

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0061

Sponsored by: <b>County Executive FitzGerald/Department of Human Resources on behalf of Human Resource Commission</b>	<b>An Ordinance</b> providing for modifications and adoption of the County’s Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive/Department of Human Resources on behalf of the Human Resource Commission has recommended to amend the Human Resources Personnel Policies and Procedures Manual; and,

WHEREAS, Cuyahoga County Charter Section 9.01 provides that the County’s Human Resources Policies and Systems for County employees shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and,

WHEREAS, on April 5, 2011, County Council adopted the Human Resources Personnel Policies and Procedures Manual (“the Policy Manual”) for a period not-to-exceed June 30, 2011 (Ordinance No. O2011-0015); and,

WHEREAS, on June 28, 2011, County Council extended the effective period for the Policy Manual for a period not-to-exceed December 31, 2011 (Ordinance No. O2011-0028); and,

WHEREAS, the following sections in the Policy Manual currently do not apply to certain agencies, but are required to ensure consistency throughout all Departments: ***Section 6, Workweek and Hours/Payroll; Section 7.03, Employee Assistance Program; Section 8.04, FMLA, Amount of Leave; Section 8.05, FMLA, Coordination with Other Leaves of Absence; and Section 9, Employee Leave;*** and,

WHEREAS, the following sections contain proposed modifications to the current policies: ***Section 5.09, Non-Bargaining Position Audits; Section 7.03, Employee Assistance Program; Section 7.10, Sustainable Cuyahoga County; Section 11.01, Health Care Benefits; and Section 16.01, Traveling on County Business;*** and,

WHEREAS, on October 19, 2011, the Department of Human Resources submitted a revised version of the Personnel Policies and Procedures Manual (attached hereto as Exhibit “A”) to the Human Resource Commission; and,

WHEREAS, on November 2, 2011, the Human Resource Commission fully reviewed and considered the proposed revisions to the County's Personnel Policies and Procedures Manual as presented by the County's Department of Human Resources; and,

WHEREAS, the Cuyahoga County Human Resource Commission recommends the approval of the proposed revisions to County Council; 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 development.

**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 version of the County's Human Resources Personnel Policies and Procedures Manual that is attached hereto as Exhibit "A" as effective for all County employees (added language underlined; deleted language in ~~strikethrough~~), and shall remain in force and effect and shall be followed by County employees under the authority of the County Council and the County Executive.

**SECTION 2. Transition to 40-hour Workweek:** Employees that are being transitioned from a 35-hour workweek to a 40-hour workweek as a result of passage of this Ordinance shall be transitioned in the following manner: Employees that previously worked a 35-hour workweek with an unpaid lunch period will receive a one-hour paid lunch period as part of their 40-hour workweek. The annual salary of employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) shall not be raised or lowered as a result of this transition. Employees who are not exempt from the FLSA overtime provisions will have their hourly pay reduced in a manner that will cause the employee to receive the same amount in annual earnings.

**SECTION 3. FMLA Calendar Transition:** In accordance with Section 8.04 of the Policies and Procedures Manual, FMLA entitlement will be calculated on a "forward rolling" basis for all County Employees. This Section shall not apply to Departments where the FMLA entitlement was previously calculated using a different method, however, until 90 days after the effective date of this Ordinance. In addition, Human Resources must make this transition in such a way that the affected employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee.

**SECTION 4. Employee Leaves:** In accordance with Section 9, all leaves will be governed by the Personnel Policies and Procedures Manual unless superseded by provisions in the respective Collective Bargaining Agreements.

**SECTION 5. Excess Vacation Leave Balances:** Employees who have an accumulated vacation leave balance that is in excess of the applicable maximum balance set forth in Section 9.2 of the Policies and Procedures Manual shall be granted one year from the effective date of this Ordinance to exhaust the excess balance.

**SECTION 6. Non-Bargaining Job Position Audits:** Section 5.09 (1), the following language regarding classification reassignments shall be redacted: “If the position audit results in the employee being reassigned to a classification in a lower pay range, the employee’s rate of pay will not be reduced. If the compensation of the reassigned employee exceeds the maximum step of the new pay range, however, the employee will be placed in step X and will not receive an increase in compensation until the maximum rate of pay for the new classification exceeds the employee’s rate of pay”.

**SECTION 7. Employee Assistance Program:** Section 7.03 shall read as follows: Participation in the program **may be mandated by Management subject to approval by Human Resources**, and is voluntary to all employees, their families and County retirees.

**SECTION 8. Sustainable Cuyahoga County:** Section 7.10, the following language shall be redacted: “This achievement will commemorate the fiftieth anniversary of the June 22, 1969 Cuyahoga River fire which contributed to the formation of the US Environmental Protection Agency”.

**SECTION 9. Waiting Period for Health Care Benefits:** Section 11.01 shall be modified so that no sooner than January 1, 2012, all new hires shall be eligible to receive health care benefits on the first day of the month following their date of hire.

**SECTION 10. Cuyahoga County Travel Policy:** Section 16.01, the attached copy of the revised County Travel Policy shall be made available on the County intranet, as referenced in the Personnel Policies and Procedures.

**SECTION 11.** It is hereby found and determined necessary for this Ordinance to become immediately effective, for the reason that this Ordinance provides for the usual daily and necessary operations of Cuyahoga County government in accordance with the requirements of the Cuyahoga County Charter; therefore, this Ordinance, provided it receives the affirmative vote of at least eight members of County Council, shall become effective immediately; otherwise it shall be in full force and effect from and immediately after the earliest time permitted by law.

**SECTION 12.** 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. Schron, seconded by Mr. Rogers, the foregoing Ordinance was duly enacted.

Yeas: Brady, Germana, Gallagher, Schron, Conwell, Jones, Rogers, Simon, Greenspan and Miller

Nays: None

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County Council Vice-President

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Date

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County Executive

\_\_\_\_\_  
Date

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Deputy Clerk of Council

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Date

First Reading/Referred to Committee: December 6, 2011

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

Second Reading: January 10, 2012

Journal CC005

January 24, ~~2011~~ **2012**