



Legislation Text

File #: O-403-18, Version: 1

[SUBJECT]

Precinct Election Official Leave Program
City Council
Council Member Nick Komives (x1052)

Authorizing the Mayor to create a Precinct Election Official Leave Program for City of Toledo employees; and declaring an emergency.

SUMMARY & BACKGROUND:

Fair elections are the foundation of democracy. Local elections cannot be run well or fairly without the help of hundreds of quality workers on election day. The City of Toledo has an excellent workforce, comprised of many public servants who would be guardians of one of our country's most cherished tradition: voting. State law allows employees of political subdivisions to have leave with pay to serve as precinct election officials on election day, if the legislative authority passes an ordinance creating such a program. This Ordinance creates such a voluntary program for City employees to work the election on election day, under certain terms and conditions.

NOW THEREFORE, Be it ordained by the Council of the City of Toledo:

SECTION 1. That the Mayor is authorized to create a Precinct Election Official Leave Program ("Program") pursuant to R.C. Section 3501.28(F) under the conditions further established in Section 2, for City of Toledo employees to work for a Board of Elections ("Board") on an election day. Such Program shall contain such additional terms and conditions deemed proper and requisite according to the Director of Law and the Director of Human Resources.

SECTION 2. Any employee, who is a registered voter and who meets other requirements established by law and the Board, may request precinct election official leave with pay for the purposes of being a judge on election day under the following terms and conditions:

- a. The employee's Commissioner or Director determines that the requested leave will not unduly affect operational needs, and issues written authorization to the employee to participate in the Program. Leave is subject to, and must be consistent with, any applicable Collective Bargaining Agreement.
- b. Authorization to participate in the Program from the City of Toledo does not override the Board's right to refuse to utilize said employee. If the Board refuses, for any reason, to utilize a particular employee, the employee must report to work during the employee's regular work hours.
- c. Employees acknowledge that serving as an election official requires training courses, which may or may not be offered outside of the employees' normal work schedule. Should the employee choose to attend said training courses during the employee's regular working

hours, such leave is not covered by the Program. Leave without pay will not be authorized for employees to attend election official training courses.

- d. The Program covers only the employee’s regular working hours on election day that the Board engages the employee. The Board may require the employee to work hours outside the employee’s regular schedule, the employee will not receive compensation from the City for working those hours.
- e. The employee’s prompt return to work on the employee’s next regular working day is expected, and violation of such, is subject to normal policies, procedures and any applicable Collective Bargaining Agreement.
- f. An employee participating in the Program is entitled to the regular compensation awarded by the Board for such work in addition to the employee’s Program leave with pay.
- g. Participation in the Program shall not be considered “hours worked” for the purpose of computing overtime, pursuant to 29 U.S.C. Section 207(p)(2), (Fair Labor Standards Act), and 29 C.F.R. Section 553(a).
- h. Employees who participate in the Program shall verify their service to the Board by submitting a copy of the employee’s poll worker paycheck or pay-stub as provided by the Board to the City.

SECTION 3. That this Ordinance is declared to be an emergency measure and shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that same is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that the Ordinance must be immediately effective in order to facilitate the prompt recruitment and training of election-day workers.

Vote on emergency clause: yeas _____, nays _____.

Passed: _____, as an emergency measure: yeas _____, nays _____.

Attest: _____
Clerk of Council

President of Council

Approved: _____

Mayor

I hereby certify that the above is a true and correct copy of an Ordinance passed by Council

_____.

Attest: _____
Clerk of Council