

**AGENDA**  
**CUYAHOGA COUNTY COUNCIL SPECIAL MEETING**  
**TUESDAY, APRIL 5, 2011**  
**CUYAHOGA COUNTY JUSTICE CENTER**  
**COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR**  
**4:00 PM**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. SILENT MEDITATION**
- 4. ROLL CALL**
- 5. PUBLIC COMMENT RELATED TO AGENDA**
- 6. APPROVAL OF MINUTES**
  - a) **March 22, 2011 Meeting**
- 7. MESSAGES FROM THE COUNTY EXECUTIVE**
  - a) **Contracts executed by County Executive**
- 8. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**
  - a) **M2011-0022: A Motion confirming the County Executive's appointment of Lawrence E. Benders upon his taking the oath of office as the Director of Development of Cuyahoga County.**

**Sponsor: Council President Connally**
  - b) **M2011-0023: A Motion confirming the County Executive's appointment of Majeed G. Makhlof upon his taking the oath of office as the Director of Law of Cuyahoga County.**

**Sponsor: Council President Connally**

**9. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE UNDER SUSPENSION OF RULES**

- a) **M2011-0024: A Motion confirming the County Executive's appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County:**

- 1) Bonita Teeuwen, Director of Public Works
- 2) Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer

**Sponsor: Council President Connally**

- b) **M2011-0025: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga Community College Board of Trustees:**

- 1) David W. Whitehead
- 2) Justin Bibb

**Sponsor: Council President Connally**

**10. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **R2011-0135: A Resolution ratifying Northeast Ohio Areawide Coordinating Agency Governing Board Resolution No. 2010-050 – Code of Regulations revisions incorporating new Cuyahoga County governance structure, and declaring the necessity that this Resolution become immediately effective.**

**Sponsor: Council President Connally and Germana**

**11. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **O2011-0022: An Ordinance amending Section 10 of Ordinance No. 02011-0002 dated 1/3/2011 as amended by Ordinance No. 02011-0006 dated 1/11/2011 and Ordinance No. 02011-0018 dated 3/8/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of the County government to change the expiration date to 5/10/2011, and declaring the necessity that this Ordinance become immediately effective.**

**Sponsor: Council President Connally, Miller and Greenspan**

**12. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING  
ADOPTION UNDER SUSPENSION OF RULES**

- a) **O2011-0008**: An Ordinance adopting a permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.

**Sponsors: Greenspan, Miller and Conwell**

**13. CONSIDERATION OF A RESOLUTION FOR FIRST READING ADOPTION UNDER  
SUSPENSION OF RULES**

- a) **R2011-0136**: A Resolution authorizing the County Executive to enter into an agreement with State of Ohio, Department of Administrative Services in the amount not-to-exceed \$861,007.79 for purchase and installation of a tower site and associated equipment for the Multi-Agency Radio Communications System (MARCS) for the period 4/12/2011 – 8/15/2011, and declaring the necessity that this Resolution become immediately effective.

**Sponsor: County Executive FitzGerald/Department of Justice Affairs**

**14. COMMITTEE REPORT AND CONSIDERATION OF RESOLUTIONS FOR SECOND  
READING UNDER SUSPENSION OF RULES**

- a) **R2011-0099**: A Resolution approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.

**Sponsor: County Executive FitzGerald/Department of Development**

**Committee Assignment and Chair: Economic Development & Planning  
– Schron**

- b) **R2011-0100**: A Resolution approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.

**Sponsor: County Executive FitzGerald/Department of Development**

Committee Assignment and Chair: Economic Development & Planning  
– Schron

**15. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND  
READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **R2011-0021**: A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. in the amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 1/1/2011 - 3/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- b) **R2011-0083**: A Resolution authorizing the County Executive to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period 7/1/2010 - 6/30/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- c) **R2011-0084**: A Resolution authorizing the County Executive to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Department of Children & Family Services

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- d) **R2011-0103:** A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resource Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- e) **R2011-0105:** A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood

Committee Assignment and Chair: Health, Human Services & Aging – Brady

- f) **R2011-0131:** A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

1) No. CE1000125-01 with Applewood Centers, Inc. in the amount of \$550,000.00.

2) No. CE1000126-01 with Beech Brook in the amount of \$450,000.00.

3) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount \$500,000.00.

4) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of \$500,000.00.

5) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount \$500,000.00.

6) No. CE1000132-01 with The Village Network in the amount of \$300,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

g) **R2011-0132**: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services to exercise an option to extend the time period to 1/31/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

1) for the period 2/1/2010 - 1/31/2011:

a) No. CE1000260-01 with The Cleveland Christian Home Incorporated in the amount of \$300,000.00.

2) for the period 6/1/2010 - 1/31/2011:

a) No. CE1000724-01 with The Glen Mills Schools in the amount of \$350,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

h) **R2011-0133**: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for staff secure shelter care services for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective:

1) No. CE1000091-01 with Carrington Youth Academy LLC in the amount of \$916,052.00.

2) No. CE100094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.

Sponsor: County Executive FitzGerald and Juvenile Court

Committee Assignment and Chair: Justice Affairs – Simon

- i) **R2011-0134**: A Resolution authorizing the execution of a Fourteenth Supplemental Base Lease, Fourteenth Supplemental Lease and Tenth Supplemental Assignment of Rights under a Lease with University Hospitals Health System, Inc. in connection with the release of certain property now constituting a portion of the leased real property securing previous issues of Hospital Improvement Revenue Bonds of the County of Cuyahoga, Ohio; authorizing other documents in connection with said release; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services

Bond Counsel: Tucker Ellis & West LLP

Committee Assignment and Chair: Health, Human Services & Aging – Brady

#### **16. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **O2011-0016**: An Ordinance establishing the Department of Law and the powers and duties of the Director of Law, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Simon, Connally and Jones

Committee Assignment and Chair: Justice Affairs – Simon

#### **17. CONSIDERATION OF AN ORDINANCE FOR THIRD READING ADOPTION UNDER SUSPENSION OF RULES**

- a) **O2011-0015**: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources

**18. MISCELLANEOUS COMMITTEE REPORTS**

**19. MISCELLANEOUS BUSINESS**

- a) Presentation by Justin Bibb regarding the Cuyahoga County Education Strategy.

**20. PUBLIC COMMENT UNRELATED TO AGENDA**

**21. ADJOURNMENT**

NEXT MEETINGS

COUNCIL WORK SESSION:

TUESDAY, APRIL 12, 2011  
4:00 PM / COUNCIL CHAMBERS

REGULAR MEETING:

TUESDAY, APRIL 12, 2011  
6:00 PM / COUNCIL CHAMBERS



**MINUTES**  
CUYAHOGA COUNTY COUNCIL REGULAR MEETING  
TUESDAY, MARCH 22, 2011  
CUYAHOGA COUNTY JUSTICE CENTER  
COUNCIL CHAMBERS – 1<sup>ST</sup> FLOOR  
6:00 PM

1. CALL TO ORDER

**The meeting was called to order by Council President Connally at 6:03 p.m.**

2. PLEDGE OF ALLEGIANCE

**The Pledge of Allegiance was recited.**

3. SILENT MEDITATION

**Council President Connally requested there be a moment of silent meditation for the family of Sandusky Police Officer Andrew Dunn, who was killed in the line of duty.**

4. ROLL CALL

**Council President Connally asked the Clerk to call the roll. Councilmembers Gallagher, Schron, Conwell, Jones, Connally, Rogers, Simon, Greenspan, Miller, Brady and Germana were in attendance and a quorum was determined.**

**Council President Connally then recognized members of the Ward 1 Leadership Academy who were in attendance at the meeting.**

5. PUBLIC COMMENT RELATED TO AGENDA

**Ms. Lynda Mayer, representing the Code of Ethics Transition Workgroup, addressed Council regarding issues of concern to her relating to Ordinance No. O2011-0015, an Ordinance providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, namely Section 3: Code of Ethics.**

6. APPROVAL OF MINUTES

- a) March 15, 2011 Special Meeting

**On a motion by Ms. Simon with a second by Mr. Schron, the minutes of the March 15, 2011 meeting were unanimously approved.**

7. MESSAGES FROM THE COUNTY EXECUTIVE

- a) Contracts executed by County Executive

**County Executive Ed FitzGerald reported the following:**

- a) Leadership decisions for the Executive Branch are almost complete;
- b) Majeed Makhlof has been nominated as Director of Law;
- c) Personnel reductions will be announced by the end of the week;
- d) Property tax revenues have increased by 3% due to the beginning of economic recovery;
- e) The State of the County Address will be held on April 6<sup>th</sup> at the City Club.

8. CONSIDERATION OF A MOTION OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Greenspan, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 7E, 9D and 13A and to place on final passage Motion No. M2011-0017.**

- a) M2011-0017: A Motion amending Rule 16D of the Rules of the Cuyahoga County Council to change the expiration date of the Rules to 4/26/2011.

Sponsor: Council President Connally

**On a motion by Mr. Schron with a second by Mr. Rogers, Motion No. M2011-0017 was considered and approved by unanimous vote.**

9. CONSIDERATION OF MOTIONS OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) M2011-0018: A Motion confirming the County Executive's appointment of Norberto Colon to serve on the Public Safety Urban Area Working Group.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0018 to the Human Resources, Appointments & Equity Committee.**

- b) M2011-0019: A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga County Planning Commission:

- 1) Mayor Eileen Patton, Fairview Park (Westshore Region)
- 2) Mayor Michael Procuk, Brooklyn Heights (Cuyahoga Region)

- 3) Ed Jerse, Director of Regional Collaboration
- 4) Nathan Kelly, Deputy Chief of Development (alternate to County Executive Edward FitzGerald)

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0019 to the Human Resources, Appointments & Equity Committee.**

- c) M2011-0020: A Motion confirming the County Executive's appointment of individuals to serve on Tax Incentive Review Councils:

- 1) Jeffery Schiffman
- 2) Jonathan Holody
- 3) Andrew Revy
- 4) Joe Micciulla, Chair

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0020 to the Human Resources, Appointments & Equity Committee.**

- d) M2011-0021: A Motion confirming the County Executive's appointment of Nick Nardi to serve on the Greater Cleveland Regional Transit Authority Board of Trustees.

Sponsor: Council President Connally

**Council President Connally referred Motion No. M2011-0021 to the Human Resources, Appointments & Equity Committee.**

10. COMMITTEE REPORT AND CONSIDERATION OF A MOTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to suspend Rule 9D and to place on final passage Motion No. M2011-0016.**

- a) M2011-0016: A Motion confirming the County Executive's appointment of individuals to serve on the Greater Cleveland Regional Transit Authority Board of Trustees:

- 1) Mayor Gary Norton (for the unexpired term ending 3/31/2012).
- 2) Karen Gabriel Moss (for the unexpired term ending 3/31/2013).

Sponsor: Council President Connally

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**On a motion by Mr. Rogers, with a second by Ms. Conwell, Motion No. M2011-0016 was considered and approved by unanimous vote.**

11. CONSIDERATION OF RESOLUTIONS OF COUNCIL FOR FIRST READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Brady, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0107 and R2011-0108.**

- a) R2011-0107: A Resolution providing for the appointment of Nikima S. Barnhill as Deputy Clerk of Council, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

**On a motion by Mr. Schron, with a second by Mr. Greenspan, Resolution No. R2011-0107 was considered and approved by unanimous vote.**

- b) R2011-0108: A Resolution providing for the appointment of George M. Phillips as Administrative Assistant 2 to serve the Council of Cuyahoga County, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Council President Connally

**On a motion by Mr. Schron, with a second by Ms. Conwell, Resolution No. R2011-0108 was considered and approved by unanimous vote.**

12. COMMITTEE REPORT AND CONSIDERATION OF A RESOLUTION OF COUNCIL FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Ms. Conwell, seconded by Mr. Rogers and approved by majority vote to suspend Rule 9D and to place on final passage Resolution No. R2011-0085. Councilmembers Gallagher, Conwell, Jones, Connally, Rogers, Simon, Miller, Brady and Germana voted in the affirmative with Councilmembers Schron and Greenspan casting dissenting votes.**

- a) R2011-0085: A Resolution objecting to Senate Bill 5, which would sharply curtail collective bargaining rights of Ohio public employees, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Conwell, Rogers, Jones, Miller and County Executive  
FitzGerald

Committee Assignment and Chair: Human Resources, Appointments &  
Equity – Conwell

**A motion was made by Mr. Greenspan, seconded by Mr. Gallagher and defeated by a vote of 4 yeas and 7 nays to amend Resolution No. R2011-0085 by adding the following language: “WHEREAS, as passed out of the Senate, S.B. 5 would sharply curtail the collective bargaining rights for public safety employees, including police officers and firefighters; and,” Councilmembers Gallagher, Schron, Greenspan and Germana voted in the affirmative with Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller and Brady casting dissenting votes.**

**A second motion was then made by Mr. Greenspan, seconded by Mr. Gallagher and defeated by a vote of 4 yeas and 7 nays to amend Resolution No. R2011-0085 by adding the following language: “Section 1. That this Council hereby objects to Senate Bill 5 which would sharply curtail the collective bargaining rights for public safety employees, including police officers and firefighters.” Councilmembers Gallagher, Schron, Greenspan and Germana voted in the affirmative with Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller and Brady casting dissenting votes.**

**On a motion by Mr. Rogers with a second by Ms. Conwell, Resolution No. R2011-0085 was considered and adopted by majority vote, with Mr. Schron casting the only dissenting vote.**

### 13. CONSIDERATION OF A RESOLUTION OF COUNCIL FOR THIRD READING ADOPTION

- a) R2011-0002: A Resolution opposing House Bill 3 of the 129<sup>th</sup> Ohio General Assembly that would amend the Ohio Revised Code to repeal the estate tax for the estates of individuals dying on or after 1/1/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsors: Conwell, Miller and Germana

**On a motion by Mr. Rogers with a second by Ms. Simon, Resolution No. R2011-0002 was considered and adopted by majority vote. Councilmembers Conwell, Jones, Connally, Rogers, Simon, Miller, Brady and Germana voted in the affirmative with Councilmembers Gallagher, Schron and Greenspan casting dissenting votes.**

14. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) O2011-0020: An Ordinance encouraging public attendance at meetings and participation in County government by providing no-cost parking for citizens attending regularly scheduled Cuyahoga County Council meetings, and declaring the necessity that this Ordinance become immediately effective.

Sponsor: Rogers, Miller, Jones, Brady, Germana, Conwell, Connally and Simon

**Council President Connally referred Ordinance No. O2011-0020 to the Public Works, Procurement & Contracting Committee.**

15. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR SECOND READING AND REFERRAL TO COMMITTEE

- a) O2011-0014: An Ordinance establishing the Board of Control, establishing procedures governing the making of County contracts and the purchasing of County supplies and equipment, providing procedures for the making of public improvements, establishing procedures under which the County Executive may employ experts and consultants in connection with the administration of the affairs of the County, and providing the terms upon which the County may cooperate or join by contract with any municipality, county, state or political subdivision or agency thereof in making public improvements or providing common services.

Sponsors: Miller and Jones

**Council President Connally referred Ordinance No. O2011-0014 back to the Public Works, Procurement & Contracting Committee.**

16. CONSIDERATION OF AN ORDINANCE OF COUNCIL FOR THIRD READING ADOPTION

- a) O2011-0012: An Ordinance amending the Public Records Policy for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: Miller and Greenspan

**A motion was made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Ordinance No. O2011-0012 as follows: in Section 5.9, delete the additional "(B)" and add new Subsection C to read: C.) The manual of**

**general policies and procedures issued to all employees shall include the county's public records policy."**

**A second motion was then made by Mr. Miller, seconded by Mr. Schron and approved by unanimous vote to amend Ordinance No. O2011-0012 as follows: in Section 7.2., amend the first line to read "Except as otherwise provided by court order, the following copying costs shall apply until the County Council first determines and establishes copying costs for public records:"**

**On a motion by Mr. Miller with a second by Mr. Greenspan, Ordinance No. O2011-0012 was considered and adopted by unanimous vote as amended.**

17. CONSIDERATION OF RESOLUTIONS FOR FIRST READING ADOPTION UNDER  
SUSPENSION OF RULES

**A motion was made by Ms. Simon, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0109, R2011-0110, R2011-0111, R2011-0112, R2011-0113 and R2011-0114.**

- a) R2011-0109: A Resolution approving an award on RQ19882 to Dell Marketing LP in the amount not-to-exceed \$774,282.96 for the purchase of computer equipment for the Court of Common Pleas and Clerk of Courts; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**On a motion by Ms. Simon with a second by Mr. Miller, Resolution No. R2011-0109 was considered and adopted by unanimous vote.**

- b) R2011-0110: A Resolution approving an award on RQ19884 to Dell Marketing LP in the amount not-to-exceed \$301,704.76 for the purchase of computer software for the Court of Common Pleas and Clerk of Courts; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**On a motion by Mr. Miller with a second by Ms. Conwell, Resolution No. R2011-0110 was considered and adopted by unanimous vote.**

- c) R2011-0111: A Resolution approving an award on RQ19964 to Dell Marketing LP in the amount not-to-exceed \$286,486.57 for the purchase of computer equipment for Juvenile Court; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**On a motion by Ms. Simon with a second by Mr. Schron, Resolution No. R2011-0111 was considered and adopted by unanimous vote.**

- d) R2011-0112: A Resolution approving an award on RQ19967 to MNJ Technologies Direct, Inc. in the amount not-to-exceed \$627,229.40 for the purchase of computer equipment for Juvenile Court; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0112 was considered and adopted by unanimous vote.**

- e) R2011-0113: A Resolution approving an award on RQ19970 to Data Recovery Services, LLC, in the amount not-to-exceed \$518,394.24 for the purchase of computer equipment for Juvenile Court; authorizing the County Executive to enter into a contract consistent with said award; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**On a motion by Ms. Simon with a second by Mr. Jones, Resolution No. R2011-0113 was considered and adopted by unanimous vote.**

- f) R2011-0114: A Resolution amending the 2011 Annual Appropriation Measure by providing for additional fiscal appropriations from the General Fund and other funding sources, for appropriation transfers between budget accounts, and for cash transfers between budgetary funds, in order to meet the budgetary needs of various County departments, offices, and agencies; and declaring the necessity that this Resolution become immediately effective.



Sponsor: County Executive FitzGerald/Office of Budget & Management

**On a motion by Mr. Schron with a second by Ms. Simon, Resolution No. R2011-0114 was considered and adopted by unanimous vote.**

18. CONSIDERATION OF RESOLUTIONS FOR FIRST READING AND REFERRAL TO COMMITTEE

- a) R2011-0021: A Resolution authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. in the amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 1/1/2011 - 3/31/2011.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Employment & Family Services

**Council President Connally referred Resolution No. R2011-0021 to the Health, Human Services & Aging Committee.**

- b) R2011-0115: A Resolution authorizing the County Executive to approve an additional settlement for property rights for the temporary taking of 3,870 sq. ft. in connection with the grading, draining and paving of Bainbridge Road (CR-83) from S.O.M. Center Road to the Solon East Corporation Line, in the City of Solon, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

**Council President Connally referred Resolution No. R2011-0115 to the Public Works, Procurement & Contracting Committee.**

- c) R2011-0116: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division

**Council President Connally referred Resolution No. R2011-0116 to the Public Works, Procurement & Contracting Committee.**

- d) R2011-0117: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$365,121.00 for construction of an Energy

Center at the Cuyahoga County Fairgrounds, related to the Fairgrounds Wind Turbine Project; authorizing the Director of the Office of Procurement & Diversity to advertise for bids on RQ19570.

Sponsor: County Executive FitzGerald/Department of Public Works

**Council President Connally referred Resolution No. R2011-0117 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees. (Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0117 to the Economic Development & Planning Committee.)**

- e) R2011-0118: A Resolution granting authority for the Director of the Office of Procurement & Diversity to advertise and to issue RFP 19343 for the purchase of electric utility services for County-owned facilities for the period 6/1/2011 – 5/31/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

**Council President Connally referred Resolution No. R2011-0118 to the Public Works, Procurement & Contracting Committee.**

- f) R2011-0119: A Resolution rescinding Resolution No. 104762 dated 10/28/2010 that made an award on RQ15326 to Phillips Electric in the amount of \$1,401,300.00 for a wind turbine generator to be located at the County Fairgrounds for the period 11/19/2010 – 11/18/2011.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

**Council President Connally referred Resolution No. R2011-0119 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees. (Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0119 to the Economic Development & Planning Committee.)**

- g) R2011-0120: A Resolution making an award on RQ15326 and authorizing the County Executive to enter into a contract with Halus Power Systems in the amount of \$1,400,000.00 for a wind turbine generator to be located at the County Fairgrounds for the period 3/22/2011 – 3/21/2012.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

**Council President Connally referred Resolution No. R2011-0120 to the Public Works, Procurement & Contracting and Environment & Sustainability Committees.**

**(Upon reconsideration after the meeting, Council President Connally referred Resolution No. R2011-0120 to the Economic Development & Planning Committee.)**

- h) R2011-0121: A Resolution making an award on RQ18560 and authorizing the County Executive to enter into a contract with Infinity Construction Co., Inc. in the amount of \$5,490,000.00 for the Corrections Center Jail Kitchen Renovation Project.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

**Council President Connally referred Resolution No. R2011-0121 to the Public Safety Committee.**

- i) R2011-0122: A Resolution making an award on RQ19284 and authorizing the County Executive to enter into a contract with Great Lakes Construction Co. in the amount of \$4,954,904.03 for construction of a grade separation on Fitch Road over the Norfolk Southern Railroad in the City of North Olmsted and Olmsted Township, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

**Council President Connally referred Resolution No. R2011-0122 to the Public Works, Procurement & Contracting Committee.**

- j) R2011-0123: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0800267-01 with HNTB Ohio, Inc. for general engineering services for various projects for the period 4/1/2008 – 3/31/2011 to extend the time period to ~~3/31/2013~~ **12/31/2011**.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

**This item was corrected to read by the Clerk in order to correct an error. Council President Connally referred Resolution No. R2011-0123 to the Public Works, Procurement & Contracting Committee.**

- k) R2011-0124: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900375-01 with Wilbur Smith Associates, Inc. Ohio for general engineering services for various projects for the period 4/1/2009 – 3/31/2011 to extend the time period to ~~3/31/2013~~ **12/31/2011**.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

**This item was corrected to read by the Clerk in order to correct an error. Council President Connally referred Resolution No. R2011-0124 to the Public Works, Procurement & Contracting Committee.**

- l) R2011-0125: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to 7204 Pearl Road Associates, LLC, to assist in the acquisition and renovation of a facility located at 7204 Pearl Road, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0125 to the Economic Development & Planning Committee.**

- m) R2011-0126: A Resolution authorizing an economic development loan in the amount not-to-exceed \$53,000.00 to Archer Realty, LLC, for infrastructure improvements of its headquarters facility located at 15601 Brookpark Road, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0126 to the Economic Development & Planning Committee.**

- n) R2011-0127: A Resolution authorizing a Brownfields Revolving Loan Fund (BRLF) Subgrant award between the County of Cuyahoga, through the Department of Development, and the City of Cleveland, in the amount not-to-exceed \$454,953.00; authorizing the County Executive and/or Director of Development to execute all documents in relation to the Revolving Loan Fund Subgrant Agreement; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0127 to the Economic Development & Planning Committee.**

- o) R2011-0128: A Resolution authorizing an economic development loan in the amount not-to-exceed \$500,000.00 to MB&W Consumer Collections, Inc. for the acquisition of a facility located at 7088 West 130<sup>th</sup> Street, Middleburg Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Development

**Council President Connally referred Resolution No. R2011-0128 to the Economic Development & Planning Committee.**

- p) R2011-0129: A Resolution authorizing the County Executive to enter into a contract (No. CE1100132-01) with Union Eye Care Center, Inc. in the amount not-to-exceed \$549,010.20 for the provision of vision insurance to County employees for the period 1/1/2011 – 12/31/2013, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Human Resources

**Council President Connally referred Resolution No. R2011-0129 to the Human Resources, Appointments & Equity Committee.**

- q) R2011-0130: A Resolution authorizing the County Executive to enter into a contract (No. CE1100162-01, 02, 03, 04) with Ports Petroleum Company, Inc. in the amount not-to-exceed \$633,375.00 for gasoline for various County facilities for the period 1/1/2011 – 12/31/2011.

Sponsor: County Executive FitzGerald/Office of Procurement & Diversity

**Council President Connally referred Resolution No. R2011-0130 to the Public Works, Procurement & Contracting Committee.**

- r) R2011-0131: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds:

- 1) No. CE1000125-01 with Applewood Centers, Inc. in the amount of \$550,000.00.

- 2) No. CE1000126-01 with Beech Brook in the amount of \$450,000.00.
- 3) No. CE1000127-01 with Bellefaire Jewish Children's Bureau in the amount \$500,000.00.
- 4) No. CE1000129-01 with Catholic Charities Services Corporation dba Parmadale in the amount of \$500,000.00.
- 5) No. CE1000130-01 with The Cleveland Christian Home Incorporated in the amount \$500,000.00.
- 6) No. CE1000132-01 with The Village Network in the amount of \$300,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

**Council President Connally referred Resolution No. R2011-0131 to the Justice Affairs Committee.**

- s) R2011-0132: A Resolution authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services to exercise an option to extend the time period to 1/31/2012 and for additional funds:
  - 1) for the period 2/1/2010 - 1/31/2011:
    - a) No. CE1000260-01 with The Cleveland Christian Home Incorporated in the amount of \$300,000.00.
  - 2) for the period 6/1/2010 - 1/31/2011:
    - a) No. CE1000724-01 with The Glen Mills Schools in the amount of \$350,000.00.

Sponsor: County Executive FitzGerald and Juvenile Court

**Council President Connally referred Resolution No. R2011-0132 to the Justice Affairs Committee.**

- t) R2011-0133: A Resolution authorizing the County Executive to enter into amendments to contracts with various providers for staff secure shelter care services for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds:

- 1) No. CE1000091-01 with Carrington Youth Academy LLC in the amount of \$916,052.00.
- 2) No. CE1000094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.

Sponsor: County Executive FitzGerald and Juvenile Court

**Council President Connally referred Resolution No. R2011-0133 to the Justice Affairs Committee.**

- u) R2011-0134: A Resolution authorizing the execution of a Fourteenth Supplemental Base Lease, Fourteenth Supplemental Lease and Tenth Supplemental Assignment of Rights under a Lease with University Hospitals Health System, Inc. in connection with the release of certain property now constituting a portion of the leased real property securing previous issues of Hospital Improvement Revenue Bonds of the County of Cuyahoga, Ohio; authorizing other documents in connection with said release; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Health and Human Services

Bond Counsel: Tucker Ellis & West LLP

**Council President Connally referred Resolution No. R2011-0134 to the Health, Human Services & Aging Committee.**

19. COMMITTEE REPORTS AND CONSIDERATION OF RESOLUTIONS FOR SECOND READING ADOPTION UNDER SUSPENSION OF RULES

**A motion was made by Mr. Jones, seconded by Ms. Conwell and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Resolution Nos. R2011-0076, R2011-0077, R2011-0078, R2011-0079, R2011-0080, R2011-0081, R2011-0082, R2011-0088, R2011-0089, R2011-0090, R2011-0091, R2011-0092, R2011-0093, R2011-0094, R2011-0095, R2011-0096, R2011-0097, R2011-0098, R2011-0101, R2011-0102 and R2011-0104.**

- a) R2011-0076: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000315-01 with Perk Company, Inc. for rehabilitation of West 130th Street from Snow Road to Brookpark Road in the Cities of Brook Park and Parma for a decrease in the amount of (\$226,457.98).

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0076 was considered and adopted by unanimous vote.**

- b) R2011-0077: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000334-01 with Burton Scot Contractors, LLC, for repair and resurfacing of Usher Road from Sprague Road to Bagley Road in the City of Olmsted Falls and Olmsted Township for a decrease in the amount of (\$20,941.27).

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Gallagher with a second by Mr. Greenspan, Resolution No. R2011-0077 was considered and adopted by unanimous vote.**

- c) R2011-0078: A Resolution authorizing the County Executive to prepare and enter into an amendment to Contract No. CE12377-01 with Glaus, Pyle, Schomer, Burns & DeHaven, Inc. dba GPD Associates for consultant engineering services for replacement of Bellaire Road Bridge No. 24 over Big Creek and replacement of West 130th Street Bridge No. 64 over a branch of Big Creek in the City of Cleveland and Village of Linndale for additional funds in the amount of \$243,541.66, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0078 was considered and adopted by unanimous vote.**

- d) R2011-0079: A Resolution authorizing the County Executive to enter into an agreement for settlement of property rights in connection with repair of the Stumph Road Sewer Improvement, located in the City of



Parma Heights, County Sewer District No. 1, in an amount equal to the approved appraisal fair market value estimate of \$9,150.00 for Parcel Nos. 473-21-002S & 473-21-029S (Permanent Sanitary Sewer Easements), 6330 Pearl Road, Cleveland, Ohio 44130, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer/Sanitary Engineering Division

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Germana with a second by Ms. Conwell, Resolution No. R2011-0079 was considered and adopted by unanimous vote.**

- e) R2011-0080: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses; and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0080 was considered and adopted by unanimous vote.**

- f) R2011-0081: A Resolution authorizing the County Executive to enter into a revenue generating agreement with LifeBanc for lease of space at the County Coroner's Building, located at 11001 Cedar Avenue, Cleveland, for the period 12/1/2010 - 12/31/2013 for a fee to the County in the amount of \$27,600.00 per annum, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Jones with a second by Mr. Rogers, Resolution No. R2011-0081 was considered and adopted by unanimous vote.**

- g) R2011-0082: A Resolution approving a loan in the amount not-to-exceed \$1,000,000.00 to Blue Sky Campus, Inc. for a Brownfields Redevelopment Fund Project, located at 9501 Granger Road, Garfield Heights; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan, and declaring the necessity that this Resolution become immediately effective. (Pending referral from Committee.)

Sponsor: County Executive FitzGerald/Department of Development

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Mr. Schron with a second by Mr. Jones, Resolution No. R2011-0082 was considered and adopted by unanimous vote.**

- h) R2011-0088: A Resolution accepting the rehabilitation of County parking lots and driveways located at the York Road maintenance yard in the City of North Royalton and the Fitch Road maintenance yard in Olmsted Township as complete and in accordance with plans and specifications; requesting authority for the County Treasurer to release the escrow account, in accordance with Ohio Revised Code Section 153.63, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Gallagher with a second by Mr. Greenspan, Resolution No. R2011-0088 was considered and adopted by unanimous vote.**

- i) R2011-0089: A Resolution authorizing the County Executive to make an application for allocation from County Motor Vehicle \$5.00 License Tax Funds in the amount of \$2,009,091.22 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0089 was considered and adopted by unanimous vote.**

- j) R2011-0090: A Resolution approving specifications and estimate of cost in the amount not-to-exceed \$1,800,000.00 for rehabilitation of Old Mill Road Bridge No. 162 over the Chagrin River in the Village of Gates Mills; authorizing the Department of Purchasing to advertise for bids on RQ19651, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0090 was considered and adopted by unanimous vote.**

- k) R2011-0091: A Resolution authorizing the County Executive to grant Sewer Builder's Licenses for the Year 2011; authorizing the Director of Public Works to execute said licenses, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0091 was considered and adopted by majority vote with Mr. Germana recusing himself from the vote.**

- l) R2011-0092: A Resolution authorizing the County Executive to prepare and enter into an amendment (Subsidiary No. 1) to Contract No. CE1000111-01 with Suburban Maintenance & Construction, Inc. for replacement of Main Street Bridge No. 36 over Baldwin Creek in the Cities of Middleburg Heights and Strongsville for additional funds in the amount of \$82,720.99, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Gallagher with a second by Ms. Conwell, Resolution No. R2011-0092 was considered and adopted by unanimous vote.**

- m) R2011-0093: A Resolution authorizing the County Executive to enter into an amendment (Subsidiary No. 1) to Contract No. CE1000568-01 with Perk Company, Inc. for scour repair of Old Royalton Road Bridge No. 108 over Chippewa Creek in the City of Brecksville for a decrease in the amount of (\$17,081.83).

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Schron with a second by Mr. Greenspan, Resolution No. R2011-0093 was considered and adopted by unanimous vote.**

- n) R2011-0094: A Resolution approving an award on RQ18812 to Fabrizi Trucking & Paving Co., Inc. in the amount of \$6,696,970.75 for improvement of Stumph Road from Snow Road to Pearl Road in the Cities of Parma and Parma Heights; authorizing the County Executive to enter into a contract consistent with said award, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Germana with a second by Mr. Miller, Resolution No. R2011-0094 was considered and adopted by unanimous vote.**

- o) R2011-0095: A Resolution approving an award on RQ18997 to Longo Sewer Construction, Inc. in the amount of \$378,993.00 for replacement of storm and sanitary sewers in Grannis Road and Thraves Road, located in the City of Garfield Heights, County Sewer District No. 9; authorizing the County Executive to enter into a contract consistent with said award, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer

Committee Assignment and Chair: Public Works, Procurement & Contracting – Jones

**On a motion by Mr. Jones with a second by Mr. Miller, Resolution No. R2011-0095 was considered and adopted by unanimous vote.**

- p) R2011-0096: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 1) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$570,439.00 to \$699,239.00 and for additional funds in the amount of \$128,800.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Ms. Simon with a second by Mr. Gallagher, Resolution No. R2011-0096 was considered and adopted by unanimous vote.**

- q) R2011-0097: A Resolution authorizing the County Executive to enter into an amendment (Change Order No. 2) to Contract No. CE0900784-01 with E.S.I., Inc. for electrical services for the Courthouse Tower Interiors Project in connection with the Cuyahoga County Juvenile Justice Center Project to increase the Unforeseen Conditions Cash Allowance from \$699,239.00 to \$837,239.00 and for additional funds in the amount of \$138,000.00, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0097 was considered and adopted by majority vote with Mr. Greenspan casting a dissenting vote.**

- r) R2011-0098: A Resolution approving an award on RQ19354 to CourtSmart Digital Systems, Inc. in the amount of \$625,277.00 for

digital audio recording equipment for Juvenile Court in connection with the Cuyahoga County Juvenile Justice Center Project; authorizing the County Executive to enter into a contract consistent with said award, and declaring the necessity that this Resolution become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/Central Services

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Mr. Schron with a second by Ms. Conwell, Resolution No. R2011-0098 was considered and adopted by unanimous vote.**

- s) R2011-0101: A Resolution authorizing the issuance and sale of Self-supporting Housing Revenue Bonds in an amount not-to-exceed \$6,500,000.00 for Famicos Doan Classroom LLC for the purpose of rehabilitating, improving and equipping a senior housing facility for low and moderate income seniors; authorizing the execution and delivery of a Loan Agreement, Bond Purchase Agreement, Trust Indenture and Tax Regulatory Agreement; authorizing and approving the use and distribution of a disclosure document; approving related matters; and declaring the necessity that this Resolution become immediately effective. (Pending referral from Committee.)

Sponsor: County Executive FitzGerald/Department of Development  
Bond Counsel: Squire, Sanders & Dempsey

Committee Assignment and Chair: Economic Development & Planning – Schron

**On a motion by Mr. Schron with a second by Mr. Germana, Resolution No. R2011-0101 was considered and adopted by unanimous vote.**

- t) R2011-0102: A Resolution authorizing Juvenile Court through the County Executive to enter into an agreement with Cuyahoga County Department of Justice Affairs, Office of Mediation in the amount not-to-exceed \$400,000.00 for the Juvenile Court Custody Mediation Project for the period 2/1/2011 - 1/31/2012, and declaring the necessity that this Resolution become immediately effective.

Sponsor: Juvenile Court through County Executive FitzGerald

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0102 was considered and adopted by unanimous vote.**

- u) R2011-0104: A Resolution authorizing the County Executive to enter into Title IV-D Cooperative Agreement contracts with various providers for child support services for the period 1/1/2011 - 12/31/2011, and declaring the necessity that this Resolution become immediately effective:
- 1) Court of Common Pleas/Division of Domestic Relations in the amount of \$2,082,307.49.
  - 2) Court of Common Pleas/Division of Juvenile Court in the amount of \$2,218,669.89.
  - 3) Office of the Prosecuting Attorney of Cuyahoga County in the amount of \$2,257,588.70.

Sponsor: County Executive FitzGerald/Department of Health and Human Services/Child Support Enforcement Agency

Committee Assignment and Chair: Justice Affairs – Simon

**On a motion by Ms. Simon with a second by Ms. Conwell, Resolution No. R2011-0104 was considered and adopted by unanimous vote.**

20. CONSIDERATION OF AN ORDINANCE FOR FIRST READING ~~AND REFERRAL TO COMMITTEE~~ **ADOPTION UNDER SUSPENSION OF RULES**

**A motion was made by Mr. Germana, seconded by Mr. Miller and approved by unanimous vote to suspend Rules 9D and 13A and to place on final passage Ordinance No. O2011-0021.**

- a) O2011-0021: An Ordinance authorizing the County Executive to grant a permanent easement to Ferrous Realty Ltd., for the sum of \$500.00, for the right to access, install, maintain, relocate, repair, and replace a sign on, over and under certain portions of County-owned property located at 10991 Memphis Avenue in the City of Brooklyn in connection with construction of Memphis Industrial Parkway; and declaring the necessity that this Ordinance become immediately effective.

Sponsor: County Executive FitzGerald/Department of Public Works/County Engineer and Councilman Germana

**On a motion by Mr. Germana with a second by Mr. Rogers, Ordinance No. O2011-0021 was considered and adopted by unanimous vote.**

21. COMMITTEE REPORT AND CONSIDERATION OF AN ORDINANCE FOR SECOND READING ~~ADOPTION UNDER SUSPENSION OF RULES~~

- a) O2011-0015: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.

Sponsors: County Executive FitzGerald/Department of Human Resources

Committee Assignment and Chair: Human Resources, Appointments & Equity – Conwell

**The Clerk read into the record Ordinance No. O2011-0015; no official action was taken by Council. This item will be placed on the April 5, 2011 special Council meeting agenda for final reading.**

22. EXECUTIVE SESSION

- a) Continued discussion regarding pending litigation

**Council President Connally announced that Executive Session was cancelled.**

23. MISCELLANEOUS COMMITTEE REPORTS

**Mr. Greenspan requested proposed amendments to the Code of Ethics Ordinance be submitted to him by March 29<sup>th</sup>.**

**Mr. Germana suggested there be a charge for employees to use the Juvenile Justice Center gym.**

**Mr. Miller requested proposed amendments to the Board of Control and contracting Ordinance be submitted to him and Mr. Jones by April 1<sup>st</sup>.**

24. MISCELLANEOUS BUSINESS

**Council President Connally announced the following Councilmember appointment:**

- a) **Ms. Simon to the Cuyahoga County Planning Commission.**

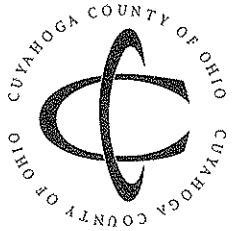


25. PUBLIC COMMENT UNRELATED TO AGENDA

**No public comments were given.**

26. ADJOURNMENT

**With no further business to discuss and on a motion by Mr. Greenspan with a second by Ms. Simon, the meeting was adjourned at 8:28 p.m., without objection.**



**EDWARD FITZGERALD**  
Cuyahoga County Executive

March 21, 2011

C. Ellen Connally  
Council President  
County Administration Building  
1219 Ontario Ave  
Cleveland, Ohio 44113

Madame President Connally,

As required by Cuyahoga County Ordinance O2011 - 0002, I am providing notice of the items that I executed during the week of March 18, 2011. The attached document lists the contracts by requestor and has a brief description of each contract.

Please contact David Merriman at (216) 263-4606 if you would like additional information on any of these contracts.

Respectfully submitted,

A handwritten signature in black ink that reads 'Edward FitzGerald'.

Edward FitzGerald  
County Executive

Items approved the week of March 7, 2011:

Requestor	Description
Common Pleas Court/ Corrections Planning Board	Submitting a contract with Court Community Service, sole source, in the amount not-to-exceed \$185,000.00 for placement and supervision of adult offenders performing community work service for the period 1/1/2011 - 12/31/2011.
Department of Children and Family Services	Submitting an amendment to Contract No. CE1000105-01 with Children's Community Access Program, Inc. for placement services for the period 1/1/2010 - 12/31/2010 for a decrease in the amount of (\$40,000.00).
Department of Children and Family Services	Submitting a contract with Hattie Larlham Community Services in the amount not-to-exceed \$31,500.00 for placement services for the period 1/1/2011 - 9/30/2011.
Department of Children and Family Services	Submitting a contract with Keystone Richland Center, LLC dba Foundations For Living in the amount not-to-exceed \$116,250.00 for placement services for the period 1/1/2011 - 9/30/2011.
Department of Children and Family Services	Submitting a contract with New Directions, Inc. in the amount not-to-exceed \$18,750.00 for placement services for the period 1/1/2011 - 9/30/2011.
Department of Children and Family Services	Submitting contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011: 1) Adolescent Counseling & Treatment 1, Inc., in the amount not-to-exceed \$182,961.00. 2) Children's Community Access Program, Inc. in the amount not-to-exceed \$750.00. 3) Cornell Abraxas Group, Inc. in the amount not-to-exceed \$38,400.00. 4) ViaQuest Behavioral Health of Ohio, LLC, in the amount not-to-exceed \$174,254.00.
Department of Children and Family Services	Submitting contracts with various providers for placement services for the period 1/1/2011 - 9/30/2011: 1) Caring For Kids, Inc. in the amount not-to-exceed \$82,125.00. 2) Diversion Adolescent Foster Care of Ohio, Inc. in the amount not-to-exceed \$165,000.00.
Department of Development	Submitting an amendment to Contract No. CE1000152-02 with Emerald Development and Economic Network, Inc. for the Tenant Based Rental Assistance Program for the period 10/1/2009 - 12/31/2010 to extend the time period to 8/31/2011 and for additional funds in the amount not-to-exceed

	\$200,000.00. (Resolution No. 105131 – authority to prepare.)
Department of Development	Submitting Addendum No. 3 to the specifications on RQ18962 for heating unit replacement and associated energy conservation activities for the Villa Serena Apartments Project, located at 6800 Mayfield Road, Mayfield Heights, in connection with the Home Weatherization Assistance Program for the period 4/1/2011 - 6/30/2011 to make clarifications and to change the bid due date from 1/28/2011 to 2/16/2011.
Department of Development	Requesting authority to submit a grant application to the United States Environment Protection Agency (U.S. EPA) in the amount of \$2,000,000.00 for a Supplemental Brownfield Revolving Loan Fund Grant to be used for brownfield cleanup grants and loans, requesting authority for the County Executive or Director of the Department of Development to execute such documents that may be required to submit such a grant application.
Department of Development	Submitting an amendment to Contract No. CE1000404-01 with HzW Environmental Consultants, LLC, for a brownfield environmental site assessment of various properties located between 6620-6710 Euclid Avenue, 2046-2068 East 69th Street and 6615-6709 Carnegie Avenue, Cleveland, for the period 4/12/2010 - 10/9/2010, to extend the time period to 7/31/2011, to change scope of services, effective 10/9/2010, to make budget line item revisions; no additional funds required.
Department of Development	Submitting an amendment to Contract No. CE1000603-01 with HzW Environmental Consultants, LLC, for a brownfield environmental site assessment of property located at 5701 Carnegie Avenue, Cleveland, for the period 8/19/2010 - 2/15/2011, to extend the time period to 7/31/2011, to change the scope of services, effective 12/14/2010 to make budget line item revisions; no additional funds required.
Department of Employment & Family Services	Requesting authority to seek proposals on RQ18959 from various providers for Neighborhood Family Service Centers child care drop-in services for the period 7/1/2011 - 6/30/2012; requesting authority for the Director of the Office of Procurement & Diversity to advertise for proposals.
Department of Employment & Family Services	Requesting authority to seek proposals on RQ19578 from various providers for intensive case management services for Ohio Works First and Disability

	Financial Assistance cash recipients with barriers to employment for the period 7/1/2011 - 6/30/2012; requesting authority for the Director of the Office of Procurement & Diversity to advertise for proposals.
Department of Employment and Family Services	Submitting a state contract with International Business Machines Corporation in the amount not-to-exceed \$5,513.10 for maintenance on IBM Tivoli Storage Manager software for the period 1/1/2011-12/31/2011.
Department of Employment and Family Services	Submitting a state contract with TEC Communications, Inc. in the amount not-to-exceed \$4,315.50 for maintenance on Cisco MDS switches for the period 1/1/2011-12/31/2011.
Department of Health and Human Services	Submitting an award by Resolution No. 1049106 dated 11/10/2010 for the Community Social Services Program for the Department of Senior and Adult Services for the period of 1/1/2011-12/31/2011 to the following providers: 1) Contract No. CE1100031-01, 02, 03, 04 with Goodrich Gannett Neighborhood Center in the amount not to exceed \$123,951.00. 2) Contract No. CE1100034-01 with Asian Services in Action, Inc in the amount not to exceed \$13, 514.00. 3) Contract No. CE1100039-01, 02 with Eliza Bryant Village in the amount not to exceed \$116,744.00. 4) Contract No. CE1100041-01, 02 with Menorah Park Center for Senior Living Bet Moshav Zekenim Hadati in the amount not to exceed \$15,162.00. 5) Contract No. CE1100043-01, 02 with Senior Citizen Resources, Inc. in the amount not to exceed \$65,494.00. 6) Contract No. CE1100044-01 with The Harvard Community Services Center in the amount not to exceed \$52,010.00. 7) Contract No. CE1100045-01, 02 with Mandel Jewish Community Center of Cleveland in the amount not to exceed \$140,476.00 8) Contract No. CE1100046-01, 02 with The Merrick House in the amount not to exceed \$135,012.00. 9) Contract No. CE1100047-01, 02, 03 with the Salvation Army in the amount not to exceed \$84,537.00. 10) Contract No. CE1100048-01, 02 with University Settlement, Incorporated in the amount not to exceed \$99,574.00.
Department of Public Works	Submitting agreements with various organizations for lease of property located on the West bank of the Flats,

	<p>Cleveland, for Charity Festivals:</p> <ol style="list-style-type: none"> <li>1) East Shore Unitarian Universalist Church for the period 2/8/2011 - 2/9/2011.</li> <li>2) Art on Wheels, Inc. for the period 2/10/2011 - 2/13/2011.</li> <li>3) Midpark Boosters for the period 2/15/2011 - 2/16/2011.</li> <li>4) Copley-Fairlawn Athletic Association for the period 2/17/2011 - 2/20/2011.</li> <li>5) Kent Skating Club for the period 2/22/2011 - 2/23/2011.</li> <li>6) Bellflower Center for Prevention of Child Abuse for the period 2/24/2011 - 2/27/2011.</li> <li>7) Center for Families and Children for the period 3/1/2011 - 3/2/2011.</li> </ol>
Department of Public Works	<p>Recommending a revenue generating award on RQ18919 to 9209 Quincy, Inc. for cafe food services operation in connection with the Cuyahoga County Juvenile Justice Center Project for the period 2/15/2011 - 2/14/2013. (Resolution No. 1051178 - authority to seek proposals.)</p>
Department of Workforce Development	<p>Submitting a contract with ABL Products, Inc. in the amount not-to-exceed \$6,867.00 for the On-the-Job Training Program for the period 1/26/2011 - 7/26/2011.</p>
Department of Workforce Development	<p>Submitting a contract with Aesthetics, Etc., LLC in the amount not-to-exceed \$2,200.00 for the On-the-Job Training Program for the period 1/26/2011 - 5/25/2011.</p>
Department of Workforce Development	<p>Submitting a contract with B-R-O-T Incorporated in the amount not-to-exceed \$1,860.00 for the On-the-Job Training Program for the period 1/24/011 - 7/24/2011.</p>
Department of Workforce Development	<p>Submitting a contract with DuBose Packaging, LLC, in the amount not-to-exceed \$1,305.00 for the On-the-Job Training Program for the period 1/10/2011 - 2/4/2011.</p>
Department of Workforce Development	<p>Submitting a contract with Sherwood Valve LLC in the amount not-to-exceed \$26,180.00 for the On-the-Job Training Program for the period 1/24/2011 - 6/7/2011.</p>
Department of Workforce Development	<p>Submitting a contract with Jennings Center for Older Adults in the amount not-to-exceed \$44,208.32 for the Customized Training Program for the period 1/17/2011 - 12/31/2011.</p>
Health & Human Services	<p>Submitting an amendment to Contract No. CE0900588-03, 04 with Community Health Partners for direct care services for the Ryan White HIV/AIDS Treatment Modernization Act Part A Program for the period 3/1/2009 - 2/28/2011 for additional funds in the amount of \$30,200.00.</p>

Health & Human Services	<p>Submitting amendments to contracts with various providers for direct care services for the Ryan White HIV/AIDS Treatment Modernization Act Part A Program for the period 3/1/2009 - 2/28/2011 to make budget line item revisions and for a decrease:</p> <p>1) No. CE0900561-02 with AIDS Taskforce of Greater Cleveland in the amount of (\$60,000.00).</p> <p>2) No. CE0900687-02 with Alcohol, Drug Addiction and Mental Health Services Board of Cuyahoga County in the amount of (\$124,675.00).</p> <p>3) No. CE0900589-03, 04 with The Free Medical Clinic of Greater Cleveland in the amount of (\$93,565.00).</p>
Health & Human Services	<p>Submitting a contract with Candor Limited in the amount not-to exceed \$10,000.00 for evaluation services for the Fatherhood Initiative Program Expansion Project for the period 11/1/2010 - 8/31/2011.</p>
Health & Human Services	<p>Requesting authority to prepare an amendment to Contract No. CE0900588-03 with Community Health Partners for direct care services for the Ryan White HIV/AIDS Treatment Modernization Act Part A Program for the period 3/1/2009 - 2/28/2011 to make budget line item revisions and for additional funds in the amount of \$30,200.00.</p>
Health & Human Services	<p>Submitting amendments to contracts with various providers for direct care services for the Ryan White HIV/AIDS Treatment Modernization Act Part A Program for the period 3/1/2009 - 2/28/2011 to make budget line item revisions:</p> <p>1) No. CE0900731-03, 04 with MetroHealth Medical Center for a decrease in the amount of (\$117,000.00).</p> <p>2) No. CE0900745-03 with University Hospitals Case Medical Center for a decrease in the amount of (\$40,000.00).</p>
Health and Human Services	<p>Submitting an agreement with Cuyahoga County District Board of Health in the amount of \$112,500.00 for child fatality review services for the period of 1/1/2011 – 12/31/2011.</p>
Information Services Center	<p>Submitting a state contract with CGI Technologies and Solutions Inc. in the amount not-to-exceed \$90,840.00 for maintenance on Hyland Onbase software for the</p>

