

# County Council of Cuyahoga County, Ohio

## Resolution No. R2020-0161

<p>Sponsored by: <b>County Executive Budish and Councilmember Miller</b></p> <p>Co-sponsored by: <b>Councilmembers Simon, Brown, Conwell, Stephens and Jones</b></p>	<p><b>A Resolution</b> establishing the terms and conditions authorizing county employees to serve as precinct elections officials on 11/3/2020, without loss of the employee’s regular compensation and additionally receiving the compensation paid to precinct elections officials; and declaring the necessity that this Resolution become immediately effective.</p>
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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 elections officials (“poll worker”) on the day of an election without loss of the employee’s regular compensation for that day and additionally receiving the compensation paid to precinct elections officials; and

WHEREAS, the Cuyahoga County Board of Elections has indicated that there is a current shortage of poll workers in Cuyahoga County for the 2020 general election; and

WHEREAS, the County Executive agrees to permit county employees to serve as precinct elections officials and to be compensated with regular pay for the 2020 general election; and

WHEREAS, county employees who serve as poll workers on the day of an election without loss of the employee’s regular compensation for that day shall receive, in addition to the employee’s 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 Cuyahoga County Board of Elections efforts to provide an efficient Election Day for the voters of Cuyahoga County and want to encourage County employees to vote and participate more fully in the election process; and

WHEREAS, it is necessary that this Resolution 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 RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the Cuyahoga County Council hereby establishes the following terms and conditions authorizing County employees to serve as poll workers on November 3, 2020 (“Election Day”):

- a) 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 poll worker leave with pay for the purpose of serving as a poll worker on Election Day.
- b) Prior to contacting the Board of Elections to register as a poll worker, an employee must obtain written authorization for paid leave from the employee’s supervisor or manager.
- c) Paid leave to serve as a poll worker shall be limited to Election Day. Employees are not eligible for paid 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 with vacation, personal, or compensatory pay.
- d) The employee’s supervisor or manager reserves the right to reject an application for poll worker leave based on operational need. Should several employees apply for Election Day poll worker leave who perform similar functions, and/or if operational need dictates 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.
- e) 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.
- f) An employee working at the polls on Election Day must work the entire day to receive paid 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.
- g) Poll worker leave shall not count toward an employee's hours worked for purposes of calculating overtime.
- h) 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.
- i) This resolution does not supersede or negate any currently effective collective bargaining agreement authorized by the Council. The County Executive and his designees are authorized to negotiate participation of employees subject to collective bargaining agreements with their respective labor unions.

**SECTION 2.** The Council Clerk is hereby directed to certify copies of this Resolution to the Cuyahoga County Board of Elections.

**SECTION 3.** It is necessary that this Resolution 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 Resolution 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 Resolution 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. Brady, seconded by Ms. Simon, the foregoing Resolution was duly adopted.

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

Nays: None

*Daniel Brady*

8/4/2020

County Council President

Date

*Arnona Buvish*

8/4/2020

County Executive

Date

*Jesse M. Schmitz*

8/4/2020

Clerk of Council

Date

Additional Sponsorship Requested on the Floor: August 4, 2020

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