

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2024-0001

Sponsored by: <b>Cuyahoga County Executive Ronayne/Department of Human Resources</b>	<b>An Ordinance</b> providing for the adoption of a modified Section 6.12 of the Cuyahoga County Employee Handbook; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Executive/ Department of Human Resources has recommended to amend the Human Resources Policies and Procedures Manual, otherwise known as the Employee Handbook, to establish a policy and procedure addressing the re-employment of former Cuyahoga County employees who retired from the Ohio Public Employees Retirement System; 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 Employee Handbook which is amended herein and may be amended in the future by Council; and

WHEREAS, pursuant to Section 9.01 of the County Charter, the Personnel Review Commission, subject to approval of the County Department of Law, approved of the proposed policy and procedure addressing the re-employment of former Cuyahoga County employees who retired from the Ohio Public Employees Retirement System; and

WHEREAS, the County Department of Law reviewed and approved of the proposed policy and procedure addressing the re-employment of former Cuyahoga County employees who retired from the Ohio Public Employees Retirement System; 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 Employee Handbook:** Council hereby adopts a modified Section 6.12 (End of Employment) of the County's Employee Handbook as set forth in Exhibit A attached hereto, to remain in full force and effect, to be applicable to all non-bargaining County employees under the authority of the County Council and the County Executive. The Department of Human

Resources shall disseminate the amended Handbook to all employees subject to the Handbook, in accordance with the Department’s usual method of dissemination.

**SECTION 2.** Applicability of the modified Section 6.12 to bargaining unit employees is subject to the terms of their respective collective bargaining agreement and Chapter 4117 of the Ohio Revised Code.

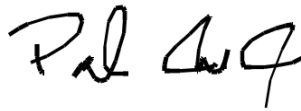
**SECTION 3.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health, or safety in the County, and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight (8) 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. Turner, seconded by Mr. Miller, the foregoing Ordinance was duly enacted.

Yeas: Schron, Conwell, Turner, Stephens, Simon, Kelly, Miller, Sweeney, Byrne, Gallagher and Jones

Nays: None



County Council President

03/14/2024

Date



County Executive

03/14/2024

Date



Clerk of Council

03/13/2024

Date

First Reading/Referred to Committee: February 13, 2024  
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal CC053  
March 12, 2024

## EXHIBIT A

### **Retirees Seeking Re-Employment with Cuyahoga County**

Cuyahoga County employees who retire from the Ohio Public Employees Retirement System (OPERS) may be subsequently re-employed by the County to address operational needs. Re-employment after retirement is not an entitlement; however, certain retirees may possess institutional knowledge, as well as unique skills and experience that the County cannot efficiently and effectively obtain through the hiring process. Retirees who were re-employed by the County prior to the adoption of this policy will not be subject to this policy in their current positions.

A retiree seeking re-employment with the County is any individual:

- Who was previously employed by Cuyahoga County for an agency subject to the Employee Handbook;
- Who retired from the County through OPERS;
- Who was in good standing with the County at the time of retirement; and
- Who is seeking re-employment with a County agency that is subject to the Employee Handbook.

Examples of retirees who would not be considered “in good standing with the County at the time of retirement” include, but are not limited to, retirees who were under a performance improvement plan (PIP) or a pending discipline investigation at the time of retirement.

The County may hire a retiree seeking re-employment with the County to the same or a similar position held at the time of retirement to address operational needs and provided that the hiring agency has a succession plan. Such operational needs include, but are not limited to, the following:

- To retain and transfer specialized knowledge from the retiree to others;
- To manage operational and staffing needs while a search is in process or until a succession plan is ready for implementation;
- To maintain current capability during or in anticipation of an organizational redesign or restructuring; and
- To oversee or complete a significant County project or contract.

#### **Procedure:**

If the County desires to re-employ a retiree to the same or similar position held at the time of retirement, the hiring agency must submit a written request to the Department of Human Resources (on the form required by Human Resources, which is available through the

County's Employee Self Service portal) detailing the operational need(s) justifying the re-employment, as well as the hiring agency's succession plan. The County Executive or Designee must approve all such requests before the hiring agency is permitted to move forward with the re-employment process. Rehire into appointed positions requiring confirmation by County Council may require additional procedures as a matter of law. Retirees may not be rehired into those positions unless all legal requirements have been fulfilled.

Any person who has retired from employment with the County and seeks re-employment in a position that the County is required to post must apply for the position and compete with any other applicants as a part of the selection process and fulfill any other legal requirements for re-employment. If the retiree seeks to be rehired to the same classified position held at the time of retirement, the retiree is deemed eligible for the position and is not required to retake the civil service examination for the position provided the date of retirement is less than one (1) year from the date of re-employment.

**Compensation, Benefits, and Terms of Employment:**

If a retiree seeking re-employment with the County is subsequently rehired to the same position held at the time of retirement, the re-employed retiree's base rate of pay must be at least 10% lower than the base rate of pay at the time of retirement.

If a retiree seeking re-employment with the County is subsequently hired into a position that is different from the position held at the time of retirement, the re-employed retiree will be paid consistent with the duties to be performed and within the pay range for the job classification (if the position is classified).

If the County re-employs a retiree, it is the responsibility of the retiree to contact OPERS to discuss how the change in employment status may impact pension and benefit options.

Re-employed retirees will not be given credit for any prior service upon hire. Other benefit eligibility will be determined by the terms of the County's benefit plans and procedures and applicable law.

All re-employed retirees serving in unclassified positions serve at the discretion of the County Executive (or applicable appointing authority).