	Document Imaging System for the Cuyahoga Support Enforcement Agency for the period 1/1/2011 - 12/31/2011.
Information Services Center	Submitting a state contract with CGI Technologies and Solutions Inc. in the amount not-to-exceed \$21,868.00 for maintenance on Kofax software for the Document Imaging System for Cuyahoga Support Enforcement Agency for the period 1/1/2011 - 12/31/2011.
Information Services Center	Submitting a state contract with Sirius Computer Solutions, Inc. in the amount not-to-exceed \$146,915.00 for maintenance services for the zSeries/zOS System for the period 1/1/2011 - 12/31/2011.
Information Services Center	Recommending an award: a) on RQ18582 to Kucera International Inc. in the amount not-to-exceed \$66,000.00 for aerial photography and related photogrammetric services for the period 2/1/2011 - 12/31/2011. (Resolution No. 105136 - authority to seek proposals.)
Justice Services	Submitting an amendment to Contract No. CE0900425-01 with Bellefaire Jewish Children's Bureau for the FY2008 Juvenile Justice and Delinquency Prevention Program for the period 1/1/2009 - 12/31/2010 to extend the time period to 6/30/2011 and for additional funds in the amount of \$151.39.
Justice Services	Requesting authority to prepare an amendment to Contract No. CE1000636-01 with Cleveland State University for consultant services for research and data development in connection with the Family Justice Center: Planning, Implementation, Enhancement Project for the Encourage Arrest Policies and Enforcement of Protection Orders Grant Program for the period 2/1/2010 - 9/30/2011 for additional funds in the amount not-to-exceed \$12,212.00.
Justice Services	A) Requesting authority to submit a grant application to Praxis International in the amount of \$100,000.00 for the Blueprint for Safety Adaptation Demonstration Project for the period 7/1/2011 - 6/30/2012. B) Requesting authority to accept the grant award. C) Requesting authority to expend the grant funds.
Justice Services	Submitting contracts with various providers for training services for emergency response personnel in connection with the FY2008 Urban Area Security



	<p>Initiative Grant Program for the period 1/1/2011 - 3/31/2011:</p> <p>1) Mark Vedder in the amount not-to-exceed \$1,600.00.</p> <p>2) Gordie Polando in the amount not-to-exceed \$2,400.00.</p> <p>3) David A. Sword in the amount not-to-exceed \$3,600.00.</p>
Justice Services	<p>a) requesting authority to submit a grant application to U.S. Department of Justice, Office on Violence Against Women in the amount of \$400,000.00 for the Assist Children and Youth Exposed to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program for the period 10/1/2011 - 9/30/2013.</p> <p>b) requesting authority to accept the grant award.</p> <p>c) requesting authority to expend the grant funds.</p>
Justice Services	<p>Submitting an amendment to Contract No. CE1000636-01 with Cleveland State University for consultant services for research and data development in connection with the Family Justice Center: Planning, Implementation, Enhancement Project for the Encourage Arrest Policies and Enforcement of Protection Orders Grant Program for the period 2/1/2010 - 9/30/2011 to change the scope of services, effective 6/1/2010 for additional funds in the amount not-to-exceed \$12,212.00.</p>
Juvenile Court	<p>Requesting authority to negotiate with Premier Office Technologies, Inc. for clinician dictation and transcription services for the period 1/1/2011 - 12/31/2011. (Resolution No. 104559 - authority to seek proposals).</p>
Juvenile Court	<p>Requesting authority to negotiate with various providers for sex offender assessment and community-based treatment services for the period 7/1/2010 - 6/30/2011 Change to 2/1/2011-01/31/2012 (Resolution No. 104557 - authority to seek proposals):</p> <p>a) Applewood Centers, Inc.</p> <p>b) Berea Children's Home</p> <p>c) The Cleveland Christian Home, Incorporated</p>
Juvenile Court	<p>Requesting authority to negotiate with various providers for substance abuse assessment and treatment services and dual diagnosis assessment services for the period <u>Change to 02/01/2011-01/31/2012</u> 1/1/2011 - 12/31/2011. (Resolution No. 104558 - authority to seek proposals).</p>

	<p>a) Bellefaire Jewish Children's Bureau  b) Catholic Charities Services Corporation  c) The Covenant Adolescent Chemical Dependency Treatment and Prevention Center, Inc.</p>
Office of Early Childhood	Recommending to accept a donation in the amount of \$25,000.00 from Eaton Corporation for operational support of the Invest in Children Program.
Office of Early Childhood	Submitting an amendment to Contract No. CE1000685-01 with Cuyahoga County District Board of Health for the Newborn Home Visiting Program for the period 10/1/2010 - 12/31/2011 to change the scope of services, effective 10/1/2010, and for additional funds in the amount of \$249,742.05.
Office of Human Resources	Requesting authority to seek proposals from various providers on RQ19805 for consultant services for a Classification and Compensation Analysis for the period 4/25/2011 – 8/29/2011; requesting authority for the Director of the Office of Procurement and Diversity to advertise for proposals.
Office of Procurement & Diversity	<p>Recommending to amend Resolution No. 1012140 dated 4/8/2010 which amended various resolutions, which approved the Cuyahoga County Procurement Card Program Policies and Procedures, effective 10/15/2008:</p> <p>a) by adding an authorized user for various work-related purposes:  Medical Examiner  1) Toni Wlosowics, Procurement Specialist, for office equipment and supplies.  b) by adding the initial amount of \$20,000.00 for use by Medical Examiner to make work related purchases.  c) by removing Sheree Vaughn, Administrative Officer, for the Administrator's Office, effective 2/22/2011, and for a decrease in the amount of (\$17,500.00).</p>
Office of Procurement & Diversity	Recommending to declare various computer equipment as surplus County property no longer needed for public use; recommending to sell said property to RET3 Job Corp. for a fee in the amount of \$1.00.
Office of Procurement & Diversity	<p>Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids:</p> <p>Department of Public Works  a) on RQ18791 for automotive replacement parts for the County garage for the period 4/1/2011- 3/31/2013 for an estimated cost in the amount not-to-exceed</p>

	\$120,000.00.
Office of Procurement & Diversity	Submitting specifications and estimate of cost; requesting authority for the Director to advertise for bids: a) on RQ19486 for Global Positioning System units for the Department of Justice Services for an estimated cost in the amount not-to-exceed \$62,038.50.
Office of Procurement & Diversity	Recommending to declare various property as surplus County property no longer needed for public use; recommending to sell said property via internet auction, in accordance with Ohio Revised Code Section 307.12(E).
Office of Procurement & Diversity	Recommending to declare various books as surplus County property, no longer needed for public use; recommending to donate said books to Cuyahoga Community College (Metro Campus), in accordance with Ohio Revised Code Section 307.12(D).
Office of Procurement & Diversity	Recommending to declare miscellaneous office equipment that is obsolete and has no value as surplus County property no longer needed for public use; recommending to discard or salvage said equipment, in accordance with Ohio Revised Code Section 307.12(I).
Office of Procurement & Diversity	Recommending an award: Information Services Center a) on RQ18770 to Business Information Systems in the amount of \$53,602.75 for recording hardware and software, installation and training for the Board of Revision (State Contract No. 533143/ORC 125.04(B)).
Office of Procurement & Diversity	Recommending an award: Information Services Center a) on RQ18775 to Texcel, Inc. in the amount of \$35,663.00 for Cisco equipment for the Board of Revision (State Contract No. 533110/ORC 125.04(B)).
Office of Procurement & Diversity	Recommending an award: Information Services Center a) on RQ18805 to MNJ Technologies Direct, Inc. in the amount of \$25,971.15 for purchase of 30-Dell computers and monitors for the Board of Revision (ORC 125.04(C)).
Office of Procurement & Diversity	Recommending an award: Department of Justice Services a) on RQ19517 to Barrier Products, LLC dba Bioseal Systems in the amount of \$35,716.00 for purchase of mass fatality response paks for the Medical Examiner's Office (Sole Source/ORC 307.86(B)).
Sheriff's Office	Submitting an agreement with City of Cleveland for the purchase of software, valued in the amount not-to-

	exceed \$38,002.00 in connection with the FY2006 Comprehensive Anti-Gang Initiative Prevention Program for the period 11/1/2006 - 3/31/2011.
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**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0022**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

**A Motion confirming the County Executive's appointment of Lawrence E. Benders upon his taking the oath of office as the Director of Development of Cuyahoga County.**

WHEREAS, Article VII of the Charter of Cuyahoga County creates the Department of Development under the direction of the Director of Development to develop, direct and implement programs and activities for carrying out the purposes of the Article; and,

WHEREAS, Charter Section 7.01 provides that the County shall have as a primary responsibility the promotion and enhancement of the economic well-being and prosperity of the County and all of its residents and that in furtherance of this purpose, the County shall develop and implement policies, programs and activities for the expansion and enhancement of economic activity in the County; and,

WHEREAS, County Executive FitzGerald nominated Lawrence E. Benders for appointment as Director of Development after determining that Mr. Benders meets the eligibility requirement contained in Charter Section 7.03 of having a demonstrated record of experience and accomplishment, in the public and private sector, or both, in economic development matters.

WHEREAS, the Council conducted a confirmation hearing which was noticed to the public and held in an open meeting on March 24, 2011; and,

WHEREAS, the Council elects to confirm the County Executive's appointment of Lawrence E. Benders as Director of Development; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT APPROVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the appointment by County Executive FitzGerald of Lawrence E. Benders upon his taking the oath of office as the Director of Development is hereby confirmed.

**SECTION 2.** It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Motion was duly approved.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC002  
April 5, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0023**

**SPONSORED BY: COUNCIL MEMBER**

**A Motion confirming the County Executive's appointment of Majeed G. Makhlouf upon his taking the oath of office as the Director of Law of Cuyahoga County.**

WHEREAS, Article V of the Charter of Cuyahoga County provides for the appointment of officers of the County, who are appointed by the County Executive, subject to confirmation by Council, and who serve at the pleasure of the County Executive; and,

WHEREAS, Charter Section 5.06 creates the Director of Law as an officer of the County who "shall be *the* legal advisor to and representative of the County Executive and County Council"; and,

WHEREAS, County Executive FitzGerald has nominated Majeed G. Makhlouf for appointment as Director of Law after determining that Mr. Makhlouf meets the eligibility requirement contained in Charter Section 5.06 of being an attorney in good standing in the State of Ohio and having at least five years' experience in advising or representing political subdivisions in Ohio; and,

WHEREAS, the Council conducted a confirmation hearing which was noticed to the public and held in an open meeting on March 29, 2011; and,

WHEREAS, the Council elects to confirm the County Executive's appointment of Majeed G. Makhlouf as Director of Law; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT APPROVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the appointment by County Executive FitzGerald of Majeed G. Makhlouf upon his taking the oath of office as the Director of Law is hereby confirmed.

**SECTION 2.** It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Motion was duly approved.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC002  
April 5, 2011



**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0024**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

**A Motion confirming the County Executive's appointment of individuals to serve on the District One Public Works Integrating Committee of Cuyahoga County.**

WHEREAS, the District One Public Works Integrating Committee (DOPWIC) is responsible to oversee the implementation of the State Capital Infrastructure Bond Program, the Local Transportation Improvement Program and the Revolving Loan Program in Cuyahoga County; and,

WHEREAS, the DOPWIC evaluates capital improvement projects submitted by its local subdivisions using a project selection criteria based on criteria listed in the Ohio Revised Code Section 164 and selects projects to recommend to the Director of the Ohio Public Works Commission for further consideration; and,

WHEREAS, the DOPWIC also appoints a subcommittee of its members to review and recommend projects from villages and townships to the Ohio Small Government Capital Improvements Commission for further consideration; and,

WHEREAS, the DOPWIC is also charged with evaluating and prioritizing Cuyahoga County projects submitted for Clean Ohio Revitalization funds and Job Ready Site program funds and is also responsible for appointing the members to the Cuyahoga County Natural Resources Assistance Council which oversees the implementation of the Clean Ohio Conservation Program in Cuyahoga County; and,

WHEREAS, County Executive Ed FitzGerald has nominated Bonita Teeuwen and Douglas L. Dillon for appointment to DOPWIC; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT APPROVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of the following individuals to serve on the District One Public

Works Integrating Committee of Cuyahoga County: Bonita Teeuwen, Director of Public Works, and Douglas L. Dillon, MBA, PE, PS, Cuyahoga County Engineer.

**SECTION 2.** It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Motion was duly approved.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
Clerk of Council      Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

**COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO**

**MOTION NO. M2011-0025**

**SPONSORED BY: COUNCIL PRESIDENT CONNALLY**

**A Motion confirming the County Executive's appointment of individuals to serve on the Cuyahoga Community College Board of Trustees.**

WHEREAS, Ohio Revised Code Section 3354.05 requires that member of the board of trustees of a community college district be appointed by a county board of commissioners; and,

WHEREAS, Charter Section 6.04 states that when general law provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council; and,

WHEREAS, County Executive FitzGerald has nominated Justin Bibb and David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Motion become immediately effective in order that Charter requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT APPROVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The Council of Cuyahoga County, Ohio, hereby confirms the appointment of Justin Bibb and David W. Whitehead to serve on the Cuyahoga Community College Board of Trustees.

**SECTION 2.** It is necessary that this Motion become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County.

**SECTION 3.** It is found and determined that all formal actions of this Council concerning and relating to the passage of this Motion were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Motion was duly approved.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
Clerk of Council      Date

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0135

Sponsored by: <b>Council President Connally and Germana</b>	A <b>Resolution</b> ratifying Northeast Ohio Areawide Coordinating Agency Governing Board Resolution No. 2010-050 – Code of Regulations revisions incorporating new Cuyahoga County governance structure, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the designated Metropolitan Planning Organization for Cuyahoga, Geauga, Lake, Lorain and Medina Counties; and,

WHEREAS, various articles of the Code of Regulations of the NOACA Governing Board provided for five boards of County Commissioners and needed to be revised to reflect the fact that Cuyahoga County has adopted a charter form of government with a County Executive and County Council; and,

WHEREAS, the NOACA Governing Board adopted Resolution No. 2010-050 for this purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Resolution 2010-050 of the Northeast Ohio Areawide Coordinating Agency Governing Board concerning Code of Regulations revisions made to incorporate the new Cuyahoga County governance structure is hereby ratified.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President                      Date

\_\_\_\_\_  
County Executive                                      Date

\_\_\_\_\_  
Clerk of Council                                      Date

Journal CC002  
April 5, 2011

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

MEMORANDUM

**TO:** The Honorable Edward FitzGerald, Cuyahoga County Executive-Elect  
Incoming Cuyahoga County Council President  
James McCafferty, Cuyahoga County Administrator  
Matt Carroll, Cuyahoga County Transition Team Leader

**FROM:** Howard R. Maier, Executive Director *HM*

**DATE:** December 16, 2010

**RE:** Ratification Requested for NOACA Code of Regulations

I am writing to request that you please place on your first County Council agenda the following:

*Ratification of NOACA Governing Board Resolution 2010-050 – Code of Regulations  
Revisions Incorporating New Cuyahoga County Structure*

The Resolution (attached) re-names the four seats held on NOACA's Governing Board by Cuyahoga County. Changes to this portion of NOACA's Code require ratification by all five counties before becoming effective. Consequently, the Resolution, which was adopted by NOACA's Board on December 10, 2010, is being mailed simultaneously to Cuyahoga, Geauga, Lake, Lorain, and Medina counties so that it can be ratified, if possible, before NOACA's next Board meeting on January 14, 2011. I have also sent this information via email.

Congratulations to all Council Members and the County Executive on your elections to your new positions! I look forward to working with you on NOACA's regional transportation and environmental planning responsibilities.

Please call me at (216) 241-2414 x361 or Amy Wainright, Esq., x 252, with any questions.

Attachment: NOACA Resolution 2010-050

RESOLUTION NO. 2010-050  
(CODE OF REGULATIONS REVISIONS –  
CUYAHOGA COUNTY STRUCTURE)

RESOLUTION OF THE GOVERNING BOARD  
OF THE  
NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

WHEREAS, the Northeast Ohio Areawide Coordinating Agency (NOACA) is the designated Metropolitan Planning Organization for Cuyahoga, Geauga, Lake, Lorain and Medina Counties; and

WHEREAS, various articles of the Code of Regulations of the NOACA Governing Board provide for five boards of County Commissioners; and

WHEREAS, Cuyahoga County has voted to change the commissioner form of government to a County Executive and County Council, which necessitates changes to various Articles of the Code; and

WHEREAS, staff recommends that references to five Boards of County Commissioners be deleted where possible and other language changes be made to accommodate the new structure for Cuyahoga County.

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Northeast Ohio Areawide Coordinating Agency, consisting of forty-four principal elected and other officials of general purpose local government throughout and within the Counties of Cuyahoga, Geauga, Lake, Lorain, and Medina, that:

Section 1. The following amendments to the NOACA Code of Regulations are hereby adopted, as shown in Attachment A.

Certified to be a true copy of a Resolution of the  
Governing Board of the Northeast Ohio Areawide  
Coordinating Agency adopted this 10th day of De-  
cember 2010.

Secretary: Betty Blair

Date Signed: 12-10-10



# CODE OF REGULATIONS

## OF

### NORTHEAST OHIO AREAWIDE COORDINATING AGENCY

(Revised as of ~~December 11, 2009~~ December 10, 2010 by Resolution No. 2010-050)

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CODE OF REGULATIONS  
OF  
NORTHEAST OHIO AREA WIDE COORDINATING AGENCY

As local officials of the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina as part of our responsibilities for carrying out transportation and environmental planning in the five county region, under local direction and in accordance with federal and state mandates, pursuant to authority granted under Ohio Revised Code Section 307.14 et seq., we have established The Northeast Ohio Areawide Coordinating Agency (NOACA) and adopt the following Code of Regulations.

ARTICLE I

NAME AND MISSION

**SECTION 1.1: Name.** The name of this regional organization is The Northeast Ohio Areawide Coordinating Agency (NOACA or the Agency). The NOACA area for transportation and environmental planning encompasses the Cleveland/Lorain-Elyria metropolitan region including the five Ohio counties of Cuyahoga, Geauga, Lake, Lorain and Medina.

**SECTION 1.2: Mission.** In pursuing responsibilities for transportation and environmental planning for the region, NOACA aims to: (1) improve the quality of life of the region's citizens by enhancing the Region's long term economic development potential and by protecting its environmental quality; (2) assist member local governments and agencies in addressing local and regional issues in a cooperative manner; and (3) assure equitable flow and prudent expenditure of public funds.

NOACA supports these aims by: (1) serving as a forum for local public officials to engage in regional debate and intergovernmental cooperation; (2) encouraging local decision-making to be in harmony with the region's transportation and environmental plans; (3) maintaining federal designations and planning processes and meeting federal and state requirements for regional programs; (4) seeking equitable return of state and federal funds to the region to meet locally determined needs; (5) providing information and technical planning support to benefit member communities in order to best use public resources; and (6) advocating interests of the region with state and federal decision-makers.

ARTICLE II

POWERS OF AGENCY

**SECTION 2.1: Powers.** The Agency shall act as a comprehensive transportation and environmental planning organization. In so doing it shall plan and coordinate the following four distinct but interrelated areas as: (i) the federal and state designated metropolitan planning organization (MPO) for transportation planning; (ii) the federal designated areawide water quality man-

agement planning agency for the five- county Northeast Ohio Lake Erie Basin (NEOLEB) planning area; (iii) the federal designated planning agency to address transportation-related air quality issues in the five-county area; and (iv) planning and support coordination to the region, as directed by the NOACA Governing Board for limited environmental management and transportation planning assistance to waste management districts, health districts, soil and water conservation districts and planning commissions as well as to member communities and provide information to members and other public and private organizations and the general public within guidelines established by the Governing Board.

In addition, the Agency shall exercise powers conferred by applicable federal, state and local laws, regulations, ordinances, rules and policies as well as those powers transferred to it by its members permitted under the Constitution of the State of Ohio and the Ohio Revised Code.

### ARTICLE III

#### MEMBERS

**Section 3.1 Counties.** The Counties of Cuyahoga, Geauga, Lake, Lorain and Medina in the State of Ohio have created the Agency pursuant to Ohio Revised Code Section 307.14 et seq. in accordance with federal and state mandates and accordingly these counties, acting through their respective Board of Commissioners or other administrative structure, are the principal members of the Agency.

**Section 3.2 Cities, Villages and Townships.** By virtue of home rule powers granted by Article XVIII of the Ohio Constitution, as well as statutory or charter authority granted by the Ohio General Assembly or their citizens, cities, villages and townships of the NOACA five-county area have important responsibilities for transportation and environmental issues within their jurisdictions. Each city, village and township within the NOACA area is a member of the Agency and entitled to services from the Agency.

**Section 3.3 Regional Governmental Authorities and Districts.** As provided in the Ohio Revised Code, certain portions of the NOACA area constitute special purpose government districts for transportation, mass transit, air quality and waste water planning and management. Accordingly (except as provided) each county-based regional transit authority and regional sewer district within the NOACA area is a member of the Agency and entitled to participate in the Agency.

**Section 3.4 Membership Dues.** Financial responsibility for operation of the Agency rests with ~~Boards of Commissioners for~~ the five counties that have created the Agency. Basic dues to support operations of the Agency shall be apportioned by population figures established by the U.S. Bureau of Census and members within each county shall pay their respective share according to the plan each ~~Board of Commissioners~~ county determines. Basic dues may be increased or decreased by the Governing Board each year.

**Section 3.5 Suspension of Membership.** Any member whose dues remain unpaid for a period in excess of 90 days after commencement of the fiscal year on each July 1 may be subject

to suspension of membership. Suspension of membership may be undertaken by a majority vote of the Governing Board and may provide for curtailment of voting authority or services and for such other penalties as the Governing Board may direct in each case. Notice of any member's eligibility for suspension shall be given at regular intervals to the Governing Board and in writing to the member's chief executive officer.

## ARTICLE IV

### GOVERNING BOARD

**Section 4.1 Duties of Governing Board.** The business of the Agency shall be managed by the Governing Board. The Governing Board shall exercise all powers of the Agency which are not otherwise required to be exercised by Agency Members.

**Section 4.2 Composition; Alternates; Term.** The Governing Board shall consist of representatives from the five-county area. The goal for representation is to bring to the Board's discussions and decision-making the principal elected officials and regional administrators of the NOACA area concerned with transportation and environmental planning, while assuring to the area's citizens an approximation of equal representation by population. Board positions shall be granted based on requirements of this section and individual Board members shall be specified annually at the first meeting. ~~The Board of Commissioners within e~~Each County shall be responsible for assuring appropriate representation according to this section, recognizing the goal for representation, dues procedures and compliance within each County and the Agency's mission. Each member of the Board shall be entitled to vote on all matters submitted to the Board for a vote.

	<u>Votes</u>
(a) <u>Cuyahoga County</u>	
(I) <u>County Government</u>	
(A) <u>County Executive</u>	<u>1</u>
(B) <u>Director of Public Works</u>	<u>1</u>
(C) <u>County Executive Appointee</u>	<u>1</u>
(D) <u>County Council Member</u>	<u>1</u>
(i) <del>County Commissioners</del>	
(A) <del>County Commissioner</del>	<del>1</del>
(B) <del>County Commissioner</del>	<del>1</del>
(C) <del>County Commissioner</del>	<del>1</del>
(ii) <del>Other Elected Official</del>	
(A) <del>County Engineer</del>	<del>1</del>
(iii) <u>Regional Authorities</u>	
(A) <u>Northeast Ohio Regional</u>	

	Sewer District	1
(B)	Greater Cleveland Regional Transit Authority	1
(C)	Cleveland-Cuyahoga County Port Authority	<u>1</u>
	<b>TOTAL</b>	<b>7</b>
(iv)	Cuyahoga Suburban Regions	
(A)	West Shore Region	1
(B)	Southwest Region	1
(C)	South/Central Region	1
(D)	Cuyahoga Region	1
(E)	Chagrin/Southeast Region	1
(F)	Heights Region	1
(G)	Hillcrest Region	1
(H)	City of Cleveland Heights	1
(I)	City of Euclid	1
(J)	City of Lakewood	1
(K)	City of Parma	<u>1</u>
	<b>TOTAL</b>	<b>11</b>
(v)	City of Cleveland	
(A)	Mayor	1
(B)	Public Service Director	1
(C)	Council Member	1
(D)	Council Member	1
(E)	Council Member	1
(F)	City Planning Director	<u>1</u>
	<b>TOTAL</b>	<b>6</b>
(b)	<u>Geauga County</u>	
(i)	County Commissioner	1
(ii)	County Commissioner	1
(iii)	County Commissioner	<u>1</u>
	<b>TOTAL</b>	<b>3</b>
(c)	<u>Lake County</u>	
(i)	County Commissioner	1
(ii)	County Commissioner	1
(iii)	County Commissioner	1
(iv)	County Engineer	1
(v)	Municipal Representative	<u>1</u>
	<b>TOTAL</b>	<b>5</b>

(d) Lorain County

(i)	County Commissioner	1
(ii)	County Commissioner	1
(iii)	County Commissioner (County Engineer)	1
(iv)	City of Lorain	1
(v)	City of Elyria	1
(vi)	Municipal Representative	1
(vii)	Townships Representative	<u>1</u>
	<b>TOTAL</b>	<b>7</b>

(e) Medina County

(i)	County Commissioner	1
(ii)	County Commissioner (Municipal Representative)	1
(iii)	County Commissioner (Township Representative)	1
(iv)	County Engineer	<u>1</u>
	<b>TOTAL</b>	<b>4</b>

(f) State of Ohio

(i)	Department of Transportation (appointment to be made by ODOT Director)	<u>1</u>
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**TOTAL**

44

(g) Pursuant to contracts approved by the Governing Board, a representative of the Ohio Environmental Protection Agency, Northeast District Office, is a non-voting ex officio member of the Governing Board of the Agency. The Departments of Development, Natural Resources and the Environmental Protection Agency of the State of Ohio, as well as such other agencies of government as the Governing Board may approve by regulation adopted at a meeting, may be represented. Representatives of these agencies shall have rights established by the Governing Board but shall not have a right to vote or a right of initiative.

(h) No staff member of any regional or county planning commission, no consultant, nor any Agency staff member, whether part time or full time, whose salary is reimbursed in whole or in part by or through the Agency, shall vote as a member or alternate of the Governing Board or the Executive Committee on appropriations, grants or contracts between NOACA and the employer of such person, but attendance of such person may be included in determining a quorum.

(i) Each person who is a member of the Governing Board shall designate an alternate to act in the absence of such member. Alternates shall possess full powers in all matters which come before the Governing Board. Each alternate shall be considered a Board member with respect to all actions taken in capacity as an alternate, including any duties as an ~~officer or~~ Executive Committee member. Designation of an alternate shall be in writing and must be submitted to the Governing Board. Each designation shall be effective for no more than one year from the date it is submitted to

the Governing Board. Each person who is a member of the Governing Board may revoke or modify the designation at any time in writing and submit it to the Governing Board.

(j) Each person who is a member of the Governing Board by virtue of a position as a commissioner of the Board of Commissioners of representing a county within the five county area may elect to vote by written proxy on any matter submitted to the Board. ~~This proxy shall be submitted to and delivered by a county commissioner of the same county as the commissioner exercising voting rights. The issuance of a proxy shall not affect weighted voting rights. Alternates are specifically precluded from exercising such proxy rights for a commissioner.~~

(k) Each person who is a member of the Governing Board and any alternate designated by such member shall vacate board membership immediately upon ceasing to hold the public office or position which originally entitled such person to become a member of the Governing Board. The successor of such member shall be designated in the same manner as the vacating member was selected.

(l) The Governing Board is authorized to take appropriate measures to insure attendance and a quorum, including limitations on speaking or similar rights of non-attending members; but no such measure shall operate to diminish the vote of any member government or collection of communities.

#### **Section 4.3 Officers; Election; Qualification; Term of Office; Resignation.**

(a) At the first meeting in January each year the Governing Board shall elect a President, First Vice President, Secretary and Treasurer. The Governing Board may also elect additional Vice Presidents, one or more Assistant Secretaries and one or more Assistant Treasurers. Each officer shall hold office until the next annual meeting of the Governing Board or until such officer's successor is elected and qualified or until such officer's resignation, removal or death. Upon approval by the Board one person may serve both as Secretary and Treasurer.

(b) Any officer may resign at any time upon written notice to the Secretary of the Governing Board.

(c) The Governing Board may remove any officer for cause at any time but such removal shall be without prejudice to the representation rights of the Agency member represented by such officer.

(d) Any vacancy occurring in any office which is caused by death, resignation, removal or otherwise shall be filled for the unexpired portion of the term by appointment by the President (except that the First Vice President shall succeed the President as set forth below) with approval of the Governing Board within 30 days of that vacancy.

(e) No member organization shall have more than one board member serving concurrently as an officer. This limitation does not apply in the case of officers serving as First or Second Vice President, Assistant Secretary or Assistant Treasurer.



(f) President. The President of the Governing Board shall be the chief policy officer of the Agency and shall exercise all powers and duties in leadership of the Agency as are generally associated with such office including, but not limited to, the power to execute such documents and instruments authorized by resolutions adopted by the Governing Board. The President shall represent the Agency before bodies of the State and Federal government and shall be an ex officio voting member of all Standing Committees. The President shall also be responsible for execution of all directives and resolutions adopted by the Governing Board.

(g) First Vice President. The First Vice President, in the absence or disability of the President, shall perform duties and exercise powers of the President. In addition, the First Vice President shall perform such other duties prescribed by the Governing Board or President.

(h) Secretary. The Secretary shall give notice of all meetings of the Governing Board and shall perform such other duties prescribed by the Governing Board or President, under whose supervision the Secretary acts. The Secretary shall keep the corporate seal of the Agency, if any, and when authorized by the Governing Board, affix it to an instrument which shall be attested to either by the signature of the Secretary, Treasurer or an Assistant Secretary. In the absence of the Secretary, the President or designee shall appoint a member to perform the duties of the Secretary.

(i) Treasurer. The Treasurer or designee (or Secretary in the absence or disability of the Treasurer) shall have custody of Agency funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the Agency, and shall deposit all funds and securities of the Agency in depositories designated by the Governing Board. The Treasurer shall disburse funds as directed by the Governing Board, taking proper vouchers for such disbursements, and shall give the President and other members of the Governing Board a periodic accounting of all transactions and the financial condition of the Agency. The Treasurer shall perform such other duties prescribed by the Governing Board or President.

(j) Vice Presidents, Assistant Secretaries and Assistant Treasurers. In the absence or disability of the First Vice President, Secretary or Treasurer, the Second Vice President, Assistant Secretaries or Assistant Treasurers in the order designated by the Governing Board, shall perform the duties of the First Vice President, Secretary or Treasurer, respectively, and shall have full powers of the office.

**Section 4.4 Vacancies.** A vacancy in the Governing Board shall be filled by a public official designated in the same manner as the vacating member was selected, to hold office for the whole or balance of the term to which such member was elected or until such member's successor is elected and qualified or until earlier resignation, removal from office or death.

**Section 4.5 Removal.** A majority of the members of the Governing Board at any time may remove for cause any member who is not a member of the Board solely because of position as an elected official of a member agency and any alternate. Removal must occur at a special meeting duly called for this purpose or at a regular meeting of the Governing Board where notice of this purpose has been established at the immediately preceding Board meeting. The successor to such member or alternate shall be designated in the same manner as the removed member was selected.

**Section 4.6 Compensation of Board Members.** A member of the Governing Board shall not receive compensation for services other than ordinary and incidental expenses, except that a member may be reimbursed for other reasonable expenses approved by a majority of the Governing Board. The Agency considers attendance at meetings of the Governing Board and its committees to be public employment on the same basis that any Board member or alternate is considered in public employment for the public position that determined qualification for membership on the Governing Board.

## ARTICLE V

### ORGANIZATION OF GOVERNING BOARD

**Section 5.1 Regular Meetings.** Regular meetings of the Governing Board shall be determined and published annually at the principal offices of the Agency or such other location and time as the Board designates.

**Section 5.2 Special Meetings.** Special meetings of the Governing Board may be called at any time by the President or by a majority of members upon written notice delivered to the President or Secretary of the Governing Board. Such request shall state the purposes of the proposed meeting.

**Section 5.3 Notice of Meetings.** Except as otherwise provided in these Regulations or by law, written notice stating the time, place and purpose in case of a special meeting, shall be delivered to each Board member at least seven days before a regular meeting and four days prior to any special meeting, either personally, by regular mail, by email, by fax or by telephone.

**Section 5.4 Presiding Officer.** Meetings of the Governing Board shall be presided over by the President or, in the President's absence, by the First Vice President or next succeeding officer. The Secretary shall act as secretary at all meetings and in the Secretary's absence the President may appoint any person to act as secretary of such meeting.

**Section 5.5 Ratification: Action Without a Meeting.** The Governing Board, acting at a meeting at which a quorum is present, may ratify any action taken by or on behalf of the Agency. Any action normally taken at a meeting may be taken without a meeting if consent in writing, setting forth the action to be taken, is signed by all members of the Governing Board and if such action without a meeting is otherwise not prohibited by applicable law.

**Section 5.6 Quorum.** A majority of Board members shall constitute a quorum to transact business. Once established for any meeting of the Board, a quorum shall presume to continue unless otherwise noted on the record that a quorum is absent. The act of a majority of Board members present at a meeting at which a quorum is present shall be the act of the Governing Board. Any member of the Governing Board who has a personal or financial interest in a contract or transaction which is before the Governing Board, or who is an owner or principal of a private and nonpublic entity with an interest in a matter before the Governing Board, may be counted for the purpose of determining the presence of a quorum at a meeting of the Board. Such interested

member, however, shall not participate in any discussions of the Board with respect to that matter and shall not vote on such matters.

**Section 5.7 Public Meetings.** All meetings of the Governing Board shall be open to the public pursuant to the Ohio Sunshine Law, Revised Code Section 121.22 et.seq. Executive sessions and other closed meetings shall be held only as permitted by law.

## ARTICLE VI

### COMMITTEES, SUBCOMMITTEES, ADVISORY COUNCILS AND TASK FORCES

**Section 6.1 Establishment of Committees, Subcommittees, Advisory Councils and Task Forces.** The President of the Governing Board with its approval shall establish various Standing Committees, Subcommittees, Advisory Councils and Task Forces deemed necessary or appropriate to provide advice and policy recommendations to the Governing Board relating to specific issues or technical areas of transportation or environmental matters. Unless the Governing Board otherwise provides, each Standing Committee, Subcommittee, Advisory Council or Task Force may make, alter and repeal rules to conduct its business. In the absence of such rules, each Standing Committee, Subcommittee, Advisory Council or Task Force shall conduct business in the same manner as the Governing Board conducts business. Appendix I contains the table defining the purpose, membership, duration, creation, appointment and reporting responsibilities of Standing Committees, Subcommittees, Advisory Councils and Task Forces. This table shall be used to establish these bodies unless otherwise stated in the Code.

**Section 6.2 Executive Committee.** The Executive Committee shall provide advice to the Executive Director and staff between Board meetings and shall carry out responsibilities delegated to it by the Governing Board until the next Board meeting. When it acts the Executive Committee shall act as the Governing Board. The Executive Committee shall keep regular minutes of its proceedings and report to the Governing Board prior to each of its meetings. The Executive Committee shall consist of the President, First Vice President, Second Vice President (if any), Secretary, Treasurer, immediate past President of the Governing Board and Mayor of the largest city in the five county region. Executive Committee membership shall also include at least one member of the governing officers Board of Commissioners of each county. The mayor of the largest city in the five county region shall not be considered a county representative for this purpose. Vacancies in membership of the Executive Committee shall be filled in the same manner as the vacating member was selected.

**Section 6.3 Nominating Committee.** By November 15 of each year with approval of the Governing Board, the President shall designate members of a Nominating Committee. The Nominating Committee shall consist of one representative of each of the five counties and a representative of the largest city in the five county region. The Nominating Committee shall have power to nominate the officers of the Governing Board for the next year and conduct the election provided for in Section 4.3(a).

**Section 6.4 Standing Committees.**

(a) Purpose. A Standing Committee shall provide advice and policy recommendations to the Governing Board in specific functional areas and provide a forum for in-depth discussion and analysis of relevant issues or agenda items prior to consideration by the Governing Board. Each Standing Committee shall keep regular minutes of its proceedings and report to the Governing Board.

(b) Membership. Unless otherwise specifically set forth, Committee members shall be appointed by the President of the Governing Board with approval of a majority of Board members present and voting. Each Standing Committee shall include at least one Governing Board member from each of the five counties and the City of Cleveland. Vacancies on a Standing Committee shall be filled in the same manner as the vacating member was selected. Any Standing Committee may propose to expand its membership beyond the minimum set forth in subsection (e) herein by nominating additional members to the Governing Board; additional positions shall be filled by appointment of the President with approval of a majority of Board members present and voting. The Executive Director of the Agency, or designee, shall serve as an ex officio member (without vote in that capacity) of all Standing Committees and subcommittees.

(c) Organization of Standing Committees.

(1) Meetings. Standing Committees shall hold regular meetings as necessary at a time and place to be determined and shall publish a calendar. Special meetings and the initial meeting of each year may be called by the Committee Chair, Committee Vice-Chair or the Executive Director of the Agency, on at least four days notice (oral or written) unless waived by a majority of members.

(2) Officers. The President of the Governing Board shall appoint a member or designee of the Governing Board as Chair of each Standing Committee with approval of a majority of the Board members. A Vice-Chair and such other officers as the Committee members deem necessary may be elected by a majority of the Committee membership. The term of office of officers of each Standing Committee shall be one year or until such member's successor is selected and qualified or until earlier resignation, removal from office or death.

(3) Alternates. Members of a Standing Committee may appoint an alternate to represent them in their absence by submitting the name of the person in writing to the committee Chair. The alternate of a member shall be entitled to vote at any committee meeting in the absence of the member.

(4) Attendance. The President of the Governing Board may remove and appoint a replacement for any Committee member if the Committee member or alternate has been absent from three consecutive Committee meetings. The member appointed must receive approval of a majority of Board members present and voting.

(5) By-Laws. Meetings of the Governing Board and any standing committee shall be conducted according to *Robert's Rules of Order*.

(6) Subcommittees. The Chair of a Standing Committee and President of the Governing Board may jointly establish special subcommittees of a Standing Committee to explore problems requiring specific technical skills. The Executive Director or designee shall serve as an ex officio member of all subcommittees.

(7) Staff Assistance. Agency staff shall provide Standing Committees with any technical assistance required to organize meetings of the Standing Committees. Such assistance will be provided at request of the Chair of a Standing Committee.

(d) Powers and Authority of Standing Committees.

(1) Environmental Advisory Committee (EAC). The Environmental Advisory Committee shall provide advice and policy recommendations to the Governing Board with regard to environmental planning powers of the Agency.

(A) Membership. The Environmental Advisory Committee shall consist of a minimum of five members of the Governing Board with at least one Board member from jurisdictions within each member County and at a minimum shall also include one representative elected annually by the Environmental Health Directors of the County Health Agencies, at least one of the Sanitary Engineers of the five counties, and one elected annually by local air pollution agencies within the NOACA area; a representative of the Northeast Ohio Regional Sewer District; City of Cleveland Health Director or Environmental Health Commissioner; the Governing Board representative designated as Chair of the Standing Committee and the chairs of any Subcommittees; and the Ohio EPA Northeast District Office chief, who shall be a non-voting member. Members shall be appointed by the President of the Governing Board with approval of a majority of the Board members present and voting.

(B) Functions. Functions of the Environmental Advisory Committee shall include the following:

(1) Providing advice and policy recommendations on environmental issues or projects;

(2) Assisting the Governing Board and Agency staff in identifying significant environmental problems, priorities and concerns with development of a comprehensive regional approach to environmental concerns;

(3) Assisting the Governing Board and Agency staff in environmental work program development; and

(4) Serving in such other capacities as the Governing Board may determine.

(C) Subcommittees. The following Subcommittees of the Environmental Advisory Committee shall each consist of a minimum of seven members, including at least

three Governing Board members from different counties and at least four from local agencies with management or planning responsibilities for the specific issue area.

(1) The Water Quality Subcommittee shall provide advice and policy recommendations to the Governing Board with regard to water quality management planning powers of the agency.

(2) The Air Quality Subcommittee shall provide advice and policy recommendations to the Governing Board with regard to air quality planning powers of the agency.

(2) Transportation Advisory Committee (TAC). The TAC shall provide advice and policy recommendations with regard to transportation matters affecting the Planning Area.

(A) Membership. The TAC shall consist of:

(1) The County Engineer or Director of Public Works and Planning Director of each member County (10).

(2) From the City of Cleveland: Commissioner of Traffic Engineering, Commissioner of Engineering and Construction, a member of Cleveland City Council (selected by the Council) and the City Planning Director (4).

(3) The General Managers of transit authorities/agencies from each member County (5).

(4) The Deputy Directors of the Ohio Department of Transportation, Districts 3 and 12 (2).

(5) The Ohio Environmental Protection Agency, Regional Office (1).

(6) Five members representing the Chamber of Commerce (or equivalent organization) of each member county, appointed by the President of the Governing Board upon consultation with the ~~Boards of Commissioners of each county~~, with approval of a majority of Board members present and voting (5).

(7) Eleven members of the Governing Board: one from each member County and six other Governing Board members, appointed by the President of the Governing Board with approval of a majority of Board members present and voting (11).

(8) Additional non-voting members may be appointed by the President of the Governing Board to insure inclusion of elected officials, public administrators, funding agencies and private sector organizations concerned with transportation planning and implementation in the Planning Area.

(B) Functions. The functions of the Transportation Advisory Committee shall include the following:

(1) Assisting the Governing Board and Agency staff in developing short and long-range plans and programs for the Planning Area, in accordance with federal and state law;

(2) Assisting the Governing Board and Agency staff in identifying significant transportation issues, using a regional approach to address these issues, within the framework of the authority granted to the Agency in federal and state law and regulation;

(3) Serving in such other capacities as the Governing Board may determine.

(C) Subcommittees. Subcommittees of the Transportation Advisory Committee shall consist of a minimum of six members of the TAC, one from each member County and the City of Cleveland. Membership on TAC subcommittees is limited to current TAC members or their alternates. The purpose of such subcommittees is to provide planning, programming or technical advice and recommendations to the TAC and staff on an ongoing basis. One such subcommittee is the Regional Transportation Investment Subcommittee (RTIS), which assists the TAC in management of the Transportation Improvement Program and Transportation Plan, in accordance with Governing Board policies. The RTIS shall consist of:

- (1) Current TAC chair, or designee. (1)
- (2) County Engineer or Director of Public Works of each member County. (5)
- (3) Three Cuyahoga County TAC members, selected by Cuyahoga County Commissioners. (3)
- (4) Two City of Cleveland TAC members, selected by the City of Cleveland. (2)
- (5) The Greater Cleveland Regional Transit Authority. (1)
- (6) LAKETRAN (1)
- (7) Lorain County Transit (1)
- (8) The Ohio Department of Transportation, Districts 3 and 12. (2)

(D) Advisory Councils. The Chair of the Transportation Advisory Committee may establish Advisory Councils deemed necessary with approval of the President of the Governing Board. The purpose of such councils shall be to provide advice and recommendations to the TAC and its subcommittees relating to specific issues or technical areas of transporta-

tion matters on an ongoing basis. At the time of its formation an Advisory Council shall create a written statement of purpose to be distributed to the TAC for review and comment.

TAC Advisory Councils shall consist of individuals with sufficient expertise in order to contribute to the mission and functional activities of the Council. Chair of the TAC shall appoint members of the Advisory Councils with approval of the TAC. To the extent possible, Advisory Councils shall include members from each of the five member counties and the City of Cleveland; Chair of the TAC shall appoint the Chair of the Advisory Council, who shall be a voting member of the TAC. Chair of the TAC may designate individuals who are not Governing Board or TAC members to participate on an Advisory Council.

(E) Task Forces. Chair of the Transportation Advisory Committee may establish Task Forces deemed necessary with approval of the President of the Governing Board. The purpose of such Task Forces shall be to provide advice and recommendations to the TAC and its subcommittees relating to specific issues or technical areas of transportation matters within a designated time. At the time of its formation a Task Force shall create a written statement of purpose to be distributed to the TAC for review and comment.

TAC Task Forces shall consist of individuals with sufficient expertise in order to contribute to the mission and functional activities of the Task Force. Chair of the TAC shall appoint members of the Task Force with approval of the TAC. To the extent possible, Task Forces shall include members from each of the five counties and the City of Cleveland. Chair of the TAC shall appoint Chair of the Task Force, who shall be a voting member of the TAC. Chair of the TAC may designate individuals who are not Governing Board or TAC members to participate on a Task Force.

(3) Planning Advisory Committee (PAC). The Planning Advisory Committee shall provide technical advice and recommendations in the area of comprehensive planning to the Governing Board.

(A) Membership. The Planning Advisory Committee at a minimum shall consist of the Executive Directors of the Regional or County Planning Commissions in the NOACA area and the City Planning Director of the largest city in the NOACA area.

(B) Functions. The functions of the Planning Advisory Committee shall include the following:

(1) As its principal function assist the Agency and its members in development of comprehensive, areawide plans in the areas of transportation and wastewater management by providing review and comment at appropriate stages of the planning process and providing technical advice and recommendations on comprehensive planning issues or projects as appropriate;

(2) Serve as a forum for exchange of information regarding comprehensive planning, land use development and redevelopment, land use regulation and data and other planning issues in the members' jurisdictions;



(3) Assist the Agency in development of annual Overall Work Programs by providing advice, review and comment at appropriate stages of the development process regarding land use planning-related components and land use impacts of Agency activities.

(4) **Other Committees.** The Governing Board may create by resolution adopted by a majority of the Board present and voting, other committees which shall exercise authority granted to such committee by the Governing Board, but the work of any such committee shall not be effective until approved by the Board.

**Section 6.5 Citizen Participation.** The Governing Board shall maintain an ongoing citizen participation program in accordance with all federal, state and Board directives to encourage citizen participation in the work and planning of the agency.

## ARTICLE VII

### **AGENCY STAFF**

**Section 7.1 Executive Director.** The agency shall employ a full time Executive Director pursuant to a written contract which shall be negotiated by the Executive Committee. Terms and conditions of the contract shall be subject to approval by a majority of the Governing Board.

**Section 7.2 Powers and Duties of Executive Director.** The Executive Director, or designee, shall be responsible for managing day-to-day activities of the Agency. The Executive Director shall have authority and responsibility to hire, fire, supervise and direct Agency staff, as contained in the annually approved Overall Work Program (OWP). At the time of OWP review and approval, the Executive Director will provide the Executive Committee with information on the positions needed to complete the work contained in the OWP. The Executive Director has the authority to fill vacancies of approved positions, but will notify the Executive Committee of plans to fill a vacancy. For all new positions not included in the annually approved OWP, the Executive Director shall notify the Executive Committee which must approve the new position prior to initiating the hiring process to ensure conformity with the annual budget. The Executive Director shall have the authority and responsibility to administer the Agency in accordance with the Code of Regulations of the Agency and Administrative Policies and Procedures adopted by the Board and to carry out duties and functions delegated by the Governing Board or any officer.

**Section 7.3 Staff.** Agency staff shall report to the Executive Director. Principal functions of Agency staff shall be to:

(a) Implement all directives of the Governing Board and Executive Committee to fulfill responsibilities of the Agency;

(b) Keep the Governing Board well informed of activities, projects, programs and studies being conducted by the Agency;

(c) Provide assistance necessary to organize meetings of the Governing Board, Executive Committee, Standing Committees, Subcommittees, Advisory Councils and Task Forces which may include preparation of meeting agendas, minutes and accompanying materials;

(d) Prepare research reports and policy papers for the Governing Board on issues of significance to the NOACA Area;

(e) Administer Intergovernmental Review (IGR) in accordance with Board Policy.

(f) Complete work programs and projects approved by the Governing Board in a timely and professional manner.

## ARTICLE VIII

### INDEMNITY

**Section 8.1 In General.** Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, suit or proceeding, whether civil, criminal, administrative or investigative, other than a suit by or in the right of the Agency, by reason of the fact that the person is or was a Board Member, officer, employee or agent of the Agency, or is or was serving at the request of the Agency as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, be indemnified by the Agency for expenses, including reasonable attorney fees, judgments, fines and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding if done in good faith and in a manner reasonably believed to be in the best interests of the Agency and, with respect to any criminal action or proceeding, had no reasonable cause to believe conduct was unlawful. Termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent, shall not create a presumption that the person did not act in good faith and in a manner which was reasonably believed to be in the best interests of the Agency and, with respect to any criminal action or proceeding, had reasonable cause to believe that the conduct was unlawful.

**Section 8.2 Indemnification Against Expenses.** Any person who was or is a party or is threatened to be made a party to any threatened, pending or completed claim, suit or proceeding by or in the right of the Agency to procure a judgment in its favor by reason of the fact that the person is or was a Board Member, officer, employee or agent of the Agency, or is or was serving at the request of the Agency as a director, trustee, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, shall be indemnified by the Agency against expenses, including reasonable attorney fees, actually and reasonably incurred by him in connection with the defense or settlement of such action or suit if done in good faith and in a manner reasonably believed to be in the best interests of the Agency. However, no indemnification shall be made in respect of any claim, issue or matter as to which such person shall have been adjudged to be liable for negligence or misconduct in the performance of duty to the Agency unless, and only to the extent that, the court in which such action or suit was brought shall determine upon application that, despite the adjudication of liability but in view of all the circum-

tances of the case, such person is fairly and reasonably entitled to indemnity for such expenses as such court shall deem proper.

**Section 8.3 Procedure.** Any indemnification under Sections 8.1 and 8.2 (unless otherwise ordered by a court of competent jurisdiction) shall be made by the Agency only as authorized in the specific case upon a determination that indemnification of the officer, employee or agent is proper in the circumstances because the applicable standard of conduct set forth in Sections 8.1 and 8.2. has been met. Such determination shall be made (a) by the Governing Board by a majority vote of a quorum consisting of members who were not parties to or threatened with such action, suit or proceeding; or (b) if such a quorum is not obtainable or even if obtainable, a quorum of disinterested members so directs, by independent legal counsel in a written opinion. Notwithstanding the provisions of Sections 8.1 and 8.2 of this Article VIII, to the extent that a Board member, officer, employee or agent of the Agency has been successful on the merits or otherwise, in defense of any action, suit or proceeding referred to in such sections, or in defense of any claim, issue or matter, in any event the person be indemnified against expenses (including reasonable attorney fees) actually and reasonably incurred in that connection. Reasonable attorney fees shall not be paid by NOACA if the person has obtained counsel apart from counsel designated by the Board.

