

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0175

Sponsored by: County Executive Budish/Department of Law and County Sheriff	A Resolution approving an amendment to a Collective Bargaining Agreement between Cuyahoga County and Ohio Patrolmen's Benevolent Association, representing approximately 125 employees in the classification of Protective Services Officer at the Sheriff's Department for the period 1/1/2018 - 12/31/2020 to amend the terms of Bereavement and to modify Article 47; directing that funds necessary to implement the amendment be budgeted and appropriated; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.
---	---

WHEREAS, Cuyahoga County and the Ohio Patrolmen's Benevolent Association, Protective Services Officers' bargaining unit ("the Union"), have agreed to amend the Collective Bargaining Agreement (CBA) representing approximately 125 employees in the classification of Protective Services Officer for the period 1/1/2018 – 12/31/2020 in order to modify Article 47 of the CBA; and

WHEREAS, the parties desire to amend the CBA under the terms of the attached tentative agreement which has been ratified and approved by the Union members; and

WHEREAS, O.R.C. 4117.10 (B) requires that a public employer submit a request for funds necessary to implement an agreement, and for approval of any other matter requiring the approval of the appropriate legislative body to the legislative body within fourteen days of the date on which the parties finalize the agreement, unless otherwise specified, but if the appropriate legislative body is not in session at the time, then within fourteen days after it convenes; and

WHEREAS, O.R.C. 4117.10(B) further states that the legislative body must approve or reject the submission as a whole, and the submission is deemed approved if the legislative body fails to act within thirty days after the public employer submits the agreement; and

WHEREAS, it is necessary that this Resolution become effective immediately to ensure the efficient operation of the Cuyahoga County Sheriff's Department.

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

SECTION 1. The Cuyahoga County Council hereby approves an amendment to a Collective Bargaining Agreement between Cuyahoga County and Ohio Patrolmen's Benevolent Association, representing approximately 125 employees in the classification of Protective Services Officer at the Sheriff's Department for the period 1/1/2018 - 12/31/2020 to amend the terms of Bereavement and to modify Article 47 of that CBA.

SECTION 2. Funds necessary to implement the amendment of the CBA shall be budgeted and approved.

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 the 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 Mr. Miller, the foregoing Resolution was duly adopted.

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

Nays: None

Daniel Brady

9/15/2020

County Council President

Date

AnneMarie Buish

9/16/2020

County Executive

Date

Jesse M. Schlotz

9/15/2020

Clerk of Council

Date

Journal CC039
September 15, 2020

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

**AGREEMENT TO AMEND ARTICLE 47 OF
THE COLLECTIVE BARGAINING AGREEMENT
BETWEEN CUYAHOGA COUNTY AND
THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, PROTECTIVE SERVICES
OFFICERS' BARGAINING UNIT REGARDING BEREAVEMENT LEAVE**

Parties: This Memorandum of Understanding is entered by and between Cuyahoga County, Ohio, as the public employer ("County"), and the Ohio Patrolmen's Benevolent Association, Protective Services Officers' bargaining unit ("Union"). The County and the Union are collectively referred to herein as "the Parties."

Background Facts: The County and the Union are parties to a collective bargaining agreement ("CBA") governing terms and conditions of employment of the Protective Services Officers at the Cuyahoga County Sheriff's Department. The CBA is effective from January 1, 2018 through December 31, 2020 and includes a provision regarding Bereavement Leave in Article 47 of the CBA. The Parties engaged in good faith negotiations and reached an agreement as stated below.

Terms: Article 47 of the CBA between the Parties are amended as follows effective July 1, 2019 (deleted language is stricken and new language appears in **Bold**):

ARTICLE 47. BEREAVEMENT

SECTION 1. Bereavement leave shall be provided in accordance with the County's Policies and Procedures Manual. If any changes are made to bereavement leave, the Parties shall meet to discuss whether bereavement leave shall be provided in accordance with the revised County's Policies and Procedures Manual or Sections 2, 3, and 4 of this Article.

SECTION 12. All Employees covered by this Agreement shall be entitled to receive up to three (3) consecutive days of bereavement leave with pay, one of which must be used to attend the funeral, in the event of a death in the Employee's immediate family. These three (3) days of bereavement leave shall not be chargeable to the Employee's sick leave. Upon the Employee's request, two (2) additional days of bereavement leave shall be granted by the Employer, which shall be charged against the Employee's accumulated paid sick leave.

