

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0005

<p>Sponsored by: County Executive Budish/Department of Human Resources</p> <p>Co-sponsored by: Councilmembers Jones, Brown, Conwell, Miller and Simon</p>	<p>An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual (“Employee Handbook”) to recognize Juneteenth as a paid County holiday and to authorize County employees to serve as precinct election day officials on election day without loss of the employee’s regular compensation and additionally receiving the compensation paid to precinct election day officials, to be applicable to all County employees; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, President Lincoln issued the Emancipation Proclamation declaring all enslaved people in the Confederate States to “be then, thenceforward, and forever free” on January 1, 1863; and

WHEREAS, federal troops arrived in Galveston, Texas on June 19, 1865 (nka, Juneteenth), two-and-a-half years after signing of the Emancipation Proclamation, to ensure that all enslaved people were freed; and

WHEREAS, the County Executive/Department of Human Resources has recommended to amend the Human Resources Personnel Policies and Procedures Manual to include Juneteenth as a County paid holiday; and

WHEREAS, pursuant to Section 9.01 of the County Charter it is County Council’s authority to establish personnel policies by ordinance, and Council has previously approved prior versions of the County’s Personnel Policies and Procedure Manual, which is amended herein and may be amended in the future by Council; and

WHEREAS, Cuyahoga County recognizes that the right to vote is a fundamental right and the county supports free and open elections. Consistent with the provisions in Charter Section 14.02, the County shall have the right to undertake measures to promote voter participation.

WHEREAS, pursuant to Division (F) of Ohio Revised Code (“O.R.C.”) Section 3501.28, the Cuyahoga County Council may permit County employees to serve as precinct election day officials (“poll worker”) on the day of an election without loss of the employees’ regular compensation for that day and additionally receiving the compensation paid to precinct election day officials; and

WHEREAS, the Executive and Council allowed County employees to serve as poll workers for the November 3, 2020, General Election and it was a successful endeavor; and

WHEREAS, the Cuyahoga County Board of Elections (“CCBOE”) has indicated that it is supportive of a permanent policy to permit County employee poll worker leave; and

WHEREAS, County employees who serve as poll workers on the day of an election without loss of the employees’ regular compensation for that day shall receive, in addition to the employees’ regular compensation, the compensation paid to poll workers by the Cuyahoga County Board of Elections in accordance with Divisions (B) or (C), as applicable, of O.R.C. Sections 3501.28; and

WHEREAS, in accordance with the authority under Section 403.08 of the County Code, the Inspector General has determined that poll worker leave and poll worker compensation need not be disclosed as secondary employment; and

WHEREAS, the County Executive and this Council are supportive of the CCBOE efforts to provide an efficient Election Day for the voters of Cuyahoga County and, in accordance with the Charter, want to encourage County employees to vote and participate more fully in the election process; 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. Adoption of Revised Human Resources Personnel Policies and Procedures Manual: Council hereby adopts the amended section of the County’s Human Resources Personnel Policies and Procedures Manual (“Employee Handbook”) as set forth in Exhibit A attached hereto, effective for all County employees, and shall remain in full force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. Upon adoption of this ordinance, the Department of Human Resources shall disseminate the Employee Handbook, as amended, to all employees subject to the Employee Handbook in accordance with the Department’s usual method of dissemination.

SECTION 2. Policies applicable to bargaining employees shall be effective in accordance with state law and any applicable collective bargaining agreement. This Ordinance does not supersede or negate any currently effective collective bargaining agreement authorized by the Council. The County Executive and designee are authorized to negotiate with the respective labor unions of bargaining employees as to the receipt of the additional benefits afforded to non-bargaining employees pursuant to this Ordinance.

SECTION 3. The Clerk of Council is hereby directed to certify copies of this Resolution to the Cuyahoga County Board of Elections.

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 Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Miller, Sweeney, Tuma, Conwell, Brown, Stephens, Simon and Jones

Nays: Baker, Gallagher and Schron

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 13, 2021

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

Legislation Substituted in Committee: May 18, 2021

Additional Sponsorships Requested: May 18, 2021

Committee Report/Second Reading: May 25, 2021

Additional Sponsorship Requested on the Floor: May 25, 2021

Journal CC042

May 25, 2021

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]

Exhibit A

11.02 Paid Holidays

The County provides full-time and part-time benefits-eligible employees with paid time off on the following, recognized holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Memorial Day
- **Juneteenth**
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

In the event that any of the aforementioned holidays falls on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the aforementioned holidays fall on Sunday, the Monday immediately following shall be observed as the holiday.

Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay.

Eligible employees who work on a County-recognized holiday and are in a paid status on the regular work day immediately preceding and following a holiday are entitled to holiday pay for their regularly scheduled work hours. If the employee's work schedule is other than Monday through Friday, and the holiday falls on the employee's day off, the employee is entitled to a floating day off, to be used within ninety (90) calendar days and with prior approval.

An employee in a non-exempt position who is required to work on a County holiday shall be entitled to regular pay in addition to holiday premium pay at one and one-half (1.5) times for each hour worked. Exempt employees who are required to work on a County holiday will receive regular pay in addition to holiday premium pay at their regular rates for each hour worked, or exchange time. Normally, the County will credit the employee with exchange time. A department director may request, based on compelling or extraordinary operational needs, that the Director of Human Resources approve holiday premium pay for an employee or group of employees in lieu of exchange time, subject to the conditions in Section 9.07 of this handbook.

Part-time benefits-eligible employees are entitled to holiday pay for their scheduled hours if the recognized holiday falls on their regularly scheduled workday.

Part-time benefit non-eligible employees and temporary employees are not entitled to holiday pay or premium holiday pay even if they work on a recognized holiday.

11.11 Precinct Election Day Official Leave

Any employee who is a registered voter of Cuyahoga County, Ohio and who meets other requirements established by law and the Cuyahoga County Board of Elections, may request precinct election day official (“poll worker”) leave with pay for the purpose of serving as a poll worker for the Cuyahoga County Board of Elections on Election Day. For purposes of this section “Election Day” means a date set by the Board of Elections for either a Special, Primary, or General Election.

To be eligible for poll worker leave, prior to contacting the Board of Elections to register as a poll worker, an employee must obtain written authorization for paid poll worker leave from the employee’s supervisor or manager.

Paid leave to serve as a poll worker shall be limited to Election Day. Employees are not eligible for poll worker leave for attending any organizational meeting or poll worker training. In the event an employee is required to attend poll worker organizational meetings or training during the employee’s regular work hours, the employee shall make a prior request and obtain authorization for leave utilizing the employee’s vacation, personal, or compensatory pay.

The employee’s supervisor or manager reserves the right to reject an application for poll worker leave based on operational needs. Should several employees apply for poll worker leave who perform similar functions, and/or if operational needs dictate that not all applicants may participate, then priority shall be given by the employees’ supervisor or manager on the basis of the order in which applications are received.

The Board of Elections reserves the right to refuse to place an employee with prior approval for poll worker leave if the employee’s services are not needed on Election Day. In such instance, the employee must report to work during the employee’s regular work hours. The Board of Elections may give priority to employees who have served as poll workers in prior elections.

An employee working at the polls on Election Day must work the entire day as defined by the Board of Elections to receive poll worker leave; provided that:

- i) if an employee is regularly scheduled to work eight hours and works longer than eight hours at the polls on Election Day, the employee is entitled to no more than eight hours of poll worker leave, and
- ii) if an employee does not work as a poll worker on Election Day at least the number of hours the employee would have regularly been scheduled to work, the employee must use other accumulated leave time as deemed appropriate for the hours not worked as a poll worker on Election Day.

Poll worker leave shall not count toward an employee’s hours worked for purposes of calculating overtime.

If the employee is scheduled to work as a poll worker on election day, but for whatever reason cannot, the employee must notify either their supervisor or manager and the Board of Elections that they are not able to serve as a poll worker. If the employee is also unable to then come to work for their normal workday on election day, the employee must notify their supervisor or manager in accordance with other sections of this manual. The employee will be required to use other types of leave if they cannot work their normal workday on election day.

For purposes of this leave, serving as a poll worker shall not be considered as secondary employment for the Inspector General's Office and does not need to be disclosed as secondary employment.

An employee working at the polls shall be additionally compensated by the Cuyahoga County Board of Elections in accordance with Divisions (B) or (C), as applicable, of O.R.C. Sections 3501.28.

Any employee who is a registered voter in a County other than Cuyahoga County must provide the Human Resources Department with a signed letter from that County's Board of Elections on its letterhead, verifying the employee worked as a poll worker on election day to be eligible for the poll worker leave.