**Section 8.4 Prior Payment.** Expenses incurred in defending a civil or criminal action may be paid by the Agency before final disposition of such action. Such expenses may be authorized by the Governing Board in a specific case only upon receipt by the Agency of a request on behalf of the Board member, officer, employee or agent to repay such amount unless it shall finally be determined that the person is entitled to be indemnified in such amount by the Agency.

**Section 8.5 Non-Exclusive.** The indemnification provided by this Article VIII shall not be deemed exclusive of any other rights to which those seeking indemnification may be entitled by any law of the State of Ohio, agreement or other means, both as to action taken in an official capacity and as to action in another capacity while holding such office and shall continue as to a person who has ceased to be a Board member, officer, employee or agent and such rights shall inure to the benefit of such person's heirs, executors and administrators.

## ARTICLE IX

### AMENDMENTS

This Code of Regulations may be altered, amended or repealed only by a majority vote of the Governing Board. However, any matters relating to Article IV of this Code of Regulations shall be altered, amended or repealed only upon written approval of a majority of each of the Boards of County Commissioners of the NOACA area. Alteration, amendment or repeal of this Code may be initiated by the Board either after a special meeting called for that purpose or at any regular meeting where notice of such purpose was given at the immediately preceding regular meeting.

## ARTICLE X

### MISCELLANEOUS

**Section 10.1 Checks and Notes.** Certain checks or demands for money and notes of the Agency shall be signed by the officer authorized by these Regulations. The signature may be a facsimile when authorized by the Governing Board.

**Section 10.2 Seal.** The Governing Board may provide a seal containing the name of the Agency and it is kept by the Secretary. Duplicate seals may be kept and used by other officers of the Agency.

**Section 10.3 Notices.** Whenever notice is required to be given to any person it may be given to such person either personally or by sending a copy through the mail or similar modern method, to the address appearing on the books of the Agency. If notice is sent by mail it shall be deemed to have been delivered to the addressee when deposited in the United States mail for transmission to such person.

**Section 10.4 Waiver of Notice.** Any notice required to be given to any person may be waived in writing by the person entitled to such notice before the meeting. Attendance at any meeting by any person entitled to notice, either in person or by a duly designated alternate, shall constitute a waiver of notice of such meeting by such person except where such person attends a meeting for the express purpose of objecting to the transaction of any business because the meeting was not lawfully convened.

**Section 10.5 Captions.** Captions and headings in this Code of Regulations are for convenience only and in no way define or limit the scope or intent of any provision or section.

APPENDIX I

COMMITTEES, SUBCOMMITTEES, ADVISORY COMMITTEE AND TASK FORCES

Type	Purpose	Membership	Duration	Who Appoints Members	Reporting Responsibilities	Created By
Standing Committee	Advise & Recommend Tech/Function Issues to Board	Annual Each County & Cleveland Board Members Stakeholders Tech Experts	Permanent	President with Board Consent	Recommend to Board	Code or Gov Board
Subcommittee	Tech ongoing advice to standing committee	Standing Committee members or per Code	Permanent	Pres/Standing Committee Chair or Code	Recommend to standing committee	Chair Standing Committee & President jointly or Code
Advisory Council*	Advice to Board or standing committee or subcommittee	Board members or individuals not with agency or with special expertise	Permanent or temporary	Pres or Chair of standing Committee with President, unless otherwise stated in Code	Recommend to standing committee or Board	Chair Standing Committee & Pres jointly or Code
Task Force*	Oversees special study Or report	Board members Standing Committee Subcommittee or individuals With special expertise	Temporary	Pres/Chair Standing Committee jointly or Pres or Code	Recommend to Standing Committee or Board	Chair Standing Committee & President jointly or President or Code

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0022

<b>Sponsored by: Council President Connally, Miller and Greenspan</b>	<b>An Ordinance</b> amending Section 10 of Ordinance No. 02011-0002 dated 1/3/2011 as amended by Ordinance No. 02011-0006 dated 1/11/2011 and Ordinance No. 02011-0018 dated 3/8/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of the County government to change the expiration date to 5/10/2011, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provided for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and,

WHEREAS, the proper and efficient functioning of the new Cuyahoga County government required that interim procedures be established for purchasing and contracting which were adopted by Council in Ordinance No. 02011-0002 dated 1/3/2011 which was amended by Ordinance No. 02011-0006 dated 1/11/2011 and Ordinance No. 02011-0018 dated 3/8/2011 ; and,

WHEREAS, the Council has determined that it is necessary to amend Section 10 of Ordinance No. 02011-0002 to change the expiration date to 5/10/2011; and,

WHEREAS, it is necessary that this ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** Section 10 of Ordinance No. 02011-0002 dated 1/3/2011 as amended by Ordinance No. 02011-0006 dated 1/11/2011 and Ordinance No. 02011-0018 dated 3/8/2011, providing certain procedures for the purchase of goods, supplies and interests in real estate and other contracts necessary for the continuation of the usual and daily operations of the County government is hereby amended to change the expiration date to 5/10/2011. Amended Section 10 shall read as follows:

**SECTION 10. Effective Date.** Provided this Ordinance receives the affirmative vote of eight members elected to Council, it shall become immediately effective upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County Services may continue to be provided, and so that the usual and daily operations of government may continue to function on and after January 1, 2011. This Ordinance shall expire ~~ninety (90) days after its effective date.~~ **ON MAY 10, 2011.**

**SECTION 3.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0008

Sponsored by: <b>Greenspan, Miller and Conwell</b>	An <b>Ordinance</b> adopting a permanent Code of Ethics, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council; and

WHEREAS, on January 3, 2011, the Cuyahoga County Council adopted an interim Code of Ethics that are set to expire on March 22, 2011; and

WHEREAS, the interim Code of Ethics provide that permanent rules shall be adopted by an Ordinance receiving the affirmative vote of at least eight (8) members of County Council; and

WHEREAS, Section 3.09 (12) of the Charter, Powers and Duties of the Council, provides that Council has the power to establish by ordinance a Code of Ethics, which shall be in addition to, and not inconsistent with, general law on the subject, which shall guide and inform County officers and employees in the performance of their official duties in a manner that will represent high standards of professionalism and loyalty to the residents of the County and that will avoid conflicts of interest, self-dealing and other violations o the public trust.; and

WHEREAS, on March 1, 2011, the Cuyahoga County Council committee on Rules, Charter Review, Ethics and Council Operations voted unanimously to adopt a Cuyahoga County Code of Ethics:

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO: THAT**

**Section 1. Code of Ethics.** Pursuant to the Charter of Cuyahoga County Article 3, Section 9, subsection 12, Council hereby establishes a Code of Ethics for Cuyahoga County, whose provisions are fully set forth in the attached "Code of Ethics" and are incorporated herein with the intent that they have the full force and effect of all other provisions of this Ordinance.



**Section 2. Effective Date.** It is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**Section 3.** It is found and determined that all formal actions of this Council meeting and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
County Executive      Date

\_\_\_\_\_  
Clerk of Council      Date

First Reading/Referred to Committee: February 8, 2011  
Committee Assigned: Rules, Charter Review, Ethics & Council Operations

Committee Report/Second Reading: March 8, 2011

Journal CC002  
April 5, 2011

**Cuyahoga County Council**  
**Rules, Charter Review, Ethics and Council Operations Committees**  
**Amendments from County Council and the Administration**

**Amendment CC 1:**

Add:

Article IV      THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE  
Section 1      *Nepotism*

See Article VII, Section 28 Cuyahoga County Provision for additional conditions.

**Amendment CC 2:**

Correct to Read.

Article VII      CUYAHOGA COUNTY PROVISIONS  
Section 1      *Definitions*

Public Officials      Any elected or appointed officer, or employee, or volunteer,  
and Employees      or agent of the county, **or board, commission or agency member**, whether in a temporary or permanent capacity. The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

**Amendment CC 3:**

Add:

Article VII      CUYAHOGA COUNTY PROVISIONS  
Section 1      *Definitions*

**Relatives              The definition for Full Family and Relatives shall be interchangeable.**

**Amendment CC 4:**

Correct to Read:

Article VII      CUYAHOGA COUNTY PROVISIONS  
Section 3.      *Acknowledgement of Copy of Law*  
(A)              *Acknowledgement of Copy of Law*

Shall also apply to all Public Officials and Employees, **Lobbyist and Contractors** upon their reappointment, reelection, ~~or~~ rehire **or re-registration, whichever is applicable.**

Amendment CC 5:

Correct to Read:

Article VII CUYAHOGA COUNTY PROVISIONS  
Section 4 *Education and Training - Initial and Annual Ethics Education and Training*

Within fifteen days of a Public Official's or Employee's, **Lobbyists and Contractor's** initial date of service, reappointment, reelection, ~~or~~ rehire or re-registration, **whichever is applicable**, and annually the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current Cuyahoga County Ethics Ordinance, Ethics Policies, Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

Amendment CC 6:

Correct to Read:

Article VII CUYAHOGA COUNTY PROVISIONS  
Section 5. *Acknowledgment of Initial and Annual Ethics Education and Training*

The Public Official or Employee shall **sign an ethics statement indicating they have read, understood and agreed to this Ordinance and** acknowledge their receipt of materials and attendance to all Programs and Classes in writing to **the Human Resources Commission.**

Amendment CC 7:

Add:

Article VII CUYAHOGA COUNTY PROVISIONS  
Section 23 (G)

***Referral for External Enforcement***, When the Inspector General suspects a possible violation(s) of any state, federal or local law, or rule, regulation or policy, he or she shall notify the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.

Amendment CC 8:

Correct to Read:

Article VII CUYAHOGA COUNTY PROVISIONS  
Section 32 *Lobbyist Registration and Reporting*  
(B) *Signed Ethics Statement*

*Signed Ethics Statement **and Training***. Lobbyist shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance **and attend Ethics Training within 15 days of approval from the Inspector General.**

Amendment CC 9:

Correct to Read

Article VII      CUYAHOGA COUNTY PROVISIONS  
Section 34      *Contractors Registration and Reporting*  
(B)                *Signed Ethics Statement*

*Signed Ethics Statement and Training.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance **and attend Ethics Training within 15 days of approval from the Inspector General.**

Amendment CC 10

Add:

Article VII      CUYAHOGA COUNTY PROVISIONS  
Section 36      *County Procurement Card*

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County Departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a "Cuyahoga County Procurement Card Program Cardholder Acknowledgement" form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- A. The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.
- B. The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- C. The card is issued in the employee's name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- D. If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their Department coordinator.
- E. The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- F. The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall

cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.

- G. The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

Amendment CC II:

Correct to Read

Article VIII     HUMAN RESOURCES COMMISSION  
Section 1.        Responsibility

The Human Resource Commission shall be responsible for ethics ~~education and enforcement~~ **compliance and training** for the County.

**Cuyahoga County Council**  
**Rules, Charter Review, Ethics and Council Operations Committees**  
**Amendments for the Ohio Ethics Commission**

**Amendment OEC 1:**

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 1 *Definitions*

As used in this chapter **Ordinance:**

**Amendment OEC 2:**

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 6 *Soliciting "Anything of Value"*  
*Soliciting or Accepting "Anything of Value"*

**Amendment OEC 3:**

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 7 *Receiving Gifts from Prohibited Sources*

*Receiving Giving Gifts from Prohibited Sources to Public Officials and Employees*

**Amendment OEC 4:**

Delete.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 10 *Receiving Travel, Meals and Lodging Expenses - Exemption*

~~No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium~~

Amendment OEC 5:

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 12 *Improper Compensation - Gratuities*

~~*Improper Compensation—Gratuities*~~ ***Representation and Influence  
Peddling***

Amendment OEC 6:

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 12 *Improper Compensation - Gratuities*

- (D) A Public Official who is appointed to a non-elective office or a public employee shall be exempted from the Ohio Revised Code (ORC)102.04 ~~(A), (B), or (C)~~ if both of the following apply:
- (1) ~~The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;~~
  - (2) ~~Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.~~

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending ~~or that is purchasing or has agreed to purchase goods or services,~~ and a brief description of the pending matter and of the personal services to be rendered ~~or a brief description of the goods or services to be purchased.~~ The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending ~~or to which goods or services are to be sold.~~ The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending ~~or to which the goods or services were to be sold.~~ No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

Amendment OEC 7:

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 13 *Failure to Recuse*

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

Amendment OEC 8:

Correct to Read.

Article II THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 13 *Failure to Recuse*

OHIO REVISED CODE (ORC) 102.05

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.06

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.07

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.08

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.09 (A)

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.09 (B)

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government

OHIO REVISED CODE (ORC) 102.09 (C)

This Ohio Revised Code (ORC) section **does not contain restrictions** applicable to county government



Amendment OEC 9:

Correct to Read.

Article III THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 1 *Definitions*

As used in this chapter **Ordinance:**

Amendment OEC 10:

Correct to Read.

Article III THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE  
Section 1 *Definitions*

- (G) ~~“Valuable thing or valuable benefit” includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986. section not applicable to county government~~

Amendment OEC 11:

Move from Article IV, Section 7.

**Article III From: THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE**

(I) As used in this section **Ordinance:**

- (1) "Public contract" means any of the following:
- (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
  - (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.
- (2) ~~"Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code.~~

Amendment OEC 11:

Delete.

- Article IV THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE  
(1) ~~As used in this section:~~  
(1) ~~"Public contract" means any of the following:~~  
(a) ~~The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;~~  
(b) ~~A contract for the design, construction, alteration, repair, or maintenance of any public property.~~  
(2) ~~"Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code.~~

Amendment OEC 12:

Correct to Read.

- Article VII CUYAHOGA COUNTY PROVISION  
Section 1 *Definitions – As Used in this Ordinance*

Amendment OEC 13:

Correct to Read.

- Article VII CUYAHOGA COUNTY PROVISION  
Section 11 *Duties of Public Official's and Employees to Cooperte with Investigations and Inquiries*

Public officials and Employees shall be required to cooperate fully and truthfully ~~to~~ **with** any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the fifth amendment of the United States Constitution **rights of those accused of violating this Ordinance is are** not violated. Public officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

Amendment OEC 14:

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
Section 16 *Misuse of Official Position*  
(B)

No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County, ~~and no Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County.~~ This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

Amendment OEC 15:

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
Section 16 *Misuse of Official Position*  
(D)

When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall **comply with all requirements in the Ethics Law and related statues regarding future employment and** disclose such possible future employment to the Inspector General.

Amendment OEC 16:

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
Section 22 *Disclosure of conflict of interest or potential conflict of interest.*

- (A) A Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest **to the Inspector General.** If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.
- (B) If the Public Official or Employee has or may have a conflict of interest in any matter ~~of~~ **before** the County, than such Public Official or Employee shall not, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.

- (C) Any Public Official or Employee who has or may have a conflict of interest shall disclose it **to the Inspector General**. After receiving a disclosure, the Inspector General shall:
- (1) Maintain a record of such disclosure; and
  - (2) Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General.

**Amendment OEC 17:**

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
 Section 23 *Penalties*  
 (E)

*Notice to the Ohio Ethics Commission*, When the Inspector General finds that a Public Official or Employee has ~~intentionally~~ **recklessly** or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall ~~provide notice to~~ **consult with** the Ohio Ethics Commission ~~so appropriate action can be taken to determine whether the matter should be referred to~~ **the Ethics Commission**.

**Amendment OEC 18:**

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
 Section 26 *Boards, Commissions and Advisory Board Appointments*  
 (C)

An interest in one or more **public contract of the County** or contracts in effect with or under consideration by that Board, Commission or Advisory Board.

**Amendment OEC 19:**

Delete.

Article VII CUYAHOGA COUNTY PROVISION  
 Section 27 *Duty to Recuse or Leave Meeting*.  
 (C)

~~The required statement shall contain the Public Official or Employee's name and home address, the name and mailing address of the Public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's declaration that he disqualifies himself.~~

Amendment OEC 20:

Correct to Read.

Article VII CUYAHOGA COUNTY PROVISION  
Section 28 *Employment of Relatives*

~~Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.~~

~~To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.~~

**An employee will not participate in the decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence. To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which a supervisory authority and/or responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit.**

**Relationship to another individual employed by the County will not constitute a bar to initial employment unless the hiring authority for the position is a full family member of the applicant. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a fully family relationship exists with another County Employee.**

Amendment OEC 21:

Correct to Read.

Article VIII HUMAN RESOURCES COMMISSION  
Section 1

The Human Resource Commission shall be responsible for ethics compliance and training for the County pertaining to this Ordinance.

# Cuyahoga County Ethics Ordinance



## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

C. Ellen Connally

Sunny Simon

Dan Brady

March 2011

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## **ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE**

### *Section 1. Purpose*

This Ordinance, including the definitions are adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this ordinance
- (C) Encourage Public Officials and Employees to pursue the highest ethical standards;
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

### *Section 2. Overview*

The Cuyahoga County Ethics Ordinance contains three components.

1. Articles II, III, IV and V are the Ohio Ethics Laws that pertain to County governments as outlined in the Ohio Revised Code.
2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
3. Articles VII, VIII and IX contain additional county provisions which are consistent with and strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

## **ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE**

### *Section 1. Definitions*

*OHIO REVISED CODE (ORC) 102.01*

As used in this chapter:

- (A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Ohio Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.
- (C) "Public agency" means the county. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the county that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) "Immediate family" means a spouse residing in the person's household and any dependent child.
- (E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) section not applicable to county government
- (G) "Anything of value" has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.
- (I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) section not applicable to county government
- (K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) "Expenditure" has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

*Section 2. Misuse of Official Position*

*OHIO REVISED CODE (ORC) 102.03 (A)*

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to county government
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to county government
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person
- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the Public Official or Employee was employed or on which the Public Official or Employee served.
- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to county government

*Section 3. Misuse of Confidential Information*

*OHIO REVISED CODE (ORC) 102.03 (B)*

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

*Section 4. Rate Making*

*OHIO REVISED CODE (ORC) 102.03 (C)*

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

*Section 5. Securing "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (D)*

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure "Anything of Value" or the promise or offer of "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 6. Soliciting "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (E)*

No Public Official or Employee shall solicit or accept "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 7. Receiving Gifts from Prohibited Sources*

*OHIO REVISED CODE (ORC) 102.03 (F)*

No person shall promise or give to a Public Official or Employee "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 8. Receiving Campaign Contributions*

*OHIO REVISED CODE (ORC) 102.03 (G)*

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

*Section 9. Receiving Honoraria*

*OHIO REVISED CODE (ORC) 102.03 (H)(1)*

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.

*Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (H)(I)*

(H)(1) No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium. Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a meeting or convention of a national organization to which any county agency pays membership dues.

(2) This Ohio Revised Code (ORC) section not applicable to county government

- (I) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

*Section 11. Membership in Tax Exempt Organization - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (J)*

For purposes of Ohio Revised Code (ORC) 102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

*OHIO REVISED CODE (ORC) 102.03 (K)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (L)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (M)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.031*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (A)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (B)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 12. Improper Compensation - Gratuities*

*OHIO REVISED CODE (ORC) 102.04 (C), (D)*

- (C) Except as provided in the Ohio Revised Code (ORC)102.04(D), no person who is elected or appointed to an office of or employed by the county or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office of a public employee shall be exempted from the Ohio Revised Code (ORC)102.04 (A), (B), or (C) if both of the following apply:
- (1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;
  - (2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

*Section 13. Failure to Recuse*

*OHIO REVISED CODE (ORC) 102.04 (E) and (F)*

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any



official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 102.05  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.06  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.07  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.08  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (A)  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (B)  
This Ohio Revised Code (ORC) section not applicable to county government

OHIO REVISED CODE (ORC) 102.09 (C)  
This Ohio Revised Code (ORC) section not applicable to county government

*Section 14. Acknowledgment of Copy of Law*

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

*Section 15. Penalties*

*OHIO REVISED CODE (ORC) 102.99*

(A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

### ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE

#### Section 1. Definitions

As used in this chapter:

(A) "Public Official" means any elected or appointed officer, or employee, or agent of the county, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public Servant" means any of the following:

(1) Any Public Official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

(C) section not applicable to county government

(D) section not applicable to county government

(E) section not applicable to county government

(F) section not applicable to county government

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

(I) section not applicable to county government

### ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE

#### PROHIBITED CONDUCT – PUBLIC CONTRACTS

##### Section 1. Nepotism

OHIO REVISED CODE (ORC) 2921.42 (A)(1)

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest;

*Section 2. County Investments.*

*OHIO REVISED CODE (ORC) 2921.42 (A)(2)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

*Section 3. Subsequent Employment*

*OHIO REVISED CODE (ORC) 2921.42 (A)(3)*

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

*Section 4. Profit or Gain from County Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)*

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;
- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

*Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (B)(C)(D)*

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be

considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
  - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
  - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:
- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
  - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
  - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
  - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.
- (D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

*Section 6. Penalties*

*OHIO REVISED CODE (ORC) 2921.42 (E)*

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

*OHIO REVISED CODE (ORC) 2921.42 (F)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 2921.42 (G)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 7. Voiding of Tainted Contracts or Investments*

*OHIO REVISED CODE (ORC) 2921.42 (H)*

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

- (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
- (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code.

**ARTICLE V. THE OHIO ETHICS LAW; CHAPTER 2921.43 OF THE OHIO REVISED CODE**

**IMPROPER COMPENSATION**

*Section 1. Gratuities for Regular Duties and Internal Favors*

*OHIO REVISED CODE (ORC) 2921.43(A)*

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

*Section 2. Gratuities for Employment Favors*

*OHIO REVISED CODE (ORC) 2921.43(B)*

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 3. Political Contributions made for Consideration*

*OHIO REVISED CODE (ORC) 2921.43(C)*

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 4. Penalties*

*OHIO REVISED CODE (ORC) 2921.43(D)(E)*

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

*Section 5. Exemptions – Making or Receiving Voluntary Contributions*

*OHIO REVISED CODE (ORC) 2921.43(F)*

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE**

*Section 1. Abuse of political authority or influence.*

*OHIO REVISED CODE (ORC) 124.61*

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

*Section 2. Abuse of power for political reasons.*

*OHIO REVISED CODE (ORC) 124.60*

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

*Section 3. Payment for appointment or promotion.*

*OHIO REVISED CODE (ORC) 124.59*

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

*Section 4: Gratuities for Performance of Regular Duties*

Enacts OHIO REVISED CODE (ORC) 102.04 (A)(B) for County purposes

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.
- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

*Section 5. Prohibited Political Activity*

OHIO REVISED CODE (ORC) 124.57

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.
- (B) (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

Section 6. *Prohibited Political Activity*

OHIO ADMINISTRATIVE CODE - OAC123:1-46-02

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
- (1) "Classified service" means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.
- (2) "Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
- (1) Registration and voting;
- (2) Expression of opinions, either oral or written;
- (3) Voluntary financial contributions to political candidates or organizations;



- (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals;
  - (7) Display of political materials in the employee's home or on the employee's property;
  - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
- (1) Candidacy for Public office in a partisan election;
  - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee;
  - (12) Participation in political caucuses of a partisan nature; and
  - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.
- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific

constitutional or statutory bar exists prohibiting a person from serving both positions.

- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

*Section 7. Whistleblower*

*OHIO REVISED CODE (ORC) 124.341(A)*

*Rights*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

See Article VII, Section 18- Cuyahoga County Provisions for additional conditions.

*Responsibilities*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18- Cuyahoga County Provisions for additional conditions.

*OHIO REVISED CODE (ORC) 124.341(B)*

*Protections and Prohibitions*

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;

- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

*OHIO REVISED CODE (ORC) 124.341(C)*

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

**ARTICLE VII: CUYAHOGA COUNTY PROVISIONS**

*Section A: Definitions*

Administrative Fee

The civil penalty equivalent of a fine, levied by and payable to the Inspector General.

Advice

A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.

“Anything of Value”

OHIO REVISED CODE (ORC) 1.03 - As used in any section of the Ohio Revised Code for the violation of which there is provided a penalty of forfeiture, unless the context otherwise requires, ““Anything of Value”” includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes,

bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.

Associated

Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant's Public Official's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.

Before

A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.

Benefit

1. "Anything of Value" having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.

The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.

Board

An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.

Business

Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.

Business Associate or Partner in Interest

A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue

Business with which a Public Official or Employee is associated

a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.

Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:

- (1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;
- (2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;
- (3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;
- (4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least \$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder;

Campaign Contribution

Any monetary or non monetary donation to any political campaign committee.

Candidate

Means an individual who is a candidate for an elective county office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.

Compensation

Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

Conflict of Interest

Means not only a personal interest, as defined in this ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.

Contractor

A person or business – including but not limited to service providers, vendors, consultants and their subcontractors – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

County Agency

Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the county or any board, commission, or advisory council for

which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.

Day

A calendar day, unless otherwise noted

Decision Maker

Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.

Disclosure

The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.

Domestic Partner

Any person who shares the same residence with a Public Official or Employee

Finding

The official decision reached by the Inspector General after thorough investigation or a formal hearing.

Full Family

A Public Official or Employee's spouse, domestic partner, child children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);

A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and

An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.

Immediate Family

A Public Official's spouse, domestic partner, child or children. (whether by marriage, lineal descent or adoption)

Gift

Gift means any benefit or thing or act of monetary value which is conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is

Interest	<p>commensurate in value at least equal in value to the thing or act conferred or performed.</p> <p>A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.</p>
Lobbyist	<p>An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.</p>
Organization	<p>"organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986."</p>
Of such a character as to manifest a substantial and improper influence	<p>A thing of value is "of such a character as to manifest a substantial and improper influence" on a Public Official or Employee if it is "of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee." Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.</p>
Person	<p>Includes "an individual, corporation, business trust, estate, trust, partnership, and association." R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.</p>
Personally rendering services	<p>Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.</p>
Position of Profit	<p>"": A Public Official occupies a "position of profit" in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05</p>
Prohibited Source	<p>A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.</p>
Public Officials and Employees	<p>Any elected or appointed officer, or employee, or volunteer, or agent of the county, whether in a temporary or permanent capacity." The definition applies regardless of whether the person</p>

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Use Of or Authorization of the Use Of	is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position. The authority or influence of one's office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official's or employee's public authority is "use of," or "authorization of the use of" the authority or influence of a Public Official's or employee's office or employment. Adv. Op. No. 2010-03.
Whistleblower	A person who reports possible crimes or violations of this Code of Ethics.

*Section 2. Full Family definition Included*

Throughout this Ordinance, where ever Family is referenced the definition of Full Family shall apply.

*Section 3 Acknowledgement of Copy of Law*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

The following added provisions pertain to Cuyahoga County

- (A) Shall also apply to all Public Officials and Employees upon their reappointment, reelection or rehire.

*Section 4. Education and Training - Initial and Annual Ethics Education and Training*

Within fifteen days of a Public Official's or Employee's initial date of service, reappointment, reelection or rehire and annually the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current Cuyahoga County Ethics Ordinance, Ethics Policies, Ethics Manuals, and all Public Officials and Employees shall personally attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as are appropriate.

*Section 5. Acknowledgment of Initial and Annual Ethics Education and Training*



The Public Official or Employee shall acknowledge their receipt of materials and attendance to all Programs and Classes in writing.

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

*Section 7. Minimum Standard*

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government.. If the provisions of this Ordinance conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

*Section 8. Liberal Construction of Ordinance.*

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

*Section 9. Severability*

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

*Section 10. Applicability of Ordinance.*

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

*Section 11. Duties of Public Official's and Employees to Cooperate with Investigations and Inquiries*

Public officials and Employees shall be required to cooperate fully and truthfully to any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent that the fifth amendment of the United States Constitution is not violated. Public officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

*Section 12. Misuse of County Resources*

No Public Official shall use, request, or permit the private use of county resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing

or electronic communicating of personal or political material using county resources is likewise prohibited.

*Section 13: Discrimination.*

No Public Official, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

*Section 14: Sexual Harassment.*

No Public Official shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

*Section 15: Employee Contributions to an Elected Employer.*

No Public Official or Employee shall make political contributions or raise funds for their own elected County employer. Exempted from this total prohibition are voluntary employee contributions to candidates for any other Public office.

*Section 16. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
- (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
  - (2) Using his or her superior position to request or require an employee to:
    - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
    - (ii) Perform any work outside the employee's normal course of County employment;
    - (iii) Purchase goods and services for personal, business, or political purposes; or
    - (iv) Work for him or her personally without offering just compensation;
  - (3) Drawing per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County, and no Public Official or

Employee shall falsely represent his or her personal opinion to be the official position of the County. This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

- (C) No Public Official or Employee shall suppress any Public document, record, report or any other Public information available to the general Public because it might tend to unfavorably affect their private financial, personal, or political interest.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employees to:
  - (1) Be found liable of violating any federal, state, county or municipal law prohibiting discrimination or sexual harassment;
  - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.

*Section 17. Whistleblower - Rights*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

The following added provisions pertain to Cuyahoga County

- A. Shall be extended to include the General Public.
- B. Shall also allow a Public Official, Employee or a Member of the General Public who reasonably believes that a violation or misuse of this Ordinance exists to speak freely to and to notify the County Inspector General either in writing or via a Whistleblower Hotline.

*Section 18. Whistleblower - Responsibilities*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

The following added provisions pertain to Cuyahoga County

- A. Within a reasonable period of time, all Public Officials or Employee shall report a violation of this Ordinance of which they have knowledge to the Inspector General – within 5 business days of the event in question.
- B. Public Officials and Employees are not, however, required to report a violation that has already been reported.

*Section 19. Whistleblower – Protections and Prohibitions*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

The following added provisions pertain to Cuyahoga County

- (A) Shall be heard by the Human Resource Commission

*Section 20. Whistleblower – False Filings and Frivolous Complaints*

- (A) No person shall knowingly file false information
- (B) No person shall file a complaint which is frivolous or malicious in nature, or which is not in good faith

*Section 21. Whistleblower – Posting of Policy*

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials including but not limited to the County Website.

*Section 22. Disclosure of conflict of interest or potential conflict of interest.*

- (A) A Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose the conflict of interest or the potential or alleged conflict of interest. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.
- (B) If the Public Official or Employee has or may have a conflict of interest in any matter of the County, than such Public Official or Employee shall not, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.
- (C) Any Public Official or Employee who has or may have a conflict of interest shall disclose it. After receiving a disclosure, the Inspector General shall:
  - (1) Maintain a record of such disclosure; and
  - (2) Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General.
- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General,
- (E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

*Section 23: Penalties*

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The Inspector General is permitted to take any action which it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the Respondent of any steps to be taken to avoid future violations.

- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was minor and/or may have been unintentional or inadvertent.
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure when it finds that the Respondent has intentionally or knowingly violated this Ordinance.
- (D) *Recommendations to the County Executive.* When the Inspector General finds that the Respondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the Respondent's (or Respondent's associated businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.
- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that a Public Official or Employee has intentionally or knowingly violated Ohio Provisions of this Ordinance, the Inspector General shall provide notice to the Ohio Ethics Commission so appropriate action can be taken.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the Respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the Respondent.

*Section 24. Penalties Cumulative*

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

*Section 25. Secondary Employment.*

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, which must respond within (5) five business days of the request. The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval
- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within sixty days of the effective date of this Code.

- (D) The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests.
- (E) *Penalty* -- If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices.

*Section 26. Boards, Commissions and Advisory Board Appointments*

No appointee to a Board, Commission or Advisory Board shall have one or more of the following conflicts of interest with the intended Board's objective and impartial operations:

- (A) Elected or appointed employment with the County during the 12 months immediately preceding the Board appointment;
- (B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or
- (C) An interest in one or more contracts in effect with or under consideration by that Board, Commission or Advisory Board.

*Section 27. Duty to Recuse or Leave Meeting.*

- (A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.
- (B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.
- (C) The required statement shall contain the Public Official or Employee's name and home address, the name and mailing address of the Public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's declaration that he disqualifies himself.

*Section 28: Employment of Relatives*

Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or

responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.

*Section 29: Additional Financial Disclosure Requirements*

Pursuant to and in addition to the Financial Disclosure Filing procedures in OHIO REVISED CODE (ORC): Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the Ohio Ethics Commission and the Inspector General the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission:

*Section 30: Financial Disclosure Statements and Campaign Finance Report Disclosure*

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the Financial Disclosure Statements and Campaign Finance Reports and any other reports publically available for all candidates for election or re-election to any county office as well as those required to file Financial Disclosure Statements listed in Article VIII, Section 1 of this Ordinance.

*Section 31. Financial Disclosure Statements Filed Before Taking Office*

- (A) No Head of any Department, Deputy Director, Chief of Staff or other member of the County Executive's and County Council senior management team shall take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a Financial Disclosure Statement with the Ohio Ethics Commission and the Inspector General.
- (B) Failure to comply with this section may result in referral to the Inspector General.

*Section 32: Lobbyist Registration and Reporting*

- (A) *Registry.* All lobbyists shall register with Inspector General. The Registry form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Lobbyist shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *Applications.* All lobbyists shall file an application to the Inspector General every April 15 and October 15 containing the following:
  - 1. A current list of the contracts or policies they are trying to influence;



2. Campaign contributions to County elected officials, as permitted by U.S. and Ohio campaign finance law and this Ordinance.
- (D). *Penalties.* Lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
- (E). *Authorization:* No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
- (F). *Registration Date:* All lobbyists must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
- (G) *Term:* All lobbyist term shall expire on December 31.
- (H) *Transparency –* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.
- (I). *Application Fee:* \$100.00

*Section 33: Prohibited Activities by Lobbyists*

Lobbyists are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

*Section 34: Contractors Registration and Reporting*

- (A) *Registry.* All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include but not be limited to: corporate name, Federal Tax Identification Number, address, type of business and names of principals and contracts with the County during the past four years. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *First-time Awards.* Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Contractors must register with the Inspector General before they submit competitive bids.
- (D) *Penalties.* Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in

compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

- (E) *Authorization:* No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Registration Date:* All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.
- (G) *Term:* All Contractor term shall expire on December 31.
- (H) *Transparency* – The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.
- (I) *Application Fee:* \$100.00

*Section 35: Prohibited Activities by Contractors*

Contractors are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

**ARTICLE VIII. HUMAN RESOURCES COMMISSION**

*Section 1. Responsibility*

The Human Resource Commission shall be the ethics education and enforcement entity for the County.

**ARTICLE IX. INSPECTOR GENERAL**

*Section 1. Responsibility*

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this ordinance.

Ben Rose, *Chair*  
Betty Davis, *Vice Chair*  
Merom Brachman  
Michael A. Flack  
Maryann B. Gall  
Diana Swoope



OHIO ETHICS COMMISSION  
William Green Building  
30 West Spring Street, L3  
Columbus, Ohio 43215-2256  
Telephone: (614) 466-7090  
Fax: (614) 466-8368

Paul M. Nick  
*Interim Executive Director*

[www.ethics.ohio.gov](http://www.ethics.ohio.gov)

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April 1, 2011

Dave Greenspan, Chair  
Cuyahoga County Council  
Rules, Charter Review, Ethics & Council  
Operations Committee  
1219 Ontario Street, Room 424  
Cleveland, Ohio 44113

Dear Council Member Greenspan:

At its meeting on March 24, 2011, the Ohio Ethics Commission reviewed the draft copy of the Cuyahoga County Ethics Ordinance that you submitted. The Commission appreciates the opportunity to review and comment on the ordinance. The Commission commends the Council and your committee for its work on the ordinance, and welcomes the opportunity to work with county officials and employees on ethics matters in the future through education, advice, and as needed, investigation.

As directed by the Commission, attached is a copy of the ordinance with suggested revisions marked. Explanatory notes, where included, are in blue font. If you have any questions about the revisions the Commission has suggested, please contact Jennifer Hardin, the Commission's Chief Advisory Attorney, or me.

Note that some of the suggestions involve areas outside the Commission's authority (indicated in green, rather than red, type). These suggestions are offered in the spirit of assistance as the county creates the framework for ensuring compliance and enforcement of ethical governance.

It is clear that many people in the community have contributed their expertise and experience to producing this ordinance, and they should all be commended for their energy, commitment, and service. This ordinance provides a solid foundation as Council moves forward with restoring and rebuilding integrity and confidence in county governance.

Sincerely,

Paul M. Nick  
Interim Executive Director

# Cuyahoga County Ethics Ordinance

## Cuyahoga County Council

Rules, Charter Review, Ethics and Council Operations Committee

Dave Greenspan, Chair

Dale Miller, Vice Chair

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## ARTICLE I: PURPOSE AND OVERVIEW OF ORDINANCE

### *Section 1. Purpose*

This Ordinance, including the definitions are adopted to:

- (A) Identify the minimum standards of ethical conduct which Public Officials and Employees must meet;
- (B) Educate Public Officials and Employees, in the principles of ethics and all applicable provisions of this ordinance
- (C) Encourage Public Officials and Employees to pursue the highest ethical [word missing?];
- (D) Provide a process by which Public Officials and Employees may identify and resolve ethical issues;
- (E) Provide a process to ensure the prompt disclosure by Public Officials and Employees of serious unethical practices, and encourage others to do the same;
- (F) Provide a fair and impartial process by which alleged violations of this Ordinance may be heard;
- (G) Provide for a just and reasonable balance among the rights of all individuals who are directly affected by the operation of this Ordinance; and
- (H) Establish penalties, as appropriate, for Public Officials and Employees who violate the public trust.

### *Section 2. Overview*

The Cuyahoga County Ethics Ordinance contains three components.

1. Articles II, III, IV and V are the Ohio Ethics Laws the pertain to County governments as outlined in the Ohio Revised Code.
2. Article VI includes Other Ohio Revised Code sections that are included in this Ordinance, and
3. Articles VII, VIII and IX contain additional county provisions which are consistent to or strengthen existing state law.

Together, these Articles constitute the minimum standards for ethical behavior for those who represent the County.

## ARTICLE II. THE OHIO ETHICS LAW: CHAPTER 102. OF THE OHIO REVISED CODE

### *Section 1. Definitions*

*OHIO REVISED CODE (ORC) 102.01*



As used in this chapter- [Ordinance]: [Note: Chapter refers to Revised Code]

- (A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.
- (B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Ohio Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.
- (C) "Public agency" means the county. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the county that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.
- (D) "Immediate family" means a spouse residing in the person's household and any dependent child.
- (E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.
- (F) section not applicable to county government
- (G) "Anything of value" has the same meaning as provided in section 1.03 of the Ohio Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Ohio Revised Code.
- (H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.
- (I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.
- (J) section not applicable to county government
- (K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Ohio Revised Code.
- (L) "Expenditure" has the same meaning as in section 101.70 of the Ohio Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Ohio Revised Code when used in relation to activities of an executive agency lobbyist.

*Section 2. Misuse of Official Position*

*OHIO REVISED CODE (ORC) 102.03 (A)*

- (1) No present or former Public Official or Employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the Public Official or Employee personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.
- (2) This Ohio Revised Code (ORC) section not applicable to county government
- (3) For twenty-four months after the conclusion of employment or service, no former Public Official or Employee who personally participated as a Public Official or Employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Ohio Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Ohio Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the Public Official or Employee personally participated as a Public Official or Employee.
- (4) This Ohio Revised Code (ORC) section not applicable to county government
- (5) As used in the Ohio Revised Code (ORC) 102.03 (A)(1) and (3), "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in the Ohio Revised Code (ORC) 102.03 (A), "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.
- (6) Nothing contained in the Ohio Revised Code (ORC) 102.03 (A) shall prohibit, during such period, a former Public Official or Employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the Public Official or Employee was employed or on which the Public Official or Employee served.
- (7) The Ohio Revised Code (ORC) 102.03 (A) shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.
- (8) This Ohio Revised Code (ORC) section not applicable to county government

*Section 3. Misuse of Confidential Information*

*OHIO REVISED CODE (ORC) 102.03 (B)*

No present or former Public Official or Employee shall disclose or use, without appropriate authorization, any information acquired by the Public Official or Employee in the course of the Public Official's or Employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the Public Official or Employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

*Section 4. Rate Making*

*OHIO REVISED CODE (ORC) 102.03 (C)*

No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or ratemaking proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the Public Official or Employee or immediate family owns or controls more than five per cent. No Public Official or Employee shall participate within the scope of duties as a Public Official or Employee, except through ministerial functions as defined in the Ohio Revised Code (ORC)(A) in any license or rate-making proceeding that directly affects the license or rates of any person to whom the Public Official or Employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the Public Official or Employee or the Public Official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the Public Official or Employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Ohio Revised Code, or patients of persons certified under section 4731.14 of the Ohio Revised Code.

*Section 5. Securing "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (D)*

No Public Official or Employee shall use or authorize the use of the authority or influence of office or employment to secure "Anything of Value" or the promise or offer of "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 6. Soliciting [or Accepting] "Anything of Value"*

*OHIO REVISED CODE (ORC) 102.03 (E)*

No Public Official or Employee shall solicit or accept "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 7. Receiving [Giving] Gifts from Prohibited Sources [to Officials and Employees] [More accurate description of restriction]*

*OHIO REVISED CODE (ORC) 102.03 (F)*

No person shall promise or give to a Public Official or Employee "Anything of Value" that is of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties.

*Section 8. Receiving Campaign Contributions*

*OHIO REVISED CODE (ORC) 102.03 (G)*

In the absence of bribery or another offense under the Ohio Revised Code (ORC) or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other Public Official or Employee who seeks elective office shall be considered to accrue ordinarily to the Public Official or Employee for the purposes in the Ohio Revised Code (ORC)(D), (E), and (F). As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.

*Section 9. Receiving Honoraria*

*OHIO REVISED CODE (ORC) 102.03 (H)(1)*

No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium.

*Section 10. Receiving Travel, Meals and Lodging Expenses - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (H)(1)*

~~(H)(1) No Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code shall solicit or accept, and no person shall give to that Public Official or Employee, an honorarium. [This restriction is already listed above, in Section 9 of the ordinance.] Except as provided in the Ohio Revised Code (ORC) 102.03 (D), (E), and (F) do not prohibit a Public Official or Employee who is required to file a financial disclosure statement under section 102.02 of the Ohio Revised Code (ORC) from accepting and do not prohibit a person from giving to that Public Official or Employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the Public Official or Employee at a meeting at which the Public Official or Employee participates in a panel, seminar, or speaking engagement or provided to the Public Official or Employee at a~~

meeting or convention of a national organization to which any county agency pays membership dues.

(2) This Ohio Revised Code (ORC) section not applicable to county government

- (1) A Public Official or Employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the Public Official or Employee with respect to that person's duties. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Ohio Revised Code.

*Section 11. Membership in Tax Exempt Organization - Exemption*

*OHIO REVISED CODE (ORC) 102.03 (J)*

For purposes of Ohio Revised Code (ORC) 102.03(D), (E), and (F) the membership of a Public Official or Employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the Public Official or Employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a Public Official or Employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a Public Official or Employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the Public Official or Employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

*OHIO REVISED CODE (ORC) 102.03 (K)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (L)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.03 (M)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.031*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (A)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 102.04 (B)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 12. ~~Improper Compensation—Gratuities [Representation or Influence Peddling]~~*

[More accurate description]

*OHIO REVISED CODE (ORC) 102.04 (C), (D)*

- (C) Except as provided in the Ohio Revised Code (ORC)102.04(D), no person who is elected or appointed to an office of or employed by the county or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.
- (D) A Public Official who is appointed to a non-elective office or a public employee shall be exempted from the Ohio Revised Code (ORC)102.04 (A), ~~(B)~~, or (C) if both of the following apply: [(A) and (B) apply to state public servants. In the following sections, the suggested redactions related to the prohibition in (B), which is not applicable to county officials/employees.]
- (1) ~~The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;~~
  - (2) ~~Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.~~

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending ~~or that is purchasing or has agreed to purchase goods or services~~, and a brief description of the ending matter and of the personal services to be rendered ~~or a brief description of the goods or services to be purchased~~. The statement shall also contain the Public Official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such Public Official or Employee in any matter involving any Public Official or Employee of the agency before which the present matter is pending ~~or to which goods or services are to be sold~~. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending ~~or to which the goods or services were to be sold~~. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

*Section 13. Failure to Recuse*

*OHIO REVISED CODE (ORC) 102.04 (E) and (F)*

- (E) No Public Official or Employee who files a statement or is required to file a statement under the Ohio Revised Code (ORC) 102.04 (D) shall knowingly fail to disqualify himself from any participation as a Public Official or Employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending ~~or of a public agency that purchased or agreed to purchase goods or services.~~
- (F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

See Article VII, Section 24 – Cuyahoga County Provisions for additional conditions.

OHIO REVISED CODE (ORC) 102.05 [These provisions, describing the authority of the Ohio Ethics Commission, are applicable to county government, but there are no applicable restrictions. Suggested changes reflect this.]

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.06

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.07

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.08

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.09 (A)

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.09 (B)

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

OHIO REVISED CODE (ORC) 102.09 (C)

This Ohio Revised Code (ORC) section does not contain restrictions applicable to county government

*Section 14. Acknowledgment of Copy of Law*

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102, and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

See Article VII, Section 3 – Cuyahoga County Provisions for additional conditions.

*Section 15. Penalties*

*OHIO REVISED CODE (ORC) 102.99*

(A) Whoever violates division (C) of section 102.031 of the Ohio Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates section 102.03 or 102.04 of the Ohio Revised Code is guilty of a misdemeanor of the first degree.

**ARTICLE III. THE OHIO ETHICS LAW: CHAPTER 2921 OF THE OHIO REVISED CODE**

*Section 1. Definitions OHIO REVISED CODE (ORC) 2921.01*

As used in this chapter- [Ordinance]: [Note: Chapter refers to Revised Code]

(A) "Public Official" means any elected or appointed officer, or employee, or agent of the county, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public Servant" means any of the following:

- (1) Any Public Official;
- (2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;
- (3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

(C) section not applicable to county government

(D) section not applicable to county government

(E) section not applicable to county government

(F) section not applicable to county government



- (G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986. [Is this definition needed? Does the ordinance use this term?]
- (H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Ohio Revised Code.
- (I) section not applicable to county government

*Section 2. Definitions OHIO REVISED CODE (ORC) 2921.42(I) [Moved from Article IV, Section 7, because definition also applies to all uses of "public contract" in Article IV.]*

As used in this section [Ordinance]: [Note: Section refers to Revised Code]

- (1) "Public contract" means any of the following:
  - (a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;
  - (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

~~(2) "Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code. [Is this definition needed? Is the term used in ordinance?]~~

## ARTICLE IV. THE OHIO ETHICS LAW: CHAPTER 2921.42 OF THE OHIO REVISED CODE

### PROHIBITED CONDUCT – PUBLIC CONTRACTS

#### *Section 1. Nepotism and Patronage*

##### *OHIO REVISED CODE (ORC) 2921.42 (A)(1)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure authorization of any public contract in which the Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest;

#### *Section 2. County Investments.*

##### *OHIO REVISED CODE (ORC) 2921.42 (A)(2)*

No Public Official shall knowingly:

Authorize, or employ the authority or influence of the Public Official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the Public Official, a member of the

Public Official's family, or any of the Public Official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

*Section 3. Subsequent Employment*

*OHIO REVISED CODE (ORC) 2921.42 (A)(3)*

No Public Official shall knowingly:

During the Public Official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the Public Official or by a legislative body, commission, or board of which the Public Official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

*Section 4. Profit or Gain from County Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (A)(4)(5)*

No Public Official shall knowingly do any of the following:

- (4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the Public Official is connected;
- (5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

*Section 5. Exemptions from Prohibited Conflict of Interest in Public Contracts*

*OHIO REVISED CODE (ORC) 2921.42 (B)(C)(D)*

In the absence of bribery or a purpose to defraud, a Public Official, member of a Public Official's family, or any of a Public Official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

- (1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;
  - (2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;
  - (3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.
- (C) This section does not apply to a public contract in which a Public Official, member of a Public Official's family, or one of a Public Official's business associates has an interest, when all of the following apply:

- (1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;
  - (2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the Public Official's becoming associated with the political subdivision or governmental agency or instrumentality involved;
  - (3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;
  - (4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the Public Official, member of the Public Official's family, or business associate, and the Public Official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.
- (D) The Ohio Revised Code (ORC) 2921.42(A)(4) does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

*Section 6. Penalties*

*OHIO REVISED CODE (ORC) 2921.42 (E)*

Whoever violates the Ohio Revised Code (ORC) 2921.42 is guilty of having an unlawful interest in a public contract. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(1) or (2) is a felony of the fourth degree. Violation of the Ohio Revised Code (ORC) 2921.42 (A)(3), (4), or (5) is a misdemeanor of the first degree.

*OHIO REVISED CODE (ORC) 2921.42 (F)*

This Ohio Revised Code (ORC) section not applicable to county government

*OHIO REVISED CODE (ORC) 2921.42 (G)*

This Ohio Revised Code (ORC) section not applicable to county government

*Section 7. Voiding of Tainted Contracts or Investments*

*OHIO REVISED CODE (ORC) 2921.42 (H)*

Any public contract in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a Public Official, a member of the Public Official's family, or any of the Public Official's business associates has an interest, is an underwriter, or

receives any brokerage, origination, or servicing fees and that was entered into in violation of the Ohio Revised Code (ORC) 2921.42 is void and unenforceable.

~~(1) As used in this section: [Moved to definitions section, see note on page 14.]~~

~~(1) "Public contract" means any of the following:~~

~~(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;~~

~~(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.~~

~~(2) "Chief legal officer" has the same meaning as in section 733.621 of the Ohio Revised Code.~~

## ARTICLE V. THE OHIO ETHICS LAW: CHAPTER 2921.43 OF THE OHIO REVISED CODE

### IMPROPER COMPENSATION

#### *Section 1. Gratuities for Regular Duties and Internal Favors*

##### *OHIO REVISED CODE (ORC) 2921.43(A)*

No Public Servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a Public Servant, either of the following:

- (1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Ohio Revised Code (ORC) or other provisions of law, to perform the Public Servant's official duties, to perform any other act or service in the Public Servant's public capacity, for the general performance of the duties of the Public Servant's public office or public employment, or as a supplement to the Public Servant's public compensation;
- (2) Additional or greater fees or costs than are allowed by law to perform the Public Servant's official duties.