SECTION 23. "Immediate family" shall be defined as the Employee's parents (natural, step, or foster); spouse, children; Employee's siblings; spouse's siblings; natural grandparents; and spouse's parents, or any individual for which the Employee stands "in loco parantis".

SECTION 34. Leave for deaths other than those specified above may be granted by the Employer and may either be deducted from accrued vacation time, accrued compensatory or exchange time, or without pay. Such leaves shall be for a period of not more than one (1) day to attend the funeral if within the State of Ohio or two (2) days when

the funeral is outside the State of Ohio. Any additional time off requested by the Employee is subject to the approval of the Employer.

FOR THE UNION:

FOR CUYAHOGA COUNTY:

Dominic Saturday Date
O.P.B.A. Counsel

Armond Budish, Date
Cuyahoga County Executive

James Rookard Date
O.P.B.A. Director

Dean Conforte Date
O.P.B.A. Director

Roger Mook Date
O.P.B.A. Director

Mike Stone Date
O.P.B.A. Director

Levictus Doughty Date
O.P.B.A. Director

Leroy Hucks Date
O.P.B.A. Director

Approved as to Legal Form:

Todd M. Ellsworth,
Assistant Law Director
Cuyahoga County Department of Law

**AGREEMENT TO AMEND ARTICLE 47 OF
THE COLLECTIVE BARGAINING AGREEMENT
BETWEEN CUYAHOGA COUNTY AND
THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION, PROTECTIVE SERVICES
OFFICERS’ BARGAINING UNIT REGARDING BEREAVEMENT LEAVE**

Parties: This Memorandum of Understanding is entered by and between Cuyahoga County, Ohio, as the public employer (“County”), and the Ohio Patrolmen’s Benevolent Association, Protective Services Officers’ bargaining unit (“Union”). The County and the Union are collectively referred to herein as “the Parties.”

Background Facts: The County and the Union are parties to a collective bargaining agreement (“CBA”) governing terms and conditions of employment of the Protective Services Officers at the Cuyahoga County Sheriff’s Department. The CBA is effective from January 1, 2018 through December 31, 2020 and includes a provision regarding Bereavement Leave in Article 47 of the CBA. The Parties engaged in good faith negotiations and reached an agreement as stated below.

Terms: Article 47 of the CBA between the Parties are amended as follows effective July 1, 2019 (deleted language is stricken and new language appears in **Bold**):

ARTICLE 47. BEREAVEMENT

SECTION 1. Bereavement leave shall be provided in accordance with the County’s Policies and Procedures Manual. If any changes are made to bereavement leave, the Parties shall meet to discuss whether bereavement leave shall be provided in accordance with the revised County’s Policies and Procedures Manual or Sections 2, 3, and 4 of this Article.

SECTION 12. All Employees covered by this Agreement shall be entitled to receive up to three (3) consecutive days of bereavement leave with pay, one of which must be used to attend the funeral, in the event of a death in the Employee’s immediate family. These three (3) days of bereavement leave shall not be chargeable to the Employee’s sick leave. Upon the Employee’s request, two (2) additional days of bereavement leave shall be granted by the Employer, which shall be charged against the Employee’s accumulated paid sick leave.

SECTION 23. “Immediate family” shall be defined as the Employee’s parents (natural, step, or foster); spouse, children; Employee’s siblings; spouse’s siblings; natural grandparents; and spouse’s parents, or any individual for which the Employee stands “in loco parantis”.

SECTION 34. Leave for deaths other than those specified above may be granted by the Employer and may either be deducted from accrued vacation time, accrued compensatory or exchange time, or without pay. Such leaves shall be for a period of not more than one (1) day to attend the funeral if within the State of Ohio or two (2) days when

the funeral is outside the State of Ohio. Any additional time off requested by the Employee is subject to the approval of the Employer.

FOR THE UNION:

FOR CUYAHOGA COUNTY:

Dominic Saturday Date
O.P.B.A. Counsel

Armond Budish, Date
Cuyahoga County Executive

James Rookard Date
O.P.B.A. Director

Dean Conforte Date
O.P.B.A. Director

Roger Mook Date
O.P.B.A. Director

Mike Stone Date
O.P.B.A. Director

Levictus Doughty Date
O.P.B.A. Director

Leroy Hucks Date
O.P.B.A. Director

Approved as to Legal Form:

Todd M. Ellsworth,
Assistant Law Director
Cuyahoga County Department of Law