

**As Introduced**

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

**H. B. No. 153**

**Representative Becker**

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**A BILL**

To amend section 305.03 of the Revised Code to 1  
modify the law regarding declaring a county 2  
office vacant for failure to perform duties, 3  
including failure to appear at the officer's 4  
principal office location, and to designate this 5  
act the "Working Officials Requirements Key Act" 6  
or "WORK Act." 7

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

**Section 1.** That section 305.03 of the Revised Code be 8  
amended to read as follows: 9

**Sec. 305.03.** (A) ~~(1)~~ Whenever any county officer, ~~except~~ 10  
~~the county auditor or county treasurer,~~ fails to perform the 11  
duties of office for ~~ninety~~ thirty consecutive days, except in 12  
case of sickness or injury as provided in divisions (B) and (C) 13  
of this section, the board of county commissioners shall declare 14  
the office vacant and the office shall be deemed vacant. 15  
Performing the duties of office includes a county officer 16  
appearing at the officer's principal office location on at least 17  
five out of thirty consecutive days. 18

~~(2) Whenever any county auditor or county treasurer fails~~ 19

~~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

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 That existing section 305.03 of the Revised Code is hereby repealed.	80 81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