#### *Section 2. Gratuities for Employment Favors*

##### *OHIO REVISED CODE (ORC) 2921.43(B)*

No Public Servant for the Public Servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a Public Servant or party official, shall solicit or accept "Anything of Value" in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

#### *Section 3. Political Contributions made for Consideration*

*OHIO REVISED CODE (ORC) 2921.43(C)*

No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

- (1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;
- (2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

*Section 4. Penalties*

*OHIO REVISED CODE (ORC) 2921.43(D)(E)*

- (D) Whoever violates the Ohio Revised Code (ORC) 2921.43 is guilty of soliciting improper compensation, a misdemeanor of the first degree.
- (E) A Public Servant who is convicted of a violation of the Ohio Revised Code (ORC) 2921.43 is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

*Section 5. Exemptions – Making or Receiving Voluntary Contributions*

*OHIO REVISED CODE (ORC) 2921.43(F)*

The Ohio Revised Code (ORC) 2921.43(A), (B), and (C) do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**ARTICLE VI. OTHER OHIO REVISED CODE INCLUDED IN ORDINANCE**

*Section 1. Abuse of political authority or influence.*

*OHIO REVISED CODE (ORC) 124.61*

No person who holds any Public office, or who has been nominated for, or who seeks a nomination or appointment to any Public office, shall corruptly use or promise to use, either directly or indirectly, any official authority or influence in order to secure or aid any person in securing for himself or another any office or employment in the classified service, or any promotion or increase of salary therein, as a reward for political influence or service. Nor shall any person, by means of threats or coercion, induce or seek to induce anyone in the classified service to resign his position or to waive his right to certification, appointment, or promotion.

*Section 2. Abuse of power for political reasons.*

*OHIO REVISED CODE (ORC) 124.60*

No Public Official, shall appoint, promote, reduce, suspend, lay off, discharge, or in any manner change the official rank or compensation of any officer or employee in the classified service, or promise or threaten to do so, or harass, discipline, or coerce any such officer or employee, for giving, withholding, or refusing to support any party.

*Section 3. Payment for appointment or promotion.*

*OHIO REVISED CODE (ORC) 124.59*

No applicant for appointment or promotion in the classified or unclassified service shall, directly or indirectly, pay or promise to pay any money or other valuable thing, nor shall he ask or receive any recommendation or assistance from any person, upon the consideration of any political service to be rendered, for or on account of his appointment or promotion, or proposed appointment or promotion.

*Section 4: Gratuities for Performance of Regular Duties*

Enacts OHIO REVISED CODE (ORC) 102.04 (A)(B) for County purposes

- (A) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the County, excluding the courts.
- (B) Except as provided in OHIO REVISED CODE (ORC) 102.04 (D), no Public Official or Employee shall sell or agree to sell, except through competitive bidding, any goods or services to the County, excluding the courts.

*Section 5. Prohibited Political Activity*

*OHIO REVISED CODE (ORC) 124.57*

- (A) No Public Official in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state shall directly or indirectly, orally or by letter, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for Public office; nor shall any person solicit directly or indirectly, orally or by letter, or be in any manner concerned in soliciting, any such assessment, contribution, or payment from any officer or employee in the classified service of the state, the several counties, cities, or city school districts of the state, or the civil service townships of the state; nor shall any officer or employee in the classified service of the state, the several counties, cities, and city school districts of the state, or the civil service townships of the state be an officer in any political organization or take part in politics other than to

vote as the officer or employee pleases and to express freely political opinions.

- (B) (1) Nothing in division (A) of this section prohibits an officer or employee described in that division from serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (2) Nothing in division (A) of this section prohibits an employee of the Ohio cooperative extension service whose position is transferred from the unclassified civil service to the classified civil service and who also holds the office of president of a city legislative authority from completing the existing term of office as president.

*Section 6. Prohibited Political Activity*

*OHIO ADMINISTRATIVE CODE - OAC123:1-46-02*

- (A) The purpose of this rule is to provide appointing authorities, personnel officers, and others with guidelines concerning political activity. Employees in the classified service are prohibited by section 124.57 of the Ohio Revised Code from engaging in political activity.
  - (1) "Classified service" means all persons in active pay status serving in the competitive classified civil service of the state, the counties, or the general health districts. Unless specifically exempted from the classified service in accordance with the Ohio Revised Code and these rules, an employee shall be considered to be in the classified service for purposes of this rule.
  - (2) "Political activity" and "politics" refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates.
- (B) The following are examples of permissible activities for employees in the classified service:
  - (1) Registration and voting;
  - (2) Expression of opinions, either oral or written;
  - (3) Voluntary financial contributions to political candidates or organizations;
  - (4) Circulation of nonpartisan petitions or petitions stating views on legislation;
  - (5) Attendance at political rallies;
  - (6) Signing nominating petitions in support of individuals;
  - (7) Display of political materials in the employee's home or on the employee's property;
  - (8) Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - (9) Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
- (C) The following activities are prohibited to employees in the classified service:
  - (1) Candidacy for Public office in a partisan election;
  - (2) Candidacy for Public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;

- (3) Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - (4) Circulation of official nominating petitions for any candidate participating in a partisan election;
  - (5) Service in an elected or appointed office in any partisan political organization;
  - (6) Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - (7) Campaigning by writing for Publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  - (8) Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate;
  - (9) Solicitation of the sale, or actual sale, of political party tickets;
  - (10) Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - (11) Service as, witness or challenger, for any party or partisan committee;
  - (12) Participation in political caucuses of a partisan nature; and
  - (13) Participation in a political action committee which supports partisan activity.
- (D) An employee in the classified service who engages in any of the activities listed in paragraphs (C)(1) to (C)(13) of this rule is subject to removal from his or her position in the classified service. The appointing authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code. The director may also institute an investigation or action in case of a violation.
- (E) Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.
- (F) Service in an appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position concurrently occupied by a classified or unclassified employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.
- (G) If any person holding Public office or employment is convicted of violating the Ohio Revised Code provisions prohibiting abuse of political influence, such office or position shall thereby be rendered vacant.

*Section 7. Whistleblower*

*OHIO REVISED CODE (ORC) 124.341(A)*

*Rights*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the



employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

### *Responsibilities*

If the Public Official or Employee reasonably believes that a violation or misuse of public resources is a criminal offense, the Public Official or Employee, in addition to or instead of filing a written report with the supervisor, appointing authority, or the office of internal auditing, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Ohio Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

See Article VII, Section 18– Cuyahoga County Provisions for additional conditions.

### *OHIO REVISED CODE (ORC) 124.341(B)*

#### *Protections and Prohibitions*

Except as otherwise provided in division (C) of this section, no Public Official or Employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report authorized by division (A) of this section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

### *OHIO REVISED CODE (ORC) 124.341(C)*

A Public Official or Employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this section. The Public Official or Employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this section.

### *OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

See Article VII, Section 19 – Cuyahoga County Provisions for additional conditions.

## ARTICLE VII: CUYAHOGA COUNTY PROVISIONS

*Section 1: Definitions—As Used in this Ordinance:* [suggested for clarity]

Administrative Fee	The civil penalty equivalent of a fine, levied by and payable to the Inspector General.
Advice	A written, expert judgment and recommendation by the Inspector General as to whether an issue raised poses ethical problems and how the issue may best be resolved. If the recipient acts in accordance with that advice, s/he is in compliance with the Code of Ethics.
“Anything of Value”	OHIO REVISED CODE (ORC) 1.03 - As used in any section of the Ohio Revised Code for the violation of which there is provided a penalty of forfeiture, unless the context otherwise requires, ““Anything of Value”” includes: a. Money, bank bills or notes, United States treasury notes, and other bills, bonds, or notes issued by lawful authority and intended to pass and circulate as money; B. Goods and chattels; C. Promissory notes, bills of exchange, orders, drafts, warrants, checks, or bonds given for the payment of money; D. Receipts given for the payment of money or other property; E. Rights in action; F. Things which savor of the realty and are, at the time they are taken, a part of the freehold, whether they are of the substance or produce thereof or affixed thereto, although there may be no interval between the servicing and taking away; G. Any interest in realty, including fee simple and partial interests, present and future, contingent or vested interest, beneficial interests, leasehold interests, and any other interest in realty; H. Any promise or future employment; I. Every other thing of value.
Associated	Associated, when used with reference to a business or an organization, includes any business or organization in which a Public Servant Public Official or a Public Servant's Public Official's partner in interest is a director, officer or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least five percent of the outstanding equity, or any business or organization in which a Public Servant Public Official or a partner in interest has a personal interest.

Before	A matter is "before" a public agency when it is "being considered by, decided by, or in the presence of or under the official purview of" the agency. Adv. Op. No. 2007-03.
Benefit	<p>1. "Anything of Value" having a cumulative monetary value in excess of \$75.00; 2. Anything, regardless of its monetary value, perceived or intended by either the one who offers it or the one to whom it is offered to be sufficient in value to influence a Public Servant in the performance or nonperformance of an official action; or 3. Anything, regardless of its monetary value, which, under the circumstances, a reasonably prudent person in the position of the Public Servant to whom the thing is or may be offered, would recognize as being likely to be intended to influence the Public Servant in the performance or nonperformance of an official action.</p> <p>The term "benefit" includes, but is not limited to, a valuable act, advance, award, contract, compensation, contribution, deposit, emolument, employment, favor, fee, forbearance, fringe benefit, gift, gratuity, honorarium, loan, offer, payment, perquisite, privilege, promise, reward, remuneration, service, subscription, or the promise that any of these things will be conferred in the future. The term "benefit" shall not include food and beverage.</p>
Board	An abbreviation for any authority, board, commission or special district to which County officials appoint at least one member or to which County funds are appropriated.
Business	Business means an activity, association, commercial entity, corporation, enterprise, firm, franchise, holding company, joint stock company, organization, partnership, receivership, self-employed individual, sole proprietorship, trust or other legal entity established to earn or otherwise obtain money, whether for profit or nonprofit, excluding a municipal corporation or governmental entity.
Business Associate or Partner in Interest	A business associate includes any individuals, companies, or organizations with which the official is acting together to pursue a common business purpose. Examples of a Public Official's business associates include, but are not limited to, the official's: (1) partners in a partnership; (2) co-owners of a business; (3) outside employer; and (4) co-members of an LLC. Adv. Op. No. 2009-06.
Business with which a Public Official or Employee is associated	<p>Business with which a Public Official or Employee is associated or associated business means a business in which any of the following applies:</p> <p>(1) The Public Official or Employee is an owner, partner, director, officer, employee or independent contractor in relation to the business;</p> <p>(2) A Public Official, Employee's or partner in interest is an owner, partner, director or officer;</p> <p>(3) The Public Official, Employee or a partner in interest is a stockholder of close corporation stock which is worth at least \$1,000.00 at fair market value or which represents more than a five percent equity interest;</p> <p>(4) The Public Official, Employee or a partner in interest is a stockholder of publicly traded stock which is worth at least</p>

\$5,000.00 at fair market value or which represents more than five percent equity interest, other than publicly traded stock under a trading account if the Public Official or Employee reports the name and address of the stockholder;

**Campaign Contribution** Any monetary or non monetary donation to any political campaign committee.

**Candidate** Means an individual who is a candidate for an elective county office, as defined in the County Charter, or an applicant for County employment or for an appointive County position.

**Compensation** Money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties. Ohio Revised Code (ORC)102.01

Compensation also means "Anything of Value" that is given for services can be "compensation," whether it is in the form of cash, tangible goods or chattels, or other financial gains or benefits that accrue to the Public Servant. The services performed by the Public Servant may be provided for the specific benefit of the individual offering the compensation or for the general benefit of the public agency and the citizens served by the agency. Adv. Op. No. 2008-01.

**Conflict of Interest** Means not only a personal interest, as defined in this ordinance, but also a professional or non-pecuniary interest, such as arises when the County attorney is precluded from representing one Public Servant because of the County attorney's preexisting attorney-client relationship with another Public Servant.

**Contractor** A person or business – including but not limited to service providers, vendors, consultants and their subcontractors – that provides goods or services to the County under terms specified in a binding, officially approved agreement.

**County Agency** Means the County Council, any department, division, institution, board, commission, or advisory council, or other instrumentality of the county or any board, commission, or advisory council for which the Cuyahoga County Executive and/or the Cuyahoga County Council appoints one or more of its members.

**Day** A calendar day, unless otherwise noted

**Decision Maker** Decision maker means any Public Official or Employee or Board, Commission or Advisory Agency of Cuyahoga County empowered to act in a discretionary manner on behalf of the County in any capacity whatsoever, including the making of recommendations. To the extent this ordinance is applicable to them, any volunteer or independent contractor who is empowered to exercise any discretionary power which could influence a Public Official or Employee in the performance or nonperformance of an official action. In this ordinance, the term "decision maker" is used to represent any and every Public Official or Employee who could take any discretionary action regarding a matter in which a Public Official or Employee or a partner in interest has or may have a conflict of interest, or as a result of which a Public Official or Employee might receive a personal benefit.

Disclosure	The reporting of financial information, personal or business connections, gifts, activities, campaign contributions or potential conflicts of interest.
Domestic Partner	Any person who shares the same residence with a Public Official or Employee
Due process	The administration of justice according to established rules and principles, based on the principle that a person cannot be deprived of life or liberty without appropriate legal or administrative procedures and safeguards.
Finding	The official decision reached by the Inspector General after thorough investigation or a formal hearing.
Full Family	A Public Official or Employee's spouse, domestic partner, child children, grandchildren, parents, parents-in-law, grandparents, grandparents-in-law, sisters, sisters-in-law, brothers, brothers-in-law, sons-in-law, daughters-in-law, nieces, nephews, aunts, uncles, or cousins (whether by marriage, lineal descent or adoption);  A Public Official or Employee's relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the Public Official or Employee or from whom the Public Official or Employee receives, directly or indirectly, more than one-half of his or her support; and  An individual claimed by the Public Official or Employee or the Public Official or Employee's spouse as a dependent under the United States Internal Revenue Code.
Immediate Family	A Public Official's spouse, domestic partner, child or children. (whether by marriage, lineal descent or adoption)
Gift	Gift means any benefit or thing or act of monetary value which is conveyed to or performed for the benefit of a Public Servant or a partner in interest, including any advance, award, contract, contribution, deposit, employment, favor, forbearance, gift, gratuity, honorarium, loan, payment, service, subscription, or the promise that any of these things or acts of value will be conferred in the future, if such thing or act of value is conferred or performed without the lawful exchange of consideration which is commensurate in value at least equal in value to the thing or act conferred or performed.
Interest	A prohibited "interest" in a public contract is a definite and direct interest that can be of either a financial or fiduciary nature. Adv. Op. No. 2009-06.
Lobbyist	An individual wholly or partially compensated for direct, private communication with County policy-making officials or their staffs, with the purpose of influencing the expenditure of funds in the awarding of a contract or other financial arrangement; or for making direct, private contact with same to promote, advocate or oppose the passage, modification, defeat, approval or veto of any legislation or policy.
Organization	"organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8),

(10), or (19) of the “Internal Revenue Code of 1986.”

Of such a character as to manifest a substantial and improper influence

A thing of value is “of such a character as to manifest a substantial and improper influence” on a Public Official or Employee if it is “of such a quality, nature or kind that it could have a substantial and improper influence on the Public Official or Employee.” Adv. Op. No. 2009-01. The Commission has explained that it is unnecessary that the thing of value actually has a substantial and improper influence on the official or employee provided that it is of such a character that it could have such influences.

Person

Includes “an individual, corporation, business trust, estate, trust, partnership, and association.” R.C. 1.59. Also includes governmental agencies. Adv. Op. No. 2009-01.

Personally rendering services

Includes, but is not limited to, representing, advising, preparing non-ministerial documents for, or consulting with, any person. Adv. Op. No. 2007-03. Examples are: (1) negotiating or discussing matters with agency personnel or contractors; (2) appearing at an agency meeting or hearing; and (3) preparing pleadings or documents to be filed with or submitted to an agency. A person would be personally rendering services if he or she prepared and submitted, to a state agency, any grant or investment proposals, contract bid packages, responses to requests for proposals, or any other submission for financial support for a client or customer.

Position of Profit

”: [typo?] A Public Official occupies a “position of profit” in the prosecution of a public contract when he or she receives some financial gain or benefit that is definitely and directly related to the carrying out and completion of a contract that he or she authorized or that was authorized by a board of which he or she is a member. Adv. Op. No. 2009-05

Prohibited Source

A party that gives or promises an unlawful gift to any Public Official, specifically a party doing or seeking to do business with, regulated by, or interested in matters before the County, its departments, agencies, boards or commissions, including any lobbyist or contractor.

Public Official

Any elected or appointed officer, or employee, or volunteer, or agent of the county, whether in a temporary or permanent capacity.” The definition applies regardless of whether the person is: (1) compensated or uncompensated; (2) serving full time or part time; or (3) serving in a temporary or permanent position.

Use Of or Authorization of the Use Of

The authority or influence of one’s office or employment: Voting on, recommending, deliberating about, discussing, lobbying, or taking any other formal or informal action within the scope of a Public Official’s or employee’s public authority is “use of,” or “authorization of the use of” the authority or influence of a Public Official’s or employee’s office or employment. Adv. Op. No. 2010-03.

Whistleblower

A person who reports possible crimes or violations of this Code of Ethics.

*Section 2. Full Family definition Included*

Throughout this Ordinance, ~~where-ever~~ wherever Family is referenced the definition of Full Family shall apply.

*Section 3 Acknowledgement of Copy of Law*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 102.09(D)*

Within fifteen days after any Public Official or Employee begins the performance of official duties, with which the Public Official or Employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Ohio Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The Public Official or Employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection. [The previous statement conflicts with following statement.]

(A) Shall also apply to all Public Officials and Employees upon their reappointment, reelection or rehire.

*Section 4. Education and Training - Initial and Annual Ethics Education and Training*

Within fifteen days of a Public Official or Employees initial date of service, reappointment, reelection or rehire and annually the Human Resource Commission shall furnish the Public Official or Employee with a copy of the current Cuyahoga County Ethics Ordinance, Ethics Policies, Ethics Manuals, and Public Officials and Employee shall attend Ethics Training Programs and Classes. The Human Resource Commission may furnish such other materials as the appropriate.

*Section 5. Acknowledgment of Initial and Annual Ethics Education and Training*

The Public Official or Employee shall acknowledge their receipt of materials and attendance to all Programs and Classes in writing.

*Section 6. Relationship to Ohio Law*

Compliance with Ohio Ethics Laws

Public Officials and Employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts.

*Section 7 Minimum Standard*

This Ordinance shall constitute a minimum standard for ethical conduct and practices in Cuyahoga County government.. [double period] If the provisions of this Ordinance

conflict with any other County Ordinance, regulation or rule, this Ordinance shall control.

*Section 8. Liberal Construction of Ordinance.*

The provisions of this Ordinance are to be construed liberally, to the end that the public interest be fully protected, and shall be construed in a manner consistent with all applicable federal and state laws and applicable provisions of the County Charter.

*Section 9. Severability*

The various provisions of this Ordinance are intended to be severable, and the validity or invalidity of one or more such provisions shall not affect the validity of the remaining provisions.

*Section 10. Applicability of Ordinance.*

This Ordinance applies to all Public Officials and Employees, as the term is defined in this Ordinance.

*Section 11. Duties of Public Official and Employees*

Public officials and Employees shall be required to cooperate fully and truthfully to with any investigation that is initiated by the Inspector General, the Department of Human Resources, or the Human Resources Commission regarding an alleged or potential violation of this Ordinance to the extent the fifth amendment of the United States Constitution rights of those accused of violating this Ordinance is are not violated. Public officials and Employees shall locate, compile and produce any such information as is requested by the investigating authority, unless the information is exempt from disclosure under this Ordinance or applicable law.

*Section 12. Amendment*

The County Council, as initiated by its own members, by the electorate of Cuyahoga County or by the Executive, or as recommended by County Inspector General, may amend any provision of this Code which is not otherwise mandated by the Ohio Revised Code or the Charter of Cuyahoga County.

*Section 13. Misuse of County Resources*

No Public Official shall use, request, or permit the private use of county resources, including but not limited to motor vehicles, equipment and supplies. Printing, mailing or electronic communicating of personal or political material using county resources is likewise prohibited.

*Section 14: Discrimination.*



No Public Official, operations or entities of Cuyahoga County Government shall favor or discriminate against anyone because of race, religion, age, ethnicity, gender, sexual orientation, disability or political affiliation, pursuant to U.S. Law [Civil Rights Act of 1964, 43 U.S.C. §2000e et. seq.] and the Cuyahoga County Charter.

*Section 15: Sexual Harassment.*

No Public Official shall harass or otherwise make unwelcome sexual advances that interfere with job performance, create a hostile work environment, or attempt to make a person's submission or rejection of sexual advances a condition of his/her employment or appointment status. [Section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.]

*Section 16: Employee Contributions to an Elected Employer.*

No Public Official or Employee shall make political contributions or raise funds for their own elected County employer. Exempted from this total prohibition are voluntary employee contributions to candidates for any other Public office. [Fangman v. City of Cincinnati USDC 1:08cv702]

*Section 17. Misuse of Official Position*

Prohibited conduct, and other abuses or misuses of position

- (A) Public Officials or Employees of the County shall treat all citizens with courtesy, impartiality, fairness, and equality under the law, and shall avoid both actual and potential conflicts between their private self-interest and the Public interest. Prohibited conduct of each such Public Official or Employee shall include, but not be limited to, the following:
- (1) Ordering any goods and services for the County without prior official authorization for such an expenditure;
  - (2) Use his or her superior position to request or require an employee to:
    - (i) Do clerical work on behalf of the Public Official or Employee's family, business, social, church or fraternal interest when such work is not furthering a County interest;
    - (ii) Perform any work outside the employee's normal course of County employment;
    - (iii) Purchase goods and services for personal, business, or political purposes; or
    - (iv) Work for him or her personally without offering just compensation;
  - (3) A Public Official or Employee shall not draw per diem or expense monies from the County to attend a seminar, convention, or conference and then fail to attend the seminar, convention, or conference without refunding the pro-rata unused per diem or expense monies to the County.
- (B) No Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County, and no Public Official or Employee shall falsely represent his or her personal opinion to be the official position of the County. [Appears to be same statement repeated twice.] This subsection shall not apply to statements of elected officials made in the course of fulfilling the responsibilities of their offices or in running for election to office.

- (C) No Public Official or Employee shall suppress any Public document, record, report or any other Public information available to the general Public because it might tend to unfavorably affect their private financial, personal, or political interest.
- (D) When a Public Official or Employee, in the course of carrying out his or her duties, has been offered or is discussing future employment with a business that is presently dealing with the County concerning matters within the Public Official or Employee's current official duties, that person shall [comply with all requirements in the Ethics Law and related statutes regarding future employment and] disclose such possible future employment to the Inspector General.
- (E) In addition to being a violation of other laws, it is also a violation of this Ordinance for any Public Official or Employees to:
  - (1) Be found liable of violating any federal, state, county or municipal law prohibiting discrimination or sexual harassment;
  - (2) Be found liable of violating any state laws governing lobbying activities or regulating political activity.

*Section 18. Whistleblower - Rights*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(A)*

If Public Official or Employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the Public Official or Employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the Public Official or Employee may file a written report with the office of internal auditing created under section 126.45 of the Ohio Revised Code.

1. Shall be extended to include the General Public.
2. Shall also allow a Public Official, Employee or the General Public who reasonably believes that a violation or misuse of this Ordinance exists to notify the County Inspector General either in writing or via a Whistleblower Hotline.
3. Within a reasonable period of time, all Public Officials or Employee shall report a violation of this Ordinance of which they have knowledge to the Inspector General – within 5 business days of the event in question.
4. Public Officials and Employees are not, however, required to report a violation that has already been reported.

*Section 19. Whistleblower – Protections and Prohibitions*

For Reference Purposes to the Cuyahoga County Provisions:

*OHIO REVISED CODE (ORC) 124.341(D)*

If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified Public Official or Employee as a result of the Public Official or Employee's having filed a report under division (A) of this section, the Public Official or Employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the Public Official or Employee files such an appeal, the board shall immediately notify the Public Official or Employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Ohio Revised Code.

- (A) Shall allow for an appeal to be heard by the Human Resource Commission

*Section 20. Whistleblower – False Filings and Frivolous Complaints*

- (A) No person shall knowingly file false information
- (B) No person shall file a complaint which is frivolous or malicious in nature, or which is not in good faith.

*Section 21. Whistleblower – Posting of Policy*

The Human Resource Commission shall post the Whistleblower provisions of this Ordinance in a manner consistent with its current disclosure and posting of other human resource materials including but not limited to the County Website.

*Section 22. Disclosure of conflict of interest or potential conflict of interest.*

- (A) A Public Official or Employee who has or may have a conflict of interest in a matter which requires an official action by any decision maker shall, before the matter is decided, disclose [to whom?] the conflict of interest or the potential or alleged conflict of interest. If the Inspector General believes that no conflict of interest exists, or that despite any alleged or potential special interest, such Public Official or Employee is nevertheless able to vote and otherwise participate fairly, objectively and in a manner consistent with the Public interest, then the member shall so state in the written disclosure.
- (B) If the Public Official or Employee has or may have a conflict of interest in any matter of [before] the County ,than such Public Official or Employee shall not, discuss, debate, deliberate about, act upon, vote upon or otherwise participate in or influence the decision-making process pertaining to the matter in which the member has a conflict of interest.
- (C) Any Public Official or Employee who has or may have a conflict of interest shall disclose it. After receiving a disclosure, the Inspector General shall:
  - (1) Maintain a record of such disclosure; and
  - (2) Promptly forward copies of the disclosure to any person named in the disclosure and the Inspector General. [Requirement for IG to forward a copy of the disclosure to the IG?]

- (D) Any Public Official or Employee who believes that any other Public Official or Employee has a conflict of interest in any agenda item before a governmental body shall disclose such interest to the Inspector General,
- (E) A Public Official or Employee, in addition to disqualifying her/himself from participation in any decision regarding the pecuniary or employment interest of a partner in interest, shall make known the existence of the relationship and the interest by filing with the Inspector General a written disclosure of the relationship and the nature and extent of the conflict of interest involved.

*Section 23:*

*Penalties*

Any violations of this Ordinance shall be punishable to the maximum extent permitted by law. Any disciplinary action shall be carried out in accordance with the provisions of this Ordinance, as well as any other laws, policies and procedures applicable to the position of the offender and the gravity of the offense. The Inspector General is permitted to take any action which it is otherwise lawfully permitted to take, including, but not limited to, any one or combination of the following which the Inspector General deems appropriate under the circumstances:

- (A) *Letter of Notification.* The Inspector General may issue a letter of notification when it finds that a violation of this Ordinance was clearly unintentional or inadvertent. The letter may advise the Respondent of any steps to be taken to avoid future violations.
- (B) *Letter of Admonition.* The Inspector General may issue a letter of admonition when it finds that the violation of this Ordinance was minor and/or may have been unintentional or inadvertent.
- (C) *Letter of Censure.* The Inspector General may issue a letter of censure when it finds that the Respondent has intentionally or knowingly violated this Ordinance.
- (D) *Recommendations to the County Executive.* When the Inspector General finds that the Respondent has intentionally or knowingly violated this Ordinance, the Inspector General may make a recommendation to the County Executive or County Council (depending on the appointing authority), including but not limited to a recommendation for suspension, forfeiture of office or removal from office, and/or banning or temporarily suspending the Respondent's (or Respondent's associated businesses or organizations') right to solicit, bid on or obtain a contract with or from the County, as allowed by applicable law.
- (E) *Notice to the Ohio Ethics Commission.* When the Inspector General finds that Public Official has intentionally recklessly or knowingly violated this Ordinance, the Inspector General shall ~~provide notice to~~ consult with the Ohio Ethics Commission ~~so appropriate action can be taken.~~ to determine whether the matter should be referred to the Ethics Commission.
- (F) *Referral to Additional Ethics Training.* Upon finding of violation of this Ordinance, the Inspector General may require that the Respondent undergo ethics training in addition to or in lieu of any other penalties imposed upon the Respondent.

*Section 24. Penalties Cumulative*

The penalties prescribed in this Ordinance shall be cumulative and not exclusive of each other or of any other penalties which may be imposed pursuant to any other laws or policies.

*Section 25. Secondary Employment.*

No Public Official or Employee of the County shall engage in secondary employment if that employment is incompatible with the proper discharge of official County duties or might impair objectivity or independent judgment on the job. This includes elective or appointed office in another jurisdiction or in a political party.

- (A) All Public Officials or Employees shall disclose secondary employment in writing to the Human Resources Department and to the Inspector General on an official form approved by the latter, updating this information whenever it changes.
- (B) Prior to accepting an additional job, such persons shall obtain official advice from the Inspector General, which must respond within (5) five business days of the request. The Inspector General in its discretion may limit the type of classifications of secondary employment that require disclosure and/or prior approval
- (C) In situations pre-dating the adoption of this Ordinance, the covered person shall seek official advice from the Inspector General, within sixty days of the effective date of this Code.
- (D) The employee's outside employment does not place the employee in violation of the County's Ordinance including, but not limited to, creation of a conflict of interests. [Does not seem to fit.]
- (E) *Penalty* -- If the secondary employment is ruled a conflict of interest, the covered person shall either terminate that employment or face dismissal from County service, in compliance with existing personnel practices.

*Section 26. Boards, Commissions and Advisory Board Appointments*

No appointee to a Board, Commission or Advisory Board shall have one or more of the following conflicts of interest with the intended Board's objective and impartial operations:

- (A) Elected or appointed employment with the County during the 12 months immediately preceding the Board appointment;
- (B) One or more full family members or business associates serving on the same Board, Commission or Advisory Board; or
- (C) An interest in one or more [public contract of the county or] contracts in effect with or under consideration by that Board, Commission or Advisory Board.

*Section 27. Duty to Recuse or Leave Meeting.*

- (A) To avoid the appearance of impropriety, after any Public Official or Employee is determined to have a conflict of interest or a potential conflict of interest in any matter, and once all questions relating to the conflict of interest have been answered to the satisfaction of the decision maker, the Public Official or Employee shall immediately leave the meeting room, except that if

the matter is being considered at a Public meeting, the Public Official may remain in the area of the room occupied by the general Public.

(B) Nothing herein shall require members of voting bodies to leave their seats while action is taken regarding any item contained on a consent agenda on which there is no deliberation, the Public Official's or Employees conflict has been disclosed, and the Public Official or Employee abstains from voting on the item.

~~(C) The required statement shall contain the Public Official or Employee's name and home address, the name and mailing address of the Public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the Public Official's declaration that he disqualifies himself. [This is part of R.C. 102.04(D) and does not appear to belong here.]~~

*Section 28: Employment of Relatives* [The Commission strongly suggests rearrangement of this section to bring it into agreement with the restrictions in the Ethics Law and related statutes.]

Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.

Rearrange this section, with marked additions:

An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence. To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a full family member is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or responsibility directly affecting that department is provided by a full family member of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit.

Relationship to another individual employed by the County will not constitute a bar to initial employment unless the hiring authority for the position is a full family member of the applicant. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a [full family?] relationship exists with another County employee.

*Section 29: Additional Financial Disclosure Requirements*

Pursuant to the Financial Disclosure Filing procedures in OHIO REVISED CODE (ORC): Section 102.02, all department heads and senior management level staff, including deputy directors shall file with the appropriate ethics commission and the Inspector General the disclosure statements described in OHIO REVISED CODE (ORC) Section 102.02 on a form prescribed by the Ohio Ethics Commission:

*Section 30: Financial Disclosure Statements and Campaign Finance Report Disclosure*

The Inspector General shall obtain from the Ohio Ethics Commission and the County Board of Elections the Financial Disclosure Statements and Campaign Finance Reports and any other reports publically available for all candidates for election or re-election to any county office as well as those required to file Financial Disclosure Statements listed in Article VIII, Section 1 of this Ordinance.

*Section 31. Financial Disclosure Statements Filed Before Taking Office*

- (A) No Head of any Department, Deputy Director, Chief of Staff or other member of the County Executive's and County Council senior management team shall be allowed to take the oath of office or enter or continue upon his or her duties, nor shall that person receive compensation from the County, unless that person has filed a Financial Disclosure Statement with the Ohio Ethics Commission and the Inspector General.
- (B) Failure to comply with this section may result in referral to the Inspector General.

*Section 32: Lobbyist Registration and Reporting*

- (A) *Registry.* All lobbyists shall register with Inspector General. The Registry form shall include the entity for which the person is lobbying, the employer's name, type of business and current contact information. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Lobbyist shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *Applications.* All lobbyists shall file an application to the Inspector General every April 15 and October 15 containing the following:
  - 1. A current list of the contracts or policies they are trying to influence;

2. Campaign contributions to County elected officials, as permitted by U.S. and Ohio campaign finance law and this Ordinance.
- (D). *Penalties.* Lobbyist who fails to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in compliance. Lobbyist who is found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.
  - (E). *Authorization:* No lobbyist shall engage in any lobbying activity until the registration process has been completed and approved by the Inspector General.
  - (F). *Registration Date:* All lobbyists must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which lobbying activity is to take place.
  - (G). *Term:* All lobbyist term shall expire on December 31.
  - (H). *Transparency –* The Inspector General shall make all registrations available for public inspection and shall publish an active Lobbyist Registration List on the County website.
  - (I). *Application Fee:* \$100.00

*Section 33:*

*Prohibited Activities of Lobbyist*

Lobbyist are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

*Section 34:*

*Contractors Registration and Reporting*

- (A) *Registry.* All contractors doing or seeking to do business with the County must register with the Inspector General. The registration form shall include but not be limited to: corporate name, Federal Tax Identification Number, address, type of business and names of principals and contracts with the County during the past four years. Registration shall be valid for twelve months. As necessary, the Inspector General may choose to require additional information.
- (B) *Signed Ethics Statement.* Contractors shall also sign an ethics statement indicating they have read, understood and agreed to follow the pertinent sections of this Ordinance.
- (C) *First-time Awards.* Registration and the signed ethics statement shall be pre-conditions for the signing of any first-time contract with the County. Contractors must register with the Inspector General before they submit competitive bids.
- (D) *Penalties.* Contractors who fail to comply with provisions a, b, or c, shall be prohibited from entering into any contracts with the County until they are in



compliance. Contractors who are found to be in violation of this Ordinance shall be removed from the registry and be prohibited from entering into contracts with the County for a period determined by the Inspector General, along with such other penalty(ies) as the Inspector General may deem appropriate.

- (E) *Authorization:* No Contractor shall engage in any contracting activity until the registration process has been completed and approved by the Inspector General.
- (F) *Registration Date:* All Contractors must register with the Inspector General for annually on or before December 31 for the subsequent year to which they wish to engage in lobbying activities. First time registration may take place at anytime during the calendar year for the year in which contracting activity is to take place.
- (G) *Term:* All Contractor term shall expire on December 31.
- (H) *Transparency –* The Inspector General shall make all registrations available for public inspection and shall publish an active Contractor Registration List on the County website.
- (I) *Application Fee:* \$100.00

*Section 35:*

*Prohibited Activities of Contractor*

Contractors are prohibited from:

- (A) Paying for any food or beverages or “Anything of Value” for any Public Officials or Employees
- (B) Making campaign contributions for or on the behalf of any elected officials or candidates for public office.

**ARTICLE VIII.**

**HUMAN RESOURCES COMMISSION**

*Section 1. Responsibility*

The Human Resource Commission shall be the ethics education and enforcement entity for the County pertaining to this ordinance. [OEC has ethics education and enforcement authority over the Ethics Law and related statutes.]

**ARTICLE IX. INSPECTOR GENERAL**

*Section 1. Responsibility*

The Office of the Inspector General shall be the ethics investigative officer for the County and shall conduct all investigations pertaining to this ordinance.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0136

Sponsored by: <b>County Executive FitzGerald/Department of Justice Affairs</b>	A <b>Resolution</b> authorizing the County Executive to enter into an agreement with State of Ohio, Department of Administrative Services in the amount not-to-exceed \$861,007.79 for purchase and installation of a tower site and associated equipment for the Multi-Agency Radio Communications System (MARCS) for the period 4/12/2011 – 8/15/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Justice Affairs has submitted a request for the County Executive to enter into an agreement with the State of Ohio, Department of Administrative Services, in the amount not to exceed \$861,007.79 for purchase and installation of a tower site and associated equipment for the Multi-Agency Radio Communications System (MARCS) for the period 4/12/2011 – 8/15/2011; and,

WHEREAS, pursuant to Resolution No. 092266 adopted by the Cuyahoga County Board of Commissioners on May 28, 2009, approved the FY2008 Urban Area Security Initiative (FY2008 UASI) to coordinate and identify activities, procurement, and services utilizing grant funds received by the County in order to improve interoperability and communications among the Safety Forces of Cuyahoga County; and,

WHEREAS, pursuant to Section 125.18 (F) of the Ohio Revised Code, the Ohio Department of Administrative Services, Office of Information Technology, may establish cooperative agreements with federal and local government agencies for the provision of technology services and the development of technology projects; and,

WHEREAS, the FY2008 Urban Area Security Initiative grant funds were awarded to the County from the Department of Homeland Security, for the County, and on behalf of the municipalities and other permissible agencies in Cuyahoga County, for the building and/or completion of tower sites and installation of equipment pertaining to the Emergency Management Agency and the completion of the Ohio Multi-Agency Radio Communications System thereby allowing for & improving interoperability and communications; and,

WHEREAS, the need to improve communications among the Safety Forces of Cuyahoga County and other County and State Agencies is essential to the safety of the residents of Cuyahoga County; and,

WHEREAS, the State of Ohio in cooperation with Cuyahoga County has already spent grant monies to develop a interoperable radio system by the construction of other radio towers within Cuyahoga County; and,

WHEREAS, the State of Ohio has considerable experience with the construction of the type of radio towers requested; and,

WHEREAS, the proposed agreement will allow for a complete build of a 180 foot monopole tower at I-90 and Columbia and the installation of equipment allowing for the tower site to be an operational tower on the MARCS system; the purchase and installation of a shelter and equipment for the tower site at I-480 and Stearns; and the installation of equipment at the Chagrin Falls tower site; and

WHEREAS, the allocated federal funds must be spent by the August 31, 2011 project deadline; and,

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive is hereby authorized to enter into an agreement with the State of Ohio, Department of Administrative Services, in the amount not to exceed \$861,007.79 for purchase and installation of a tower site and associated equipment for the Multi-Agency Radio Communications System (MARCS) for the period 4/12/2011 – 8/15/2011.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that necessary construction and installation of equipment for interoperability of communications system can be accomplished within the project completion deadlines, and further, because the allocated federal grant funds must be expended by the August 31, 2011 project deadline or they will be lost. Provided that this Resolution receive the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0099

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	<b>A Resolution</b> approving a Rental Rehabilitation loan in the amount not-to-exceed \$150,000.00 to Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.
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WHEREAS, the Department of Development has recommended a rental rehabilitation loan in the amount not-to-exceed \$150,000.00 to the Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland Office; and,

WHEREAS, the recommended loan is federally funded and was reviewed and approved by the Cuyahoga Housing Consortium Review Board on September 9, 2009; and,

WHEREAS, a loan to this project will create 22 units of affordable, permanent supportive housing for women aging out of the foster care system in Cuyahoga County.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive and/or the Director of the Department of Development is hereby authorized to execute all documents required for a rental rehabilitation loan in the amount not-to-exceed \$150,000.00 to the Cleveland Housing Network for the Independence Place Project, located at 4019 Prospect Avenue, Cleveland, Ohio.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 8, 2011  
Committee Assigned: Economic Development & Planning

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0100

Sponsored by: <b>County Executive FitzGerald/ Department of Development</b>	<b>A Resolution</b> approving an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161st Street, Brook Park; authorizing the County Executive and/or Director of Development to execute all documents required in connection with said loan.
---	---

WHEREAS, the Department of Development has recommended an economic development loan rental rehabilitation loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161 Street, Brook Park, Ohio; and,

WHEREAS, DBS Property Management is an affiliated company of DBS Communications and the \$252,000 renovation and expansion project will create three new jobs over three years; and,

WHEREAS, the County's Economic Development Loan Committee reviewed the request on August 11, 2010 and recommended approval and the loan was approved by the legislative authority of the former government on October 7, 2010.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive and/or the Director of the Department of Development are hereby authorized to execute all documents required for a an economic development loan in the amount not-to-exceed \$100,800.00 to DBS Property Management, LLC, for renovation of property, located at 5061 West 161 Street, Brook Park, Ohio.

**SECTION 2.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 8, 2011  
Committee Assigned: Economic Development & Planning

Journal \_\_\_\_\_  
\_\_\_\_\_, 2011



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0021

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/ Employment &amp; Family Services</b>	<b>A Resolution</b> authorizing the County Executive to enter into a contract with Cleveland Foodbank, Inc. in the amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries serving residents in need for the period 1/1/2011 - 3/31/2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Employment & Family Services has recommended a contract be entered into with the Cleveland Foodbank, Inc., for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries servicing residents in need, for the period 1/1/2011 through 3/31/2011; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive is authorized to enter into a contract with the Cleveland Foodbank, Inc. in an amount not-to-exceed \$272,500.00 for emergency food purchase and distribution to Cuyahoga County hunger centers and food pantries servicing residents in need, for the period 1/1/2011 through 3/31/2011.

**SECTION 2.** Funds have been certified and encumbered sufficient to fund this contract.

**SECTION 3.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 4.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President                      Date

\_\_\_\_\_  
County Executive                              Date

\_\_\_\_\_  
Clerk of Council                              Date

Withdrawn from agenda at request of County Executive: January 11, 2011

First Reading/Referred to Committee: March 22, 2011

Committee(s) Assigned: Health, Human Services & Aging

Journal CC002

April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0083

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood</b>	A <b>Resolution</b> authorizing the County Executive to enter into a contract with Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the State of Ohio applied for and received federal stimulus funds under the American Recovery and Reinvestment Act of 2009 (ARRA) for the Help Me Grow program Part C; and,

WHEREAS, the State of Ohio provided ARRA funds to Cuyahoga County to offset state funds for the Part C program; and,

WHEREAS, this is the second installment of ARRA funds to Cuyahoga County and is for the State Fiscal Year (SFY) 2011 (July 1, 2010 through June 30, 2011); and,

WHEREAS, the Office of Early Childhood has recommended the approval of a contract with the Educational Service Center of Cuyahoga County in amount not-to-exceed \$926, 071.00 and is for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive is hereby authorized to enter into a contract with the Educational Service Center of Cuyahoga County in the amount not-to-exceed \$926,071.00 and is for administrative and fiscal agent services to expend funds provided through the American Recovery and Reinvestment Act of 2009 for qualitative Help Me Grow Part C early intervention services to eligible families for the period July 1, 2010 through June 30, 2011.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 1, 2011  
Committee(s) Assigned: Health, Human Services & Aging

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0084

Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services/Department of Children &amp; Family Services</b>	<b>A Resolution</b> authorizing the County Executive to enter into a contract with the Office of the Prosecuting Attorney of Cuyahoga County in the amount not-to-exceed \$2,264,000.00 for legal services for the period January 1, 2011 through December 31, 2011, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Health and Human Services/Children and Family Services is requesting authorization to enter into a contract for legal services provided by the Office of the Prosecuting Attorney of Cuyahoga County for a total not-to-exceed \$2,264,000.00 for the period January 1, 2011 through December 31, 2011; and,

WHEREAS, the proposed contract is for legal services as undefined under R.C. Chapter 309 in matters related to the adjudication and disposition of children within the jurisdiction of R.C. Chapter 2151, and to perform such other duties that may be required by operation of Title IV-E, including, but not limited to, representing Children and Family Services in court proceedings, legal research, preparation of pleadings, briefs and other legal documents for court proceedings involving Children and Family Services and attendance at organized and formal training activities to improve the capacity of attendees to represent Children and Family Services.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** That the County Executive is authorized to enter into a contract for legal services to be provided by the Office of the Prosecuting Attorney of Cuyahoga County to the Department of Health and Human Services/Children and Family Services in the amount not-to-exceed \$2,264,000.00 for the period January 1, 2011 through December 31, 2011.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that



# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0103

<b>Sponsored by: County Executive FitzGerald/Department of Health and Human Services</b>	<b>A Resolution</b> authorizing the County Executive to prepare and enter into an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period 2/1/2010 - 1/31/2011 to exercise an option to extend the time period to 1/31/2012, to change the scope of services and the terms, effective 2/1/2011, and for additional funds in the amount of \$287,000.00, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Department of Health and Human Services has requested authorization to prepare an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period February 1, 2010 through January 31, 2011 to exercise the option to extend the time period to January 31, 2012, to change the scope of services and the terms, effective February 1, 2011, and for additional funds in the amount of \$287,000.00.

WHEREAS, the selected provider, Oriana House, will operate a free-standing Neighborhood Reentry Resource Center for a minimum of 40 hours per week to provide a secure facility for Cuyahoga County reentrants to the community following incarceration and/or involvement with the juvenile justice system.

WHEREAS, the facility will be available to supportive family and friends of reentrants and shall provide information about community resources and will have a computer lab, classrooms and meeting rooms available for reentry at this location.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized to prepare and execute an amendment to Contract No. CE1000249-01 with Oriana House, Inc. for operation of a Neighborhood Reentry Resources Center for the period February 1, 2010 through January 31, 2011 to exercise the option to extend the time period to January 31, 2012, to change the scope of services and the terms, effective February 1, 2011, and for additional funds in the amount of \$287,000.00.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to





# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0105

<b>Sponsored by: County Executive FitzGerald/Department of Health and Human Services/Office of Early Childhood</b>	<b>A Resolution</b> authorizing the County Executive to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children Program for the period 7/1/2008 - 6/30/2011 for additional funds in the amount not-to-exceed \$316,416.00, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Educational Service Center serves as the administrative and fiscal agent for Help Me Grow (HMG), which is a program that provides services to families with children prenatal to three who meet the eligibility criteria as determined by the Ohio Department of Health; and,

WHEREAS, HMG is a statewide program that supports families with newborns, infants, and toddlers by providing child development and health information, positive parenting education and connecting families to community resources; and,

WHEREAS, HMG services also include parenting education through home visiting, early identification of children who have developmental delays or disabilities, service coordination linking families to community resources and early intervention services and family service plans for all HMG families.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized to prepare and enter into an amendment to Contract No. CE0800734-02 with Educational Service Center of Cuyahoga County for the Help Me Grow component of the Invest in Children program for the period July 1, 2008 through June 30, 2011 for additional funds in the amount-not-to-exceed \$316,416.00.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 8, 2011  
Committee Assigned: Health, Human Services & Aging

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0131

Sponsored by: <b>County Executive FitzGerald and Juvenile Court</b>	<b>A Resolution</b> authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Youth and Family Community Partnership (YFCP) program was initiated following the closure in 2008 of the Cuyahoga County Youth Development Center in Hudson, Ohio; and,

WHEREAS, The YFCP program is a collaborative effort between the County and Juvenile Court that provides adjudicated youths with the opportunity to enter neighborhood based residential facilities for relatively short periods of time and to receive aftercare through the Juvenile Court's probation aftercare program; and,

WHEREAS, Juvenile Court entered into contracts with various local residential facilities participating in the YFCP program and has requested that these contracts be extended to enable the placement of adjudicated youth into the YFCP program; and,

WHEREAS, the local facilities provide a variety of services to adjudicated youths based on the level of care required, including, but not limited to, substance abuse treatment counseling, mental health treatment counseling, and other services designed to enhance pro-social decision-making and to avoid recidivism.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized to prepare and execute amendments to contracts with various providers for residential treatment services for the Youth and Family Community Partnership Program for the period January 1, 2010 through December 31, 2010 to exercise an option to extend the time period to December 31, 2011 and for additional funds as follows:

- a) No. CE1000125-01 with Applewood Centers, Inc., in the amount of \$550,000.00;



First Reading/Referred to Committee: March 22, 2011  
Committee Assigned: Justice Affairs

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0132

Sponsored by: <b>County Executive FitzGerald and Juvenile Court</b>	A <b>Resolution</b> authorizing the County Executive to prepare and enter into amendments to contracts with various providers for residential treatment services to exercise an option to extend the time period to 1/31/2012 and for additional funds, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Juvenile Court has requested authority to prepare and execute an amendment to contracts with various providers for residential treatment services to exercise an option to extend the time period to December 31, 2012 and for additional funds; and,

WHEREAS, residential treatment services are required pursuant to court orders involving adjudicated youths; and,

WHEREAS, Juvenile Court has entered into contracts with various local residential facilities for the provision of these services; and,

WHEREAS, the local facilities provide a variety of services to adjudicated youths based on the level of care required, including, but not limited to, substance abuse treatment counseling, mental health treatment counseling, sex offender, dual diagnosis and general offender treatment.

### **NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized to prepare and enter into amendments to contracts with various providers of residential treatment services to extend the time period to January 31, 2012 and for additional funds as follows:

- a) For the period February 1, 2010 through January 31, 2011: Contract No. CE1000260-01 with The Cleveland Christian Home Incorporated, for additional funds in the amount of \$300,000.00;
- b) For the period June 1, 2010 through January 31, 2011: Contract No. CE1000724-01 with The Glen Mills Schools, for additional funds in the amount of \$350,000.00.

**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 22, 2011  
Committee Assigned: Justice Affairs

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0133

Sponsored by: <b>County Executive FitzGerald and Juvenile Court</b>	<b>A Resolution</b> authorizing the County Executive to enter into amendments to contracts with various providers for staff secure shelter care services for the period 1/1/2010 – 12/31/2010 to exercise an option to extend the time period to 12/31/2011 and for additional funds, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Juvenile Court has requested authority to prepare and execute an amendment to contracts with various providers for staff secure shelter services, to exercise an option to extend the time period to December 31, 2011, and for additional funds; and,

WHEREAS, staff secure shelter care services are necessary to alleviate the Detention Center population; and,

WHEREAS, Juvenile Court has entered into contracts with various providers of staff secure shelter services for the period January 1, 2010 through December 31, 2010 after utilizing a request for proposals process; and,

WHEREAS, Juvenile Court has determined that it is necessary to extend these contracts in order that staff secure shelter services shall be continued.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized to enter into amendments to contracts with various providers of staff secure shelter care services for the period January 1, 2010 through December 31, 2010, to extend the time period to December 31, 2011 and for additional funds as follows:

- a) Contract No.CE1000091-01 with the Carrington Youth Academy LLC in the amount of \$916,052.00;
- b) Contract No. CE1000094-01, 02 with The Cleveland Christian Home Incorporated in the amount of \$527,948.00.



**SECTION 2.** It is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue, and to continue the usual and daily operation of the County. Provided that this Resolution receives the affirmative vote of eight members of Council, this Resolution shall become immediately effective upon the signature of the County Executive.

