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**Proponent Testimony for House Bill 153, the “WORK Act”
Ohio House of Representatives – 133rd General Assembly
State and Local Government Committee
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Chairman Wiggam, Vice-Chairman Ginter, Ranking Member Kelly, and Members of the State and Local Government Committee, thank you for the opportunity to testify today regarding, House Bill 153, also known as the WORK Act, which is sponsored by Representative John Becker.

My name is Nick Owens. As a brief introduction, I am an Assistant Prosecuting Attorney in Brown County and an elected Member of the State Board of Education representing the 10th District which includes 17 counties in southwest and southcentral Ohio. However, I testify today not in any official capacity, but as a citizen and taxpayer of Brown County and the State of Ohio.

As highlighted in Representative John Becker’s sponsor testimony last month, legally most county elected officials must only perform the duties of their respective offices once every ninety consecutive days pursuant to Ohio Revised Code 305.03(A). As a result, most elected county officials could collect their years’ worth of salary for only performing their duties on four occasions. It seems the origins of this archaic law must go back to when horse and buggy were the primary modes of transportation. It is my personal experience that this law is well known by county officers, but not very well known by citizens across our state.

Let me state clearly from the beginning of my testimony, that it is my experience that the overwhelming majority of county elected officials and all elected officials in general are honest and hardworking individuals. However, I have seen first-hand government dysfunction of elected officials who only satisfy their minimum work requirements under the law, which again can mean performing the duties of their elected office only once every ninety days.

Currently, state law requires county Treasurers and Auditors to perform their duties at least every 30 days. The work requirements for county Treasurers and Auditors were changed from 90 days to 30 days in 2014 under House Bill 10 which was championed by former Representative Christina Hagan, Senator Tim Schaffer, and then Ohio Auditor of State Dave Yost. H.B. 10 was legislation primarily focused on increasing accountability and preventing fraud in local government fiscal officer positions. Fiscal integrity is absolutely essential in government, but so is public safety. For instance, a county Sheriff’s job performance or lack thereof truly has life and death consequences. As could the job performance of your elected county Engineer. It is common sense that neglected roads have life and death consequences as well. As you can imagine, I could cite numerous other examples of why it is vital to have county elected officials who adequately and consistently perform their jobs.

I can personally speak of two elected officials in Brown County that fully relied on the minimum requirements that were afforded to them under current law. First, we previously had a Sheriff who also had a full-time excavating and homebuilding business. It was more common to see our Sheriff at a construction site than at the Sheriff's Office and at times with lumber still hanging outside of his taxpayer paid vehicle. Many times, if you wanted to discuss public business with the former Sheriff you had to meet him at the construction site. The role of Sheriff is arguably one of the most powerful including politically in all of county government. In addition, a Sheriff's Office generally has the largest budget by far in a county – particularly one with lower population. A Sheriff's Office budget typically includes the most employees and capital infrastructure in all of county government.

During the tenure of our previous Sheriff we had a drive-by murder of a young pregnant woman on a local highway which remains unsolved today and an inmate commit suicide in the jail. Both of these cases generated immense local media coverage. Additionally, our entire jail was shut down for months by the county Commissioners which caused our county to spend over a million dollars to house inmates in neighboring counties. Personally, I do not know if the murder would have been quickly solved or the jail suicide would have been prevented if we had a Sheriff who showed up to work regularly and exhibited proper leadership, but certainly the public would have more confidence today in its criminal justice system if that were the case.

The second example, is our current county Recorder. It was well-known privately amongst the political and county government class, many of whom were unwilling to speak up for fear of retribution, that our Recorder rarely showed up to work as well. The actions of our Recorder or in this case lack thereof would have stayed below the radar if not for the Clermont County Commissioners posting a picture of newly hired employees on their official Facebook page late last year – which included our elected Recorder. After the dust settled, it was discovered our county Recorder had accepted a classified full-time position as a budget analyst for neighboring Clermont County with an annual salary of over \$60,000 – this was in addition to her annual salary of approximately \$50,000 she still collects today as our Recorder. Our elected Recorder held both positions for over a month before she was ultimately fired by Clermont County after the Facebook picture was discovered online by Brown County citizens. I personally asked our Recorder in an open meeting after this incident about how often she came to work in her elected position. She would not answer the question directly and only after being pressed again to answer the question responded to me that she met her statutory legal requirements of office.

The previous two examples are the reasons I am here today. Specifically, elected officials who individually make more taxpayer money than the average median household income in our county and expect to receive their government salaries and corresponding benefits by only meeting the minimum requirements under the law. Again, current law allows most county elected officials in the most extreme scenarios to receive their entire salary for the year for only four days of work performance. This law is long overdue for an overhaul and needs properly changed to meet modern day work requirements. Taxpayers deserve politicians who work full-time for full-time pay.

Today, I speak of the situations we have experienced in Brown County but I am confident our county is not alone in this matter. Although anecdotal, it seems most of the egregious cases you hear about are from long-time county elected officials who run unopposed term after term. For such elected officials in this category it simply takes fifty valid signatures and an eighty-dollar filing fee to be entitled to a four-year term. It has been expressed to me that this issue should be left for the ballot box. For instance, if the citizenry becomes so upset about their elected officials' job performance, then they will simply throw them out of office. We all know in practice this solution is not as easy as it seems. Particularly when such repulsive conduct is many times purposefully kept in the dark and away from the public at large.

First of all, for individuals who are actually aware that certain elected officials rarely show up to work they are usually in no position to expose it. If you are an employee of an elected official whose family support depends on you maintaining your job are you going to say something? Of course, not. If you are a person in the political class whose career advancement is reliant on creating friends not enemies in the local Republican or Democratic parties are you going to say something? Of course, not. Additionally, those aware of such conduct are generally, for the same reasons previously mentioned, not going to tip off the media either – that is if you are lucky enough to have a functioning media in your county. Even when the media is tipped off – the insider political class and politicians cover for each other. Today might be you and tomorrow might be me.

In conclusion, the WORK Act is not legislation that requires an elected official to punch a time-clock. The requirements under this proposed bill are still very generous compared to the average work day of a taxpaying citizen. Where in the private sector can you get a full-time job where you only perform the duties of your job once a month and just simply show up at the office five times during that same period? Taxpayers deserve a law that reflects modern day work requirements. Ohioans also deserve a law outlining work requirements for elected officials that properly respects service to others, not service to self.

Again, thank you, Chairman Wiggam, Vice-Chairman Ginter, Ranking Member Kelly, and Members of the State and Local Government Committee, for the opportunity to testify today regarding H.B. 153, the WORK Act. I would gladly answer any questions you might have.