

County Council of Cuyahoga County, Ohio

Ordinance No. O2018-0008

Sponsored by: **County Executive
Budish/Fiscal Officer and
Department of Human Resources**

An Ordinance amending Section 9.07 of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual and approving certain straight time cash payments in lieu of exchange time for hours worked in excess of forty in a work week in the total amount not-to-exceed \$85,529.59 for sexennial and triennial real estate assessments for the period 4/29/2018 - 7/27/2018, and declaring the necessity that this Ordinance become immediately effective.

WHEREAS, the Cuyahoga County Human Resources Personnel Policies and Procedures Manual ("Policy Manual") was most recently adopted by County Council on March 27, 2018, and

WHEREAS, the approved Policy Manual provides that in limited circumstances, certain overtime exempt employees are eligible to receive straight time cash payments in lieu of exchange time for hours worked in excess of forty in a work week, and

WHEREAS, the Policy Manual further requires determinations and approvals from the Department Director, the Director of Human Resources, and the County Executive or designee in advance, or within seven (7) days in case of emergency, and

WHEREAS, Council now determines to approval of straight time cash payments are to occur within 14 days, 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. That Section 9.07 of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual is hereby amended as follows (additions bolded and underlined, deletions stricken):

9.07 Exempt Employees: Exchange/Straight Time

Exchange Time

Exempt employees can earn exchange time (a form of paid leave) when they work more than forty (40) hours in a workweek, provided the following:

- there is a compelling reason for the exempt employee to be required to stay beyond normal working hours – staying to finish up normal assignments does not qualify.
- there is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be required to work over or be granted prior authorization by their supervisor to work the additional hours

Time spent on paid leave (i.e., sick, vacation, exchange time, etc., except for County-recognized holidays), does not count towards the forty (40) hours work requirement.

Exchange time is accrued in increments of one-minute. The maximum balance of exchange time an exempt employee may accrue is forty (40) hours. Exchange time earned in lieu of holiday premium pay is not subject to the forty (40) hour requirement.

An employee who has requested paid leave using exchange time shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt their department’s operations.

Exchange time not used within six (6) months of accrual shall expire. If a critical or extraordinary operational need exists, the Director of Human Resources may authorize an employee to accrue up to two hundred (200) hours of exchange time and may extend the expiration timeframe up to one (1) year. At no time shall exchange time be paid out to the employee.

Straight Time Pay

In rare circumstances the County may pay an exempt employee a straight time cash payment (based on the employee’s hourly rate of pay) in lieu of exchange time. Normally, the County will credit the employee with exchange time. A department director may request, on a temporary basis, that a straight time cash payment for an employee or group of employees be provided in lieu of exchange time, subject to all of the following conditions:

1. The Department Director has determined that hiring additional employees or outsourcing the work would be impractical or less cost-effective than straight time payments;
2. County operations temporarily require exempt employees to work beyond forty (40) hours per week in order to meet an urgent public health or safety need, to

meet mandatory deadlines for the sexennial and triennial real estate assessments, or to meet the critical needs associated with implementing the Enterprise Resource Planning system and/or the Real Property software system;

3. The Director of Human Resources has determined, in writing, that it would be impractical or inequitable to expand the cap on accrual of exchange time, expand the timeframe in which an employee's exchange time can be used, or modify one or more employee's base salary.

4. The County Executive or designee provides written authorization in advance, or within **fourteen (14) days**~~seven (7) days in case of emergency~~, specifying:

a. The employee or employees eligible to receive straight time payments,

b. The total number of hours worked beyond 40 each employee is authorized to receive straight time payments; and

c. the defined period of time, not to exceed 90 days, during which each employee is eligible to receive such payments. The County Executive may extend the time period for additional time provided all of the foregoing conditions still apply, but such extension shall be considered a separate approval for the purposes of reporting and subject to the requirements of this section.

5. The defined period of time provided for in item 4(c) above may not be extended more than once unless the extension is accompanied by a plan to correct the situation necessitating the straight time payments.

6. Authorized straight-time payments shall be listed on the county's personnel agenda at the time they are approved by the County Executive.

SECTION 2. Council hereby approves straight time cash payments in lieu of exchange time for hours worked in excess of forty in a work week for the following employees:

a) four (4) staff in the Fiscal Department in the total amount not-to-exceed \$85,529.59 for sexennial real estate assessment for the period 4/29/2018 – 7/27/2018, and

b) eleven (11) staff in the Medical Examiner's Department in the total amount not to exceed \$33,311.91 for opioid crisis response for the period 4/29/2018 – 7/28/2018.

SECTION 3. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional 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 any 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 4. 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 Ms. Brown, seconded by Mr. Brady, the foregoing Ordinance was duly enacted.

Yeas: Miller, Tuma, Gallagher, Conwell, Jones, Brown, Houser, Simon, Baker and Brady

Nays: None


County Council President

6/13/2018
Date


County Executive

6-13-18
Date


Clerk of Council

6/12/2018
Date

First Reading/Referred to Committee: May 29, 2018

Committee(s) Assigned: Human Resources, Appointments & Equity

Legislation Substituted in Committee: June 5, 2018

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