**SECTION 3.** It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 22, 2011

Committee Assigned: Justice Affairs

Journal CC002

April 5, 2011

# County Council of Cuyahoga County, Ohio

## Resolution No. R2011-0134

<p>Sponsored by: <b>County Executive FitzGerald/Department of Health and Human Services</b></p>	<p><b>A Resolution</b> authorizing the execution of a Fourteenth Supplemental Base Lease, Fourteenth Supplemental Lease and Tenth Supplemental Assignment of Rights under a Lease with University Hospitals Health System, Inc. in connection with the release of certain property now constituting a portion of the leased real property securing previous issues of Hospital Improvement Revenue Bonds of the County of Cuyahoga, Ohio; authorizing other documents in connection with said release; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County of Cuyahoga, Ohio (herein called the "County") has previously issued various series of Hospital Improvement Revenue Bonds (the "Bonds"), the proceeds of which were used to assist University Hospitals Health System, Inc. and its predecessor University Hospitals of Cleveland (the "Hospital") in financing the costs of acquiring and approving certain Hospital Facilities as defined in Chapter 140 of the Ohio Revised Code; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and the Hospital entered into a Base Lease and various supplements and amendments thereto (said Base Lease, as so amended and supplemented, being hereinafter referred to as the "Base Lease"), pursuant to which the Hospital leased certain land (the "Leased Real Property") to the County; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and the Hospital have also entered into a Lease and various supplements and amendments thereto (said Lease, as so amended and supplemented, being hereinafter referred to as the "Lease"), pursuant to which the County leased to the Hospital the Leased Real Property; and

WHEREAS, in connection with the issuance of each series of the Bonds, the County and The Bank of New York Mellon Trust Company, N.A., as successor Trustee under the Amended and Restated Master Indenture dated as of June 15, 1989 (the "Trustee"), have previously entered into an Assignment of Rights Under A Lease and various supplements and amendments thereto (said Assignment, as so amended and supplemented, being hereinafter collectively referred to as the "Assignment"), wherein the County did grant to the Trustee certain of its rights as lessor under the Lease;

WHEREAS, the Hospital, as authorized by Section 10.1 of the Lease, desires to remove a portion of the Leased Real Property (the "Released Property") from the leasehold estates created in the Base Lease and the Lease; and

WHEREAS, the County is willing to amend the Base Lease, the Lease and the Assignment by executing a Fourteenth Supplemental Base Lease, a Fourteenth Supplemental Lease and a Tenth Supplemental Assignment of Rights Under A Lease (collectively, the "Supplemental Lease Documents") for the purpose of releasing the Released Property from the Leased Real Property;

WHEREAS, removing the Released Property from the leasehold estate is necessary for the property to be transferred to a third party who is developing a hotel on the property, it is found and determined that this Resolution is necessary to be effective immediately to promote, as stated in the Charter, the fundamental governmental purpose of economic growth and job creation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1.** The County Executive is hereby authorized in the name and on behalf of the County to make, execute, acknowledge and deliver to the Hospital, the Supplemental Lease Documents in substantially the forms now on file with this Council in order to effect the release of and removal from the Base Lease, the Lease and the Assignment, and the leasehold estates created thereby, of the Released Property described in Exhibit A to the Supplemental Lease Documents. The Supplemental Lease Documents are, and each of them are hereby approved, with such changes therein not inconsistent with this Resolution and not adverse to the County as may be approved by the officers executing such documents on behalf of the County. The approval of such changes by said officers, and that such are not adverse to the County, shall be conclusively evidenced by the execution and delivery of such documents by such officers. The County Executive is authorized and directed to take any and all actions necessary or proper consistent with the terms of this Resolution, and of the Supplemental Lease Documents, to effect the release of the Released Property.

**SECTION 2.** It is necessary that this Resolution become effective immediately to promote, as stated in the Charter, the fundamental governmental purposes of economic growth and job creation. Provided this Resolution receives the affirmative vote of eight members of Council, it shall become immediately effective upon the signature of the County Executive.

**SECTION 3** It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with the law.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was duly adopted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Referred to Committee: March 22, 2011  
Committee Assigned: Health, Human Services & Aging

Journal CC002  
April 5, 2011

# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0016

Sponsored by: <b>Simon, Connally and Jones</b>	<b>An Ordinance</b> establishing the Department of Law and the powers and duties of the Director of Law, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Article V, entitled "Appointed Officers," specifically enumerates a set of officers of the County who are appointed by the County Executive, subject to confirmation by Council, and who serve at the pleasure of the County Executive;

WHEREAS, Section 5.06 of the Charter of Cuyahoga County mandates that the Director of Law shall serve as the legal advisor to and representative of the County Executive and County Council;

WHEREAS, Section 3.09(2) of the Charter grants Council the power to establish departments, and divisions and sections within departments, under the supervision of the County Executive, and such boards, agencies, commissions, and authorities, in addition to or as part of those provided for in the Charter, as the Council determines to be necessary for the efficient administration of the County;

WHEREAS, The Council of Cuyahoga County has determined that the creation of a Department of Law is necessary for the efficient administration of the County;

WHEREAS, Section 3.09(5) of the Charter of Cuyahoga County grants Council the power to adopt and amend the County's annual tax budget, operating budget and capital improvements program to make appropriations for the County; and

WHEREAS, it is necessary that this Ordinance become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County department.

**NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**SECTION 1. The Cuyahoga County Department of Law.**

(a) There is hereby established the Department of Law for Cuyahoga County, to be officially called "The Cuyahoga County Department of Law."

(b) The Director of Law shall advise and represent the County Executive, the County Council, and all County departments, offices, boards, agencies, commissions, or any other County authorities that are appointed by the County Executive and/or County Council or are otherwise within their jurisdiction, including, without limitation, representing them in all

contract negotiations and in all legal proceedings of any type in any forum, including any court of law, arbitral proceeding, or before any administrative boards and commissions. In carrying out said duties, the Director of Law shall possess all powers and responsibilities now or hereinafter imposed upon county prosecuting attorneys under the general law of the State of Ohio, such powers and duties having been transferred to the Director of Law pursuant to the County Charter, as they relate to a prosecutor's representation of a county board of commissioners and all other county officers, departments, offices, boards, agencies, commissions or any other county authorities that, subsequent to the adoption of the County Charter, are now either appointed by the County Executive and/or County Council or otherwise fall within their jurisdiction. The Cuyahoga County Prosecuting Attorney shall continue to exercise the remaining powers and duties of county prosecuting attorneys subject to the conditions and requirements of the general law of the State of Ohio.

(c) The exclusive powers and duties of the Director of Law to advise and represent the County Executive, County Council, and all County departments, offices, boards, agencies, commissions, or any other County authorities that are appointed by the County Executive and/or County Council or are otherwise within their jurisdiction, shall be broadly interpreted, and the listing of any specific powers or duties of the Director of Law in this Ordinance or any other ordinance or resolution shall not be construed to exclude any other powers or duties of the Director of Law existent under the County Charter, its home rule powers, or the general law of the State of Ohio.

(d) The Director of Law shall supervise and manage the Department of Law and may employ such number of deputies, assistants, and employees as s/he determines to be reasonably necessary to assist him/her in carrying out his/her powers and duties and as is consistent with approved budgetary parameters determined by Council.

(e) Pursuant to Section 3.09(2) of the Cuyahoga County Charter, Council shall establish, with input from the County Executive and the Director of Law, such divisions and sections within the Department of Law as Council determines to be necessary for the efficient administration of the County within 90 days following the passage of this Ordinance.

## **SECTION 2. Orderly Transition of Powers and Duties and Intercounty Cooperation.**

(a) Pursuant to Section 13.04 of the County Charter, upon the appointment and confirmation of the Director of Law, the powers and duties of the Cuyahoga County Prosecutor referenced in Sections 1(b)-(c) above are transferred to the Director of Law. Accordingly, immediately after said confirmation, the Director of Law and the Cuyahoga County Prosecutor, or their respective designees, shall meet and provide for the orderly transfer of said powers and duties from the Cuyahoga County Prosecutor to the Director of Law, including all records, files, and information regarding pending contract negotiations or court matters and other information necessary to provide for an orderly transfer with the highest degree of intergovernmental and intercounty cooperation between said offices.

(b) The Director of Law and the Cuyahoga County Prosecutor are authorized and directed to plan, organize, manage, and direct their respective departments with a high degree of intergovernmental and intercounty cooperation and communication, without undue

overlap or undue expense. In case of any issue or question of conflict between the powers and duties of the Director of Law and the Cuyahoga County Prosecutor under the Charter, the ordinances of Council, or general law, the interpretation which provides the greatest power to the Director of Law, acting under Cuyahoga County's home rule powers of local self government shall prevail over any conflicting authority of a county prosecutor under general law.

(c) In the event that any conflict arises regarding the transfer of powers from the Cuyahoga County Prosecutor to the Director of Law or in the transfer of any property, records, or equipment to be transferred in accordance therewith, this Council hereby designates that the conflict be determined so as to provide for a transfer that provides for determining said conflict in the manner set forth in Sections 1(b)-(c) above and 2(b) above.

(d) Nothing in the Charter or this Ordinance should be deemed to impede or prohibit the Director of Law and the Cuyahoga County Prosecutor from agreeing to intergovernmental cooperative agreements that provide for the appropriate sharing of personnel, property, or equipment to carry out their respective duties in a manner providing the most significant taxpayer savings and which fosters streamlining and eliminating any unnecessary or overlapping services in their respective County offices.

**SECTION 3. Department of Law's Budget.**

(a) A proposed operating budget shall be presented to Council for approval at such time as the Director of Law and the County Council are able to create a schedule of estimated revenues and proposed expenditures for the Department of Law.

(b) The requirement for a proposed budget shall not prohibit the Director of Law from seeking approval for expenditures necessary for the creation and maintenance of the Department of Law, including the hiring of Department attorneys or other staff, while the proposed budget is being formulated.

**SECTION 4. Necessity.** It is necessary that this Ordinance become immediately effective in order that critical services being provided by Cuyahoga County can continue without interruption, and to continue the usual daily operation of the County. Provided that this Ordinance receives the affirmative vote of eight members of Council, this Ordinance shall become immediately effective upon the signature of the County Executive.

**SECTION 5. Open Meetings.** It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Executive

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Date

First Reading/Amended on the Floor/Referred to Committee: March 1, 2011  
Committee(s) Assigned: Justice Affairs

Journal CC002  
April 5, 2011



# County Council of Cuyahoga County, Ohio

## Ordinance No. O2011-0015

Sponsored by: <b>County Executive FitzGerald/ Department of Human Resources</b>	<b>An Ordinance</b> to expire on or before June 30, 2011 providing for the approval and adoption of Human Resources Policies & Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, Cuyahoga County Charter Section 9.01 provides that the County's Human Resources Polices and Systems for County employees shall be established by ordinance and shall be administered in such manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry;

WHEREAS, the County Executive has determined it is necessary to adopt the Human Resources Policies & Procedures effective immediately to ensure consistency in the administration of said Policies & Procedures for all County offices, employees and officers under the authority of the County Executive and the County Council;

WHEREAS, the County Council will adopt permanent Human Resources Policies & Procedures on or before June 30, 2011;

### **NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:**

**Section 1:** The Human Resources Policies & Procedures Manual adopted by the former governing body of Cuyahoga County and last revised in January, 2011 (attached thereto as Exhibit "A"), shall be applicable to all County offices, employees, and officers under the authority of the County Executive and the County Council, and shall remain in force and effect and shall be followed by County offices, employees, and officers under the authority of the County Council and the County Executive, for a period not to exceed June 30, 2011.

**Section 2:** Due to complexities associated with merging certain policies and procedures, the following sections in the HR Policies & Procedures Manual will not apply to certain agencies: *Section 6, Workweek and Hours/Payroll; Section 7.03, Employee Assistance Program; Section 8.04, FMLA Amount of Leave; Section 8.05, FMLA Coordination with Other Leaves of Absences; and Section 9, Employee Leave.* For the policies covered by these sections, employees will continue

to adhere to the policies and procedures that they were subject to on December 31, 2010.

**Section 3: Effective Date.** Provided this Ordinance receives the affirmative vote of eight of the members of Council, it shall take effect immediately upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided in an consistent manner, and so that the usual and daily operations of government may continue to function on and after January 1, 2011. This Ordinance shall expire on June 30, 2011.

**Section 4:** It is found and determined that all formal actions of this Council meeting and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Ordinance was duly enacted.

Yeas:

Nays:

\_\_\_\_\_  
County Council President      Date

\_\_\_\_\_  
County Executive      Date

\_\_\_\_\_  
Clerk of Council      Date

First Reading/Referred to Committee: February 22, 2011  
Committee Assigned: Human Resources, Appointments & Equity

Second Reading: March 22, 2011

Journal CC002  
April 5, 2011

**Cuyahoga County Council  
Proposed Amendments**

**Ordinance: O2011-0015**

**Title of Ordinance: An Ordinance to expire on or before 6/30/2011 providing for the approval and adoption of Human Resources Policies and Procedures for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.**

**Amendment 1:**

**Action: Replace Section 3.01 with:**

“See complete policy at [hr.cuyahogacounty.us](http://hr.cuyahogacounty.us). Hard copies are available upon request to the Cuyahoga County Office of Human Resources”.

**Amendment 2:**

**Action: Redact Section 3.02**

**Amendment 3:**

**Action: Redact Section 3.03**

**Amendment 4:**

**Action: Redact Section 3.04**

**Amendment 5:**

**Action: Redact Section 3.05**

**Amendment 6:**

**Action: Redact Section 3.06**

**Amendment 7:**

**Action: Redact Section 3.07**

**Proposed Amendments  
Submitted by: Dale Miller**

Amend Section 1.07 to read:

**1.07 Employee Communications with News Media**

Any news media request for comment (e.g., on-camera interview, interview by a newspaper) shall be referred immediately to the Director of Communications or applicable Department Director and/or designee for official response.

Amend Section 18 to read as follows:

**Section 18: RECORDS MANAGEMENT**

**18.01 Confidential Information**

The County prohibits the release of confidential information, which consists of any information that is required by state or federal law or state or federal administrative rule to be kept confidential.

In addition, some information is specifically exempt from public inspection and copying under state public records law but is not required to be kept confidential. Release of such information is permitted only by any of the County's designated public records managers, and release of such information by anyone else is a violation of this section.

An employee who violates this section may be subject to disciplinary action, up to and including removal.

**18.02 Compliance with Records Retention Schedule**

Each Department has established a policy to ensure that all County records are retained in compliance with all known local, state, and federal laws and regulations, all Ohio Historical Society requirements, and the internal operating needs of the County. Before disposing of any County records, employees must determine whether the disposal is in accordance with the applicable Records Retention Policy adopted by the employee's Department.

An employee should contact his or her Department's designated public records manager with any questions regarding records retention.

**18.03 Personnel Records**

A personnel file on each employee is kept in the Human Resources Department's office. It contains information regarding training, experience, and employment as well as the work history of the employee with the County. An employee shall have the right to inspect his or her personnel file provided reasonable notification is given to the Human Resources Department.

It is the responsibility of the employee to immediately notify the Human Resources Department of any changes in address, telephone number, emergency information, name change and marital status. Employees are required to have a current permanent residence address and contact number on file at all times with the Human Resources Department. Post Office boxes are not sufficient for this purpose.

Name and marital status changes require legal documentation (e.g., marriage certificate, divorce decree, etc.), which will also be provided to the Personnel and Benefits Divisions.

#### 18.04 Electronic Mail Records

Employees using electronic mail in the normal course of the County's business are responsible for adhering to the rules established for electronic mail (see Section 15). Electronic mail is to be used judiciously as such for conducting the business of the County. The use of e-mail for improper purposes, such as intimidation, harassment, non-County business, etc., may subject the employee to disciplinary action, up to and including removal.

**There is no expectation of privacy for County owned/provided e-mail accounts. The County, without notice to employees, reserves the right to routinely and randomly monitor and/or access any employee's County owned/provided e-mail account. In addition, any record created or received by an employee when using County owned/provided e-mail accounts is generally considered a public record subject to disclosure upon request.**

NOTE: See Section 15 for more information on the County's Electronic Equipment and Communications Policy.

All e-mail sent or received through County owned/provided e-mail accounts is the property of Cuyahoga County.

The County has established a policy that electronic mail messages are records of the County and that they are subject to all established rules concerning records retention and management. The deletion of e-mail messages shall be done in accordance with the applicable Records Retention Policy adopted by the County.

#### 18.05 Compliance with Public Records Policy

In cooperation with the County's designated public records managers, all County employees shall maintain public records so that they are readily available for inspection and copying and shall make public records available for inspection and provide copies of public records in accordance with the County's Public Records Policy, which is as follows:

##### Public Records Policy of Cuyahoga County, Ohio

###### Chapter 1: Rationale

Believing that open government leads to a better-informed citizenry, greater public participation in government, better government, better public policy, and more effective use of public resources, the County Council establishes this Public Records Policy to insure the preservation and public accessibility of records relating to all functions of Cuyahoga County government. Cuyahoga County's policy in all of its functions is to strictly adhere to all of its obligations under Ohio's Public Records Law and to exceed those obligations whenever it is practical and makes sense to do so.

###### Chapter 2: Definitions

Section 2.1: "Committee" shall include subcommittees.

Section 2.2: "Public office" includes the following:

- (A) the office of the County Executive
- (B) the Cuyahoga County Council, including all of its committees
- (C) all departments, divisions, offices, or other organized bodies operating under the administration of the County Executive,
- (D) the Cuyahoga County Prosecuting Attorney,
- (E) all Boards, Commissions, and Advisory Councils to which the County Executive and/or the County Council appoint at least a majority of its members,
- (F) all Boards, Commissions, Advisory Councils and any similar body created by the Cuyahoga County Charter, the County Council, and/or the County Executive.

Section 2.3: As used in Section 2.2, a "similar body" must be formally organized, be on-going, and be involved in making or advising on public policy decisions.

Section 2.4: "Public record" includes any document, device, or item, regardless of physical form or characteristic, including electronic records, created or received by or coming under the jurisdiction of any public office, which serves to document the organization, functions, policies, decisions, procedures, operation, or other activities of the office. All records which meet this definition are public records, unless exempted under section 149.43 of the Ohio Revised Code.

Section 2.5: "Electronic record" includes prepared documents such as word processing documents, spreadsheets, and graphic presentations as well as written electronic communications, including but not limited to electronic mail and text messages.

### Chapter 3: Scope of Ordinance

#### Section 3.1: Applicability

This ordinance is hereby adopted as the public records policy, required under Section 149.43 of the Ohio Revised Code, for every public office in Cuyahoga County government, as public office is defined in Section 2.2 of this ordinance, over which the Cuyahoga County Council has legislative authority.

### Chapter 4: County Records Commission

#### Section 4.1: Creation of County Records Commission

There is hereby created, the County Records Commission, which shall succeed and replace the current County Records Commission. The County Records Commission shall consist of the County Executive, who shall serve as chairperson, the President of County Council, the Prosecuting Attorney, the Fiscal Officer, and the Clerk of Court of Common Pleas.

#### Section 4.2: Appointment of Designees

Each member of the County Records Commission shall appoint one designee, an employee of his/her office who is knowledgeable about the maintenance of public records, who shall attend meetings of the County Records Commission whenever the member is unable to do so.

#### Section 4.3: Powers and Duties of County Records Commission

The County Records Commission shall have all the powers and perform all the duties of County Records Commissions provided for in Section 149.38 of the Ohio Revised Code, including, but not limited to, the

power to recommend applications for one-time disposal of records or proposed records retention schedules to the Ohio Historical Society.

#### Section 4.4: Rules and Procedures of the County Records Commission

The County Records Commission shall adopt its own rules and procedures, which shall be consistent with Section 149.38 of the Ohio Revised Code. Until such time as the County Records Commission adopts such rules, it shall operate under the rules of the prior County Records Commission that existed prior to the enactment of this ordinance.

#### Section 4.5: Meetings of the County Records Commission

The County Records Commission shall meet at the call of the chair as often as needed to respond to proposed records retention schedules and proposed one-time disposals of records, but shall meet a minimum of once every six (6) months.

Section 4.6: Within sixty (60) days after receiving a request for one-time disposal of records or a proposed records retention schedule from any office, the County Records Commission shall either approve the request and send it to the Ohio Historical Society for its consideration or return the request disapproved to the office that submitted it with a letter stating the reasons for disapproval.

### Chapter 5: Public Records

#### Section 5.1: Maintenance of Public Records

All public offices within the scope of this ordinance shall organize and maintain all their public records so that they are readily available for inspection and copying in accordance with the Ohio Public Records Law and the Public Records Policy of Cuyahoga County.

#### Section 5.2 Maintenance of Electronic Mail

All electronic mail sent or received through the Cuyahoga County Information Services Center shall be the property of Cuyahoga County. The necessity to maintain electronic mail as public records shall depend on the content of the records, not on the medium in which it is kept. It shall be the responsibility of the public records managers and each individual user to insure that electronic mail is maintained in accordance with the records retention schedule for each office, and that records which must be kept for an extended length of time will not be placed in files where they will be automatically deleted.

Each person covered by this ordinance shall also insure that all public record electronic mail sent or received outside of the County Information Service Center system are maintained so that they are readily available for inspection and copying in accordance with the records retention schedule for each office.

#### Section 5.3: Designation of Countywide Public Records Manager

The County Archivist is hereby designated as the Countywide Public Records Manager and shall do the following:

(A) Manage the public records of Cuyahoga County to insure that they are organized so as to be readily available to the public for inspection and copying and are maintained and disposed of in accordance with the records retention schedules of the various offices within Cuyahoga County government.

(B) Assist the public records managers of the various public offices in Cuyahoga County in implementing a sound and consistent countywide public records process in accordance with this ordinance.

(C) Assist the public offices within the scope of this ordinance in preparing and updating public records retention schedules.

#### Section 5.4: Designation of Deputy Countywide Public Records Manager

The County Executive shall designate one employee of the executive office staff as Deputy County Public Records Manager, who shall do the following:

(A) Assist the Countywide Public Records Manager in the performance of his/her duties;

(B) Maintain the public records request log provided for in Section 6.5 of this ordinance.

(C) Work with each public office to determine what kinds of public records requests are received by that office that relate to personal or business matters, rather than governmental operations, and are not required to be included in the public records request log.

(C) Provide a copy of Cuyahoga County's Public Records policy to each public records manager and obtain a written acknowledgement from each records manager that the policy was received,

(D) Serve as the public records manager for the County Executive's office.

#### Section 5.5: Designation of Public Records Managers

(A) Each public office shall designate a public records manager who shall be responsible for the maintenance of the public records for that office and for handling public records requests directed to that office.

(B) For the following offices, the person designated as public records manager shall be an employee of the office who works at the principal place at which that office does business:

(1) the County Executive, including all executive office staff

(2) the County Council

(3) the Law Department

(4) the Sheriff

(5) the Medical Examiner

(6) the Clerk of Courts

(7) the Department of Economic Development, which shall include the Office of Regional

Collaboration

(8) the Information Officer

(9) the Department of Public Works

(10) the Department of Purchasing

(11) the Department of Human Resources

(12) the Fiscal Office

(13) the Child Support Enforcement Agency

(14) the Division of Children and Family Services

(15) the Division of Employment and Family Services

(16) the Division of Senior and Adult Services

(17) the Director of Human Services, which shall include the Director's Office and all other offices in the Department of Human Services not covered by items twelve (12) through fifteen (15) above.

(18) the Inspector General

(C) Each office not listed in Subsection B of this section shall designate a public records manager who shall be one of the following:

(1) an employee of that office or an officer of a Board, Commission, or Advisory Council,



(2) the Deputy County Public Records Manager, or  
(3) an employee of Cuyahoga County, approved by the Deputy County Public Records Manager, who is the public records manager for another office with responsibilities related to those of the designating office.

#### Section 5.6: Public Records Manager for County Council

The Clerk of Council is hereby designated as public records manager for Cuyahoga County Council.

#### Section 5.7: Records Retention Schedules

Each public office shall have a records retention schedule in place, which shall specify, consistent with state law, the methods by which and the length of time that records shall be kept. For any office that has a records retention schedule in place at the time that this ordinance becomes effective, that records retention schedule shall remain in effect until it is amended according to the procedure set forth in Section 149.38 of the Ohio Revised Code. Each public office that does not have a records retention schedule in place at the time that this ordinance becomes effective shall propose a public records retention schedule to the County Records Commission, in accordance with the procedure set forth in Section 149.38 of the Ohio Revised Code, not later than June 30, 2011.

#### Section 5.8: Interim Transient Records Retention Schedule

Except to the extent that a different records retention schedule on transient communications is required for an office by state law, each public office that does not have a records retention schedule on transient communications in place at the time that this ordinance becomes effective shall use the transient records retention policy and schedule adopted by the County Commissioners on January 12, 2009, until such time as the office's records retention schedule on transient communications is updated, according to the procedure set forth in Section 149.38 of the Ohio Revised Code.

#### Section 5.9: Publication of Public Records Policy

(A) Each public office having public office space shall prepare a poster which shall describe the public records policy of that office, explain how to obtain public records, and name the public records manager for that office. The poster shall be displayed in a conspicuous place at the office and at any branch office where the office conducts business. Each office shall post the same information and its public records retention schedule on its web-page on the county's website.

(B) The County Executive and the Clerk of Council shall each post on their respective web-pages the full Public Records Policy of Cuyahoga County, a summary of that policy, instructions on how to obtain public records, and a list of all of the public records managers for Cuyahoga County government and their contact information, and the public records retention schedule for each office.

(C) The manual of general policies and procedures issued to all employees shall include the county's public records policy.

#### Section 5.10: County Website

The County shall maintain a readily accessible website, which shall include separate pages for the County Executive, the County Council, and each department in County government. The County Executive and the Clerk of County Council shall insure that the website is regularly updated to provide current information, including the notice, agenda, minutes, and reports of all public meetings conducted by offices within the scope of this ordinance and instructions on how to obtain public records.

### Chapter 6: Public Records Requests

### Section 6.1: Form of Records Request

Any person requesting public records shall identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records requested. No specific language or form is required to make the request. If the records request is not sufficiently clear, the public records manager must contact the requestor for clarification, and should assist the requestor by providing information about the manner in which the office keeps its records.

### Section 6.2: Identity of Requestor Not Required

The requestor is not required to put a public records request in writing and does not need to provide his/her identity or the intended use of the records requested. The public office may request this information, particularly to aid in complying with the request, but must clearly state that providing this information is voluntary.

### Section 6.3: Availability of Records

Records shall be made available promptly for inspection or copying. Public records requests shall be given priority attention in any office receiving them, but reasonable time shall be allowed to comply with requests that are large, involve records stored other than at the site where the request was made, or involving records that must be inspected for possible redaction of information exempt from the public records law. Whenever a request is received that cannot be complied with immediately, the public office shall provide the requestor a receipt acknowledging and describing the public records request and may provide an estimate as to when a response can be provided.

### Section 6.4: Denial of Request and Redaction of Records

Any denial of records requested must include a written explanation, including legal authority. If part of a record requested is exempt from public records law, that part shall be redacted, and the remainder provided. Each redaction shall be accompanied by a written explanation, including legal authority.

### Section 6.5: Public Records Request Log

Each office shall maintain a log of all public records requests received that relate to governmental operations and shall forward a copy of the log at the end of each week to the Deputy Countywide Records Manager, who shall maintain a countywide public records log. Each office shall, with the approval of the Deputy Countywide Public Records Manager, determine what kinds of public records requests received by that office relate to personal or business matters, rather than governmental operations; and these requests shall not be required to be included in the log. For each public records request required to be included in the public records request log, the following information shall be provided:

- (A) the office that received the request
- (B) the date that the request was received,
- (C) the name of the requestor, if known
- (D) a brief description of what records were requested,
- (E) the date that response to the request was completed,
- (F) a brief description of any denials or redactions required.

## Chapter 7: Costs of Public Records

Section 7.1: Persons requesting copies of public records shall be required to pay for the cost of making copies, at a rate not to exceed the actual cost of making copies. Payment in advance may be required.

Starting in calendar year 2011, the County Council shall biannually determine and establish the copying costs for public records.

Section 7.2: Except as otherwise provided by court order, the following copying costs shall apply until the County Council first determines and establishes copying costs for public records:

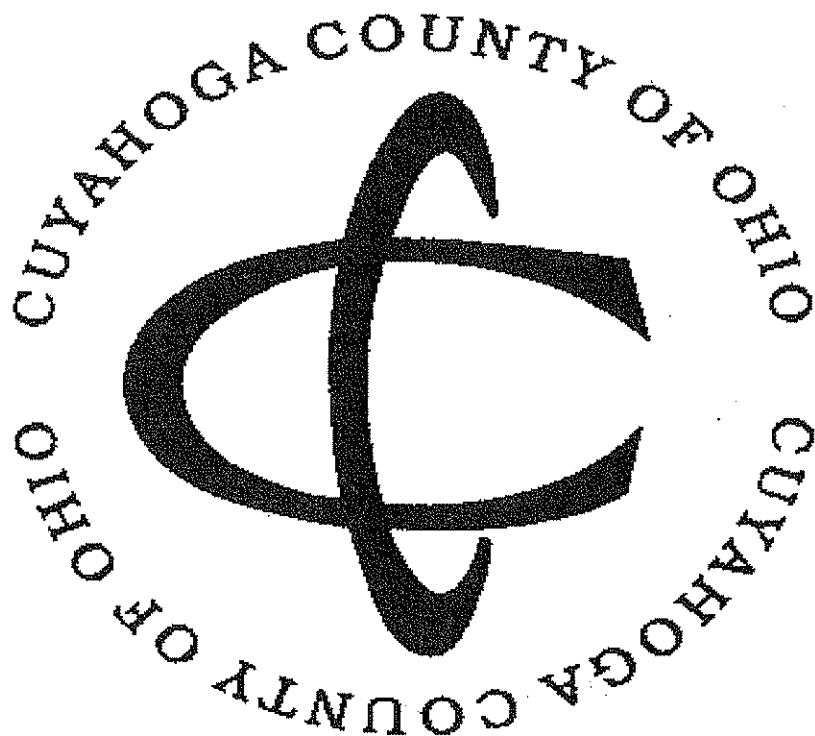
(A) The charge for paper copies shall be three cents (\$.03) per page. The charge shall be waived when less than one dollar (\$1.00).

(B) The charge for computer files downloaded to a compact disc shall be the actual cost, not to exceed \$1.26 per disc. The charge shall be waived when only one (1) disc is required to fulfill the request.

(C) There shall be no charge for copies provided by email.

(D) Each public office shall have the discretion to waive copying costs of ten dollars (\$10.00) or less when it determines that it is practical and cost-effective to do so, provided that the public office follows a consistent policy on waiver of copying fees for all requestors.

# Personnel Policies and Procedures Manual



Cuyahoga County Office of  
Human Resources

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**Section 1:**  
**INTRODUCTION / GENERAL  
INFORMATION**

**1.01**      **Introduction**

Cuyahoga County (“County”) is responsible for providing many vital services to the citizens of Cuyahoga County through its employees. The County expects employees to fulfill their role in providing these services and to perform their job in a professional, fair, honest, and thorough manner. The County expects that employees will strive for excellence in advancing the County’s mission, demonstrating integrity and professional standards.

**1.02**      **Administration**

All matters relating to the administration of the policies and procedures in this Manual will be under the general supervision of the Director of the Office of Human Resources (“Human Resources”).

Questions regarding interpretation and application of this Manual should be directed to Human Resources.

**1.03**      **Disclaimer / Reservation of Rights**

The policies and procedures set forth in this Manual supersede all previous written and unwritten County personnel policies. This Manual does not constitute a contract of employment, expressed or implied, and should not be considered as such. Furthermore, this Manual is not a limitation on the County’s right to direct its workforce. Unless restricted by law, the County reserves all rights to manage its workforce. The policies and procedures contained in this Manual do not reflect or represent every conceivable factual situation, but those most often encountered. Situations may differ and will be handled as warranted by the circumstances and at the discretion of the County. The policies and procedures in this Manual are intended to be guidelines to employees and managers. The County retains the right to amend, add to or change the policies and procedures in this Manual at any time.



## **1.04      Relationship to Collective Bargaining Agreements**

For employees covered by a collective bargaining agreement, the terms and conditions of the collective bargaining agreement supersede this Manual on any subject covered by the collective bargaining agreement. The subjects covered in this Manual do not diminish the County's management rights and should not in any way be considered a waiver of these rights. Employees should contact their union representative or Human Resources should they have any questions regarding conflicts between your collective bargaining agreement and this Manual.

## **1.05      Relationship to Departmental Policy and Procedure Manuals**

The terms and conditions of this Manual supersede any contradictory terms or conditions set forth in any Departmental Policy and Procedure Manual.

## **1.06      Building Closure Policy**

Timesheet Code: AWD

### *Closing for the Full Day*

**In the event that it appears necessary to close County Buildings for a complete day, either the evening before or prior to 6:30 a.m. on the day of the proposed closing, the County Executive or designee will authorize the placing of a recording on the County's main number (216) 443-7000 regarding the closing of County Buildings.** The recording will also identify the Department of Central Services' 24-hour security number (216) 443-2141. This number will provide person-to-person solutions in unusual cases of emergency.

In addition, arrangements for dissemination of County building status information have been made with local television and radio stations. These announcements can be heard/found on the following radio and television stations/websites:

<b><u>Television Stations</u></b>	<b><u>Radio Stations</u></b>	<b><u>Websites</u></b>
WKYC – TV, Channel 3	WTAM, 1100 AM	<a href="http://www.cuyahogacounty.us">www.cuyahogacounty.us</a>
WOIO-TV, Channel 19	WMVX, 106.5 FM	<a href="http://www.wkyc.com">www.wkyc.com</a>
WUAB-TV, Channel 43	WMJI, 105.7 FM	<a href="http://www.wtam.com">www.wtam.com</a>
WVIZ/PBS, ideastream	WGAR, 99.5 FM	<a href="http://www.wmvx.com">www.wmvx.com</a>
	WAKS, 96.5 FM	<a href="http://www.wmji.com">www.wmji.com</a>
	WMMS, 100.7 FM	<a href="http://www.wgar.com">www.wgar.com</a>
	WHLO, 640 AM	<a href="http://www.kisscleveland.com">www.kisscleveland.com</a>
	WKDD, 98.1 FM	<a href="http://www.wmms.com">www.wmms.com</a>
	WCRF, 103.3 FM	<a href="http://www.640whlo.com">www.640whlo.com</a>
	WCPN, 90.3 FM	<a href="http://www.wkdd.com">www.wkdd.com</a>
	WCLV, 104.9 FM	<a href="http://www.1350radiofreeohio.com">www.1350radiofreeohio.com</a>
	Radio Free Ohio, 1350 AM	



The announcement will state “CUYAHOGA COUNTY GOVERNMENT BUILDINGS CLOSED.” In the absence of an announcement, employees should assume the County’s buildings are open for operation.

Early Closings / Abbreviated Work Day

Employees will be notified by their respective Department’s management should it be necessary to close buildings early because of weather or other emergency. Employees will be instructed by management as to the actual closing time of the building and the proper procedure for completing their timesheet for that day.

“Essential Employees”

Any notice of closing will not apply to “essential employees” (i.e., employees necessary to protect the immediate safety and/or security of person or property for which the County has direct responsibility, or the provision of emergency services which cannot be interrupted.) All elected officials, agency heads, and Department Directors will identify their essential employees and any buildings that must remain open and operating during an emergency building closing.

**1.07 Employee Communications with the Media / Responding to Public Records Requests**

Any media request or public records request regarding County business (e.g., on-camera interview, interview by a newspaper, request for documents) shall be referred immediately to the Director of Communication or applicable Department Director and/or designee for official response. All Departments affected by the request will assist the communications department with gathering the relevant information. No information shall be released, however, without approval from Director of Communications or applicable Department Director.

**1.08 Acknowledgement of Receipt**

Employees are required to acknowledge receipt of this Manual (either electronically or in writing) and are required to make themselves familiar with its contents. A copy of each employee’s acknowledgement will be retained by Human Resources.

## Section 2: CIVIL SERVICE

### **2.01**      **Classification**

Pursuant to the Ohio Revised Code (“Revised Code”), County employees are divided into either unclassified service or classified service.

#### *Unclassified Service*

The unclassified service is comprised of the specific positions listed in the Revised Code, which includes, but is not limited to, Department Directors, the clerical and administrative staff of the County Executive, student interns, and temporary employees. All offices and positions in the unclassified service are exempt from civil service examination and have no tenure under the law. Unclassified employees serve at the pleasure of the County.

#### *Classified Service*

All other employees are deemed to be classified employees and their employment is subject to the provisions of the Ohio Revised Code, the Ohio Administrative Code, the Cuyahoga County Administrative Rules and this Manual.

### **2.02**      **Administrative Rules**

The County has adopted the rules applicable to county government contained in the Ohio Administrative Code Chapter 123 except as they are modified by the Cuyahoga County Administrative Rules.

### **2.03**      **Prior Service**

Employees who have prior service with the County or another political subdivision of the State of Ohio may be eligible for a higher vacation accrual rate or credit for unused accumulated sick leave.

Employees must provide Human Resources with a letter from their former employer(s), on their letterhead, with qualifying start and end dates of employment and with verification of any unused accumulated sick leave. Vacation accrual rates and available sick leave balances shall be adjusted and be effective upon receipt of documentation deemed acceptable by the County.

**NOTE:** See Section 9.02 for more information on the impact of prior service on vacation accrual rates and Section 9.03 for the impact on sick leave balances.



## Section 3:

# CODE OF ETHICS

### **3.01      Ethics Policy**

It is the policy of the County to carry out its mission in accordance with the strictest ethical guidelines and to ensure that County members and employees conduct themselves in a manner that fosters public confidence in the integrity of the County, its processes, and its accomplishments. Failure to adhere to the standards of ethical conduct may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual as well as criminal prosecution in certain cases.

### **3.02      Compliance with Ohio Ethics Laws**

County officials and employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts. A copy of these laws will be provided to each employee upon commencement of their employment with the County. These laws are also available at [www.ethics.ohio.gov](http://www.ethics.ohio.gov). Each employee shall be required to sign a form acknowledging receipt of this document and the form shall be placed in each employee's personnel file.

### **3.03      General Standards of Ethical Conduct**

The following is a non-exclusive general summary of the restraints on the conduct of all County officials and employees.

No County official or employee shall:

- Use their public position to obtain any benefit for themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship;
- Solicit or accept anything of value from anyone doing business with the County;
- Solicit or accept employment from anyone doing business with the County, without prior written authorization from a Director or higher-level County official. The official or employee must first withdraw from any decision-making activity affecting the party offering employment and the County must approve the withdrawal;



- Use or disclose confidential information protected by law, unless appropriately authorized;
- Be paid or accept any form of compensation for personal services rendered on a matter before the County or the departments, offices, agencies and/or other bodies reporting to it;
- Hold or benefit from a contract with, authorized by, or approved by the County (*see Revised Code Section 2921.42* for exceptions);
- Vote, authorize, recommend, or in any other way use their position to secure approval of a County contract in which themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship, has an interest;
- Solicit or accept payment for services provided as an officer or employee of the County;
- Use, or authorize the use of, their title, the name Cuyahoga County, or the County's logo in a manner that suggests impropriety, favoritism, or bias by the County or the official or employee.

### **3.04      "Moonlighting" Policy**

The County does not prohibit an employee from securing additional employment outside of their employment with the County, so long as the following conditions are met:

- The employee provides notice of their outside employment to Human Resources prior to beginning work with the second employer;
- The employee's outside employment does not interfere in any way with their ability to perform the duties of their position with the County; and
- The employee's outside employment does not place the employee in violation of the County's Code of Ethics (*see Section 3*), including, but not limited to, creation of a conflict of interests.

**NOTE:** Individual Department's may have "moonlighting policies" that require that employees place Department Management on notice of additional employment outside of their employment with the County. Department management, however, shall not prohibit an employee from pursuing additional employment unless one of the above-cited conditions is not met. Employees should consult their Departmental policies and procedures manual for more information.



### **3.05**      **Political Activity**

No employee in the classified service of the County shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office. Nor shall any employee in the classified service of the County be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.

The following are examples (non-exclusive) of permissible activities for County employees in the classified service:

- Registration and voting;
- Expression of opinions, either oral or written;
- Voluntary financial contributions to political candidates or organizations;
- Circulation of nonpartisan petitions or petitions stating views on legislation;
- Attendance at political rallies;
- Signing nominating petitions in support of individuals;
- Display of political materials in the employee's home or on the employee's property;
- Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- Serving as a precinct election official for the Board of Elections.

The following activities are prohibited to County employees in the classified service:

- Candidacy for public office in a partisan election;
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- Circulation of official nominating petitions for any candidate participating in a partisan election;
- Service in an elected or appointed office in any political organization (e.g., partisan precinct committee);
- Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- Solicitation of any assessment, contribution or subscription, either monetary or in-kind, for any political party or partisan political candidate;
- Solicitation of the sale, or actual sale of political party tickets;
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;



- Service as a witness or challenger for any party or partisan committee;
- Participation in political caucuses of a partisan nature; and
- Participation in a political action committee which supports partisan activity.

An employee that is considering in engaging in any political activity that may potentially be prohibited under this policy should consult with Human Resources for guidance. An employee who engages in any of the prohibited activities listed above may be subject to disciplinary action, up to and including removal.

### **3.06      Employment of Relatives**

Relationship to another individual employed by the County will not constitute a bar to initial employment. The County extends equal consideration to all applicants and candidates for employment. Neither positive nor negative weight shall be considered when a relationship exists with another County employee.

To preclude actual favoritism or the appearance of favoritism in the employment relationship, no employee shall take any part in the selection process for a position for which a relative is an applicant. In addition, an individual may not be assigned or accept employment in a department in which supervisory authority and/or responsibility directly affecting that department is provided by a relative of the individual. Employees who become related as a result of marriage (their own or that of a relative) will be transferred to another work unit. An employee will not participate in decisions involving a direct benefit to relatives such as employment, retention, appraisal, promotion, salary, and leave of absence.

**For purposes of this Section, “relatives” include anyone who is related as husband, wife, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.**





### **3.07**      **County Procurement Card**

The County procurement card is a credit card issued by the County to use for certain work related purchases. The procurement card is provided to enable County Departments to become more productive by improving efficiency in procurement and expediting payments to vendors. Each County employee who is assigned a procurement card shall be required to sign a “Cuyahoga County Procurement Card Program Cardholder Acknowledgement” form. By signing the form and accepting the procurement card, the employee agrees to comply with the following responsibilities:

- The procurement card is to be used for individual County-approved purchases of under \$500 and within otherwise established limits.
- The procurement card shall not be used for personal purchases. All charges will be billed directly to and paid directly by the County. The bank cannot accept any monies from employees directly. Therefore, any personal charges billed to the County could be considered misappropriation of County funds.
- The card is issued in the employee’s name. Therefore, the employee is responsible for keeping the card in a secure location and for assuring that no other person uses the card. The employee is accountable for any and all charges against the card.
- If the card is lost or stolen, the employee shall immediately notify the card issuer by telephone. The employee shall then provide written notification to the program administrator and their Department coordinator.
- The card is County property. As such, the employee is required to comply with internal control procedures designed to protect County assets. This may include being asked to produce the card to validate its existence and account number.
- The employee shall record all transactions on the procurement card log, attaching the related receipts for each purchase. The employee shall cooperate with their agency coordinator to reconcile all purchasing activity by reconciling the purchasing log with the monthly statements during statement periods. The employee shall resolve any discrepancies by contacting the vendor first and will involve the program administrator when necessary.
- The card may be revoked at any time in the sole discretion of the County. The employee must surrender the card immediately upon termination of employment.

**Any violation of the policies and procedures set forth in this section may be referred to the County Prosecutor for criminal prosecution and/or institution of civil litigation and may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual.**



Section 4:  
**EQUAL EMPLOYMENT  
OPPORTUNITY**

**4.01      Diversity Statement**

The County recognizes the value of diversity and all the benefits of fostering an inclusive work environment. All County employees should strive to create and support a work environment representative of the citizens we serve and reflective of the demographics of Cuyahoga County.

Diversity represents those human qualities that are different from our own and outside the groups to which we personally belong. Diversity incorporates the primary characteristics of age, ethnicity, gender, physical abilities and challenges, race and sexual orientation. Diversity dimensions also include educational background, geographic location, parental status, military experience, religious beliefs, and social, economic and political affiliation.

**4.02      Affirmative Action Policy**

Through affirmative action, the County seeks to enhance its equal employment opportunity goal and achieve equitable and sufficient representation of protected class members who have traditionally been underrepresented at all levels of employment and specifically where under-utilization exists.

The County shall make good faith efforts to recruit, train, hire, and promote members of these groups at sufficient levels. This includes preventing discrimination in hiring and promoting, providing access to varieties of jobs at all levels of pay and enhancing opportunities for these groups.



### **4.03**      **Equal Employment Opportunity Policy**

The County is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. Each employee has the right to work in an atmosphere which promotes equal opportunities and prohibits discriminatory practices, including harassment. It is the policy of the County to assure equal employment opportunities to all persons. The County strictly prohibits discrimination against any person in the recruitment, training, examination, appointment, retention, discipline or any other aspect of personnel administration based on any of the following characteristics (“protected characteristics”):

- Age
- Ancestry
- Disability
- Genetic Information
- Military Status
- National Origin
- Race
- Religion
- Sex / Gender
- Sexual Orientation
- Veteran Status

The County will not condone nor tolerate acts of discrimination and/or harassment, including sexual harassment, by any supervisor or employee under any circumstances. Appropriate corrective action will be taken if any employee is in violation of this policy.

Employees who feel that they have been discriminated against in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).

### **4.04**      **Workplace Harassment Policy**

In furtherance of its Equal Employment Opportunity Policy, the County strictly prohibits any form of “workplace harassment”. “Workplace harassment” is defined as:

- Conduct, whether verbal, non-verbal or physical;
- That is based on a person’s protected characteristic (*see above*); and
- Creates an intimidating, hostile or offensive work environment that unreasonably interferes with work or negatively affects an individual’s employment opportunities.

Workplace harassment can occur between co-workers, an employee and a supervisor/manager, or an employee and a non-employee who conducts business with the County.

### Sexual Harassment

The County's prohibition against "workplace harassment" includes a zero tolerance policy prohibiting sexual harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal, or physical conduct of a sexual nature that takes place under either of the following conditions:

- Submission to or rejection of this conduct by an individual is used explicitly or implicitly as a factor in decisions affecting hiring, evaluation, promotion, pay increases, termination or other aspects of employment; or
- This conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of sexual harassment include, but are not limited to:

- Unwanted sexual advances;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Repeated sexual jokes, flirtations, advances or propositions;
- Verbal abuse of a sexual nature - graphic, verbal commentary about an individuals' body, sexual prowess or sexual nature;
- Leering;
- Whistling;
- Touching or pinching;
- Assault;
- Coerced sexual acts;
- Suggestive insulting, obscene comments or gestures; and
- Display in the workplace of sexually suggestive objects, pictures or written material.

All forms of workplace harassment are unacceptable in the workplace itself and by any employee, in any setting involving business and outside the workplace, including but not limited to, other work-related settings such as business trips, holiday parties, office picnics and County approved events which employees attend.

Employees who feel that they have been subjected to harassment in violation of this Policy should immediately report their complaint in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).

## **4.05 Equal Employment Opportunity Complaint Procedure**

**Employees who feel that they have been subject to discrimination or harassment in violation of the policies set forth in this Manual should immediately report their complaint in accordance with the procedure in this section. An employee or applicant wishing to file a discrimination, harassment, and/or retaliation complaint should contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002.** Employees may also contact their immediate supervisor, their Department Director or Human Resources if they so choose. The supervisor, Director or Human Resources will then refer the matter to the Employment Relations Division.

If, after initial review of the complaint, it is determined that the complaint involves equal employment opportunity issues, the Employment Relations Division will initiate a thorough investigation into the complaint to determine whether there has been a violation of the Equal Employment Opportunity Policy, Workplace Harassment Policy, and/or Anti-Retaliation Policy. The investigation by the Employment Relations Division may include:

- Interviews of the complainant, the charged party and any other relevant witnesses;
- Requests for written statements by the complainant, the charged party and any other relevant witnesses; and
- Review of relevant documentation and personnel files.

Efforts will be made to complete the investigation in a prompt manner. The length of the investigation will vary based on the circumstances surrounding the investigation.

Information obtained in the course of investigations will remain confidential to the extent required by law. Information will be kept confidential unless disclosure is required to further the investigation or unless the County is required to release such information as a result of judicial, administrative or grievance proceedings or under the Ohio Public Records Law.

After obtaining and reviewing all necessary information, the Employment Relations Division will issue a determination as to whether there is probable cause to believe that the charged party has violated any of the County's equal employment opportunity policies. The complainant and the charged party will be informed in writing of the determination.

If the Employment Relations Division finds that there is probable cause, Human Resources in consultation with Department management, will determine the appropriate corrective action to remedy the violation. Corrective action for violations of County Equal Employment Opportunity, Workplace Harassment, and Retaliation Policies, includes, but is not limited to:

- Discipline, up to and including removal, of the charged party pursuant to the County Discipline Policy ([Section 13](#));
- Mediation referral ([Section 7.08](#));
- Training ([Section 13.10](#)); and/or
- Administrative transfers of employees to separate certain individuals.

Please contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002 with any questions regarding the Equal Employment Opportunity Complaint Procedure.

#### **4.06      Anti-Retaliation Policy**

The County strictly prohibits retaliatory action against an individual who opposes discrimination and/or harassment.

“Opposing discrimination and/or harassment” may include, but is not necessarily limited to:

- Filing a charge of discrimination or harassment;
- Cooperating with an internal or external investigation of alleged discrimination or harassment;
- Complaining to anyone about alleged discrimination against oneself or others;
- Threatening to file a charge of discrimination or harassment;
- Refusing to obey an order reasonably believed to be discriminatory;
- Picketing in opposition to discrimination; or
- Requesting a reasonable accommodation based on religion or disability.

“Retaliatory action” may include, but is not necessarily limited to:

- Employment actions, such as termination, refusal to hire and denial of promotions;
- Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references or increased surveillance; or
- Any other action such as an assault or unfounded civil or criminal charges that is likely to deter reasonable people from pursuing their rights.

Any action that is perceived to be retaliatory against an individual should be immediately reported in accordance with the County Equal Employment Opportunity Complaint Procedure (Section 4.05).



## 4.07      The Americans With Disabilities Act (“ADA”)

The County, in accordance with the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1990 (“ADA”), seeks to assure its employees that no individual will be discriminated against in a county workplace due to a disability. Under the ADA, the term disability means: "(a) A physical or mental impairment that substantially limits one or more major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment." Simply having a disability does not ensure ADA coverage.

An “ADA Reasonable Accommodation” may be provided to qualified employees. What constitutes a reasonable accommodation will vary from case to case depending on the needs of the position and of the qualified employee. There is no guarantee that a reasonable accommodation will exist for every situation.

The County seeks to ensure that individuals with a disability are hired and retained, and have reasonable access to County owned and leased facilities, as well as facilities occupied by providers under contract with the County to provide services.

### ADA Reasonable Accommodation Request Procedure

The County’s ADA Reasonable Accommodation Request Procedure serves to verify the existence of a disability and the need for an accommodation in testing, program accessibility, or employment.

**To request an ADA accommodation, the employee is required to either contact Human Resources or the Employment Relations Division (216-443-7190) to request a copy of the required forms.** The forms need to be returned to the Employment Relations Division, who will then contact the medical provider for verification of disability information provided by the employee.

