

RESOLUTION NO. 2023-15

REMOVING SECTION 640.03 POLITICAL ACTIVITY FROM THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND AMENDING PERSONNEL POLICY 100.03 POLITICAL ACTIVITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Greater Cleveland Regional Transit Authority ("Authority") codified the resolutions establishing its policies and procedures; and

WHEREAS, the Authority has conducted a review and determined that Section 640.03 should be removed because it duplicates Section 100.03 of the Personnel Policies.

WHEREAS, the Authority has also determined that Personnel Policy 100.03 should be updated to reflect changes in federal law applicable to organizations receiving federal grants.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Section 640.03 is hereby removed from the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority.

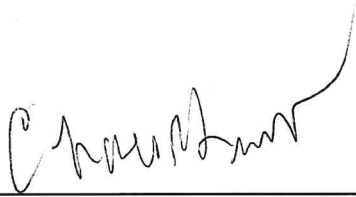
Section 2. That Section 100.03 of the Personnel Policies is hereby amended to read as specified in Attachment A hereto.

Section 3. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 4. That this resolution shall become effective immediately upon its adoption.

Attachment A – Personnel Policy 100.03

Adopted: February 28, 2023

  
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President

Attest:

  
Secretary-Treasurer

## Attachment A to Resolution

### PERSONNEL POLICIES

#### Section 100 - Introduction

##### 100.03 POLITICAL ACTIVITY.

(a) Authority employees may, while acting in their personal capacity and not as a representative of the Authority, be a candidate for public office in a partisan or non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fundraising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with Authority business.

(b) Employees are prohibited from engaging in partisan political activities which may interfere with various regulations governing agencies with programs financed by federal grants. These activities include using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office and directly or indirectly soliciting contributions from subordinates in support of a political party or candidate.

(c) Nothing in this Section prohibits an employee from voting as they choose or expressing their personal opinions on political subjects and candidates.

(d) An employee who chooses to be a candidate for public office in a partisan or non-partisan election is responsible for determining whether the public office is compatible with their Authority employment and is encouraged to consult with the Ohio Ethics Commission on that topic.



<b>TITLE/DESCRIPTION:</b>  REMOVING SECTION 640.03 POLITICAL ACTIVITY FROM THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY AND AMENDING PERSONNEL POLICY 100.03 POLITICAL ACTIVITY	<b>Resolution No.:</b> 2023-15
	<b>Date:</b> February 23, 2023
	<b>Initiator:</b> Human Resources
<b>ACTION REQUEST:</b> <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 **PURPOSE/SCOPE:** This resolution will remove Section 640.03 Political Activity from the Codified Rules and Regulations ("Code Book") of the Greater Cleveland Regional Transit Authority ("Authority") and amend Personnel Policy 100.03 Political Activity.
- 2.0 **DESCRIPTION/JUSTIFICATION:** The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The Code Book is now undergoing a comprehensive review and update so that the Code Book will conform to the current structure and operations of the Authority.  
  
 Human Resources provisions are located in three places: (1) the Code Book, which provides the broad, overarching guidance for the Authority enacted by the Board of Trustees; (2) the Personnel Policies, which govern day-to-day operations and are approved by the Board of Trustees and (3) the Personnel Procedures, which contain detailed procedures that are not approved by the Board of Trustees. The proposed amendment will remove a provision from the Code Book that is an exact duplicate of a Personnel Policy. The proposed amendment will reflect changes in federal statutes regulating the political activity of state and local employees whose employer organizations have received federal loans or grants.
- 3.0 **PROCUREMENT BACKGROUND:** Does not apply.
- 4.0 **DBE/AFFIRMATIVE ACTION BACKGROUND:** Does not apply.
- 5.0 **POLICY IMPACT:** Adoption of the resolution will remove duplicative polices and bring the Authority's restrictions on employee political activity into alignment with current federal law.
- 6.0 **ECONOMIC IMPACT:** Does not apply.
- 7.0 **ALTERNATIVES:** Not adopting this resolution. Not adopting this resolution would leave the same provision in both the Code Book and the Personnel Policies and would prevent amendment of the policy to align with federal law.
- 8.0 **RECOMMENDATION:** This resolution was discussed at the February 14, 2023 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.
- 9.0 **ATTACHMENTS:**
  - A. Red-line of proposed amendment to Code Book Section 640.03
  - B. Red-line of proposed amendments to Personnel Policy 100.03

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.



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General Manager, Chief Executive Officer

# Attachment A to Staff Summary

## TITLE FOUR – Personnel Policies and Procedures

### Chap. 640 Introduction

#### ~~640.03 POLITICAL ACTIVITY.~~

~~(a) Employees are prohibited from engaging in partisan political activities which may interfere with various regulations governing agencies with programs financed by Federal grants. These activities include a candidacy for public office in a partisan election, using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office and directly or indirectly soliciting contributions from subordinates in support of a political party or candidate. Authority employees may be a candidate for public office in a non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fund raising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with related Authority activities.~~

~~(b) The CEO/General Manager may, at his or her discretion, review the political activities of any Authority employee. When these activities are found to interfere or to be incompatible with Authority employment and present a conflict of interest, the CEO/General Manager shall limit or request the employee to terminate such activities.~~

## Attachment B to Staff Summary

### PERSONNEL POLICIES

#### Section 100 - Introduction

##### 100.03 POLITICAL ACTIVITY.

(a) Authority employees may, while acting in their personal capacity and not as a representative of the Authority, be a candidate for public office in a partisan or non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fund-raising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with Authority business.

(ab) Employees are prohibited from engaging in partisan political activities which may interfere with various regulations governing agencies with programs financed by ~~Federal~~ federal grants. These activities include ~~a candidacy for public office in a partisan election~~, using official authority or influence for the purpose of interfering with or affecting the results of an election or a nomination for office and directly or indirectly soliciting contributions from subordinates in support of a political party or candidate.

~~Authority employees may be a candidate for public office in a non-partisan election, campaign for and hold elective office in political clubs and organizations and campaign for candidates for public office in political fund-raising functions, provided that these activities are not conducted on Authority property and do not interfere with the employment activity of the employee or interfere in any way with related Authority activities.~~

~~(b) The CEO/General Manager may, at his or her discretion, review the political activities of any Authority employee. When these activities are found to interfere or to be incompatible with Authority employment and present a conflict of interest, the CEO/General Manager shall limit or request the employee to terminate such activities.~~

(c) Nothing in this Section prohibits an employee from voting as they choose or expressing their personal opinions on political subjects and candidates.

(d) An employee who chooses to be a candidate for public office in a partisan or non-partisan election is responsible for determining whether the public office is compatible with their Authority employment and is encouraged to consult with the Ohio Ethics Commission on that topic.