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Via Email: rkopcienski@cuyahogacounty.us

Rebecca Kopcienski, Director
Cuyahoga County Personnel Review Commission
9830 Lorain Avenue
Cleveland OH 44102

Re: Proposed Rule Change to the Policies and Procedures Manual (Employee Handbook)

Dear Director Kopcienski,

Please accept this correspondence as the Department of Human Resources' submission/coversheet for a proposed "rule change" in accordance with Rule 5.01 of the Personnel Review Commission's (PRC) Administrative Rules.

The Department of Human Resources (Human Resources) is proposing modifications to Section 6.09 (Telecommuting) and Section 6.13 (Inclement Weather, Emergencies or Events Impacting Operations) of the Employee Handbook. I have enclosed a copy of the current language with the proposed modifications for the PRC's consideration.

Proposed Modifications to Section 6.09 - Telecommuting

Section 6.09 currently authorizes department directors, in consultation with Human Resources, to permit "temporary or occasional" telecommuting arrangements (not to exceed 90 days unless an extension is approved by "the County Executive or ultimate appointment authority") for the following reasons: dependent care, inclement weather, illness, disability, or caring for an ill family member. Human Resources is proposing to amend Section 6.09 to:

- Add two circumstances for which telecommuting may be permitted;
- Affirm that the County Executive or designee may mandate telecommuting during emergencies or events impacting operations; and
- Incorporate clarifying and reaffirming language.

First, Human Resources is proposing to add a "temporary unplanned transportation emergency, or a special event impacting transportation to the assigned work location" as a reason for which the County may permit telecommuting. In addition, Human Resources seeks to incorporate the following language, "employees may be permitted to telecommute on an occasional basis to work before or after events or appointments that could not be scheduled at the beginning or end of the workday." These additions reflect the County's continued commitment to support employees who are able to telecommute through flexible, temporary work arrangements when unforeseen or occasional circumstances arise (provided that telecommuting will not adversely impact operations), while concomitantly preventing an unnecessary loss of productivity from employees who are otherwise able to perform their duties remotely.

Second, Human Resources is proposing to add language affirming that the County Executive or designee may “require employees to telecommute during emergencies or events impacting operations.” This language is proposed for inclusion in Section 6.09, as opposed to the County Remote Work Policy (O2024-0008), because “Remote Work” is a voluntary arrangement available only to eligible employees who choose to enter into a Remote Work Agreement. Including this provision in Section 6.09 affirms that the County Executive has authority to mandate telecommuting for all employees who are able to telecommute during an emergency or event, regardless of whether they have a Remote Work Agreement in place. Further, Remote Work is generally limited to no more than two (2) days per week.

Third, Human Resources is proposing to incorporate additional language to clarify and/or reaffirm the following:

- Telecommuting requests must be coordinated with any existing Remote Work Agreement;
- Telecommuting cannot be authorized if it will adversely impact County operations; and
- Management may request supporting documentation to substantiate the need for telecommuting.

As a general practice, the County does not permit Remote Work for more than two days per week. The proposed coordination requirement clarifies and reinforces that employees are expected to use their approved Remote Work arrangements before requesting to telecommute (if applicable). Additionally, the amendment reaffirms that: (1) telecommuting requests must be denied if approval would adversely impact operations, and (2) the County has the right/ management option to request documentation to support requests. These amendments will promote transparency and employee understanding.

Proposed Modifications to Section 6.13 - Inclement Weather, Emergencies or Events Impacting Operations

To align with the above proposed changes to Section 6.09, Human Resources is proposing a number of changes to Section 6.13, which addresses “Inclement Weather, Emergencies or Events Impacting Operations”:

- In the “Suspension of Operations” subsection, Human Resources is proposing to add:
 - “Civic events” to the list of reasons for which buildings may close, operations may be suspended, etc.; and
 - Language indicating that for each such event, “personnel who are not required to be present at a County facility may be required to telecommute” and that employees should consult with their supervisor or department director to determine if they are “required to be present for work or telecommute” (in place of “considered an essential employee”).
- In the “Pay Provisions During Suspended Operations” subsection, Human Resources is proposing to add language:

- Mandating that employees who are sent home will be paid for the balance of their workday *only if* they are not required to telecommute; and
 - Making the “ability to telecommute” as a factor the County will consider in determining the pay provisions during an emergency or suspended operations.
- Last, to align with the above proposed changes, Human Resources is proposing to amend the “Non-Emergency Delayed Openings/Early Closings/Suspension of Operations” subsection as follows:
 - “In the event of an authorized non-emergency delayed opening, early closure or suspension of operations, the provisions regarding notification, ~~essential~~ employees required to working-at a County location, telecommuting, and pay provisions during an emergency shall apply.”

I respectfully request that the PRC post the proposed change to the Employee Handbook in accordance with Rule 5.01 and consider the same for submission of a recommendation to Cuyahoga County Council.

Thank you in advance for your consideration. Please let me know if you have any questions.

