



**John Becker- *State Representative, 65<sup>th</sup> District***

**Sponsor Testimony for House Bill 153, the “WORK Act”**

**State and Local Government Committee of the 133<sup>rd</sup> General Assembly**

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Chairman Wiggam, Vice Chairman Ginter, Ranking Member Kelly, and my fellow State and Local Government Committee Members, thank you for the opportunity to testify today regarding HB 153, also known as the Working Officials Requirements Key Act, or WORK Act.

The premise of the WORK Act is simple. It tightens and updates the law regarding work requirements for county elected officials. Like most Ohioans, I imagine that many of you are unaware that current law, specifically Ohio Revised Code Section 305.03, only requires most county officers to perform the duties of their office once every 90 days. The origins of this archaic law go back to when the horse and buggy were the primary modes of transportation for county officers to get to their respective offices in courthouses across this state.

In 2014, a related bill originally introduced by Senator Tim Schaffer and in partnership with the Ohio Auditor of State’s Office was incorporated into lame duck legislation that now requires county auditors and treasurers to perform their duties of office once every 30 days. The WORK Act would further update the work requirements law consistently for all county officers and create a specific legal process for invoking the law when county officers do not do their jobs – which does not exist now.

Currently, one of the major flaws of Revised Code Section 305.03 is the statute does not require county elected officials to satisfy their work requirements from their actual offices at all. In 2018, then Ohio Attorney General Mike DeWine issued an advisory opinion that held when a county commissioner had a meeting with an employee and/or attended a training session the individual satisfied their work requirements under the law. Arguably under current law, elected officials could lawfully discharge their duties of office by simply responding to their county email remotely from their vacation homes on Mackinac Island or on a beach in Florida and never step foot in the office.

In decades past, elected officials did not have the ability to work remotely. Thus, worries about elected officials rarely or never showing up to their offices were not an issue before recent advances in productivity technology. The WORK Act requires that all county officers appear at their principal office location on at least five occasions during a thirty-day period. Current law and the WORK Act also include exceptions for sickness or injury or active military service.

Additionally, an amendment I am proposing to the WORK Act creates a legal process in which anyone can file a complaint in writing with the clerk of courts of the common pleas court where the officer violating the law resides. A common pleas court judge would then decide by clear and convincing evidence, a civil lawsuit standard of proof, whether or not a county officer has neglected their duties of office. Today, to remove an official from office for failing to perform their duties a citizen must file a *quo warranto* lawsuit — a legal mechanism that most lawyers have never even heard of.

Some have stated this is an issue solely left for the ballot box. However, for citizens to remove a county elected official for failing to perform his or her job, citizens have to wait until the next election cycle, up to four years, to vote the person out of office. In the interim, vital county work is not being adequately performed or overseen. Further, only the most egregious and blatant instances of absenteeism or poor performance by elected officials raises eyebrows and becomes fodder for conversations in the community. And let's be honest with ourselves, employees of elected officials do not go out of their way to tell the public about how their boss never shows up to work or does their job.

Again, thank you, Chairman Wiggam, Vice Chairman Ginter, Ranking Member Kelly, and my fellow State and Local Government Committees Members, for the opportunity to testify today regarding the WORK Act. I would gladly answer any questions you might have.