

1 ORDINANCE NO. 2011-207

2  
3 SPONSOR Mr. Pry

4  
5 DATE August 29, 2011 COMMITTEE Personnel

6  
7 **An amended Ordinance repealing Section 169.18 of the Codified Ordinances of the County**  
8 **of Summit, entitled “Political Activity,” and, as recommended by the Human Resource**  
9 **Commission, enacting a new Section 169.18 with the same title setting forth permitted and**  
10 **prohibited political activity by classified County employees, for the Human Resource**  
11 **Commission, and declaring an emergency.**

12  
13 WHEREAS, Article III, Section 3.03(10) of the County Charter authorizes County  
14 Council to establish personnel procedures, job descriptions, rankings, and uniform pay ranges for  
15 all County employees of the County Fiscal Officer, Clerk of the Court of Common Pleas,  
16 Medical Examiner, County Engineer, Prosecuting Attorney, Sheriff, County Council and County  
17 Executive; and

18  
19 WHEREAS, Article VI of the County Charter authorizes the Human Resource  
20 Commission (“HRC”) to “administer a clear, county-wide classification and salary  
21 administration system for technical, specialist, administrative and clerical functions with a  
22 limited number of broad pay ranges within each classification” and to ensure “compliance to  
23 ethics resolutions or ordinances as passed by County Council;”

24  
25 WHEREAS, after careful study and several public hearings, at its May 16, 2011 meeting,  
26 the HRC adopted Order No. 11-02, attached hereto and incorporated herein as if fully restated,  
27 which recommends to this Council that a new policy be enacted to set forth permitted and  
28 prohibited political activity by County employees; and

29  
30 WHEREAS, it is necessary to repeal current Section 169.18 of the Codified Ordinances  
31 of the County of Summit, entitled “Political Activity,” and enact a new Section 169.18 with the  
32 same title to establish the policy recommended by the HRC; and

33  
34 WHEREAS, this Council has determined by reviewing all pertinent information that it is  
35 necessary and in the best interest of the County of Summit to repeal current Section 169.18 and  
36 enact a new Section 169.18 for the aforementioned reasons;

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38 NOW, THEREFORE, BE IT ORDAINED by the Council of the County of Summit, State  
39 of Ohio, that:

40  
41 SECTION 1

42  
43 Section 169.18 of the Codified Ordinances of the County of Summit, entitled “Political  
44 Activity,” is hereby repealed.

45  
46 SECTION 2

47  
48 The recommendation of the Human Resource Commission (“HRC”) that a new policy be  
49 enacted setting forth permitted and prohibited political activity by classified County employees is  
50 hereby approved. Section 169.18 of the Codified Ordinances of the County of Summit, entitled  
51 “Political Activity,” is hereby enacted as follows:  
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3  
4 SECTION 2 (cont'd.)

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6 **“169.18 POLITICAL ACTIVITY.**

7 (a) Definitions.

8 (1) “Political party” means a National political party, a State political party, a  
9 County political party and an affiliated organization.

10 (2) “Election” includes a primary, special, and general election.

11 (3) “Nonpartisan election” means an election at which none of the candidates  
12 is to be nominated or elected as representing a political party any of whose candidates for  
13 Presidential elector receives votes in the last preceding election at which Presidential  
14 electors were selected.

15 (4) “Partisan” when used as an adjective refers to a political party.

16 (5) “Elective office” means any office which is voted upon at an election as  
17 defined in subsection (a)(2), above, but does not include political party office.

18 (b) Covered employees. Employees in the classified service are prohibited from  
19 engaging in partisan political activity to the extent defined in this section.

20 (c) Permitted activities. The following activities are permissible for employees in the  
21 classified service:

22 (1) Registration and voting;

23 (2) Expression of opinions, either oral or written;

24 (3) Voluntary financial contributions to political candidates or organizations;

25 (4) Circulation of nonpartisan petitions or petitions stating views on  
26 legislation;

27 (5) Attendance at political rallies;

28 (6) Signing petitions in support of individuals, legislation or issues;

29 (7) Display of political materials in the employee’s home or on the  
30 employee’s property;

31 (8) Wearing political badges or buttons, or the display of political stickers on  
32 private vehicles;

33 (9) Serving as a precinct election official under section 3501.22 of the  
34 Revised Code; and

35 (10) Campaign activities not expressly prohibited by section (d).