Upon receipt of the required medical information, the Employment Relations Division will engage the employee in an interactive process to:

- Ascertain the individual's precise job-related limitations and how they can be overcome with reasonable accommodation; and
- To identify potential accommodations and assess the effectiveness of each.

The Employment Relations Division, with input from the employee, department management and other necessary professionals, will determine whether or not a reasonable accommodation may be fashioned, and whenever possible, will recommend an appropriate accommodation. The appropriate accommodation need not be the one desired by the employee.

The Employment Relations Division will forward a copy of their recommendation(s) to the Department Director. Once the Director approves the recommendation, the Employment Relations Division will then inform the employee. The Employment Relations Division will monitor the situation to ensure that the agreed upon accommodation is achieved and maintained as long as required.



## **4.08      Religious Accommodation**

In accordance with federal and state laws and County policy, the County prohibits discrimination on the basis of religion. The County provides reasonable accommodations for sincerely held religious beliefs and/or practices unless doing so would impose an undue hardship on the County. A reasonable religious accommodation is an adjustment to the work environment that will allow an employee to comply with his or her religious beliefs. An employee seeking a reasonable religious accommodation should initially approach their immediate supervisor to discuss their request. If the employee is not satisfied with their supervisor's response, the employee can forward their request to Human Resources for review. Human Resources will respond to the employee's request within a reasonable time.





## Section 5:

# EMPLOYMENT WITH THE COUNTY

### 5.01      Application

All persons applying for original appointment to a position under the County shall complete and file with Human Resources an "Employment Application Form".

No applicant shall be required to disclose their religious or political affiliation or racial or ethnic origin, except as necessary to gather equal employment opportunity or other statistics that, when collected, will not identify any specific individual.

### 5.02      Examinations

Appointments and promotions for positions in the classified service are made according to merit and fitness, which are evaluated through competitive examinations and/or other appropriate mechanisms as determined by the Director of Human Resources. An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination may involve structured interviews, assessment centers, work simulations, examination of knowledge, skills and abilities, and any other acceptable testing methods.

### 5.03      Employment Eligibility Verification

In accordance with the Immigration Reform and Control Act of 1986, the County is committed to employ only United States citizens and aliens lawfully authorized to work in the United States.

Employees hired after June 1, 1987, are required to complete Section 1 of Form I-9 Employment Eligibility Verification and present documentation within three working days to Human Resources to verify identity and employment eligibility.

Human Resources shall examine the documentation and, if satisfied, shall complete Section 2 of Form I-9 to record information. The completed Form I-9 shall be retained for three years or for one year past the employment of the individual, whichever is longer.



## **5.04      Applicant Drug Testing**

All final applicants tentatively offered a position under the County will be required to submit to urinalysis to test for illegal drug use prior to final appointment. An applicant with a positive test may not be offered employment for a period of one (1) year from the date of the positive test. Applicants shall have an opportunity to submit medical documentation of legally prescribed medications which may explain a positive test result.

**NOTE:** See Section 7.04 for more information on County drug/alcohol testing policies and procedures.

## **5.05      Criminal Background Check**

All outside applicants for employment may be required to submit to fingerprinting for a criminal background check. A criminal background check may also be required for current employees who are applying for certain types of positions under the County (e.g., positions working with children or seniors). The County in its discretion may also periodically conduct criminal background checks of current employees.

In addition to the performance of a criminal background check, all applicants for employment are required to disclose whether they have been convicted of any of the following crimes:

- Felonies (or under arrest for crime punishable as a felony);
- Crimes involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency);

**NOTE:** Current employees are required to disclose if they are arrested for certain crimes. See Section 13.07.

Conviction of a crime or a history of criminal convictions may prevent an applicant from being offered employment. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction. Current employees may also be subject to discipline, up to and including removal, pursuant to Section 13 of this Manual, if a background check reveals a criminal conviction.



## **5.06**      **New Hire Orientation / ID Badges**

All newly appointed employees are required to attend a general County employee orientation. Newly appointed employees may also be required to attend additional employee orientations as required by their respective department.

New employees will receive an identification badge from the County at no cost. Employees are required to wear their identification badges at all times while on County property or County business. It is the responsibility of the employee to contact their supervisor immediately if an identification badge is lost, stolen or damaged. Employees are required to request a new badge within five (5) working days. Employees will be charged a replacement fee to obtain a new badge. Non-compliance with this Section could subject the employee to disciplinary action under Section 13 of this Manual.

## **5.07**      **New-Hire Probationary Period**

All newly appointed employees to a non-bargaining, full or part-time classified position shall be required to successfully complete a probationary period of no less than one hundred eighty (180) calendar days, with its effective date beginning the date of appointment. No appointment is final until the employee has satisfactorily served the probationary period. A probationary employee may be removed or reduced at any time during the probationary period when, in the sole judgment of the County, the employee's fitness and/or quality of work are not such as to merit continuation in the position. A probationary employee has no right to appeal the removal or reduction under the Revised Code.

**NOTE:** The length of a probationary period for a part-time employee shall be determined in accordance with Ohio Administrative Code Section 123:1-19-04.

A longer probationary period, not in excess of one (1) year, may be established for specific job classifications. The Director of Human Resources may extend an employee's probationary period to allow additional time to review the employee's performance. No extension may be granted, however, if the extension would cause the total probationary period to exceed one (1) year.

Probationary employees will be evaluated with respect to performance efficiency twice during their probationary period. The first performance evaluation will be completed within thirty (30) days of the conclusion of the first half of the probationary period. The second evaluation will be completed within thirty days of completion of the probationary period, unless the employee is given a probationary removal or reduction, in which case the final evaluation will be made at the time of the removal or reduction. The final probationary evaluation shall state whether the employee is to be retained, removed or reduced.



The following time shall not be counted as part of the probationary period:

- Days spent on any unpaid leave of absence; or
- Days spent on a paid leave of absence for more than five (5) consecutive working days.

The employee's probationary period shall be extended by a number of days equal to the number of days that are not counted as part of the probationary period. For example, an employee who misses 10 consecutive working days on paid sick leave will have their probationary period automatically extended for 10 working days.

**NOTE:** Probationary periods and probationary evaluation requirements for bargaining unit employees are set forth in each applicable collective bargaining agreement.

## **5.08      Performance Evaluation**

Performance evaluations are an opportunity for management to assess work performance of employees and to provide them with instructive feedback. Classified employees will be evaluated with respect to performance efficiency on a schedule determined by the Director of Human resources. Each evaluation shall measure the employee's performance for the year immediately preceding the evaluation date.

Each employee will be evaluated by their immediate supervisor. Upon completion of their evaluation, the evaluator shall prepare a Performance Evaluation Form and review it with the employee. The employee shall sign the evaluation to indicate that he or she has received a copy of the completed form. The employee's signature on the form does not indicate agreement with its contents; it merely acknowledges receipt of the form. Refusal of the employee to sign the form shall constitute waiver of the employee's appeal rights outlined below.

Employees who disagree with their performance evaluation are entitled to prepare a rebuttal statement that will be attached to their evaluation prior to placement in the employee's personnel file.

**NOTE:** Bargaining unit employees should refer to their collective bargaining agreement for information on performance evaluations.



## 5.09      Non-Bargaining Position Audits

Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit.

An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.

The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a **onetime** extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.

Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will send results of the position audit to the employee by certified mail to the address listed on the employee's Request for Position Audit Form with a copy to the Department Director. The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Human Resources Commission (HRC) within thirty (30) days of receipt of the letter of notification from Human Resources.

**NOTE:** Employees may lose their appeal rights if their own negligence caused them to fail to receive the position audit decision from Human Resources (i.e., failure to list correct mailing address on Request for Position Audit Form or failure to sign for the certified letter).

If the position audit results in the employee being reassigned to a classification in a higher pay range, the employee's rate of pay shall be adjusted to either the minimum of the new pay range or to the lowest step in the range which will reflect an increase of at least 5%, whichever is the greater increase.

If the position audit results in the employee being reassigned to a classification in a lower pay range, the employee's rate of pay will not be reduced. If the compensation of the reassigned employee exceeds the maximum step of the new pay range, however, the employee will be placed in step X and will not receive an increase in compensation until the maximum rate of pay for the new classification exceeds the employee's rate of pay.



If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee will be adjusted to the same step in the new pay range.

If the position audit results in the employee being reassigned to a classification in a higher pay range, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive).

If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. Similarly situated employees will not be entitled to retroactive pay increases.

An employee may withdraw the request for a position audit at any time prior to a decision being rendered. An employee may not request a position audit more than once in a twelve-month (12) rolling period unless documentation acceptable to the Director of Human Resources is provided at the time of the second request that the job has substantially changed since the date of the completion of the previous audit.

An employee who has received a classification change pursuant to this Section is not required to serve a new probationary period.

**NOTE:** Bargaining unit employees should refer to their collective bargaining agreement for information on position audits.

## **5.10**      **Promotion**

Promotions for positions in the classified service shall be made according to merit and fitness. Competitive examinations or other appropriate mechanisms to determine merit and fitness shall be utilized unless deemed impracticable by the Director of Human Resources.

Whenever a current employee is selected to fill a position which is in a higher pay range, the employee will be adjusted to the minimum of the new pay range, or be placed on a step in the higher pay range that reflects at least a five percent (5%) increase in his or her salary, whichever is greater. At no time will an employee be eligible for promotion while serving a probationary period.



## **5.11**      **Promotional Probationary Period**

All newly promoted classified employees shall be required to successfully complete a probationary period of one hundred eighty (180) days. The promotional probationary period follows the same procedures as the New Employee Probationary Period ([Section 5.07](#)) with regard to extension of the period, applicability of time spent on unpaid leave of absence and evaluation. No promotion is final until the employee has served the probationary period.

If an employee accepts a promotion and is found to be unsatisfactory in the advanced position, the employee shall be returned to the position from which the employee was promoted or to a similar position. Upon such return, the employee's salary shall be the same that the employee was receiving prior to promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification.

Any employee failing a promotional probationary period shall have the right to appeal through the Employee Complaint Procedure ([Section 17.03](#)) within five days following issuance of notice of failure of probationary period. A probationary employee, however, has no right to appeal the removal or reduction under the Revised Code.

## **5.12**      **Temporary Working Level (TWL)**

A TWL pay adjustment may be granted when an employee is temporarily assigned a significant amount of the duties of a position with a higher pay range for a minimum of a two (2) week period, but not to exceed one (1) year.

The employee must meet the minimum requirements for the position in the higher pay range to be granted a TWL pay adjustment. An employee that is granted a TWL pay adjustment will be placed on a step that reflects at least a 5% increase in his or her salary, or the lowest step in the higher pay range, whichever is greater.

## **5.13**      **Lateral Class Change**

A lateral classification change involves the movement of an employee, with the employee's consent, from one classification to another classification that is assigned to the same pay range or to a pay range in which the step one rate is the same as the step one rate as the classification from which the employee moves. An employee who accepts a lateral classification change will not have their pay adjusted and will not be subject to a probationary period.

**NOTE:** The filing of a Request for Position Audit ([Section 5.10](#)) constitutes the employee's consent to a lateral classification change should that be the ultimate decision at the end of the position audit process.



## **5.14      Demotion**

A demotion is a reduction in rank or position to a classification which carries a lower salary range than that previously held. A demotion shall only be made for one or more of the offenses set forth in Section 13.08 of this Manual, except when the employee voluntarily agrees to a demotion in writing.

An employee who is demoted will be placed on a step in the lower pay range which reflects at least a 5% decrease in salary or be adjusted to the maximum of the pay range of the new position, whichever is the greater reduction in salary.

## **5.15      Reduction**

“Reduction” means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range with an accompanying diminution in compensation, or any decrease in compensation for an employee. A reduction shall only be made for one or more of the offenses set forth in the Section 13.08 of this Manual, except when the employee voluntarily agrees to a reduction in writing.

## **5.16      Resignation - Voluntary Termination of Employment**

An employee may resign his or her employment with the County by submitting sufficient notice to the Department or Human Resources. Upon receipt of an employee’s notice of Resignation, the Director of Human Resources will confirm acceptance of the employee’s resignation to the employee in writing. A resignation notice may not be rescinded by an employee after acceptance by the Director, unless, in their sole discretion, the County accepts the employee’s request to rescind.

Employees are requested, where possible, to provide fourteen (14) days advance written notice of their intended resignation.

## **5.17      Removal – Involuntary Termination of Employment**

Removal is an involuntary termination of County employment. A removal shall only be made for one or more of the offenses set forth in Section 13.08 of this Manual. Employees who are removed may appeal the removal to the HRC or in accordance with the terms of their collective bargaining agreement (See Section 13.12 of this Manual for more information regarding an employee’s right to appeal a removal action.)





## 5.18      Layoffs

County employees in the classified service may be laid off whenever a reduction in force is necessary due one or more of the following reasons:

- Lack of funds;
- Lack of work; or
- The abolishment of positions as a result of reorganization for the efficient operation of the County, for reasons of economy, or for lack of work.

Whenever it becomes necessary for the County to reduce its workforce, the County shall lay off employees or abolish their positions in accordance with the Revised Code and the administrative rules promulgated thereunder. Employees should refer to the applicable Ohio Revised Code and Ohio Administrative Code sections for detailed information regarding retention points, order of layoff, displacement rights and reinstatement rights.

**NOTE:** Bargaining employees should refer to their respective collective bargaining agreement for information regarding to layoffs.

## 5.19      Disability Separation

An employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury or condition may be disability separated. A disability separation may be voluntary or involuntary.

### Eligibility

An employee is eligible for disability separation if both of the following conditions are met:

1. The employee is unable to perform the essential job duties of his or her position due to a disabling illness injury or condition; and
2. The employee has exhausted all of his or her paid sick leave and applicable unpaid leave.

When the employee does not dispute his or her inability to perform the essential job duties of his or her position due to a disabling illness, injury or condition, the disability separation process is considered “**voluntary**” and the following conditions apply:

- The County may grant the employee’s request for voluntary disability separation or may require the employee to submit to a medical or psychological fitness for duty examination with a physician chosen by the County. If the examination supports the employee’s request, the County shall grant the employee’s request. If the medical examination does not support the employee’s request, the County will not approve the request.
- An employee who is granted a voluntary disability separation waives his or her right to a pre-separation hearing and to any appeal of the decision to approve his or her request.



- An employee who is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability in accordance with the procedure established below.

When there is a dispute between the County and the employee as to the employee's ability to perform the essential job duties of his or her position, the disability separation process is considered "**involuntary**" and the following conditions apply:

- The County must have substantial credible medical evidence of an employee's disabling illness, injury or condition (e.g., a fitness for duty examination finding the employee unfit for duty).
- The County must determine that the employee is unable to perform any of his or her essential job duties.
- The County will institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy two (72) hours in advance of the hearing. If the employee does not waive his or her right to the hearing in writing, the hearing shall go forward and the employee has the right to examine the County's evidence of disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.
- If the County determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is unable to perform his or her essential job duties, then the County shall issue an involuntary disability separation order.
- An involuntarily disability separated employee shall have the right to appeal in writing to HRC within ten (10) days following the date the order is served.
- An employee shall have the right to request reinstatement to his or her position for two (2) years from the date of separation.

Reinstatement

An employee on disability separation may make a written request to the County for reinstatement from the separation. An employee may not make a first request for reinstatement until three (3) months from the date the employee was no longer in active work status. The County shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty (60) days after it receives the employee's written request. The employee shall not make subsequent requests for reinstatement more than once every three (3) months from the date the employee is notified of a reinstatement denial.

**An employee is not eligible for reinstatement if the request occurs later than two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury or condition.**



**NOTE:** For purposes of reinstatement under this Section, the date of separation is the date in which the employee was no longer performing active work status due to the disabling illness, injury or condition. If an employee attempts to return to work but fails to perform the essential job duties for six (6) consecutive months, the employee's effective date of separation does not change.

An employee's request for reinstatement shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the employee's essential job duties. Upon receipt of this evidence, the County shall either reinstate the employee or require the employee to submit to a medical or psychological fitness for duty examination. If the County determines that the employee is unable to perform his or her essential job duties, the County will institute a pre-reinstatement hearing.

An employee shall be provided written notice at least seventy two (72) hours in advance of the pre-reinstatement hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has a right to examine the County's evidence of continuing disability, to rebut that evidence, and to present testimony and evidence on his or her own behalf.

If the County finds the employee incapable of performing essential duties, the County will not reinstate the employee. The employee will be notified of this decision in writing and shall have the right to appeal in writing to HRC within thirty (30) days of receiving the decision.

If the County determines that the employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or is no longer utilized by the County, the employee shall be placed in a similar classification. If no similar classification exists, or if the employee no longer meets the minimum qualifications, the employee may be laid off in accordance with the Ohio Revised Code or in accordance with an applicable collective bargaining agreement.

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years.

**NOTE:** If the employee has been granted disability benefits by OPERS, the reinstatement requirements of this Section may apply for up to five years. See Section 5.20 of this Manual for more details.

## **5.20      Disability Retirement**

County employees who are unable to perform the essential job duties of his or her position on a permanent basis due to a disabling illness, injury or medical condition, may be eligible for disability retirement through OPERS. Employees must contact OPERS to initiate the disability retirement process. Contact information for OPERS can be found in Section 11.06 of this Manual.



## Section 6: **WORKWEEK AND HOURS / PAYROLL**

### **6.01      Compliance with the Fair Labor Standards Act (FLSA)**

The FLSA is a federal law which requires that certain employees be paid at least the federal minimum wage for all hours worked and overtime for all hours worked over forty (40) hours in a workweek. It is County policy to comply with all requirements of the FLSA. In accordance with this policy, all positions with the County are categorized as either “non-exempt” or “exempt” based on the nature of the positions:

- **Non-Exempt Employees** – Non-exempt employees receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek.
- **Exempt Employees** – Exempt employees do not receive compensatory time or overtime for time worked beyond forty (40) hours in a workweek. Subject to the provisions of 6.08 of this Manual, however, exempt employees may be eligible to receive exchange time for time worked beyond (40) hours.

An employee who believes that he or she has been improperly categorized as exempt or his or her paycheck has been improperly docked may file a complaint in accordance with the County FLSA Complaint Process ([Section 17.02](#)). If the County determines that the employee has been improperly categorized or docked, the employee will be re-categorized and/or reimbursed.

### **6.02      Attendance Records**

Human Resources utilizes two methods for capturing time worked by employees: (1) timesheets – including paper and electronic forms; and (2) automated time recording system. The following attendance records policies and procedures are established pursuant to principles of public accountability. Attendance records are public records.

Each employee is generally required to record or clock his or her time at the moment of arriving to commence work and departing for the workday. Supervisors will arrange for a sign in/out procedure to be in place for all employees who are required to report directly to a worksite away from the location where the normal sign in/out procedure takes place. The employee, however, is solely responsible for accurately completing and signing his or her own timesheet.

**Falsification of a timesheet is grounds for discipline, up to and including removal.**

Employees who do not report to work on time are in violation of the Attendance Control Policy (Section 14.03). When an employee is tardy without approved leave (i.e., sick/vacation/FMLA), the time taken will be without pay and will be cumulative toward the employee AWOL hours (see Section 14.02).

### **6.03      Timesheet Recordkeeping**

Timesheets (paper or electronic) are to be used to record reasons for absences and additional hours worked which qualify for overtime, compensatory time and/or exchange time. Timesheets will include the following codes for all the various possibilities for absences:

<b>Reason for Absence</b>	<b>Timesheet Code</b>	<b>Policy Manual Section</b>
Abbreviated Work Day	AWD	1.06
Absent w/out Official Leave	AWOL	14.02
Compensatory Time Leave	CT	9.04
Court/Jury Duty/HRC Leave	CL	9.07
Exchange Time Leave	ET	9.05
Extended Unpaid Sick/Medical Leave	LOA	9.09
FMLA Leave	FMLA	8
Holiday	H	6.09
Holiday w/out Pay	HX	N/A
Leave Donation	SLD	9.08
New-Hire Administrative Leave	ALX	9.09
Paid Administrative Leave	AL	13.09
Paid Military Leave	ML	10.01
Personal Day	PD	N/A
Personal Leave of Absence	LOA	9.09
Sick Leave	S	9.03/9.06
Suspension w/out Pay	SUSX	13.09
Suspension w/Pay	SUS	13.09
Unpaid Military Leave	MLX	10.02
Vacation Leave	V	9.02
Voluntary Work Reduction	VWR	6.06
Worker's Compensation Leave w/out Pay	WCX	12.04

**Each employee is responsible for ensuring that the employee has adequate available leave time when requesting/claiming leave time on his or her timesheet. Employees who claim leave time that they do not have will be considered AWOL for the claimed period of time (See Section 14.02).**



Employees shall adhere to the following procedure for accurately completing their timesheet:

- Accurately record the time they **began work and the time that they ended working** for each regular working day;
- Determine the number of hours and minutes worked each day (only if utilizing paper timesheet);
- Convert the time worked or time off to a decimal (only if utilizing paper timesheet);
- If time worked is less than the scheduled workday, note the hours off and indicate the reason for the absence (only if utilizing paper timesheet);
- Add the weekly regular, overtime, compensatory and exchange hours for each week to reflect in the breakdown of hours worked on the timesheet (only if utilizing paper timesheet); and
- Sign or electronically submit the timesheet to indicate their confirmation of the times noted as the arrival and departure for each day.

The sum of work time, authorized leave and time without pay shall not exceed the amount of time an employee would have been regularly scheduled to work in any day, unless overtime/compensatory time/exchange time was required and authorized by the supervisor/department head.

Upon the validation of the timesheet by the employee, the supervisor shall review the timesheet to certify that the employee rendered the time indicated on the timesheet. Supervisors are accountable for their employees' whereabouts at all times. If the supervisor is satisfied that the employee's timesheet accurately reflects the employee's attendance for the week, the supervisor shall sign or electronically submit the timesheet to reflect the authorization of hours to be paid.

Upon the completion and validation of timesheets, the supervisor (or designee) must ensure that signatures by each employee and the supervisor are included. All completed timesheets must be forwarded on a weekly basis to the appropriate payroll administrator for record keeping and processing.

**Falsification of a timesheet by an employee or a supervisor is a violation of the County's Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.**



## **6.04      Automated Time Recordkeeping**

The second method for time recording utilized by the County is by automated time recording mechanism (e.g., Timelink). The automated payroll system is a precise measure of time and attendance which is based upon keypunches and/or card swipes. No grace period exists for employees who utilize the automated time recording mechanism. Therefore, should an employee key or swipe in after their scheduled time to work or before their scheduled shift ends, the system will note the late arrival or early departure and accordingly dock the earnings of the employee.

Employees who utilize the automated time recording mechanism must do so at their assigned worksite. It is the responsibility of each employee to punch in at the start of the shift and out at the conclusion of the shift. Early arrivals and late departures will not be counted as overtime unless previously approved by a supervisor.

**Under no circumstances may an employee swipe/key another employee in at the beginning of a shift or out for the end of a shift. Violation of this provision may result in disciplinary action, up to and including removal.**

## **6.05      Standard Workweek and Hours**

The normal workweek for full-time County employees is five (5) days per week, usually Monday through Friday. The normal workday is from 8:30 a.m. to 4:30 p.m., with a paid lunch period of uniform duration established by the Department head to meet the operating needs of the Department. The normal workweek and standard hours of work may vary based on operation needs, and/or in cases of 7-day/24-hour-a-day operations or in situations covered by a collective bargaining agreement.

**NOTE:** A non-exempt employee may not work beyond the standard hours of work so as to exceed the normal forty-hour workweek without prior authorization by the employee's supervisor.

In the case of unexcused absences or absence without approved leave, the time missed will be without pay and will be recorded as AWOL pursuant to Section 14.02.



## 6.06 Flextime / Reduced Work Hours

Department Directors, in their sole discretion, may authorize employees to participate in flextime. Those authorized to participate in flextime are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy (Section 14). Participation in flextime does not eliminate any of the work rule requirements mandated in this Manual. Department Directors, in their sole discretion, may revoke the offer of flextime at any time.

**NOTE:** No flextime options permit employees to work before 7:00 a.m. or beyond 6:00 p.m. unless absolutely necessary for County operations.

### *Flextime Options*

#### OPTION A – Core Hours

- Permits employees to choose, on a day to day basis, a work schedule beginning as early as 7:00 a.m. and as late as 10:00 a.m.
- An employee's workday will end eight (8) hours from the time they arrive.
- All employees are required to be present during the "core hours" of 10:00 a.m. to 3:00 p.m.

#### OPTION B – Four (4) Day Work Week

- Permits employees to work four (4) ten (10) hour days.
- Directors and Division Managers are excluded from participation in this Option.
- Department heads may select from three different plans for reallocating the number of workdays from five (5) to four (4) days:
  - **Plan 1** – Department as a whole operates four days. All employees are scheduled to work the same days (i.e., Monday through Thursday; Tuesday through Friday or Thursday through Sunday).
  - **Plan 2** – Department operates five (5) days a week with each employee working only four days – days off are staggered among teams of employees.
  - **Plan 3** – Department operates seven days a week, each employee working four days – schedule alternates as necessary.
- Holiday Scheduling – Employees on the four (4) day work week will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs

#### OPTION C – Selected Daily Work Hours

- Employee may select a different number of work hours each day.
- Total selected hours must equal forty (40) hours each workweek.
- No less than five (5) hours or more than ten (10) hours may be worked in one day.
- This plan may include Saturday as a workday.
- Holiday Scheduling – Employees who are on selected daily work hours will revert to a five (5) day, eight (8) hour schedule during each week in which a holiday occurs.



### Voluntary Work Reduction

Timesheet Code: VWR

Department Directors, in their sole discretion, may authorize employees to participate in a voluntary work reduction program. A voluntary work reduction involves a decrease in an employee's amount of hours worked. Those authorized to participate in a voluntary work reduction program are required to comply with all other policies and procedures, including, but not limited to, the requirements of this Section and the Attendance Control Policy (Section 14). Participation in a voluntary work reduction program does not eliminate any of the work rule requirements mandated in this Manual. The Department Director, in their sole discretion, may revoke the offer of a voluntary work reduction program at any time.

**NOTE:** Exempt employees who participate in a voluntary work reduction program shall not be eligible to accumulate exchange time.

### Cost Savings Days

In their sole discretion, the County may establish mandatory or voluntary cost savings programs in accordance with the authority granted by the Revised Code. A cost savings program involves the taking of unpaid cost savings days ("furlough days") by County employees.

## **6.07**      **Lunch / Breaks**

Unless otherwise specified in a collective bargaining agreement, County employees will receive a one-hour paid lunch period. In addition, County employees may receive two paid rest breaks of fifteen (15) minutes in duration. All rest breaks and lunch periods are to be scheduled by the employee's immediate supervisor based on the operational needs of their unit and in accordance with the following provisions:

- One rest break shall be taken in the first half of the work day and one shall be taken in the second half of the work day;
- Rest breaks shall not abut the end or beginning of the lunch period;
- Rest breaks and lunch periods cannot be used to make-up tardiness or quitting early. For example, an employee who is scheduled to end his or her day at 4:30 may not leave for the day at 3:30 p.m. and take his or her lunch from 3:30 to 4:30 p.m.; and
- An employee must return to work after a lunch period for that period to be considered a lunch period. For example, an employee may not take his or her lunch period from 12 p.m. to 1 p.m. and then take sick leave from 1 p.m. until the end of the day. The employee will be required to use his or her own leave time to cover the period from 12 p.m. to 1 p.m. If, however, the employee only used sick leave from 1 p.m. until 2 p.m. and returned to work for the remainder of the day, the 12 p.m. to 1 p.m. period would be considered a proper lunch period.



## 6.08      Overtime, Compensatory Time and Exchange Time (Accrual)

The accrual and use (*See Sections 9.04 and 9.05*) of all overtime/compensatory time/exchange time must be prior approved by an employee's supervisor.

Employees are not permitted to accrue or use compensatory time or exchange time without prior approval by the employee's supervisor

### Compensatory Time / Overtime

In accordance with Section 6.01 of this Manual, employees in non-exempt positions who **are required to or are granted prior authorization** to work beyond forty (40) hours in a work week shall accrue compensatory time at a rate of one and one-half (1 ½) hours for every hour worked beyond forty (40) hours. **It is incumbent upon management (including front-line supervisors) to direct their unit operations and/or employee workload so that non-exempt employees do not perform unscheduled work that results in overtime or compensatory time liability.** It is the duty of unit management to exercise control so that work is not performed by non-exempt employees outside of their normal scheduled work hours unless the additional work time has been authorized.

To avoid overtime or compensatory time liability, a supervisor may direct a "temporary schedule change" within the same workweek so that a non-exempt employee's hours in a paid status within the workweek do not exceed forty hours. For example: Employee (a non-exempt employee) has a typical M-F, 8:30 - 4:30 schedule. The supervisor asks Employee to stay 2 hours late on Wednesday to finish a critical project. If Employee works the remainder of the standard work schedule through the end of the week, Employee will have worked 42 hours, and shall be entitled to overtime or compensatory time for the additional 2 hours. To avoid the overtime or compensatory time liability, the supervisor may direct Employee to work two fewer hours on Thursday or Friday of the same week to maintain the employee's work week at the standard forty hours. **The extra time worked and the reduced work hours must be within the same week (Sunday to Saturday) in order for a temporary schedule change to be effective to avoid unnecessary overtime or compensatory time liability.**

**NOTE:** A "temporary schedule change" is a separate and distinct concept from a flexible work schedule (Section 6.06). A temporary schedule change must be pre-approved by an employee's supervisor and does not constitute a permanent change to an employee's regular work schedule. Non-exempt employee's who work beyond their regular work schedule without prior authorization may be subject to disciplinary action, up to and including termination of employment. A supervisor shall only approve a "temporary schedule change" as a means to avoid overtime or compensatory time liability in extraordinary situations in which a non-exempt employee is required to work additional hours on a particular day during a workweek.



Supervisors must ensure that the employees for whom they sign timesheets understand and comply with the policy on non-exempt overtime/compensatory time. Employees who do not comply with the policy and proceed to work unauthorized overtime should be counseled, the discussion should be documented, and progressive discipline should be initiated with Human Resources for further violations. Supervisors who do not regulate their employees' work hours may also be subject to disciplinary action.

The maximum amount of compensatory time a non-exempt employee may accrue is two hundred forty (240) hours, unless the employee works in a public safety, emergency response position, in which case the maximum is four hundred eighty (480) hours. Employees who have accrued unused compensatory time up to these limits will be paid overtime on a time and one-half basis for all additional overtime worked.

Accrued compensatory time may be used in accordance with Section 9.04 of this Manual. At the sole discretion of the County, non-exempt employees may be paid overtime on a time and one-half basis in lieu of accrual of compensatory time.

#### Exchange Time

Employees in overtime-exempt positions may receive exchange time on an hour-for-hour basis for time worked beyond forty (40) hours in a work week, provided the following:

- There is a compelling, extraordinary reason for the exempt employee to be required to stay beyond normal working hours – staying to finish up normal assignments does not qualify;
- There is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be required to work the overtime or be granted **prior** authorization by their supervisor to work the additional hours; and
- The required or authorized increment of additional time is greater than one-half hour per day of required additional time.

After the initial half-hour period is accrued, exchange time is accrued in increments of one-minute. The maximum balance of exchange time an exempt employee may maintain is forty (40) hours.

Accrued exchange time may be used in accordance with Section 9.05 of this Manual.



## **6.09      Holidays**

Timesheet Code: H

All County employees are entitled to eight (8) hours of holiday pay for:

New Year's Day	Columbus Day
Martin Luther King Day	Veterans Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	

In the event that any of the aforementioned holidays falls on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the aforementioned holidays fall on Sunday, the Monday immediately following shall be observed as the holiday.

**NOTE:** Bargaining unit employees should refer to their respective collective bargaining agreement for applicable provisions on holidays and holiday pay.

If the employee's work schedule is other than Monday through Friday, he or she is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which they are observed.

An employee in a non-exempt position who is required to work on a day designated as holiday by this Section shall be entitled to pay for such time worked at overtime rates in addition to his or her regular pay. An employee in an exempt position who is required to work on a day designated as a holiday shall be entitled to exchange time on an hour-for-hour basis for all hours worked in addition to their regular pay.

Temporary employees are not entitled to holiday pay. Part-time/permanent employees are entitled to holiday pay for a portion of the holiday based on the number of hours that they are regularly scheduled to work on the day that the holiday falls.

Employees who are in an unpaid status on the regular work day immediately preceding or following the holiday are not eligible for holiday pay.

## **6.10      Payroll System**

The County's compensation schedule is based on a two-week or eighty-hour (80) pay period, which begins on Sunday morning and ends on Saturday night. Paychecks are distributed on Friday's of pay weeks.



## **6.11**      **Payroll Deductions**

There are two types of payroll deductions that the County shall be authorized to make from employee wages:

### **Mandatory**

- Federal, state and local withholding taxes
- Ohio Public Employees Retirement System (OPERS)
- Garnishments
- Court ordered child or spousal support
- Medicare portion of Social Security for employees hired after April 1, 1986
- Union dues / Fair Share Fees

**Voluntary:** Employees may authorize deductions from wages for (these options are subject to change periodically at management's discretion):

- Benefit selections
- Charity Choice contributions
- RTA bus passes and vehicle parking, subsidized monthly
- Purchase of prior Ohio service time (contact OPERS @ 614-466-2085)
- Deferred compensation contributions
  - County Commissioners Association of Ohio Deferred Compensation Program (800-423-3699)
  - Ohio Public Employees Deferred Compensation Program (877-644-6457)
  - Financial Network of America (800-837-9190)
- Credit union deductions
  - Cleveland Postal Employees Credit Union (located in basement of County Administration Building – 443-7290)
  - United Telephone Credit Union (440-333-6366)

Employees interested in taking advantage of any of these voluntary deductions should contact the Payroll Division at (216) 443-7380 for more information.

## **6.12**      **Direct Deposit Program**

In lieu of paper paychecks, the County can electronically transfer net pay into an employee's checking or savings account at the financial institution of the employee's choice. Employees interested in participating in the Direct Deposit Program should contact the Payroll Division at (216) 443-7380 for more information or complete a Direct Deposit Authorization Form on the MyHR website and submit it to the Payroll Division.



## **6.13      Savings Programs**

Employees of the County may be eligible to participate in various savings programs through payroll deduction, including:

- Deferred compensation investment; and
- Credit union savings accounts.

Employees interested in any of these programs should contact the Payroll Division at (216) 443-7380 or refer to the County intranet for more information.

## **6.14      Payment Upon Separation from Employment with County**

Compensation for accrued vacation leave and compensatory time will be included in the last paycheck.

No employee shall be paid for any unused sick leave upon termination of employment, except that, upon retirement, an employee with ten (10) or more years of service may receive cash payment for one-fourth (1/4) the value of the accrued, but unused sick leave credit, not to exceed 240 hours (30 days).



## Section 7: **WORKPLACE WELLNESS**

### **7.01      Drug-Free Workplace**

The County is committed to maintaining a drug-free workplace. All County employees are required to abide by the County Drug Free Workplace Policy. Employees who abuse alcohol and other controlled substances or who use illegal drugs violate this policy and undermine the County's goal of providing responsible and professional service to the public. Employees who violate the County's Drug Free Workplace Policy are subject to discipline up to and including removal.

All individuals who have received a job offer with the County are required to submit to a test for alcohol and/or illegal drugs pursuant to Section 5.04 of this Manual. Current employees may be tested pursuant to the County Fitness for Duty Program (Section 7.04) when there is a reasonable suspicion of impairment or post-accident.

Employees whose jobs require them to possess a commercial driver's license (CDL) and who drive vehicles for which testing is required under Federal regulations are also subject to alcohol and drug testing pursuant to Federal law.

In addition, since early identification and treatment are safeguards to job investment for both the County and its employees, employees who have a substance abuse problem are encouraged to voluntarily seek treatment.

### **7.02      Smoke-free Workplace**

The County passed a resolution approving a smoke-free workplace policy effective August 1, 1994. It provides (in relevant part) that:

“...Be it further resolved that smoking will be strictly prohibited within all areas of County owned or leased buildings including: offices, hallways, entrance ways, lobbies and waiting areas, reception areas, rest rooms, cafeterias, snack bars, elevators, stairwells, meeting and conference rooms, kitchen areas, parking garages and **areas immediately adjacent to any entrances...**”

Furthermore, the Revised Code prohibits smoking in any “public place” or “place of employment”, including **any place adjacent to locations of ingress or egress to the public place or place of employment.**





**NOTE:** Smoking is also prohibited in all County vehicles (*See Section 16.03*).

An employee wishing to report a violation of this Section should:

- If the violation is occurring on County-owned property or is being committed by a County Employee – contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578).
- If the violation is occurring on non-County-owned property by a non-County employee (i.e., County-leased property) – contact the Ohio Department of Health Smoking Ban Hotline at 1-866-559-OHIO (6446).

In addition to the penalties proscribed by the Revised Code, employees of the County who violate this section may be subjected to discipline, up to and including removal.

### **7.03 Employee Assistance Program (EAP)**

Employee Assistance Program (EAP) services assist County employees with resolving personal and family related problems which adversely affect work, relationships, and quality of life. EAP services also help identify and alleviate obstacles to maintaining good mental and personal health.

Participation in the program is voluntary and available to all employees, their family members and County retirees. The County pays all costs related to EAP enrollment. EAP services include:

- Assessment of problem areas;
- Counseling, if necessary; and
- Referral to additional support services for more comprehensive treatment.

If extended treatment or counseling is required, an employee's health plan may cover most costs.

All communications with the EAP are confidential and employees who participate are assured that their job, future, and reputation will neither be jeopardized nor benefited by utilizing the EAP program. It is the responsibility of the employee to follow through with referrals for assessment of a problem and to follow recommendations of the diagnostician or counseling agent.

**Employees interested in using the EAP services or who have questions regarding the program should contact Human Resources or the County's EAP provider:**

Ease@Work  
(216) 241-EASE (3273) or (800) 521-3273  
[www.easeatwork.com/EASEy](http://www.easeatwork.com/EASEy)  
Username: COUNTY  
Password: EASE



## **7.04      Fitness for Duty – Drug and Alcohol Testing**

In accordance with its Drug Free Workplace Policy, the County has established the following Fitness for Duty/Drug and Alcohol Testing Program.

**NOTE:** Bargaining unit employees should refer to their collective bargaining agreement for information regarding drug and alcohol testing.

### Reasonable Suspicion

If a supervisor or Department manager/Director has a reasonable suspicion that an employee may be under the influence of drugs and/or alcohol, the supervisor shall immediately:

- If during regular business hours (8:30 a.m. – 4:30 p.m.), contact the Fitness for Duty Coordinator at 216-443-7630.
- If before or after regular business hours, contact the Protective Services Division at (216) 443-2141

The Fitness for Duty Coordinator will come to the worksite and perform an evaluation of the employee. If the Fitness for Duty Coordinator, in consultation with Department management, determines that a drug and/or alcohol test is appropriate, the employee's immediate supervisor and another member of Department management will be required to sign a Reasonable Suspicion Form.

The employee will then be asked whether he or she is willing to submit to a drug and/or alcohol test. If the employee refuses, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*).

If the employee agrees to the drug and/or alcohol test, he or she will be escorted by either the Fitness for Duty Coordinator or a Protective Services representative to an approved testing site. If the employee leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to their worksite or to their residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.

### Post-Accident

Employees involved in a vehicle accident as defined under Section 16.04 of this Manual, must follow the reporting procedures outlined in that Section. Upon being notified of a vehicle accident by the employer's supervisor and/or Protective Services, the Fitness for Duty Coordinator will consult with the appropriate parties and determine whether a drug and/or alcohol test is appropriate.

If the Fitness for Duty Coordinator determines that a drug and/or alcohol test is appropriate, the Fitness for Duty Coordinator or a representative from Protective Services will meet the employee at the accident site and take him or her directly to an approved testing facility. If the employee needs to seek immediate medical attention, the Fitness for Duty Coordinator will attempt to contact the medical facility where the employee seeks treatment in order to arrange for a drug and/or alcohol test of the employee.

If the employee refuses to submit to the test or leaves the testing site at any point prior to being tested, the employee will be treated as having tested positive and will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). Upon conclusion of the test, the Fitness for Duty Coordinator will determine whether the employee will be taken back to his or her worksite or residence. The leave status of the employee during this period of time will be determined by the County in light of the particular circumstances of each case.

If the employee's test results are positive, the employee will be referred to and disciplined in accordance with the Fitness for Duty Program (*see below*). If the employee's test results are negative, the investigation will be closed by the Fitness for Duty Coordinator.

Employees involved in a non-vehicle related accident on work time may be required to submit to a drug and/or alcohol test pursuant to the County's Workers' Compensation Procedures (Section 12.02). The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code Section 4123.54 and Chapter 4121 of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program (*see below*).

### Commercial Driver License

In accordance with rules issued by the U.S. Department of Transportation (49 C.F.R. 382), the Ohio Department of Transportation (Section 4506 of the Ohio Revised Code) and the County's Drug-Free Workplace Program, employees who are required by the County to have a Commercial Driver License (CDL) are subject to drug and alcohol testing.



### Fitness for Duty Program

New-hire probationary employees are not eligible to participate in the Fitness for Duty Program. If a new-hire probationary employee tests positive for drugs or alcohol under any of the above-cited testing procedures, he or she will be immediately removed from employment with the County.

All non-new-hire probationary employees who test positive for drugs and/or alcohol pursuant to a “reasonable suspicion” or “post-accident” test will be offered a chance to enroll in the Fitness for Duty Program. If the employee declines to enroll in the Program, he or she will be removed from their employment with the County based on the positive test. If the employee enrolls in the program, they will be required to sign a “last chance agreement”.

Employees enrolled in the Fitness for Duty Program will be required to submit to intensive outpatient treatment through the County’s EAP. Employees who refuse or neglect to seek treatment will be in violation of the terms of their Fitness for Duty Agreement and will be removed from employment with the County. The employee will also be subject to random drug/alcohol tests for the duration of the two-year (2) program. If the employee tests positive for drugs and/or alcohol at any time during that two-year (2) period or refuses to submit to a random test, the employee will be considered in violation of his or her last chance agreement and will be removed from employment with the County. If the employee complies with all requirements of the program and does not test positive during the two-year (2) period, he or she will return to regular status.

An employee who is concerned about a substance abuse problem may voluntarily enroll in the Fitness for Duty Program at any time. Employees who voluntarily enroll, however, will not be required to sign a “last chance agreement” unless they test positive for drugs or alcohol while in the program.

An employee whose performance is below standard or who has violated a work rule cannot avoid discipline by enrolling in a treatment program or by enrolling in the Fitness for Duty Program.

## **7.05 Fitness for Duty – Physical and Mental Health**

The County may require that an employee submit to medical or psychological examinations for purposes of determination of the employee’s fitness for duty.

If a Department Director, in consultation with Human Resources, determines that an employee’s behavior and/or condition warrants a Fitness for Duty Examination, the Department Director shall complete a Medical Examination Request Form and submit it to Human Resources. Upon receipt of the Examination Request Form, the employee will be scheduled for an examination with an appropriate licensed practitioner. The employee will be notified of the date and time of



their examination. At the sole discretion of the Director of Human Resources, the employee may be placed on paid administrative leave pending the results of the examination. The employee will be required to adhere to all requirements of employees on paid-administrative leave (*see* Note Box on p. 101).

An employee's refusal to submit to an examination or the unexcused failure to appear for an examination amounts to insubordination, which may result in discipline, up to and including removal. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.

Upon completion of the examination, the County will receive a report outlining the physician's opinion regarding the employee's fitness for duty. The employee will also receive a copy of the physician's report unless the physician determines that the disclosure of the information is likely to have an adverse effect on the employee, in which case the information shall be released to a physician, psychiatrist, or psychologist who is designated by the person or by the person's legal guardian.

If the physician determines that the employee is fit for duty, the employee shall return to work on the day immediately following the day they are notified of the physician's findings or as soon as practicable. Failure to return to work will subject the employee to discipline pursuant to the Attendance Control Policy (*see* Section 14.03).

If the physician determines that the employee is not fit for duty, the employee will not be returned to work and will be taken off paid administrative leave and will be required to use their accrued paid leave (sick, vacation, exchange time, and/or compensatory time) or go on an unpaid leave in accordance with Section 9.09 of this Manual. The employee will remain off work while the medical conditions identified by the physician remain unresolved. The employee should submit medical documentation from their treating physician to the Fitness for Duty physician. The Fitness for Duty physician will determine whether the treatment provided renders the employee fit for duty and able to return to work in their job classification.

Once the employee exhausts all of their paid and unpaid leave, the County will move forward with disability separation proceedings pursuant to Section 5.19 of this Manual.

**NOTE:** An employee that is determined to be not fit for duty may be eligible for disability retirement through OPERS. Please refer to Section 5.20. for more information on disability retirement through OPERS.

## 7.06      Safety Policy

All County employees are charged with the responsibility of promoting the safety and security of fellow employees and the general public who come in contact with the County services and facilities.

All employees and contractors of the County are expected to conduct their duties in a safe manner, aimed at preventing or minimizing injuries and property damage throughout all County operations. Each employee must operate safely, use equipment, tools and materials properly and be totally familiar with work rules and procedures for his or her areas of responsibility. Each employee shall take an active part in the identification and reporting of hazards. Supervisors shall actively participate in the assessment and resolution of hazards and shall fully cooperate with Central Services and Protective Services to eliminate or control hazards in all areas of County facilities.

## 7.07      Workplace Violence

Threats, threatening behavior, or acts of violence against employees, clients, or guests by anyone on County property will not be tolerated. In addition to applicable criminal penalties, employees who violate this section may be subject to discipline, up to and including removal. The County reserves the right to remove anyone who engages in violent or threatening behavior from the premises and may require that they remain off the premises pending the outcome of an investigation and/or as long as they are still considered a threat.

**Employees should immediately contact Protective Services at (216) 443-2141 or 1-888-81-HELPU (43578), and/or the appropriate law enforcement authority (911) if an employee (or guest/client) is creating or communicating a threat of violence. Employees that fail to report such threats will be subject to disciplinary action, up to and including termination of employment.**

Employees with a criminal or civil protective or restraining order which lists company locations as being protected areas are responsible for providing a copy of such documents to Protective Services and Human Resources. Human Resources may meet with the employee and offer EAP or other services that might assist the employee.



## **7.08      Mediation Program**

Mediation is a voluntary process in which a neutral third person (“the mediator”) assists individuals in resolving their conflicts. The mediator assists the parties in clarifying, discussing, and resolving the issues that created the conflict. The mediator, however, will not judge the parties or make decisions for them. The County has established a mediation program to prevent the progression and escalation of inter-personal conflicts and to help employees respond to conflict in an effective and positive manner. It is the desire of the County that employees make use of the mediation service before conflict affects the quality of work relationships or results in workplace violence.

The County mediation program is available to all County employees at all levels and can be requested by either party at any time. County management may also refer employees to the mediation program when appropriate. Mediation communication is confidential to the extent allowed by law. Communication that is never confidential, however, includes signed agreements between the parties, threats of bodily injury, plans to commit a crime and complaints of mediator misconduct. Participation in the County Mediation Program does not exempt employees from following County policies and procedures and will not delay any pending discipline. The County reserves the right to take disciplinary measures where standard rules of conduct are violated or where behavior deteriorates to unacceptable levels.

**Employees interested in participating in or learning more about the County Mediation Program should contact Human Resources, Employment Relations Division, at (216) 443-7190 or TTY (216) 443-7002.**

## **7.09      Wellness Programs**

The County is committed to their employees maintaining good health. To that end, at the sole discretion of the County, wellness opportunities may be periodically offered to employees, including:

- Lunch and learn programs;
- Fitness classes (e.g., aerobics or body sculpting);
- Flu shots at discounted prices;
- Discounted fitness club memberships;
- Health screenings (e.g., mammograms, cholesterol, hypertension);
- Annual wellness fair;
- Health risk assessment;
- Certain preventative care covered at 100% through benefits; and/or
- Discounts on medications for asthma, cholesterol, diabetes and hypertension;

Employees will be notified of these offers as they become available.



## 7.10 Sustainable Cuyahoga County

The County is committed to sustainability and sustainable development as defined in the Brundtland Commission Report, *Our Common Future*, 1987:

"Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs."

Critical to this is the financial balance of the "triple bottom line" - measuring success through economic, environmental, and social equity.

### Office Practice

The County encourages all employees to seek opportunities to incorporate sustainable principles in work and home life. Some examples include:

- Conserve energy by turning off lights, adjusting thermostats, and turning off equipment when not in use;
- Reduce, Reuse and Recycle products to reduce waste and conserve natural resources;
- Buy local;
- Use public transportation, reduce vehicle idling, and use fuel efficient vehicles; and
- Increase personal wellness.

Information regarding county sustainability programs such as recycling may be found on the County intranet, Sustainability Office website links, as well as by direct notifications.

### Climate Change and the "Carbon Footprint"

On November 15, 2007, the County adopted a resolution making a Climate Stabilization Declaration to:

"Work closely with local, state, and federal governments and other leaders to reduce county geographical greenhouse gas (GHG) emissions to 80 percent below current levels by 2050..."

As a result of this declaration, a mid-term goal was set to achieve 20 percent reduction in emissions by June 22, 2019. This achievement will commemorate the fiftieth anniversary of the June 22, 1969 Cuyahoga River fire which contributed to the formation of the US Environmental Protection Agency.

In furtherance of this declaration, the County is reducing its annual "carbon footprint" or ecological footprint through reduction in use of fossil fuels such as coal, oil & gas that produce greenhouse gas emissions. The sum total direct use of fuels and indirect use through procurement of products and services equal ones "carbon footprint".





# Section 8: FAMILY MEDICAL LEAVE ACT (FMLA)

Timesheet Code: **FMLA**

## 8.01      Definitions

- Active Duty***                      Duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.
- Adoption***                              Legally and permanently assuming the responsibility of raising a child as one's own. The source of an adopted child is not a factor in determining eligibility for FMLA leave.
- Chronic Serious Health Condition***      A health condition that meets the following criteria:
- Requires periodic visits (at least twice a year) for ***treatment*** by a ***health care provider***, or by a nurse under the direct supervision of a ***health care provider***;
  - Continues over an extended period of time (including recurring episodes of a single underlying condition); and
  - May cause episodic rather than a continuing period of ***incapacity*** (e.g., asthma, diabetes, epilepsy, etc.).
- Conditions Requiring Multiple Treatments***              Any period of absence to receive multiple ***treatments*** (including any period of recovery therefrom) by a ***health care provider*** or by a provider of health care services under orders of, or on referral by, a ***health care provider***, for either:
- Restorative surgery after an accident or other injury; or
  - A condition that would likely result in a period of ***incapacity*** of more than 3 consecutive days in the absence of medical intervention or ***treatment***, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).
- Contingency Operation***              Same meaning as definition provided in section 101(a)(13) of title 10, United States Code.