Sincerely,



Sarah A. Nemastil
Director of Human Resources, Chief Human Resources Officer

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Proposed Modifications to the Cuyahoga County Policies and Procedures Manual (Employee Handbook)

6.09 Telecommuting

The ~~e~~C~~ounty~~ does not permit permanent telecommuting arrangements. Employees may, however, be permitted to telecommute ~~work outside the office~~ on a temporary or occasional basis for dependent care, inclement weather, illness, disability, or caring for an ill family member, temporary unplanned transportation emergency, or a special event impacting transportation to the assigned work location. ~~when doing so would not adversely impact county operations.~~ In addition, employees may be permitted to telecommute on an occasional basis to work before or after events or appointments that could not be scheduled at the beginning or end of the workday. The County Executive or designee may also require employees to telecommute during emergencies or events impacting operations.

Each department director, in consultation with Human Resources, may determine whether an employee may work out of the office on a temporary or occasional basis for one of these reasons on a case-by-case basis. Telecommuting shall not be authorized if management determines it will adversely impact County operations.

Employee telecommuting requests will be coordinated with existing Remote Work Agreements if applicable. Management may request documentation to support telecommuting requests.

Any temporary or occasional telecommuting arrangements shall not extend beyond the existence of the underlying need for such arrangement, and in no case shall such arrangement extend beyond 90 calendar days without approval from the County Executive or ultimate appointing authority. Employees working out of the office are required to truthfully and accurately report their time. Supervisors of employees working out of the office are responsible for ensuring such work arrangements are not abused. Falsification of time and attendance records may result in discipline. If an employee's temporary work arrangement is insufficient to meet county business needs, the employee may be required to return to working in the office or to use applicable leave time. The Department of Human Resources shall consult with the County's Risk Management Division to ensure out-of-office work arrangements do not expose the county to unduly high workers' compensation claims or other liability.

6.13 Inclement Weather, Emergencies or Events Impacting Operations

Suspension of Operations

As a general practice, the County does not interrupt normal business hours or close buildings unless the health, safety and/or security of County employees are threatened. The County may close buildings, delay opening, suspend operations or release employees early because of situations or events such as power failure, hazardous weather conditions, acts of God, civic events etc. These situations may necessitate the suspension of operations, closing of buildings, delayed opening or early closing of buildings and/or ceasing all work activities.

Certain jobs are considered essential during an emergency and require designated personnel to be present for work. Personnel who are not required to be present at a

County facility may be required to telecommute during such events. For each such event, E~~employees~~ should consult with their supervisor or department director to determine if they are ~~considered an essential employee~~ **required to be present for work or to telecommute.**

Notification

In the event of an emergency, the County Executive, or their designee, will be responsible for initiating emergency operating procedures.

If the County Executive decides to suspend operations, close County buildings, delay opening, or close a building early, the County's Department of Communications is responsible for initiating general notification to County employees and the public. The information may also be disseminated by other authorized sources.

Employee notifications can occur in multiple ways, for example:

- contact by a County official
- local media, including local radio, television stations and their corresponding websites
- The County's Internet home page at www.cuyahogacounty.us and/or intranet site
- Notification from "ReadyNotify." Employees are encouraged to register with Ready-Notify (<https://ready.cuyahogacounty.us>) to receive all emergency notifications
- posting on an official County social media platform

Employees are encouraged to listen to local radio and watch for television announcements during periods of adverse weather or states of emergency to determine the status of their facilities. In addition, employees can also call the County main emergency message number, (216) 443-7000, and listen to a recorded message.

Employees Working During Suspended Operations

The County may require employees to work during emergencies or when operations are suspended. Department directors are responsible for identifying, designating and notifying employees responsible for carrying out critical functions who are expected to report to work in the event of an emergency or suspended operations.

Pay Provisions During Suspended Operations

Employees ~~will be~~ notified not to report to work or employees who are at work when an emergency or suspended operations are declared may be sent home. **Employees who are sent home** will be paid for the balance of their scheduled hours **provided they are not required to telecommute.** Employees who are required to work **at a County location during the declared emergency or suspended operations** may receive hour-for-hour Compensatory Time or Exchange Time, for hours worked during their regularly scheduled shift depending upon their FLSA status, in addition to their regular pay.

Employees on approved leave (e.g., vacation, sick, personal day, etc.) will be charged according to their leave arrangements.

The County reserves the right to determine pay provisions based on the circumstances. Factors that may be considered include, but are not limited to, ability to telecommute, notice to employees not to report and duration of the emergency.

Non-Emergency Delayed Openings/Early Closings/Suspension of Operations

The County Executive may authorize the delayed opening, early closure or suspension of operations of one (1) or more buildings or offices for any reason deemed appropriate. In the event of an authorized non-emergency delayed opening, early closure or suspension of operations, the provisions regarding notification, ~~essential~~ employees required to work at a County location, telecommuting, and pay provisions during an emergency shall apply.