36 (d) Prohibited activities. The following activities are prohibited for employees in the  
37 classified service:

38 (1) Candidacy for public office in a partisan election;

39 (2) Candidacy for public office in a nonpartisan general election if the  
40 nomination to candidacy was obtained in a partisan primary or through the circulation of  
41 nominating petitions identified with a political party;

42 (3) Filing of petitions meeting statutory requirements for partisan candidacy  
43 to elective office;

44 (4) Circulation of official nominating petitions for any candidate participating  
45 in a partisan election;

46 (5) Service in an elected or appointed office in any partisan political  
47 organization or political action committee which supports partisan activity;

48 (6) Acceptance of a party-sponsored appointment to any office normally filled  
49 by partisan election;

50 (7) Solicitation, either directly or indirectly, of any assessment, contribution  
51 or subscription, either monetary or in-kind, for any political party or political candidate;

52 (8) Solicitation of the sale, or actual sale, of political party tickets;

3  
4 SECTION 2 (cont'd.)

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6 (9) Partisan activities at the election polls, such as solicitation of votes for  
7 other than nonpartisan candidates and nonpartisan issues;

8 (10) Service as witness or challenger for any party or partisan committee;

9 (11) Participation in political caucuses of a partisan nature; and

10 ~~(12) Participation in a political action committee which supports partisan~~  
11 ~~activity.~~

12 (e) Enforcement.

13 (1) Appointing authorities shall be primarily responsible for enforcement of  
14 this section and upon receipt of a complaint, shall investigate whether there is a violation  
15 of this section. The appointing authority may also request investigation by the review  
16 panel as noted below.

17 (2) There shall also be a review panel that shall have the authority to  
18 investigate a potential violation of this section and recommend action to the Appointing  
19 Authority. The panel shall include a representative from the following offices;  
20 Executive, Fiscal Office, Engineer, Clerk of Courts, Sheriff, Prosecutor, County Council,  
21 and the Human Resource Commission. The office in which the employee works who is  
22 alleged to have violated this section shall not participate in the review. When a complaint  
23 is filed with the Human Resource Commission, it shall refer the complaint to the review  
24 panel for investigation.

25 (3) All employees shall participate in mandatory training on the details of this  
26 Section upon hiring and once every two (2) years. Such training shall be performed by  
27 the Department of Human Resources or the Human Resource Commission.

28 (f) Penalties. An employee in the classified service who engages in any of the  
29 activities prohibited by subsection (d) 1, 2, 3, 5 or 6 above is subject to discipline up to an  
30 including termination. immediate removal from his or her position in the classified service. An  
31 employee in the classified service who engages in any other activity prohibited by this section is  
32 subject to discipline up to and including removal from his or her position in the classified  
33 service. The appointing authority may initiate such discipline ~~or removal action~~ in accordance  
34 with the procedures established in Chapter 169 and the appointing authority's personnel  
35 procedures.

36 (g) Effective Date. This Ordinance shall become effective immediately for all  
37 employees including those currently seeking partisan elected office. Employees currently  
38 holding partisan elective office shall be permitted to finish their current term.”

39  
40 SECTION 3

41  
42 This Ordinance is hereby declared an emergency in the interest of the health, safety and  
43 welfare of the citizens of the County of Summit and for the for the further purpose of  
44 immediately enacting a new Section 169.18 to establish a new policy setting forth permitted and  
45 prohibited political activity by classified County employees, as recommended by the HRC.

46  
47 SECTION 4

48  
49 Provided this Ordinance receives the affirmative vote of eight members, it shall take  
50 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
51 effect and be in force at the earliest time provided by law.  
52

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2 PAGE FOUR

3  
4 SECTION 5

6 It is found and determined that all formal actions of this Council concerning and relating  
7 to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all  
8 deliberations of this Council and of any of its committees that resulted in such formal action,  
9 were in meetings open to the public, in compliance with all legal requirements, including Section  
10 121.22 of the Ohio Revised Code.

13 INTRODUCED June 6, 2011

15 ADOPTED August 29, 2011

17  
18   
19 CLERK OF COUNCIL

  
PRESIDENT OF COUNCIL

21 APPROVED August 30, 2011

23  
24   
25 EXECUTIVE

27 ENACTED EFFECTIVE August 30, 2011

Voice Vote: Yes: Comunale, Feeman, Kostandaras, Kurt, Lee, Prentice, Rodgers, Roemer, Schindt. No: Crawford. Absent: Shapiro.