**Covered Servicemember** Current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical *treatment*, recuperation, or therapy, is otherwise in *outpatient status* or is otherwise on the temporary disability retired list, for a *serious injury or illness* incurred in the line of duty on active duty.

**Daughter** For purposes of FMLA leave taken for birth or *adoption*, or to care for a family member with a *serious health condition*, son means a biological, *adopted*, or *foster child*, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and “*incapable of self-care* because of a *mental or physical disability*” at the time that FMLA leave is to commence.

**Forward Rolling Twelve (12) Month Period** The twelve month period measured forward from the date an employee’s first FMLA leave begins.

**Foster Care** 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child.

**Health Care Provider** A health care provider for purposes of the FMLA includes:

- A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices.
- Podiatrists, dentists, clinical psychologists, chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist), and optometrists.
- Nurse practitioners, nurse-midwives, clinical social workers, and physician assistants.
- Christian Science Practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.
- A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

**Inpatient Care** An overnight stay in a hospital, hospice, or residential medical care facility, including any period of *incapacity*.

***Incapable of Self-Care*** Where the individual requires active assistance or supervision to provide daily self-care in three or more of the “activities of daily living” (ADL’s) or “instrumental activities of daily living” (IADL’s). ADL’s include adaptive activities such as scaring appropriately for one’s grooming and hygiene, bathing, dressing and eating. IADL’s include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

***Incapacity and Treatment*** A period of ***incapacity*** of more than 3 consecutive, full calendar days, and any subsequent ***treatment*** or period of ***incapacity*** relating to the same condition, that also involves one of the following:

- ***Treatment*** 2 or more times, within 30 days of the first day of ***incapacity***, by a ***health care provider***.
  - Both ***treatments*** must involve an in-person visit to a ***health care provider***.
  - The first in-person visit must take place within 7 days of the first day of ***incapacity***.
  - Whether the second ***treatment*** visit is necessary must be determined by the ***health care provider*** (i.e., the doctor must request that the employee follow-up).
- ***Treatment*** by a ***health care provider*** on at least one occasion, which results in a ***regimen of continuing treatment*** under the supervision of the ***health care provider***.
  - The initial ***treatment*** requires an in-person visit to a ***health care provider***.
  - The initial in-person visit must take place within 7 days of the first day of ***incapacity***.
  - Whether the ***regimen of continuing treatment*** is necessary must be determined by the ***health care provider*** (i.e., doctor must prescribe the regimen).

***Incapacity*** Inability to work, attend school or perform other regular daily activities due to the ***serious health condition, treatment*** therefore, or recovery therefrom.

***In Loco Parentis*** Those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibilities for the employee when the employee was a child. A biological or legal relationship is not necessary.

***Intermittent Leave*** Leave taken in separate blocks of time due to a single illness or injury rather than for one continuous period of time.

<b><i>Next of Kin of a Covered Servicemember</i></b>	The nearest blood relative other than the <b><i>covered servicemember's spouse, parent, son, or daughter.</i></b>
<b><i>Outpatient Status</i></b>	With respect to a <b><i>covered servicemember</i></b> , the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
<b><i>Parent</i></b>	A biological, <b><i>adoptive</i></b> , step or <b><i>foster father or mother</i></b> , or any other individual who stood <b><i>in loco parentis</i></b> to the employee when the employee was a <b><i>son</i></b> or <b><i>daughter</i></b> as defined in this section. In-law family members are not covered.
<b><i>Parent of a Covered Servicemember</i></b>	A <b><i>covered servicemember's</i></b> biological, <b><i>adoptive</i></b> , step or <b><i>foster father or mother</i></b> , or any other individual who stood <b><i>in loco parentis</i></b> to the covered servicemember. This term does not include parents "in law".
<b><i>Permanent or Long-Term Conditions</i></b>	A period of <b><i>incapacity</i></b> which is permanent or long-term due to a condition for which <b><i>treatment</i></b> may not be effective (e.g., Alzheimer's, a severe stroke, or the terminal stages of a disease). The individual must be under the continuing supervision of, but need not be receiving active <b><i>treatment</i></b> by a <b><i>health care provider</i></b> .
<b><i>Physical or Mental Disability</i></b>	A physical or mental impairment that substantially limits one or more of the major life activities of an individual.
<b><i>Qualifying Exigency</i></b>	The following types of military-related events may qualify as a "qualifying exigency" for purposes of eligibility for purposes of military-related FMLA leave under this Section: <ul style="list-style-type: none"> <li>• <i>Short-Notice Deployment</i></li> <li>• <i>Military Events and Related Activities</i></li> <li>• <i>Childcare and School Activities</i></li> <li>• <i>Financial and Legal Arrangements</i></li> <li>• <i>Counseling</i></li> <li>• <i>Rest and Recuperation</i></li> <li>• <i>Post-Deployment Activities</i></li> <li>• <i>Additional Activities</i></li> </ul>
<b><i>Reduced Leave Schedule</i></b>	Leave schedule that reduces an employee's usual number of working hours per week or hours per day for a period of time.



***Regimen of Continuing Treatment***

Includes a course of prescription medication (e.g., antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves, or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for FMLA purposes.

***Serious Health Condition***

An illness, injury, impairment or physical or mental condition that involves at least one of the following:

- ***Inpatient Care;***
- ***“Incapacity and Treatment”;***
- ***Pregnancy or Prenatal Care;***
- ***Chronic Serious Health Condition;***
- ***Permanent or Long-Term Conditions;*** or
- ***Conditions Requiring Multiple Treatments.***

***Serious Illness or Injury***

An injury or illness incurred by a ***covered servicemember*** in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

***Son***

For purposes of FMLA leave taken for birth or ***adoption***, or to care for a family member with a ***serious health condition***, son means a biological, ***adopted***, or ***foster child***, a stepchild, a legal ward, or a child of a person standing ***in loco parentis***, who is either under age 18, or age 18 or older and ***“incapable of self-care”*** because of a ***mental or physical disability”*** at the time that leave is to commence.

***Son or Daughter of a Covered Servicemember***

The ***covered servicemember***’s biological, ***adopted***, or ***foster child***, stepchild, legal ward, or a child for whom the servicemember stood ***in loco parentis***, and who is of any age.

***Son or Daughter on Active Duty or Call to Active Duty***

The employee’s biological, ***adopted***, or ***foster child***, stepchild, legal ward, or a child for whom the employee stood ***in loco parentis***, who is on active duty or a call to active duty status, and who is of any age.

***Spouse***

A husband or wife as defined or recognized under Ohio law for purposes of marriage in Ohio.

***Treatment***

Includes, but is not limited to, examinations to determine if a ***serious health condition*** exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.



## 8.02      Eligibility Requirements

Prior to making an application for FMLA under this Section, an employee must meet both of the following conditions to be considered eligible:

- The employee must have completed twelve (12) months of employment with the County. These twelve (12) months do not need to be consecutive; and
- The employee must have worked a minimum of one-thousand two-hundred-fifty (1,250) hours over the twelve (12) month period immediately preceding the commencement of the leave.

An employee returning from National Guard or Reserve military service will be credited with the hours of service that would have been worked, but for the period of military service, towards his or her one-thousand two-hundred-fifty (1,250) hour requirement.

## 8.03      Qualifying Conditions

Eligible employees shall be entitled to a certain amount of FMLA leave (*see* Section 8.04) under any of the following six circumstances:

- Birth of a *son* or *daughter*, and to care for the newborn child.
- Placement with the employee of a *son* or *daughter* for *adoption* or *foster care*.

**NOTE:** Eligibility for leave for birth or placement for *adoption* or *foster care* expires at the end of the twelve (12) month period beginning on the date of birth or placement.

- Because of a *serious health condition* that makes the employee unable to perform the functions of the employee's job.
- To care for the employee's *spouse, son, daughter, or parent* with a *serious health condition*.
- Because of any *qualifying exigency* arising out of the fact that the employee's *spouse, son, daughter, or parent* is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.
- To care for a *covered servicemember* with a *serious injury or illness* if the employee is the *spouse, son, daughter, parent* or *next of kin* of the *covered servicemember*. The leave described in this paragraph shall only be available during a single twelve (12) month period.



## 8.04      Amount of Leave

Except in the case of leave to care for a *covered servicemember* with a *serious injury or illness*, an eligible employee is limited to a total of twelve (12) workweeks of FMLA leave during any *forward rolling twelve (12) month period*.

An eligible employee who is the *spouse, son, daughter, parent, or next of kin* of a *covered servicemember* shall be entitled to a total of twenty six (26) workweeks of leave during a single twelve (12) month period to care for the *covered servicemember*. If an employee uses *covered servicemember* family leave in combination with another form of FMLA leave (e.g., pregnancy leave), the maximum amount of combined FMLA leave that an employee can take in a single twelve (12) month period is twenty six (26) workweeks. In this scenario, though, the other form of FMLA leave can only account for a maximum of twelve (12) workweeks of the combined twenty six (26) workweeks of leave.

**NOTE:** When both spouses are employed by the County, FMLA leave is limited to a combined twelve (12) work weeks during any rolling twelve (12) month period if leave is taken for birth, *adoption*, or placement in *foster care*. This limitation does not apply to leave taken by either spouse to care for the other or for a child if the spouse or child has a *serious health condition*.

In addition, the aggregate number of leave to which both spouses are entitled to is limited to twenty six (26) workweeks during a single twelve (12) month period for *covered servicemember* leave, if the leave is leave for the *covered servicemember* or a combination of leave for the *covered servicemember* and the other forms of FMLA leave.

## 8.05      Coordination With Other Leaves of Absence

FMLA leave may be a paid or unpaid leave. Employees are not required to exhaust their own sick and vacation leave before qualifying for FMLA leave. Employees, however, may use paid leave concurrently during the time that they are on FMLA leave. Employees who choose to use paid leave concurrently during the time that they are on FMLA leave, however, must adhere to the policies and procedures associated with the usage of each type of paid leave:

TYPE OF PAID LEAVE	ASSOCIATED POLICY MANUAL SECTION
Vacation	<u>9.02</u>
Sick	<u>9.03</u>
Compensatory Time	<u>9.04</u>
Exchange Time	<u>9.05</u>



FMLA will automatically be applied to all employees who meet the FMLA qualifying criteria and utilize the following types of leave:

- Unpaid medical leaves of absence provided to employees by County policy or by any of the collective bargaining agreements;
- Leaves of absence using sick leave that is provided through the Leave Donation Program (Section 9.08); or
- Workers' Compensation leave of absence.

**NOTE:** As is the case with all unpaid leaves, an employee is not entitled to accrue sick or vacation benefits during any unpaid portion of FMLA leave.

## **8.06      FMLA Application Procedure**

An employee that would like to request the use of FMLA leave should contact Human Resources.

At least thirty (30) days advance notice must be provided before FMLA leave is to begin if the need for leave is foreseeable. In case of emergency, notice must be given as soon as practicable. If an employee fails to give thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay, the County may delay the taking of FMLA leave until thirty (30) days after the date that the employee actually provided notice of the need for FMLA leave.

Completion of an FMLA Medical Certification Form is required whenever an employee requests FMLA leave due to the ***serious health condition*** of the employee or their ***spouse, son, daughter, or parent***. Employees must return the FMLA Medical Certification Form to Human Resources within fifteen (15) calendar days of the employee's receipt of the form. If the certification is incomplete or insufficient, the employee may be required to provide additional information within seven (7) calendar days. Failure to cure the deficiencies identified by the County may result in a denial of FMLA leave. After the FMLA Medical Certification Form has been returned to Human Resources, employees will be notified in writing whether their FMLA request is approved or denied.

For ***adoption*** or ***foster care*** placement, legal documentation should be submitted from a court or social service agency.

In any case in which the necessity for leave under the ***qualifying exigency*** condition is foreseeable, whether because the ***spouse, or a son, daughter, or parent*** of the employee is on ***active duty***, or because of notification of an impending call or order to ***active duty*** in support of a ***contingency operation***, the employee shall provide such notice to the employer as is reasonable and practicable. In addition the request for leave under the ***qualifying exigency*** condition must be supported by certification deemed sufficient by the Department of Labor.





The County reserves the right to require employees to recertify their conditions periodically upon request. Failure to submit a certification of health care provider form for the re-certification within fifteen (15) calendar days will result in delay or discontinuation of approved FMLA leave until the completed form is submitted.

If an employee needs an extension of FMLA leave, the employee must provide Human Resources notice as soon as practicable of the changed circumstances. Employees shall not be granted an extension beyond the applicable maximum amount of FMLA entitlement.

**NOTE:** Only persons who are authorized by the County may contact the health care provider of an employee to clarify the information in a FMLA Medical Certification Form or to verify its authenticity. **Supervisors and other management representatives may not contact an employee's health care provider.**

## 8.07      Continuation of Benefits

The County will continue to pay its portion of medical and supplemental benefits (vision & dental) when an employee is on FMLA leave. **Employees on FMLA leave are still responsible to pay the employee's contribution for these benefits.** Employees who take paid leave will continue to have their usual payroll deduction for health insurance benefits. **Employees on unpaid FMLA leave will be billed for their usual contribution for medical and supplemental benefits.** The amount billed will be the monthly amount that the employee would normally have paid for health insurance benefits through payroll deduction. Any new or additional coverage or changes in health benefits will be made available to employees on FMLA leave.

Employees on unpaid FMLA leave will also be billed for their life insurance deductions. If a death occurs and life insurance deductions have not been paid while on unpaid leave, death benefits will not be payable to the beneficiary.



## **8.08      Intermittent Leave and Reduced Leave Schedules**

*Intermittent leave* or a *reduced leave schedule* may only be granted if:

- There is a medical necessity that can be accommodated by such leave; or
- Because of any *qualifying exigency* arising out of the fact that the *spouse, son, daughter, or parent* of the employee is on *active duty* (or has been notified of an impending call or order to *active duty*) in the Armed Forces in support of a *contingency operation*.

Eligible employees are required to make every reasonable effort to schedule leave so as not to disrupt the operations of their Department. Accordingly, the County may temporarily assign an employee to an alternate position with equivalent pay and benefits if the employee is qualified and the County determines that the alternative position will better accommodate the employee's intermittent leave or reduced leave schedule.

The actual amount of leave taken under an *intermittent* or *reduced leave schedule* shall be counted towards the twelve (12) weeks of FMLA entitlement. For example, a full-time employee who reduces from an eight (8) hour work day to a four (4) hour work day will use (20) hours of FMLA leave each week.

Employees on *intermittent* FMLA leave may be required to periodically provide an updated medical certification form.

## **8.09      Return to Work**

Upon return from FMLA leave, an employee is entitled to be returned to the same position held when leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal, under Sections 13 and/or 14 of this Manual.

An employee who has been on FMLA leave because of his or her own *serious health condition* may be required to present medical documentation of his or her ability to return to work. The County may require that an employee obtain a second medical opinion from a physician selected by the County and at the County's expense. If the second medical opinion disagrees with the employee's health care provider, the County's health care provider and the employee's health care provider will select a third health care provider whose opinion shall be final. The County shall pay the cost of the third opinion.

Benefit deductions through payroll resume the first pay period of the month after an employee returns from leave. Benefits requires documentation of the return through use of either a Personnel Action Form (PAN) or Benefits Office Change Form (BOC).



## Section 9: EMPLOYEE LEAVE (General)

### 9.01      General

All leaves described in this section are subject to prior approval, unless otherwise noted. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form.

Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit. Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

Employees are solely responsible to ensure that they have adequate vacation leave, sick leave and/or compensatory/exchange time when taking paid leave.

**NOTE:** Bargaining unit employees should refer to their collective bargaining agreement for information on paid leave.

### 9.02      Vacation Leave

Timesheet Code: V

Each full-time permanent employee, after service of one (1) year with the county or any political subdivision of the State of Ohio, is eligible for vacation leave. Employees accrue vacation leave based on years of service. Vacation accrual for eligible employees is pro-rated based on the number of hours paid in a pay period. One year of service shall be computed on the basis of twenty six (26) bi-weekly pay periods. Overtime hours are not included in the accrual of vacation leave.

Vacation leave is earned during the time the employee is in active pay status. Time spent on unpaid leaves of absence count toward service credit, but employees in unpaid status do not accrue vacation leave.



Employees may carry their vacation leave from year to year, up to a maximum of three years. Once an employee accumulates the maximum allowable vacation balance for the employee's current accrual rate, the employee has a period of one (1) year from the date on which the maximum balance was attained to use the accrued time in excess of the maximum allowable balance. Upon the end of the year period, any time over the maximum amount will be forfeited.

Vacation accrual is computed as follows:

Length of Ohio Public Service Completed	Accrual Rate (hours earned per 80 hours in active status)	Annual Amount (hours earned per 2080 hours in active pay status)	Maximum Accrual Balance (total hours)
Less than 1 year	3.1	80 hours (not awarded until completion of one year of Ohio public service)	N/A
1 year – less than 5 years	3.1	80	240
5 years – less than 15 years	4.6	120	360
15 years – less than 25 years	6.2	160	480
25 years or more	7.7	200	600

**NOTE:** An individual who is appointed by the County as a non-bargaining employee and provides proper documentation of prior service (*See Section 2.04*) is entitled, immediately upon submission of the appropriate documentation, to begin accruing vacation benefits at the rate set forth in this Manual that reflects their prior service level. The employee is also entitled to use such vacation leave at any time during the year in which it is accrued, upon approval from their supervisor.

However, an employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio and who is employed by the County on or after June 24, 1987, shall not have prior service for the purpose of computing vacation leave. All employees currently receiving credit for service time prior to June 24, 1987, though, shall continue to receive service credit for such time.

Upon separation from County service, an employee is entitled to compensation for any earned and unused vacation leave to his or her credit at the time of separation.



## 9.03 Sick Leave

Timesheet Code: S

Sick leave may only be used for the purposes set forth in this Section. The use of sick leave is not an entitlement. Sick leave is not another form of vacation or personal leave. Supervisors and management should ensure that sick leave is properly used.

All County full-time, part-time, permanent and temporary employees accrue paid sick leave at the rate of .0575 hours for each hour of service in active pay status. For purposes of this Section, "active pay status" includes vacation, sick, overtime, compensatory time, and holidays. Employees in an unpaid leave status do not accrue sick leave.

**NOTE:** An individual who is appointed by the County as a non-bargaining employee who has a balance of sick leave earned while employed by a political subdivision of the State of Ohio within the past ten years may have the unused sick leave balance credited to their current sick leave balance. See Section 2.04 for more information on the proper procedure for submitting documentation of prior service.

Sick leave is charged in minimum units of one minute. Sick leave payment shall not exceed the normal, scheduled workday earnings, or a maximum of forty (40) hours per week. Employees may not use sick leave that was accrued in the same pay period. In addition, sick leave may not be used to cover absences that occurred prior to the accrual of the leave.

### Permissible Uses

Sick leave shall be granted for absences due to the following reasons and must be approved by management:

- Illness, injury, or pregnancy-related condition of the employee;
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees;
- Death of a member of the employee's immediate family\* (see Section 9.06);
- Examination of the employee, including medical, psychological, dental or optical examination by an appropriate practitioner;
- Illness, injury or pregnancy-related condition of a member of the employee's immediate family\*; or
- Examination including medical, psychological, dental, or optical examination for a member of the employee's immediate family\* by an appropriate practitioner where the employee's presence is reasonably necessary.

[\* For purposes of this Section, Section 3.01 and Section 9.06, immediate family includes spouse, domestic partner, mother, father, sister, brother, son, daughter, grandmother, grandfather, grandson, granddaughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, a legal guardian or other person who has an "in loco parentis" relationship with the employee, or any other relative residing with the employee.]



### Procedure

An employee who is ill and unable to report to work shall notify their supervisor or designee on the first day of absence and each day thereafter, unless emergency conditions prevent such notification or unless the employee submits medical evidence of a planned extended medical-related absence. An employee working in a seven day continuous operation must report their absence two hours prior to their scheduled starting time except when emergency conditions prevent such notification. Other employees must give notice within one half-hour **before** the time the employee is scheduled to report for work unless emergency conditions prevent such notification.

**NOTE:** Upon being put on notice that an employee has been out on sick leave for three or more consecutive days, the employee's supervisor should immediately contact Human Resources so that they may send out FMLA information to the employee's home address. Employees should refer to Section 8 for more information on FMLA leave.

Upon return to work, the employee shall follow their Department's guidelines with regard to completion of the Employee Request for Leave Form. If the need for leave is foreseeable, sick leave should be requested in writing prior to the date or dates that an employee will be scheduled off from work. The County reserves the right to require documentation to support the employee's sick leave request (i.e., a doctor's statement) for all absences of three (3) or more days.

An employee's sick leave balance is provided bi-weekly. The employee is solely responsible for knowing his or her balance. Taking time off without sufficient leave to cover the absence may lead to the accrual of AWOL time (See Attendance Control Policy, Section 14).

### Prohibited Use

The use of sick leave for any purpose other than its intended purposes is considered abuse of sick leave. Examples of abuse of sick leave include, but are not limited to the following:

- Calling in sick when one of the above cited reasons for using sick leave does not exist;
- Reporting illness in the immediate family when such illness does not exist;
- Reporting off sick to participate in some other activity or to take care of personal business;
- Establishing a pattern of reporting off sick, reporting tardy, or leaving early on certain days of the week, on days following regular days off (e.g., weekends), or on the day before or after a holiday or previously scheduled vacation; or
- Failure to follow the rules and regulations regarding the use of sick leave and reporting procedures.



**If a supervisor or management official has a reasonable suspicion that sick time is being abused, either on an individual case or by virtue of a demonstrated pattern, he or she should immediately consult with Human Resources.** Human Resources may then require an employee to provide a physician's statement or other appropriate documentation to support the use of sick leave. If it is determined that the employee abused his or her sick leave, Human Resources may charge the employee with AWOL and may pursue disciplinary action against the employee, up to and including removal.

#### Unused Sick Leave

Employees will not be paid for unused sick leave upon termination of employment with the exception that upon retirement, an employee with ten (10) or more years of service will receive cash payment for one-fourth (1/4) of the accrued, unused sick leave balance up to a maximum of two-hundred forty (240) hours.

### **9.04      Compensatory Time**

Timesheet Code: CT

**NOTE:** See Section 6.08 for information regarding accrual of compensatory time.

As stated in Section 6.08, compensatory time is granted to non-exempt (i.e., overtime eligible) employees. An employee who has requested the use of compensatory time from their direct supervisor shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt the operations of the agency.

Compensatory time not used within one hundred eighty (180) days after it is earned shall be paid to the employee. Upon termination all unused compensatory time is paid out to the employee.

Employees moving from a non-exempt position to an exempt position will receive payment for their accrued compensatory time at the time of the move.

### **9.05      Exchange Time**

Timesheet Code: ET

**NOTE:** See Section 6.08 for information regarding accrual of exchange time.

As stated in Section 6.08, exchange time is granted to exempt (i.e., not overtime eligible) employees. Use of accrued exchange time may be granted to the employee by the employee's immediate supervisor at a time mutually convenient to the operation of the County and the employee. Exchange time may not be used in the same pay period in which it was earned.

Exchange time not used within six (6) months of accrual shall expire. At no time shall exchange time be paid out to the employee.



## **9.06**      **Funeral/Bereavement Leave**

Timesheet Codes: S/V/CT/ET/ALX

Sick leave shall be granted for absences due to the death of a member of an employee's immediate family\*. In the event of the death of a member of his or her immediate family\*, an employee shall be granted time off with pay, to be charged against his or her accumulated and unused sick leave, not to exceed five (5) days.

**NOTE:** In the event the employee has no sick time available, the employee may use vacation, compensatory or exchange time. If the employee has no vacation, compensatory or exchange time, the employee may request an unpaid Personal Leave of Absence.

In the event of the death of a relative other than a member of their immediate family\*, an employee shall be granted a leave of absence with pay, to be charged against their accumulated and unused sick leave, for one (1) day to attend the funeral if within the State of Ohio or two (2) days when the funeral is outside the State of Ohio. Any additional time off requested by the employee is subject to the approval of his or her supervisor, manager and/or Department Director.

To be eligible for the above described funeral leave, an employee must attend the funeral, or other obligations related to the death and/or estate, etc. The failure to do so, or a misrepresentation of facts related to funeral leave shall be proper cause for disciplinary action, up to and including removal, as well as forfeiture of pay for the time away from work. The County reserves the right to request documentation of the family member's death and/or documentation establishing the familial relationship between the employee and the deceased family member.

[\* See Section 9.03 for definition of "immediate family".]

## **9.07**      **Court Leave/HRC Hearings/Jury Duty**

Timesheet Code: CL

### General Provisions

- Any compensation or reimbursement for jury duty or for court attendance compelled by subpoena, when such duty is performed during an employee's normal working hours, shall be remitted by the employee to their Department Director or supervisor for transmittal to the County Treasurer.
- In order to be approved for court leave under this Section, the employee shall furnish a copy of the court/HRC notification or jury summons to their supervisor prior to their appearance date(s).
- Unless there will be less than one (1) hour left in the employee's regularly scheduled work day upon reporting to work, an employee out on approved court leave is required to immediately report to work after the court appearance is completed. (e.g., an employee on an 8:30 – 4:30 schedule who is released from jury duty at 1 p.m. is required to immediately report to work.)





### Court Leave

An employee may be granted court leave with full pay if all of the following conditions are met:

- The legal matter is work related;
- The employee is not a party to the legal matter; **and**
- The employee is requested by the County to appear or is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to compel the attendance of witnesses.

If any of these conditions are not met, the employee is not entitled to court leave. An employee not entitled to court leave, however, may use vacation leave, compensatory/exchange leave for purposes of appearing before a court or other legally constituted body in a matter in which he or she is a party or witness. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

### HRC Hearings

An employee who is the appellant or is requested to appear in any action before the HRC and is in active pay status at the time of the scheduled hearing before the Commission, shall be granted court leave with full pay for purposes of attending the hearing. The employee, however, shall not be granted any mileage, travel or other related expenses for the hearing.

### Jury Duty

Court leave with full pay shall be granted to any employee who is summoned for jury duty by a court of competent jurisdiction.

**NOTE:** For information regarding appearance at Industrial Commission (i.e., workers' compensation) hearings, please see Section 12.02.



## **9.08 Leave Donation Program**

Timesheet Code: SLD

County employees may donate accrued sick or vacation leave to a fellow County employee who has a serious health condition as defined under the FMLA and are in critical need of time off due to the condition. FMLA leave will run concurrently with the donated leave time.

An employee may receive donated leave provided that:

- The employee is first approved for FMLA leave that removes them from the workplace for fifteen (15) consecutive work days for their *own* serious health condition. Employees on intermittent FMLA leave do not qualify to participate in the program;
- Has exhausted all sick leave, vacation leave and compensatory/exchange time; and
- Has not had any discipline for attendance within the previous year.

An employee may donate accrued sick or vacation leave provided the donating employee:

- Voluntarily elects to donate leave to a designated recipient, who has qualified for the donation program, and does so with the understanding that donated leave which is used by the designated recipient will not be returned;
- Retains a sick balance of at least one hundred twenty (120) hours **after their donation**; and
- Is in active pay status at the time their sick time is to be used;

Employees interested in receiving donated time should contact Human Resources. Employees who qualify may receive leave through the Leave Donation Program for up to twelve (12) weeks. An employee's supervisor or representative may, with the written permission of the employee who is in need of leave or a member of the employee's immediate family, inform an employee's co-workers of such need for leave. When an employee has exhausted all donated time they will be placed on an unpaid extended sick/medical leave or may be separated in accordance with this Manual or their collective bargaining agreement.

**Donation of leave time is strictly voluntary. Any employee who feels that they are being pressured to donate leave time should file a General Employee Complaint (See Section 17.03).**

**NOTE:** Employees that are denied participation in the Leave Donation Program may file an appeal in writing to the Director of Human Resources.



## 9.09      Unpaid Leaves of Absence

The County offers employees three types of unpaid leave: (1) New-Hire Administrative Leave of Absence; (2) Personal Leave of Absence; and (3) Extended Unpaid Sick/Medical Leave. Depending on the practice of an employee's respective Department, the employee may be required to complete an Employee Request for Leave Form to request an unpaid leave of absence.

Any leave approved upon a false statement is invalid and any approved leave shall terminate if the reason for granting the leave is no longer applicable. Moreover, employees providing false statements or documentation are subject to discipline, up to and including removal, under Section 13 of this Manual.

An employee on an unpaid leave of absence does not accrue sick or vacation leave. In addition, time spent on an unpaid leave of absence does not count towards an employee's new hire or promotional probationary period. However, the time spent on an unpaid leave of absence is counted in determining length of service for purposes of vacation eligibility, annual step increases and layoff purposes, provided the employee is properly returned to service and is not serving a probationary period.

**NOTE:** With the exception of Extended Unpaid Sick/Medical Leave taken concurrently with FMLA leave, an employee in an unpaid status on the first day of a month will not receive health care coverage and related benefits unless he or she elect to pay the entire expense. The employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs to retain his or her benefits status.

**The total amount of time for all leaves under this section shall not exceed six (6) months in any forward rolling twelve month period.** Employees are responsible to ensure that they have received proper approval when taking unpaid leave.

Failure to return to work upon the expiration of the approved leave, without reasonable explanation, may subject the employee to discipline, up to and including removal.

**NOTE:** An employee who fails to return to service from an unpaid leave of absence and who is subsequently removed or voluntarily resigns from service shall not receive service credit for the time spent on such leave and is deemed to have a termination date corresponding to the starting date of the unpaid leave of absence.

An employee may be permitted to return to work prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and Human Resources. Upon completion of an unpaid leave of absence, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists, the employee shall be placed in a classification similar to that formerly occupied.



New-Hire Administrative Leave of Absence

Timesheet Code: **ALX**

An administrative leave may be granted to a newly-appointed employee if they need to take time off from the job due to extenuating circumstances, subject to the following limitations:

- New-hire administrative leave is unpaid;
- New-hire administrative leave may only be granted during a newly-appointed employee's first year of employment with the County;
- Prior approval must be received from the newly-appointed employee's Department Director;
- New-hire administrative leave may only be granted when all appropriate accumulated paid leave time (e.g., sick leave, vacation, and compensatory/exchange time) leave has been exhausted; and
- An employee is limited to a total of 80 hours of new-hire administrative leave.

Personal Leave of Absence

Timesheet Code: **LOA**

A personal leave of absence involves a temporary separation from active pay status, authorized by the County. Such leave must be for a minimum of ten (10) working days, but may not exceed a maximum period of six (6) months, with no extension or renewal allowed.

A personal leave of absence may only be granted when all appropriate accumulated leave (vacation leave and compensatory/exchange time leave) has been exhausted.

A personal leave of absence must be requested by the employee in writing and must be approved by the employee's Department Director. The request shall state reasons for taking the leave and the dates for which such leave is being requested and shall be accompanied by any necessary supporting documentation. Every request for leave will be given fair consideration in accordance with the following policies and procedures and the staffing needs of the departmental unit.

Extended Unpaid Sick/Medical Leave

Timesheet Code: **LOA**

An employee who is unable to perform any of the essential functions of his or her position due to disabling illness, injury or condition, and the disability continues after the employee has exhausted his or her accumulated sick leave benefits, may be granted a leave of absence without pay for a period of up to six (6) months upon presentation of evidence as to the probable date for return to active work status.

The following additional criteria must be met in order to be granted leave under this section:

- The employee's absence will be at least five (5) consecutive workdays;
- The employee must demonstrate that the probable length of absence will not exceed six (6) months; and
- The employee must present to Human Resources, at the time the request is made, a licensed physician's report stating diagnosis, prognosis, and probable period for which the employee will be unable to perform the essential job duties of their position.



FMLA leave for eligible employees shall run concurrently with leave taken under this Section if the reason for leave qualifies under the FMLA.

If the employee is unable to return to work after expiration of the six-month period, the employee may be given a disability separation in accordance with Section 5.19 of this Manual or may apply for OPERS disability retirement, if qualified (*See Section 11.06* for contact information for OPERS).



## Section 10: **MILITARY LEAVE**

**NOTE:** County Employees who are related to members of the Armed Forces, including members of the National Guard or Reserves, should be aware that they may be eligible for military-related FMLA leave. Please see Section 8. for more information regarding military-related FMLA leave.

### 10.01      Military Leave With Pay (Military Reserve Leave)

Timesheet Code: ML

Permanent County employees who are members of the Ohio National Guard, the Ohio defense corps, the Ohio naval militia, or any other reserve component of the United States armed forces, are entitled to a leave of absence from their duties without loss of pay for a period or periods not to exceed twenty-two (22) working days (176 hours) in any one calendar year, provided they are called for field training or active duty. This service does not need to be in one continuous period. The maximum number of hours for which payment under this provision will be made in any calendar year is one-hundred seventy-six (176).

Any military pay received for this twenty-two (22) or less day period of military service shall have no effect on pay from the County. This twenty-two (22) day period of military leave will not affect accrual of sick leave or vacation credits. The employee will continue to accrue sick leave and vacation credits at the normal rate.

An employee who is entitled to leave provided under this Section, and who is called or ordered to the uniformed services for longer than a month, for each calendar year in which the employee performed service in the uniformed services, because of an executive order issued by the governor pursuant to the Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

- The difference between the employee's regular gross monthly wage or salary and the sum of the employee's gross uniformed pay and allowances received that month; or
- Five hundred dollars (\$500).

No employee, however, shall receive payments pursuant to the above paragraph if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's regular gross wage or salary.



In order to obtain any paid leave under this Section, the employee must submit to Human Resources a copy of military orders or other statement in writing from the appropriate military authority as evidence of a call to training or duty.

## 10.02 Unpaid Military Leave

Timesheet Code: MLX

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA), an eligible County employee shall be granted, upon giving notice to his or her Department and Human Resources, a leave of absence to serve in the uniformed service, as defined in the Revised Code. This leave shall be without pay and shall be considered as a leave of absence from service with reinstatement rights. No single leave of absence or combination of uniformed service leaves of absence may exceed five (5) years or a single, longer period required to complete an initial period of obligated service.

Employees on military leave without pay for up to thirty (30) days must be given the option of making direct payments of the employee's share of the health insurance premium. Employees with longer periods of service will be given the option of continuing health care coverage and related benefits for up to twenty-four (24) months. Such continuation shall be at the employee's expense.

**NOTE:** the employee may be required to pay up to one-hundred and two percent (102%) of the entire health insurance and related benefits premium costs.

Employees on military leave who are reinstated to employment with the County pursuant to this Section are entitled to immediate reinstatement of health insurance for the employee and any other individual who is covered by such plan by reason of the reinstatement of the coverage for the employee, with no waiting period and no exclusion of preexisting conditions, except for service-connected illness or injury. Even if the employee does not elect to continue health coverage during his or her military service, he or she will have the same right to immediate reinstatement of health insurance.

Employees returning from military service will be reinstated in the job that they would have attained had they not been absent for military service and with the same seniority, job status and pay, as well as other rights and benefits determined by seniority. The County will make all reasonable efforts to enable returning employees to refresh or upgrade their skills to enable them to qualify for reemployment. If refresher training is not successful, the County will reinstate the employee in a position that most nearly approximates that position originally held.

An employee returning from military leave must apply for reinstatement to their Department or Human Resources within the following time frames:

- Leave of less than thirty (30) days – the employee must report back to work at the next regularly scheduled shift on the day following release from the military, safe travel home, and eight (8) hours of rest.



- Leave of thirty-one (31) to one hundred eighty (180) days – the employee must apply for reinstatement within fourteen (14) days following release.
- Leave of one hundred eighty-one (181) days or more – the employee must apply for reinstatement within ninety (90) days after release.

Failure to return to work or apply for reinstatement in accordance with these time limits does not necessarily forfeit the employee’s reinstatement rights, however, the employee will be subject to the County Attendance Control Policy (Section 14).

Following a period of service of thirty-one (31) days or more, employees will be required to provide documentation to the County which establishes the following:

- The timeliness of the employee’s application for reinstatement;
- That the employee has not exceeded their cumulative 5-year limit of military leave; and
- That the character of their discharge or separation from uniformed service does not meet one of the types set forth in 20 CFR 1002.135.

If the documentation is not readily available, or does not exist, the County will not deny reinstatement, however, if the documentation later becomes available and it shows that the employee did not qualify for reinstatement, the employee will be immediately removed from employment.

For employees who were disabled while on military duty, or if a pre-existing disability is aggravated by military service, the County will make reasonable efforts to accommodate the disability (*See Section 4.07* for more information on disability accommodations.)

If the employee’s service was one-hundred eighty-one (181) days or more, they are protected from discharge, except for cause, for one (1) year. If the employee’s service was for thirty-one (31) to one-hundred eighty (180) days, the period of protection from discharge, except for cause, is one-hundred eighty (180) days.

Employees may elect to use any vacation leave they have accrued for a period of unpaid military leave. Use of vacation is strictly optional. Employees on unpaid military leave do not accrue sick or vacation leave.





## Section 11: **BENEFITS**

### **11.01      Health Care Benefits**

The County's comprehensive benefits program, consists of group medical, prescription, dental, vision, life insurance and flexible spending accounts.

**NOTE:** Part-time employees hired on or after January 1, 2008 are not eligible for County provided health care benefits. Part-time employees who were receiving County health care benefits prior to January 1, 2008 will continue to remain eligible to receive health care benefits.

New employees have thirty (30) days from their hire date to make their benefit elections and to submit documentation regarding dependents. Under most circumstances, if an employee fails to make benefit elections within that time period, the employee will have to wait until open enrollment to elect benefits.

After an initial waiting period of one hundred twenty (120) days of continuous employment, the costs of the employee's selected benefits plans are shared between the employee and the County. The County will make their first contribution on the first day of the first month following the waiting period. Employees, at their own expense, can elect to begin medical, dental, vision and flexible spending account coverage on the first day of the first month following their date of hire. Employees who choose this option are responsible for 100% of the cost of their benefits.

Employees who take a leave of absence during the benefits waiting period may incur a delay in the effective date of County paid benefits. The new effective date will be calculated from the day the waiting period is completed.

The County's health benefits may cover an employee's spouse and dependent children. To be covered, children must be under age twenty-three (23), unmarried, and legal dependents of the employee. Health benefits may also cover certain other dependent children if the employee has legal guardianship, as outlined in each of the County's group insurance carrier contracts. No dependent can be covered by more than one County sponsored benefit plan. Documentation is required before dependents can be added.

**NOTE:** Effective January 1, 2011, employees may be able to add dependents whose age is greater than 23 to their benefits coverage. Federal rules will allow employees to add dependents who will be covered through the month of their 26th birthday (with proper documentation). The State of Ohio allows dependents to be added following the month of their 26th birthday through the month of their 28th birthday if they meet all the State of Ohio criteria.



If an employee is covered by medical coverage elsewhere, the employee may be entitled to waive County coverage and receive a taxable wage incentive for maintaining non-County coverage. Employees should contact the County Benefits Department at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us) for more information on this incentive.

Employee contributions for health benefits are paid through a pre-tax payroll deduction, both during and after the waiting period.

**Fraud Warning:** Any person who, with intent to defraud or knowing that he or she is facilitating a fraud, submits an application or files a claim containing a false or deceptive statement may be guilty of insurance fraud. Any employee found making false or deceptive statements may be subject to disciplinary action, up to and including removal.

By enrolling in a County benefit plan, an employee agrees to comply with eligibility rules for themselves and for all of their dependents in these plans. The enrolling of ineligible dependents may be considered fraud. An employee may be subject to an eligibility audit during the benefit year. An employee selected for an eligibility audit may be required to submit copies of documentation such as certified birth certificate(s), marriage certificate(s), income tax return(s) and/or other related documentation including affidavits.

## **11.02**      **Open Enrollment**

Open enrollment generally occurs between October and December. Employees must go on line annually to make their elections. Employees who do not make elections on line by the open enrollment deadline will default to the medical plan that the County designates. Once an employee is defaulted to this designated plan, he or she cannot appeal or change this plan unless a qualifying event occurs. Employees are also bound by the deadlines to submit documentation during open enrollment for addition and/or deletion of dependents.

## **11.03**      **Benefits During Unpaid Leaves of Absence**

If an employee is on an unpaid leave of absence, benefits may be maintained. To continue benefits, employees must make required monthly contribution payments which may be greater than those paid by employees in active pay status. Employees should contact the County Benefits Department at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us) for more information on continuation of benefits during a leave of absence.



## **11.04      Changes in Medical Benefits Coverage**

Under most circumstances, employees can only make changes to benefit elections during the annual open enrollment period. After enrollment, revision to an employee's elections is only permitted due to an eligible change in status. Employees must notify Human Resources and complete a Benefits Office Change Form, including attachment of required documentation, within thirty (30) days of an eligible change of status.

Examples of changes of status include:

- Marriage;
- Divorce, legal separation, or annulment;
- Birth, adoption, placement for adoption, or legal guardianship;
- Change of status in child custody;
- Death of dependent;
- A child who is no longer a legal dependent or a dependent reaching age twenty- three (23) (please see note box on page 79 regarding changes to this requirement on or after January 1, 2011);
- Loss of alternate coverage; and/or
- Certain reductions/increases in work hours and or work status (i.e., from part-time to full-time).

**NOTE:** Employees are responsible for notifying the Benefits Division if their legal guardianship ends or if their dependent children get married, leave home with their own job and/or are no longer shown by the employee as a dependent on their income tax returns.

Changes in status can affect the employee's single/family coverage entitlement for medical, prescription drugs, dental and vision, as well as impacting flexible spending accounts and life insurance. In the case of divorce, legal separation and annulment, employees must adjust their covered dependents by removing former spouses within thirty (30) days of divorce, legal separation or annulment. Copies of the first and last pages of the court document must be included. Failure to adhere to this requirement may subject the employee to discipline, up to and including removal.

**NOTE:** Divorced employees who are required by court order to pay benefits for their ex-spouse cannot cover the ex-spouse under County benefits. A separate policy must be purchased outside of County benefits. It is illegal to cover an ex-spouse under County benefits.



## 11.05      Continuation of Coverage

In compliance with Federal COBRA laws, all new employees receive a comprehensive letter concerning their rights with respect to continuing group health care benefits. Generally, a former employee can continue benefits for up to eighteen (18) months, providing that they pay the monthly group rate in addition to a small administrative fee. Some unique situations, as defined by law, may warrant a longer period of up to twenty-nine (29) months. Upon severing employment with the County, eligible employees will receive notification of their COBRA entitlement, duration and payment instruction.

In addition, Federal HIPAA laws require that the County (or its designated agent) provide eligible employees a certificate of group health care coverage. This document may be used as evidence of their insurability to another employer or organization whose group health carrier may otherwise impose an exclusion for certain pre-existing conditions. Employees needing a copy of their certificate of group health care coverage should contact the County Benefits Department at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us).

The County's group term life insurance has two features allowing employees to take a portion or all of their life insurance with them under an individual arrangement with the County's insurance carrier:

- The "conversion provision" allows an employee to convert the basic insured amount, if applicable to their group, and the supplemental coverage into a whole life policy.
- The "portability provision" allows an employee to take the insured amount that is in excess of the basic coverage and create an individual term life policy at the same prevailing group premium. Changes in premium still occur at the same five-year (5) age intervals as when employed.

**NOTE:** The "conversion" and "portability" provisions both involve direct payment to the insurance carrier.

There are deadlines associated with both the "conversion" and "portability" provisions of the County's sponsored life insurance program. The County routinely sends an informative notification concerning preservation of life insurance when employment ends. However, employees should contact the County Benefits Department at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us) prior to separation from employment with the County.

## **11.06      Retirement – Ohio Public Employee Retirement System (OPERS)**

All County employees are required by state law to participate in OPERS through payroll deduction.

Information regarding OPERS is available by contacting Human Resources or by directly contacting OPERS:

**Ohio Public Employee Retirement System**  
277 East Town Street  
Columbus, Ohio 43215-4642  
1-800-222-PERS (7377)  
[www.opers.org](http://www.opers.org)

## **11.07      Death Benefit**

Employees who elect life insurance coverage must complete a Beneficiary Form. Upon the death of an employee or their covered dependents, death benefits will be payable. Contact the County Benefits Department at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us) for more information regarding death benefits.

## **11.08      Optional Additional Employee Benefits**

At the sole discretion of the County, certain additional optional employee benefits may be offered to County employees, including:

- Voluntary benefits, such as accident insurance, whole life insurance with long term care rider, and/or short term disability;
- Discounted RTA bus/transit passes and parking;
- Health and wellness programs; and
- Tuition reimbursement.

County employees will be notified of these offers as they become available.



## 11.09      Flexible Spending Accounts (FSAs)

Flexible Spending Accounts are offered by the County as an additional benefit. The County offers two types of FSAs: (1) Medical Payment Accounts; and (2) Dependent Care Payment Accounts. More information on both of these plans can be found in the open enrollment material distributed by the Benefits Division or by contacting the Benefits Division at (216) 443-3539 or [benefits@cuyahogacounty.us](mailto:benefits@cuyahogacounty.us).

### Medical Payment Account (MPA)

The MPA allows employees to use pretax deductions to pay medical, prescription drug and dental expenses that are not covered by the employee's medical plan (e.g., co-pays, deductibles, orthodontia, etc.). Employees deposit these payroll deductions in a separate account with the County's third party provider. To draw on the account, employees must submit receipts for eligible expenses to the third party provider through use of reimbursement form. The employee will then be reimbursed by the third party provider.

### Dependent Care Payment Account (DCPA)

The DCPA allows employees to use pretax deductions to pay childcare expenses. The DCPA works in the same manner as the MPA with regard to submission of receipts and reimbursement form. Childcare services can be provided in or out of the employee's home as long as the sitter is not a dependent that you claim on your income tax. The DCPA covers childcare for children less than thirteen (13) years of age, but also may be used to pay for an incapacitated adult who is dependent on the employee for 50% of their support and who needs care while the employee is at work.

**NOTE:** Employees should be aware that there are strict deadlines associated with the submittal of claims for withdrawal of funds from flexible spending accounts. Employees that fail to submit claims prior to the deadline will forfeit any remaining balances in their flexible spending accounts. More information regarding specific deadlines can be obtained by contacting Human Resources.



## Section 12:

# WORKERS' COMPENSATION

### 12.01      Workers' Compensation Policy

The State of Ohio Workers' Compensation Laws cover County employees. A County employee who sustains a job-related injury or occupational disease may be eligible to receive benefits from the Bureau of Workers' Compensation (BWC).

### 12.02      Employee Procedure

A County employee who is involved in a work-related accident/injury or is diagnosed with an occupational disease must adhere to the following procedure:

1. The employee must immediately notify their supervisor of the work-related accident/injury or occupational disease diagnosis. If the employee is incapacitated, the employee must notify their supervisor as soon as practicable.
2. The employee must complete a Cuyahoga County Accident Investigation Report within 24 hours of the occurrence, unless confined to the hospital. If confined to the hospital, the employee must complete the accident report within 24 hours of release from the hospital.
3. The employee may seek treatment at the medical provider of their choice so long as the provider is BWC certified. If medical care is needed, the employee should obtain a Managed Care Organization (MCO) card from Human Resources for submittal to their provider. If immediate medical care is needed, the employee does not need to obtain a MCO card. Rather, the employee should inform their provider that they have a work-related injury and refer them to the County's MCO, **1-888-OHIOCOMP**.

**NOTE:** An employee who is involved in a work-related accident/injury may be required to submit to a drug and/or alcohol test pursuant to Revised Code Section 4123.54. The results of the drug and/or alcohol test, or the employee's refusal to submit to the test may affect the employee's eligibility for compensation and benefits pursuant to Revised Code Section 4123.54 and Chapter 4121 of the Revised Code and will subject the employee to the provisions of the County's Fitness for Duty Program (Section 7.04).



Employees who are off work due to a work-related accident/injury or occupational disease are responsible to keep their supervisors notified of their work status and to provide appropriate documentation from their physician. Appropriate documentation includes certification of total disability (BWC Form - C-84) and physician's reports of work ability (BWC Form - Medco-14).

If the employee is released to light or full duty, the employee must provide appropriate documentation from their physician to Human Resources and the County Workers' Compensation Office.

If an employee is required to attend an Industrial Commission hearing, he or she will be given up to two (2) hours of paid leave. The employee must present the Hearing Notice from the Industrial Commission to their supervisor prior to the hearing date in order to be granted the paid leave.

If an employee is required to attend a County or BWC mandated medical examination, he or she will be given up to four (4) hours of paid leave time to attend. The employee must present their supervisor with the written letter from the BWC, MCO or TPA in order to be granted the paid leave.

**NOTE:** Time off for attendance at any medical appointment not mandated by the County or BWC must be covered by the employee's own leave time.

## **12.03      Supervisor Procedure**

Immediately upon receipt of notification from an employee of a job-related accident/injury or occupational disease diagnosis, the supervisor shall:

1. Provide the employee with a "Workers' Compensation Injury Reporting Packet." Reporting packets can be obtained from Human Resources. The reporting packets contain the Accident Investigation Report that must be filled out by the employee; and
2. Contact Human Resources to notify them of the incident.

**NOTE:** If the incident in question involves a vehicle accident, the supervisor is also required to contact Fitness for Duty and Protective Services in accordance with Section 16.04 of this Manual.

Upon receipt of the completed Accident Report from the employee, the supervisor shall immediately give the form to Human Resources.





## **12.04      Relationship to Leave Time**

Employees who are off work for more than seven (7) calendar days due to a job-related accident/injury or occupational disease may be entitled to disability benefits through the BWC. It may be several weeks, however, before the BWC determines eligibility and issues the first disability check to an injured employee. County employees who are off work due to a job-related accident/injury or occupational disease have the following options while waiting for the BWC to determine eligibility and issue disability payments:

- **Sick Leave** – An employee may elect to use their accrued sick leave. The employee will continue to receive their full wages and benefits while using sick leave. The BWC, however, will not reimburse an employee for the usage of their sick time (i.e., the BWC will not issue retroactive payment of disability payments to cover the period of time where sick leave was used). In addition, the County will not reimburse or re-credit the employee for the sick time used.
- **Vacation/Compensatory/Exchange/Personal Leave** – An employee may elect to use their accrued vacation, compensatory, exchange or personal leave. The employee will continue to receive their full wages and benefits while using vacation, compensatory, exchange or personal leave. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where vacation, compensatory, exchange or personal leave were used. The County, however, will not reimburse or re-credit the employee for the vacation, compensatory, exchange or personal leave time used.
- **Unpaid Workers' Compensation Leave** Timesheet Code: WCX - Injured employees also have the option of not receiving a paycheck from the county and waiting on BWC wage benefits. However, the decision to go into a no-pay status may affect health care benefits. Should the BWC determine that the employee is eligible for disability payments, the BWC will issue retroactive disability payments to cover eligible periods where unpaid workers' compensation leave was used. Should the BWC determine that the employee is ineligible to receive disability, the employee will not receive any retroactive payment or reimbursement from the BWC or the County.

