

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 153

Representative Becker

A BILL

To amend section 305.03 of the Revised Code to
modify the law regarding declaring a county
office vacant for failure to perform duties,
including failure to appear at the officer's
principal office location, and to designate this
act the "Working Officials Requirements Key Act"
or "WORK Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 305.03 of the Revised Code be
amended to read as follows:

Sec. 305.03. (A) ~~(1)~~ Whenever any county officer, ~~except~~
~~the county auditor or county treasurer,~~ fails to perform the
duties of office for ~~ninety~~ thirty consecutive days, except in
case of sickness or injury as provided in divisions (B) and (C)
of this section, the board of county commissioners shall declare
the office vacant and the office shall be deemed vacant.
Performing the duties of office includes a county officer
appearing at the officer's principal office location on at least
five out of thirty consecutive days.

~~(2) Whenever any county auditor or county treasurer fails~~

~~to perform the duties of office for thirty consecutive days, 20
except in case of sickness or injury as provided in divisions 21
(B) and (C) of this section, the office shall be deemed vacant. 22~~

(B) Whenever any county officer is absent because of 23
sickness or injury, the officer shall cause to be filed with the 24
board of county commissioners a physician's certificate of the 25
officer's sickness or injury. If the certificate is not filed 26
with the board within ten days after the expiration of thirty 27
consecutive days, ~~in the case of a county auditor or county 28
treasurer, or within ten days after the expiration of ninety 29
consecutive days of absence, in the case of all other county 30
officers,~~ the board of county commissioners shall declare the 31
office vacant and the office shall be deemed vacant. 32

(C) Whenever a county officer files a physician's 33
certificate under division (B) of this section, but continues to 34
be absent for an additional thirty days commencing immediately 35
after the last day on which this certificate may be filed under 36
division (B) of this section, the board of county commissioners 37
shall declare the office vacant and the office shall be deemed 38
vacant. 39

(D) If at any time two county commissioners in a county 40
are absent and have filed a physician's certificate under 41
division (B) of this section, the county coroner, in addition to 42
performing the duties of coroner, shall serve as county 43
commissioner until at least one of the absent commissioners 44
returns to office or until the office of at least one of the 45
absent commissioners is deemed vacant under this section and the 46
vacancy is filled. If the coroner so requests, the coroner shall 47
be paid a per diem rate for the coroner's service as a 48
commissioner. That per diem rate shall be the annual salary 49

specified by law for a county commissioner of that county whose 50
term of office began in the same year as the coroner's term of 51
office began, divided by the number of days in the year. 52

While the coroner is serving as a county commissioner, the 53
coroner shall be considered an acting county commissioner and 54
shall perform the duties of the office of county commissioner 55
until at least one of the absent commissioners returns to office 56
or until the office of at least one of the absent commissioners 57
is deemed vacant. Before assuming the office of acting county 58
commissioner, the coroner shall take an oath of office as 59
provided in sections 3.22 and 3.23 of the Revised Code. The 60
coroner's service as an acting county commissioner does not 61
constitute the holding of an incompatible public office or 62
employment in violation of any statutory or common law 63
prohibition against the simultaneous holding of more than one 64
public office or employment. 65

The coroner shall give a new bond in the same amount and 66
signed and approved as provided in section 305.04 of the Revised 67
Code. The bond shall be conditioned for the faithful discharge 68
of the coroner's duties as acting county commissioner and for 69
the payment of any loss or damage that the county may sustain by 70
reason of the coroner's failure in those duties. The bond, along 71
with the oath of office and approval of the probate judge 72
indorsed on it, shall be deposited and paid for as provided for 73
the bonds in section 305.04 of the Revised Code. 74

(E) Any vacancy declared under this section shall be 75
filled in the manner provided by section 305.02 of the Revised 76
Code. 77

(F) This section shall not apply to a county officer while 78
in the active military service of the United States. 79

Section 2. That existing section 305.03 of the Revised	80
Code is hereby repealed.	81
Section 3. This act is the Working Officials Requirements	82
Key Act or WORK Act.	83