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Chapter 719 of the Cuyahoga County Code is hereby enacted to read as follows:

CHAPTER 719: Payroll

Section 719.01: Salary and Benefits Reserve Fund

There is hereby established the Salary and Benefits Reserve Fund, in which resources shall accumulate for the payment of salaries and benefits during any calendar year in which the number of pay periods exceeds the usual and customary number of pay periods or any other purpose authorized by Council. The Fiscal Officer may, subject to appropriation by the Council, regularly transfer sufficient resources to the Salary and Benefits Reserve Fund to meet the anticipated needs of the County.

Section 719.02: Statutory Compensation

In a year in which the number of pay periods exceeds the usual and customary number of pay periods, all elected County officials who have an annual salary set by the Charter or statute shall be paid that annual salary for that year. All other County employees shall be paid their respective hourly wage rate and benefits for time worked during the additional pay period.

Section 719.03: Labor and Employment Compliance

Nothing in this Chapter shall affect a County employee’s status under the Fair Labor Standards Act or any other law.

SECTION 2. It is necessary that this Ordinance become immediately effective for the operation of the County and the reasons set forth in the preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the 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.

On a motion by Mr. Greenspan, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Conwell, Jones, Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: October 13, 2015

Committee(s) Assigned: Finance & Budgeting

Additional Sponsorship Requested on the Floor: October 27, 2015

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