**In addition, in the event that an FMLA eligible employee suffers lost time of three (3) days or more, the employee will be required to use their available FMLA time to cover up to the first twelve (12) weeks of lost time.**



## **12.05      Alternative Work Program**

### *Policy*

On July 1, 2003, the County passed a Resolution adopting the Cuyahoga County Alternative Work Policy. The passage of this Resolution indicates that the County fully supports the provision of alternative work opportunities for employees who have been injured at work and are eligible for Workers' Compensation Benefits. Employees who have been injured may be able to work for a specific period of time in a modified form of their present job or at a different job assignment.

This policy only pertains to employees with County work related injuries who have been released by their physician for alternative work/light duty. The policy may also be limited based on individual departmental work needs at a particular time.

### *Procedure*

- When an employee is injured, the County's MCO, 1-888-OHIOCOMP, will review the employee's medical records and discuss restrictions with the employee's physician (or review Medco-14 form from physician). The MCO will also make available Functional Job Analyses for certain positions for review by the physician. The MCO will then make recommendations on appropriate candidates. A Department may also make recommendations for appropriate candidates. Appropriate candidates will likely miss more than 7 calendar days of work.
- The employee must file a workers' compensation claim with the BWC and complete the County's accident report before being considered for alternative work. However, the County's initial allowance order does not have to be issued prior to participation in the program.
- The County Workers' Compensation Office will work in conjunction with Department management to determine whether there is an appropriate alternative position within the employee's department.
- The Department may object to the assignment if there are already two employees from the Department participating in this program.
- If a bargaining employee is involved, the union will be notified of the assignment. The employee will be notified of their right to union representation regarding the assignment.
- The employee will maintain their current rate of pay and their bargaining status will remain in force. Where possible, all efforts will be made to assign the employee to their regular shift.



- The County Workers' Compensation Office will inform the employee by certified mail in writing of the new assignment, reporting time and work hours. A copy of this letter will be sent to the union (if applicable), Human Resources, Department Director(s) and supervisor(s).
- An employee will be eligible for alternative work for up to sixty (60) calendar days. This initial sixty-day period may be extended by agreement between the Department and employee (or union if a bargaining employee). At no time may an alternative work assignment exceed one hundred twenty (120) days.
- For an employee to be allowed to return to their prior position, the employee must provide a full release from their physician, indicating that the employee can perform the essential functions of the position, with or without accommodation, or have been granted a reasonable accommodation under the ADA. (*See Section 4.07 of this Manual for more information on making a request for an ADA Accommodation.*)

## **12.06 Wage Continuation Program**

The County Wage Continuation Program is an optional program available for employees who are injured at work and meet specific eligibility requirements. Under the Program, the employee will continue to receive their regular County wages as opposed to receiving workers' compensation disability benefits for up to sixty (60) calendar days while they are recovering from their injuries. The employee will also continue to receive their applicable benefits, including accrual of sick, vacation and retirement credit.

The program is entirely voluntary and the employee may opt out of the program at any time. The employee must meet all eligibility requirements and follow all mandated procedures to participate in the program. **The County reserves the right to make determinations on eligibility on a case by case basis.**

### **Eligibility**

- Injury or occupational disease must be compensable under Workers' Compensation Laws of the State of Ohio;
- Employee must miss more than seven (7) calendar days of work;
- Employee must fill out a county accident report in accordance with Section 12.02 of this Manual;
- Employee must use a medical provider from either MetroHealth or OccuCenters facilities.
- Employee must fill out a Wage Continuation Form (available from Human Resources), and return it to the County Workers' Compensation Office within 72 hours of the injury/diagnosis. If employee is hospitalized, the employee must return the form within 72 hours of their discharge from the hospital. There will be no retroactive application to this program;



- Employee must submit FMLA paperwork to Human Resources and are required to use their FMLA leave. Employees who are not eligible for FMLA leave are not eligible to participate in this program; **and**
- Employee must agree to participate in alternative work if eligible. The employee's participation in the alternative work program shall be governed by the rules set forth in Section 12.05 of this Manual.

Procedure

- Upon receipt of the required forms, the Workers' Compensation Office will consult with the employee's supervisor and make a decision to either certify or reject the injury/occupational disease claim.
  - **Rejected** - the employee will not be eligible to participate in the program.
  - **Certified** - the Workers' Compensation Office will enroll the employee in the program.
  - **Certified, but later disallowed by the BWC** - the employee's participation in the program will be suspended until a final decision is issued on the claim. The employee will be required to use accumulated paid leave or FMLA leave during this period of time if the employee has not been released by their doctor. If the employee does not have sufficient leave time to cover the absence, the employee may be placed on an extended unpaid sick/medical leave.
    - If, after the appeals are exhausted, the claim is allowed, leave time used will be refunded.
- The employee's physician will be required to submit both a C-84 and Medco-14 along with an estimated return to work date to the Workers' Compensation Office. The Workers' Compensation Office will use these forms to determine the appropriateness of an alternative work assignment.
- Wage continuation may continue for a maximum of **sixty (60) calendar days** or until the employee's physician releases the employee to either full duty or alternative work, whichever is earlier.
  - The sixty-day limit applies to each injury (i.e., if an employee returns to work after forty-five (45) days of wage continuation, but later needs to be off work again for the same injury – the employee will only be authorized for fifteen (15) additional days of wage continuation. After a total of sixty (60) calendar days of wage continuation, the employee will not be eligible to participate in wage continuation for the same injury for the duration of the participant's service with the County.)
- If the employee is unable to return to work at the end of the sixty-day time period, he or she will be directed to seek benefits from the BWC. The employee will be required to continue on FMLA leave until exhausted.
- An employee may discontinue the program at any time. If the employee decides to opt out of the program, the employee may use his or her accumulated leave time and apply to use the standard Workers' Compensation Program. An employee who has opted out of the program may not opt back in at a later date.



### Medical Treatment

- Employees in the program must use a medical provider from either MetroHealth or OccuCenters facilities. It is recommended that employees with less serious injuries use OccuCenter, and employees with more serious injuries use MetroHealth.
- Any employee who fails to fully comply with his or her treating physicians recommendations, including treatment, medication, therapy, vocational rehabilitation, and/or alternative/transitional work assignment, will be immediately removed from the program and will forfeit any future claim to program benefits. Missing appointments will be considered non-cooperation.
- Employees in the program who are working in an alternative work position will be granted paid leave time for medical or physical therapy appointments with their approved physician. The employee will be required to submit documentation of the appointment to their supervisor, including the time he or she arrived and left the appointment. Failure to submit appropriate documentation will result in the employee being charged with sick leave for the time away from work
- Employees in the wage continuation program who have returned to full duty will be granted up to two (2) hours of leave time per day for medical appointments related to their work-related injury for up to one (1) year following their date of injury. The appointment must be with their approved physician under this program and the employee will be required to submit documentation in the manner described in the prior paragraph.

### Prohibitions

- An employee is not eligible to use leave donation while participating in this program.
- Employees in the program shall only be paid for their regularly scheduled hours during the period of disability.
- Employees may not maintain any other employment while collecting wage continuation.
- In the event that the County finds that an employee who has received wage continuation has filed a fraudulent claim, the County reserves the right to discipline the employee pursuant to Section 13 of this Manual, up to and including removal, and to recoup the full worth of all wage and benefit payments rendered to the employee.

**NOTE:** The County reserves the right to modify the wage continuation program at any time.



## Section 13:

# EMPLOYEE CONDUCT POLICY

### 13.01      Guidelines for Appropriate Conduct

All County Employees are responsible for performing their jobs in a competent, professional manner and for conducting themselves, at all times, in a way that advances the goals of the County and increases public confidence in Cuyahoga County government. This requires County employees to exercise due care and regard for the safety and security of persons and property, and to refrain from behavior which might be harmful to the county's interests, or which violates or conflicts with the county polices and procedures.

### 13.02      Employee Dress/Appearance

County employees are required to dress in a manner appropriate for their position. Unless otherwise required by their position, employees are generally required to dress in a manner that is "business appropriate."

Although it is not possible to compile a complete list of acceptable and unacceptable attire, employees should always strive to dress in a way that maintains a business appearance and promotes a positive image and level of professionalism.

Employees should be aware that their respective Departments may have additional rules and regulations or more specific guidelines regarding employee dress/appearance. In determining the appropriate dress standards for individual units, Department management should consider the following factors:

- The nature of the work performed by the unit;
- The likelihood of interaction with the public; and
- Consistency amongst similarly situated units.

Department management has the right to take corrective action when an employee is improperly dressed. An employee who is dressed inappropriately may be sent home to change his or her clothes and may be subject to further discipline under this Section. An employee who is sent home shall be required to use his or her own accumulated vacation, compensatory or exchange leave to cover the time that he or she is away from the worksite to change clothes. In the event the employee has no vacation, compensatory or exchange time, the employee will be placed in AWOL status for the time that he or she is away from the worksite.



Nothing in this policy is intended to abridge an employee's rights relating to non-discrimination or to hinder the advancement of diversity at the County. The County will reasonably accommodate those employees whose bona fide religious belief or disability requires special attire (*see* Section 4.08 for information regarding requests for religious accommodation; *see* Section 4.07 for information regarding disability accommodation requests).

### **13.03**      **Employee Responsibility for County Property**

Employees shall not abuse, neglect, waste or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment or vehicles assigned for the performance of their jobs. No County tools, equipment, materials or vehicles shall be used for any purpose other than authorized work-related activities. No County tools, equipment or materials shall be taken from the worksite for any purpose unless specifically authorized by the employee's supervisor and/or management. Any violation of these requirements may subject an employee to discipline, up to and including removal.

Upon separation from County employment, employees must return to their Department Management all County-issued cell phones, pagers, computers, keys, uniforms, and other such equipment. In addition, employees must return their ID badges to Human Resources.

### **13.04**      **Recording of Conversations**

The County has established the following guidelines for the recording of telephone conversations, office meetings and office conversations concerning County business. Any violation of this Section could result in disciplinary action, up to and including removal.

#### *Telephone Conversations*

County employees shall not record any telephone conversation involving the discussion of County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing;
2. The party intending to record the conversation notified the other party – both at the beginning and at the end of the conversation – that the call is being recorded;
3. The Law Director or designee authorizes in writing an employee to record a telephone conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation); or
4. County management authorizes the recording of a telephone conversation as a standard course of business (e.g, all telephone calls to the 696-KIDS hotline are recorded).



### Office Meetings and Conversations

County employees shall not record any internal office meetings, conversations, and/or any oral communication involving the discussion of matters pertaining to County business unless at least one of the following applies:

1. All parties first consent either verbally or in writing; or
2. The Law Director or designee authorizes in writing an employee to record a meeting/conversation without the other party's consent (e.g., in furtherance of a sexual harassment investigation).

An internal office meeting is defined as an assembly of two or more County employees for the purpose of discussing matters relating to the conduct of County business.

**NOTE:** This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the general public, including, but not limited to, public hearings.

## **13.05**      **Workplace Search/Privacy Policy**

**NOTE:** See Section 15.02 for information regarding the County's electronic equipment/e-mail privacy policies.

County management may question employees and/or inspect any personal property or any area from which the County conducts business, including any spaces, facilities and/or vehicles leased by the county, when there are **reasonable grounds** for suspecting that the search will reveal evidence of work-related misconduct, including, but not limited to:

- When management has a reasonable suspicion that a search/questioning is necessary to safeguard another employee's safety or property;
- When management has a reasonable suspicion that a search/questioning is necessary to safeguard a County customer or their property;
- To protect County property from destruction and/or theft;
- To investigate possible violations of County policy; or
- In furtherance of an internal workplace harassment/discrimination investigation.

**County management will obtain authorization from either Human Resources or the Protective Services Division prior to conducting a workplace search.**

**NOTE:** Employees who are without their County issued ID Badge may be required to submit to a search through the use of a metal detector. In addition, all County employees may periodically be required to submit to a search through the use of a metal detector.





### **13.06      Professional Licenses**

Any County employee who is required as a condition of his or her employment to possess and maintain in good standing, a professional license (e.g., social worker license, license to practice law, etc.), shall immediately report any change in his or her licensure status to their Department Management (i.e., license revoked due to bad behavior or failure to renew). An employee who fails to promptly report any change in their licensure status may be subject to disciplinary action, up to and including removal.

### **13.07      Criminal Conviction**

Pursuant to Section 5.05 of this Manual, all applicants for appointment to positions under the County are required to declare whether they have been previously convicted of certain crimes. Any employee that fails to disclose a previous criminal conviction or current arrest for one of the listed crimes on their application is subject to disciplinary action, up to and including removal for falsification of their application.

**Any current County employee that is arrested for one of the following crimes must immediately report said arrest to Human Resources:**

- Felonies (or under arrest for crime punishable as a felony);
- A crime involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion);
- Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency);
- Crimes involving physical violence (e.g., assault, patient abuse or neglect); and
- Drug-related crimes (e.g., trafficking offenses, drug possession).

**Any employee who fails to disclose the fact that he or she has been arrested for one of the above-described crimes is subject to disciplinary action, up to and including removal.**

Conviction of a crime or a history of criminal convictions may constitute cause for disciplinary action. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.



## **13.08 Inappropriate Conduct / Grounds for Discipline**

### Inappropriate Conduct

In accordance with Ohio civil service laws, the County considers the following conduct to be inappropriate and grounds for disciplinary action:

Incompetency	Violation of County Policy and/or Procedure
Inefficiency	Violation of any Ohio Civil Service Law
Dishonesty	Failure of Good Behavior
Drunkenness / Substance Abuse	Misfeasance
Immoral Conduct	Malfeasance
Insubordination	Nonfeasance
Discourteous Treatment of the Public	Felony Conviction
Neglect of Duty	

### Examples of Inappropriate Conduct

The following examples of inappropriate conduct are provided to assist County management with administration of the Progressive Discipline Program. **The examples, however, are provided solely for illustration, and are NOT intended to be exhaustive or exclusive.**

#### **MINOR INFRACTIONS:**

**The following is a non-exclusive list of examples of minor infractions:**

<b>Type of Conduct</b>	<b>Examples:</b>
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> <li>• Failing to follow call-in procedures for a single day of absence without approved leave.</li> <li>• Taking unauthorized or extended lunch or other breaks.</li> <li>• Being away from the worksite without permission or leaving work prior to the end of the shift without authorization.</li> <li>• Loafing, loitering, or failing to perform work in a prompt and efficient manner.</li> <li>• Reading material during regular work hours that is not job-related or authorized by management.</li> <li>• Conducting non-work related business while on County time.</li> </ul>
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> <li>• Abuse of County telephones for personal, local calls.</li> <li>• Using County equipment or property for other than its intended purpose (including, but not limited to, e-mail and Internet).</li> <li>• Failing to sign time sheets, properly register time or to punch time card.</li> <li>• Smoking on County owned or leased properties.</li> </ul>
<i>Insubordination</i>	<ul style="list-style-type: none"> <li>• Failing to follow supervisor's instructions or Departmental procedures.</li> </ul>



**MAJOR INFRACTIONS:**

**The following is a non-exclusive list of examples of major infractions:**

<b>Type of Conduct</b>	<b>Examples:</b>
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> <li>• Sleeping while on duty.</li> <li>• Leaving a post of continuous operation without authorization prior to the end of the shift or prior to proper relief.</li> <li>• Failing to follow call-in procedures for two consecutive days of absence without approved leave.</li> <li>• Failing to report for overtime after being scheduled to work overtime or refusing to work mandated (mandatory) overtime when assigned.</li> <li>• Failure to complete a legitimate job assignment.</li> </ul>
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> <li>• Abuse of County telephone for personal long distance calls.</li> </ul>
<i>Discourteous Treatment of the Public</i>	<ul style="list-style-type: none"> <li>• Failure to provide prompt, courteous service to the public.</li> </ul>
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> <li>• Verbal abuse or profanity directed at a co-worker, supervisor, or the public.</li> <li>• Unauthorized sharing of confidential information about clients and/or employees.</li> <li>• Using another employee's confidential computer identification code without authorization or giving another's code to anyone to use.</li> </ul>
<i>Insubordination</i>	<ul style="list-style-type: none"> <li>• Refusing a legitimate job assignment or failing to perform a directive from a supervisor or management representative.</li> </ul>

**REMOVABLE INFRACTIONS:**

**The following is a non-exclusive list of examples of removable infractions:**

<b>Type of Conduct</b>	<b>Examples:</b>
<i>Neglect of Duty / Inefficiency / Incompetency</i>	<ul style="list-style-type: none"> <li>• Egregious, flagrant or willful neglect in the performance of assigned duties.</li> <li>• Disregarding safety or security regulations that results or would likely in serious physical harm or major property loss or damage.</li> <li>• Failing to follow call-in procedures for three consecutive days of absence without approved leave.</li> </ul>
<i>Violation of County Policy and/or Procedure</i>	<ul style="list-style-type: none"> <li>• Intentionally destroying County property or records without prior authorization.</li> </ul>
<i>Dishonesty</i>	<ul style="list-style-type: none"> <li>• Falsification of employment records or other County records in manual or automated systems, including falsification of stated reason for use of leave (e.g., abuse of sick leave or using sick leave for unauthorized purposes.)</li> </ul>



	<ul style="list-style-type: none"> <li>• Unauthorized punching, signing or altering other employee's time cards or timesheets</li> <li>• Unauthorized altering of one's own time card or sheet.</li> <li>• Making false claims or providing false information in investigations of workplace misconduct or accidents.</li> <li>• Making false claims or misrepresentations in an attempt to obtain any County benefit (e.g., health benefits, promotion, paid leave of absence, etc.).</li> </ul>
<i>Felony Conviction</i>	<ul style="list-style-type: none"> <li>• Conviction of a felony.</li> </ul>
<i>Failure of Good Behavior</i>	<ul style="list-style-type: none"> <li>• Soliciting or accepting a gratuity or bribe from anyone conducting business with the County or seeking to do business with the County.</li> <li>• Using obscene, abusive, or threatening language or gestures, or performing an act with intent to cause injury to another.</li> <li>• Striking or physically assaulting another person.</li> <li>• Fighting, except for self-defense.</li> <li>• Theft of property from co-workers, the County or others.</li> <li>• Unauthorized possession of a firearm, explosives, or other dangerous weapons on County property or while engaged in County business.</li> <li>• Performing an act which constitutes a felony under the laws of the United States, the State of Ohio or the jurisdiction in which the act was committed.</li> <li>• Making an unwelcome, uninvited sexual advance or request for a sexual favor, especially of a subordinate, a vendor or a customer, and/or touching someone else if it is unwelcome and uninvited.</li> <li>• Engaging in a pattern of behavior which creates a hostile, intimidating, or offensive work environment based on a protected characteristic.</li> </ul>
<i>Drunkenness / Substance Abuse</i>	<ul style="list-style-type: none"> <li>• Using alcoholic beverages on County property, or using alcoholic beverages while engaged in County business.</li> <li>• Possessing an open container of alcohol on County property or while engaged in County business.</li> <li>• Manufacturing, using, selling, or distributing alcohol or illicit drugs on County time or County property.</li> <li>• Refusal or failure to submit to a drug test as required.</li> <li>• Failing an alcohol or drug test in violation of the County's Fitness for Duty Policy.</li> </ul>



### Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- 1) Level of disruption to County business.
- 2) Level of harm to the County's interests.
- 3) Level of damage to the public's trust and confidence in Cuyahoga County government.
- 4) The employee's position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). **Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.**
- 5) Whether the employee's conduct is part of a continuing problem.
- 6) Whether the employee's conduct put a co-worker, vendor or customer's safety and/or security at risk.
- 7) Whether the employee's honesty and veracity is brought into question because of his or her.
- 8) Whether there are extenuating or mitigating circumstances.
- 9) Whether the inappropriate factor involves a violation of the County's Code of Ethics (*See Section 3.*).

## **13.09      Progressive Discipline Program**

### Purpose

The County subscribes to a policy of progressive discipline. Progressive discipline is not intended to be punitive. Rather, the goal of this policy is to help the employee recognize and correct certain unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment.

### Application

The Progressive Discipline Program applies to:

- Regular full-time and part-time employees (bargaining and non-bargaining); and
- Promotion or transfer probationary employees.

The Progressive Discipline Program may not apply to:

- New-hire probationary employees;
- Interns; and
- Temporary or seasonal employees
- Any employee who commits an offense deemed to be "removable" pursuant to Section 13.08.

In the event of a conflict, Federal, State and Local laws, rules, and regulations take precedence over Progressive Discipline policies and procedures. In addition, in the event of a conflict, collective bargaining agreements take precedence over Progressive Discipline policies and procedures.



### Relationship to Attendance Control Program

All attendance related discipline shall be administered in accordance with the Attendance Control Program (Section 14). Attendance related discipline, however, may be relevant under this Section as evidence of a continuing performance problem. In addition, failure to follow call in procedures is considered a Progressive Discipline offense and may be addressed separately from the related attendance control issue.

### Procedure

When a management representative determines that an employee has conducted himself or herself in a manner that is deemed “inappropriate” under Section 13.08 of the Policies and Procedures Manual, the management representative shall consult with Human Resources to determine the appropriate action to take. If an investigation is necessary, Human Resources will work with the management representative to gather the necessary information regarding the inappropriate conduct.

If Human Resources determines that the facts of the case may justify the imposition of a suspension, demotion, or removal, Human Resources will have the management representative complete a request for Pre-Disciplinary Conference in accordance with Section 13.11 of this Manual.

Depending on the nature of the discipline that is ultimately issued, the employee will either be notified of the discipline by his or her supervisor or Human Resources.

**NOTE:** All finalized disciplinary actions are permanently placed in the employee’s personnel file. **The disciplinary action, however, will only remain active for two (2) years for purposes of progressive discipline.** The two-year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

### Types of Disciplinary Action

- **Written Reprimand** – The purpose of a written reprimand is to give an employee formal written notice that his or her conduct has been deemed to be inappropriate and of any action that may be necessary to correct said conduct. The written reprimand should also specify consequences if the employee does not correct his or her inappropriate conduct. If Human Resources determines that a written reprimand is appropriate pursuant to the Progressive Discipline Program, the supervisor or management representative shall prepare the written reprimand and submit it to Human Resources for review. Once approved by Human Resources, the supervisor or management representative will give the written reprimand to the employee. The written reprimand shall be signed by the supervisor or management representative, the employee and any third-party who witnessed the issuance of the written reprimand. The employee’s signature is an acknowledgement of receipt of the form, not agreement with its contents. The original written reprimand shall be sent to Human Resources to be placed in the employee’s personnel file, with copies to the employee and the employee’s direct supervisor.



- **Suspension** - A suspension is a forced unpaid leave of absence from employment with the County. The County may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.
- **Reduction** - See Section 5.15.
- **Demotion** - See Section 5.14.
- **Removal** – See Section 5.17.

**NOTE:** At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave when the employee's inappropriate behavior is so serious that immediate removal from the workplace is necessary. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. The employee will be required to leave County property pending an investigation into the employee's behavior. Examples of behavior that may require a placement on paid administrative leave include, but are not limited to, the "Removable Offenses" set forth in Section 13.08 of this Manual. Employees who are placed on paid administrative leave shall be prepared to return to work each day on leave and are required to call Human Resources prior to their regular starting time each day to determine whether they should return to work that day.

## **13.10      Conduct/Performance Improvement Measures**

The utilization of the measures described below can oftentimes help an employee improve his or her performance or conduct without having to initiate formal disciplinary procedures. Their purpose is to establish an understanding of the issues, exchange information, and establish job expectations. If the employee's performance or conduct does not improve, however, the supervisor shall initiate disciplinary proceedings in accordance with Section 13.09 of this Manual.

Management is strongly encouraged to consult with Human Resources prior to making use of the following measures:



**NOTE:** The following measures are NOT considered disciplinary action for purposes of the Progressive Discipline Program. These measures, however, may be mandated in conjunction with disciplinary action under the Progressive Discipline Program. An employee's failure to fulfill a mandate pursuant to this section constitutes insubordination and may subject the employee to disciplinary action. For example, an employee that is being suspended for inappropriate conduct may also receive a mandatory referral to the Employee Assistance Program as part of the disciplinary order. The employee's failure to fulfill the mandated referral would subject them to further disciplinary action for insubordination.

### Verbal Counseling

Verbal counseling involves a private meeting between supervisor and employee, whereby the employee is informed in detail of his or her conduct that the supervisor has deemed inappropriate and of any action that may be necessary to correct said conduct. The supervisor shall create a document detailing the reasons for and outcomes of the counseling. The supervisor and the employee shall sign the document. The supervisor shall retain the original and the employee shall receive a copy of the document. The employee's signature is an acknowledgement of receipt of the form, not agreement with its contents.

**NOTE:** "Verbal counseling" may also be referred to as "oral counseling" or "coaching".

### Performance Improvement Plan ("PIP")

A performance improvement plan is a formal process used by supervisors to help employees improve performance or modify behavior. The performance improvement plan, or PIP, as it is often called, identifies performance and/or behavioral issues that need to be corrected and creates a written plan of action to guide the improvement and/or corrective action. A PIP may be used in conjunction with a verbal counseling, a disciplinary action or a poor performance review.

Fundamentally, a PIP is a structured communication tool designed to facilitate constructive discussion between the employee and the supervisor. An effective PIP will:

- Consider the employee's input;
- Specifically identify the performance to be improved or behavior to be corrected;
- Provide **reasonable and clear expectations** about the work to be performed or behavior that must change;
- Identify the support and resources available to help the employee make the required improvements;
- Establish a plan for reviewing the employee's progress and providing feedback to the employee for the duration of the PIP; and
- Specify consequences if performance standards as identified in the PIP are not met.

**NOTE:** A "performance improvement plan" may also be referred to as a "corrective action plan" or "CAP".





### Training

In an effort to further the professional development of its employees, the County will frequently offer a wide variety of training opportunities for its employees. Examples of the types of training that may be offered includes:

- Computer skills;
- Management/leadership training;
- Professionalism and business etiquette;
- Conflict management/resolution;
- Problem solving;
- Effective communication; and
- Project management.

**Attendance at training sessions can be mandated by County management. An employee that fails to attend a mandated training session will be subject to disciplinary action, up to and including termination of employment.**

Please contact Human Resources or refer to the County Intranet for more information regarding training opportunities.

### Management Referral to Employee Assistance Program

Under certain circumstances, the County may deem it necessary to request that an employee seek assistance through the County's Employee Assistance Program (EAP) (*See Section 7.03*). An employee who receives a management EAP referral will be treated in the same manner as an employee who voluntarily seeks assistance through the EAP except that the employee's attendance, motivation level, and willingness to follow recommendations will be reported back to County management by the EAP administrator.



### **13.11      Pre-Disciplinary Conference (PDC)**

If Human Resources determines that the severity of the employee's conduct may justify imposition of a suspension, demotion or removal, Human Resources will prepare a Notice of Pre-Disciplinary Conference for issuance to the employee.

At any point prior to the PDC, the employee may choose to waive his or her opportunity to have a PDC. Attendance at the PDC is mandatory unless waived. Upon written request, the presiding Human Resources' official may grant the employee a reasonable continuance, if necessary.

The following rules of procedure shall apply to the PDC:

- a) The employee may present oral and/or written statements, testimony, documents etc., in response to each allegation of inappropriate conduct.
- b) The employee may choose to have one additional person (other than a subordinate employee) accompany them to the PDC as an observer. The observer shall not be permitted to speak on the employee's behalf. It is the employee's responsibility to notify their chosen observer that their attendance is desired.
- c) If the employee is a member of a union, he or she may be accompanied by a union representative in accordance with the applicable collective bargaining agreement. It is the employee's responsibility to notify the union representative that their attendance is desired.
- d) The County reserves the right to record the PDC. The employee has no right to record the PDC, unless otherwise authorized in their collective bargaining agreement.

### **13.12      Appeals**

The Ohio Revised Code provides non-bargaining employees an appeals process for certain disciplinary action through the HRC. Revised Code Section 124.34 sets forth the specific types of discipline that may be appealed and outlines the procedures for filing an appeal with the HRC.

NOTE: Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in Section 17.03.



## Section 14:

# ATTENDANCE CONTROL PLAN

### 14.01      Purpose

Absenteeism and tardiness represent two of the most serious problems in county government. Absenteeism and tardiness disrupt work schedules, cause unnecessary overtime, and place an unfair burden on responsible employees and supervisors. The purpose of the Attendance Control Plan is to increase productivity and employee morale through the systematic reduction of employee absenteeism and tardiness.

### 14.02      AWOL (Absent Without Official Leave)

AWOL occurs when an employee is away from his or her scheduled place of work or is tardy for reasons other than authorized leave. AWOL and tardiness are work rule violations.

The mere procurement of a physician's statement will not prevent the accumulation of AWOL hours, unless the absence is covered by approved leave.

### 14.03      Attendance Control Plan

Attendance control is administered separately from the Progressive Discipline Program in Section 13.09. **Failure to follow departmental call-in procedures, however, is considered a separate offense which may be addressed under the Progressive Discipline Program in Section 13.09.**

**NOTE:** An employee may receive separate disciplinary action for a failure to follow call-in procedures and for AWOL arising out of the same incident. For example, if an employee fails to follow call in procedures for a single day of absence without approved leave, the employee would be subject to discipline for a "minor infraction" under Section 13.08 and would also receive eight (8) hours of AWOL time pursuant to the Attendance Control Plan.

The Attendance Control Plan shall be administered as follows:

Stage 1

If the employee accumulates ten (10) or more hours of AWOL in a two-year period, the employee shall receive an **AWOL Written Reprimand**. The supervisor and employee shall sign the AWOL Written Reprimand and the original shall be sent to Human Resources to be placed in the employee's personnel file, with a copy to the employee.

Stage 2

If the employee accumulates ten (10) or more hours of AWOL in the two-year period after the date of the issuance of their Stage 1 AWOL Written Reprimand, the employee shall be subject to a **three-day suspension**.

Stage 3

If the employee accumulates sixteen (16) or more hours of AWOL in the two-year period after the third day of their Stage 2 three-day suspension, the employee shall be subject to **removal**.

**Attendance Control Plan Summary Chart**

	<b>AWOL ACCUMULATION</b>	<b>DISCIPLINE</b>
<b>STAGE 1</b>	10 hours in a 2-year period	Written Reprimand
<b>STAGE 2</b>	10 additional hours in the two-year period after the date of the issuance of their Stage 1 AWOL Written Reprimand	3-day Suspension
<b>STAGE 3</b>	16 additional hours in the two-year period after the third day of their Stage 2 three-day suspension	Removal

**14.04 Appeals**

The Ohio Revised Code provides non-bargaining employees an appeals process for certain disciplinary action through the State Personnel Board of Review. Revised Code Section 124.34 sets forth the specific types of discipline that may be appealed and outlines the procedures for filing an appeal with the HRC.

NOTE: Certain progressive discipline decisions may be appealed in accordance with the complaint process set forth in Section 17.03.



## Section 15:

# ELECTRONIC EQUIPMENT AND COMMUNICATIONS

### 15.01      Electronic Equipment and Communications Policy

Internet/Intranet/Extranet-related systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, World Wide Web browsing, FTP, cellular telephones, and “smart phones” are the property of Cuyahoga County. These systems are to be used for business purposes in serving the interests of the County, the public and agency customers in the course of normal operations. Access and use of County provided communication equipment and services are provided at the discretion of the County and may be revoked at will.

Effective security is a team effort involving the participation and support of every Cuyahoga County employee and affiliate who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of electronic equipment at Cuyahoga County. These rules are in place to protect the employee and Cuyahoga County. Inappropriate use exposes Cuyahoga County to risks including virus attacks, compromise of network systems, data, services, and legal liability issues.

This policy applies to employees, contractors, consultants, temporaries, and other workers at Cuyahoga County, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by Cuyahoga County.

### 15.02      Privacy Expectations

County employees do not have a right, nor should they have an expectation, of privacy while using any County electronic equipment at any time, including accessing the Internet and/or using County owned/provided e-mail. By using County electronic equipment, County employees make express agreement to consent to disclose the contents of any type of information maintained on or passed through County electronic equipment. **In addition, any record created by an employee when using County electronic equipment (e.g., e-mail record, internet usage history), is generally considered a public record subject to disclosure upon request.**



By using County electronic equipment, consent to monitoring and recording is implied with or without cause, including, but not limited to, accessing the Internet and using County owned/provided e-mail. Any use of County communication resources is made with the understanding that such use is generally not secure, is not private, and is not anonymous.

**All County provided electronic equipment, and its contents, may be monitored and inspected at any time without prior notice.** Electronic communications may be disclosed within a Department to those who have a need to know in the performance of their duties. Department Directors, system managers, and supervisors may access any electronic communications at any time.

### **15.03 Security and Proprietary Information**

The following guidelines are designed to protect County employees, partners and the public from illegal or damaging actions by individuals, either knowingly or unknowingly:

1. Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed quarterly, user level passwords should be changed every six months.
2. All PCs, laptops and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off (control-alt-delete for Win2K users) when the host will be unattended.
3. Use encryption of information in compliance with Information Services Center's Acceptable Encryption Use policy. This policy may be found at: [http://10.4.1.23/ccisc/pdf/policies/ISCSecurityPolicyProcedures\\_0309.pdf](http://10.4.1.23/ccisc/pdf/policies/ISCSecurityPolicyProcedures_0309.pdf)
4. Because information contained on portable computers is especially vulnerable, special care should be exercised. Protect laptops in accordance with good judgment and best practices in protecting county owned equipment.
5. Postings by employees from a Cuyahoga County email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of Cuyahoga County, unless posting is in the course of business duties.
6. All hosts used by the employee that are connected to the Cuyahoga County Internet/Intranet/Extranet, whether owned by the employee or Cuyahoga County, shall be continually executing approved virus-scanning software with a current virus database unless overridden by departmental or group policy.
7. Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or Trojan horse code.



## 15.04      Prohibited Uses of Electronic Equipment and Communications

Prohibited use of County equipment and/or electronic communications may subject the violator to disciplinary action, up to and including removal. Prohibited usage may also expose the violator to criminal prosecution. Examples of prohibited uses of electronic equipment and communication are:

**NOTE:** Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services.)

### System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by Cuyahoga County.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which Cuyahoga County or the end user does not have an active license is strictly prohibited.
3. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
4. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
5. Sharing or revealing your account password to others or allowing use of your account by others. This includes friends, family and other household members when work is being done at home.
6. Using a Cuyahoga County computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
7. Making fraudulent offers of products, items, or services originating from any Cuyahoga County account.
8. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
9. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.



10. Port scanning or security scanning is expressly prohibited unless prior notification to the Research and Security Department is completed.
11. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
12. Circumventing user authentication or security of any host, network or account.
13. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
14. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
15. Providing information about, or lists of, Cuyahoga County employees to parties outside Cuyahoga County.
16. Accessing inappropriate websites (e.g., pornography, gambling, etc.).

#### Email and Communications Activities

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within Cuyahoga County's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by Cuyahoga County or connected via Cuyahoga County's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

#### Weblogs ("Blogging")

1. Blogging by employees using Cuyahoga County's equipment or systems is subject to the terms and restrictions set forth in this Policy. Use of Cuyahoga County's systems to engage in blogging is acceptable, provided that it is done in a professional and responsible manner, does not otherwise violate Cuyahoga County's policy, is not detrimental to Cuyahoga County's best interests, and does not interfere with an employee's regular work duties. Blogging from Cuyahoga County's systems is subject to monitoring.
2. Cuyahoga County's Information Sensitivity policy also applies to blogging. As such, employees are prohibited from revealing any Cuyahoga County confidential or proprietary information, trade secrets or any other material covered by Cuyahoga County's Information Sensitivity policy when engaged in blogging.
3. Employees are prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by Cuyahoga County's Non-Discrimination and Anti-Harassment policy.





4. Employees may also not attribute personal statements, opinions or beliefs to Cuyahoga County when engaged in blogging from Cuyahoga County systems. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of Cuyahoga County. Employees assume any and all risk associated with blogging, to include legal liability. Employees may blog freely from their home personal computers or other access outlets assuming legal liability at their own risk.
5. Apart from following all laws pertaining to the handling and disclosure of copyrighted or export controlled materials, Cuyahoga County's trademarks, logos and any other Cuyahoga County intellectual property may not be used in connection with any blogging activity



## Section 16:

# TRAVEL / DRIVING ON COUNTY BUSINESS

### 16.01      Traveling on County Business

Employees may be required to travel on County business in conjunction with their normal job assignments or in order to fulfill a special departmental need. Any decision to travel must be made in accordance with the policies and procedures set forth in the Cuyahoga County Travel Policy. An employee may be denied reimbursement for their travel expenses and may be subject to discipline, up to and including removal, if they fail to follow the policies and procedures set forth in the Cuyahoga County Travel Policy. **A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources.**

County employees who are required to travel are responsible for conducting themselves, at all times, in a manner that advances the goals of the County and increases public confidence in County government. This requires County employees to refrain from behavior that might be harmful to the County's interests, or which violates or conflicts with County policies, practices and/or procedures. County employees shall exercise good judgment while traveling on County business and shall observe all of the County's rules while traveling, including, but not limited to rules regarding:

- Personal appearance ([Section 13.02](#));
- Alcohol and drug use ([Section 7.01](#)); and
- Sexual or other workplace harassment ([Section 4.03](#)).

Any failure to adhere to these requirements constitutes an infraction of the County Discipline Policy ([Section 13](#)), which may result in disciplinary action, up to and including removal from County employment.

### 16.02      Safety Belt Usage

The County recognizes that safety belts are an important item of personal protective equipment and that safety belts save lives and reduce the severity of injuries to those who wear them. It is the County's commitment to do everything reasonable to prevent injuries to employees and damage to property and to protect the County, its employees and the general public from the results of vehicle accidents.



This policy applies to all County employees and to all occupants of vehicles driven by employees on County business. Occupants shall use safety belts in all vehicles driven on County business (whether County owned or privately owned vehicles). It is especially important that all employees demonstrate their commitment to and support of this policy by their strict adherence to it.

Any employee who is cited by a law enforcement agency for not wearing a safety belt will be responsible for any fines or other actions that may result as part of the citation. Employees who violate this policy may be subject to disciplinary action, up to and including removal.

### **16.03      Driving on County Business / Use of County Fleet Vehicles**

Every employee who drives or operates a County fleet vehicle at any time, or who operates any motor vehicle (i.e., employee's personal vehicle, rental vehicle) on, or in the course of County business must strictly adhere to the following requirements:

- The employee must have and maintain at all times, without interruption, a **valid driver's license** and the minimum **automobile insurance coverage** required by Ohio law. Employees are solely responsible to make sure that their licenses and automobile insurance are properly renewed/maintained.
- Employees are responsible to make sure that the **Ohio Bureau of Motor Vehicles (BMV) has the employee's correct mailing address**. Employees can notify the BMV of an address change by visiting the BMV website (<http://www.ohiobmv.com/>). If the BMV sends notification of a license suspension or other mailing to the address in its records, the employee is deemed to be properly notified and held responsible for having knowledge of the suspension or other matter.
- If the employee's **driver's license and/or insurance is expired, suspended, revoked, or otherwise invalid**, the employee shall **immediately report** this fact to their immediate supervisor, and **immediately stop driving** on, or in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving on, or in the course of County business upon the employee providing acceptable proof of insurance coverage and driver's license (or appropriate occupational driving privileges granted by a court of competent jurisdiction). Other conditions may be imposed as appropriate in light of the circumstances of each individual case.



**NOTE:** Driving records are public information. County management has the authority and does conduct **routine inspections** of the driving records of its employees. Employees who are required to drive on, or in the course of County business are encouraged to periodically visit the Ohio BMV website (<http://www.ohiobmv.com>) to monitor the status of their license.

- All occupants (including non-employees) of any motor vehicle being used on, or in the course of County business are required to wear a **safety belt** at all times.
- Employees who are required to transport children on, or in the course of County business must follow all applicable Ohio laws regarding the use of **car seats** or other restraints.
- Employees must follow all **traffic laws and parking regulations**. Employees are solely responsible for the cost of any driving/moving infraction/violation, parking tickets, impound charges, towing charges, and/or storage charges incurred while driving a County fleet vehicle or any vehicle on, or in the course of County business.
- The use of **alcohol** and/or other **controlled substances** – including a prescription or over the counter medication, which may temporarily render an employee unable to operate a vehicle safely – is strictly prohibited.
- An employee involved in a **motor vehicle accident** must strictly adhere to the vehicle accident reporting requirements set forth in **Section 16.04** of this Manual.

**NOTE:** It is strongly recommended that an employee operating a vehicle pull to a safe location and park the vehicle **before** using a cell phone. It should also be noted that several municipalities strictly prohibit the use of a cell phone while driving.

#### Use of County Fleet Vehicle

Immediately upon becoming aware of the need for the use of a County fleet vehicle, a County employee should contact the Fleet Services Department at (216) 443-8952 to determine if a vehicle is available on their travel date. If a vehicle is available, the employee should submit a Vehicle Request Form to the Fleet Services Garage via facsimile at (216) 443-7806.

A County employee that operates a County fleet vehicle must adhere to the following additional requirements:

- **Personal use** of a fleet/pool vehicle is strictly prohibited.
- Fleet/pool vehicles may only be used during the **employee's regular working hours** or as approved by the employee's department management.
- Fleet/pool vehicles shall only be **operated by County employees**.
- **Non-County employees** shall not travel in a fleet/pool vehicle unless specifically authorized by the employee's department management.



- **Smoking** is strictly prohibited inside a fleet/pool vehicle.
- Employees must comply with the Cuyahoga County **Vehicle Idling** Policy. A copy of the Idling Policy can be obtained by contacting the Fleet Services Department or by logging onto the County intranet.
- Fleet/pool vehicles may not be driven **out-of-state** without prior approval by the County.
- Fleet/pool vehicles may never be driven **out of the country**.
- Fleet/pool vehicles and keys must be **returned** by the specific date and time given and in the condition that they were received.

### Use of Personal Vehicle

A County employee who is required to drive or operate their personal vehicle on, or in the course of County business must adhere to the following additional requirements:

- The employee's personal vehicle's **automobile registration** must be current. If the employee's personal vehicle's automobile registration expires or is otherwise invalid, the employee must immediately notify his or her supervisor and immediately stop driving in the course of County business. The employee's Department Director, with the concurrence of the Director of Human Resources, may allow the employee to resume driving their personal vehicle on, or in the course of County business upon the employee providing acceptable proof of valid automobile registration.
- An employee on, or in the course of County business **may not be transported by a non-County employee unless approved by the employee's supervisor.**
- Every employee who submits a **Travel Expense Report** for operating a personal vehicle on, or in the course of County business, certifies that he or she has a valid driver's license, vehicle registration, financial responsibility (insurance), and personally operated the vehicle for which the travel expense is claimed.
- The employee must maintain the vehicle in a **good and safe operating condition.**

Employees who are required to drive their personal vehicle on, or in the course of County business should refer to the policies and procedures set forth in the Cuyahoga County Travel Policy for information regarding mileage and parking reimbursement. A copy of the Cuyahoga County Travel Policy is available on the County intranet. A copy may also be obtained by contacting Human Resources. **Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.**



## **16.04      Vehicle Accident Reporting Procedure**

For purposes of this Section, a “vehicle accident” is an accident that results in property damage and/or physical injuries to any parties involved in the accident.

### *Employee Duties*

An employee involved in a vehicle accident either, (1) occurring in the course of County business in a private/rental vehicle, or (2) occurring in a County vehicle at any time, **must** follow the following steps:

- 1) **Remain at the accident site unless it is necessary to immediately go to hospital.**
- 2) **Contact the appropriate authorities (i.e., dial 911).**
- 3) **Contact County Protective Services at 216-443-2141 or 1-888-814-3578.**
- 4) **Contact their immediate supervisor.**

After such accidents, the County employee may be required to submit to an alcohol and drug test depending on the circumstances. (See Section 7.04 for more information on County drug/alcohol testing policies and procedures.) Therefore, the employee shall remain at the accident site until they receive further instruction from either their supervisor, Protective Services or the Fitness for Duty Coordinator.

**NOTE:** An employee who is incapacitated and/or transported by EMS to the hospital as a result of a vehicle accident shall contact their immediate supervisor as soon as practicable.

### *Supervisor Duties*

Upon receipt of notification of a vehicle accident involving a County employee, the supervisor shall immediately notify County Protective Services (216-443-2141).

**Any failure to conform to the requirement set forth in this Section constitutes an infraction of the County Discipline Policy (Section 13), which may result in disciplinary action, up to and including removal from County employment.**



## Section 17:

# EMPLOYEE COMPLAINT PROCEDURES

### 17.01      Equal Employment Opportunity Complaints

See Section 4.05 for information regarding the Equal Employment Opportunity Complaint procedure.

### 17.02      Fair Labor Standards Act (FLSA) Complaints

Non-bargaining employees shall use the following complaint procedure for disputes regarding alleged violations of the FLSA (*see* Section 6.01). Employees covered by a collective bargaining agreement shall use the grievance procedure outlined in their agreement.

An employee who has been designated by the County as being exempt from receiving overtime and/or compensatory time may file a written complaint if he or she believe that:

- He or she has been improperly designated as an exempt employee; **or**
- His or her paycheck has been improperly docked.

The written complaint should outline why the employee should not be considered exempt or the specific dates, amounts and circumstance regarding when the alleged improper docking occurred. This written complaint should be submitted to the County Human Resources Director for review.

Upon receipt of the complaint, the Human Resources Director or designee will investigate the allegation. After review, if the employee has been improperly designated or docked, the County will re-designate, reimburse and/or correct the wages of the employee. The decision issued pursuant to this section will be the final decision of the County.

## 17.03      General Complaints

### Policy

For all complaints not involving equal employment or FLSA issues, County employees are encouraged to make every reasonable effort to resolve such complaints with his or her immediate supervisor. If the complaint cannot be resolved informally, employees may file a County General Complaint pursuant to the procedure outlined in this Section.

### Limitations

Certain issues are not subject to the County General Complaint Procedure. Examples include, but are not limited to:

- Administration of disciplinary action that entitles the employee to a right of appeal to the HRC;
- Removals, reductions or demotions during the new-hire probationary period;
- Collective bargaining issues (bargaining unit employees should refer to the grievance process set forth in their collective bargaining agreement);
- Position audit results;
- Temporary transfers of thirty (30) days or less;
- Layoffs;
- Disability separation decisions
- Performance evaluations; and
- Decisions based on fitness for duty examinations.

### Procedure

#### STEP 1: WRITTEN COMPLAINT TO DIRECTOR

- Employees wishing to file a complaint under this Section shall document his or her complaint in writing and submit it to his or her Department Director within ten (10) working days of the event upon which the complaint is based. **The complaint must specifically state the remedy the employee is seeking.**
- The Department Director and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The Department Director will issue a written response within a reasonable period of time, generally not to exceed thirty (30) calendar days.

#### STEP 2: APPEAL TO DIRECTOR OF HUMAN RESOURCES

- If the employee is not satisfied with his or her Department Director's response, the employee may request review by the Director of Human Resources.
- The employee shall send his or her original complaint and the Department Director's response to the Director of Human Resources within ten (10) working days of receipt of the Department Director's response.
- The Director of Human Resources and/or designee will investigate the complaint and/or discuss the issue with the employee.





- The Director of Human Resources and/or designee will issue a written response to the complaint within a reasonable period of time, generally not to exceed thirty (30) calendar days.

### STEP 3: APPEAL TO THE COUNTY EXECUTIVE/DESIGNEE

- If the employee is not satisfied with the response submitted by the Director of Human Resources, the employee may request review by the County Executive/Designee.
- The employee shall send their original complaint and both prior responses to the County Administrator within ten (10) working days of receipt of the Director of Human Resources' response.
- The County Executive and/or designee will investigate the complaint and/or discuss the issue with the employee.
- The County Executive or designee will render a final decision on the appeal within a reasonable period of time, generally not to exceed forty-five (45) calendar days.



## Section 18:

# RECORDS MANAGEMENT

### **18.01**      **Confidential Information**

The County prohibits the release of confidential information. “Confidential information” means any information concerning the County that:

- Is legally required to be kept confidential;
- Is specifically exempt from public inspection and copying; or
- Does not document the organization, functions, policies, decisions, procedures, operations, or other activities of the County.

An employee who violates this section may be subject to disciplinary action, up to and including removal.

### **18.02**      **Compliance with Records Retention Schedule**

Each Department has established a policy to ensure that all County records are retained in compliance with all known local, state, and federal laws and regulations, all Ohio Historical Society requirements, and the internal operating needs of the County. Before disposing of any County records, employees must determine whether the disposal is in accordance with the applicable Records Retention Policy adopted by the employee’s Department.

An employee should contact his or her Department Director’s office or Human Resources with any questions regarding records retention.



### **18.03      Personnel Records**

A personnel file on each employee is kept in the Human Resources office. It contains information regarding training, experience, and employment as well as the work history of the employee with the County. An employee shall have the right to inspect his or her personnel file provided reasonable notification is given to Human Resources.

It is the responsibility of the employee to immediately notify Human Resources of any changes in address, telephone number, emergency information, name change and marital status. Employees are required to have a current permanent residence address and contact number on file at all times with Human Resources. P.O. boxes are not sufficient for this purpose. Name and marital status changes require legal documentation (e.g., marriage certificate, divorce decree, etc.), which will also be provided to the Personnel and Benefits Divisions.

### **18.04      Electronic Mail Records**

Employees using electronic mail in the normal course of the County's business are responsible for adhering to the rules established for electronic mail (*see Section 15*). Electronic mail is to be used judiciously as such for conducting the business of the County. The use of e-mail for improper purposes, such as intimidation, harassment, non-County business, etc., may subject the employee to disciplinary action, up to and including removal.

**There is no expectation of privacy for County owned/provided e-mail accounts. The County, without notice to employees, reserves the right to routinely and randomly monitor and/or access any employee's County owned/provided e-mail account. In addition, any record created or received by an employee when using County owned/provided e-mail accounts is generally considered a public record subject to disclosure upon request.**

**NOTE:** *See Section 15* for more information on the County's Electronic Equipment and Communications Policy.

All e-mail sent or received through County owned/provided e-mail accounts is the property of Cuyahoga County.

The County has established a policy that electronic mail messages are records of the County and that they are subject to all established rules concerning records retention and management. The deletion of e-mail messages shall be done in accordance with the applicable Records Retention Policy adopted by the County.



## **18.05      Complying with Requests to Inspect and Copy County Records**

All requests to inspect and/or copy County records should be referred to the applicable Department Director for handling.

## **18.06      Disposition of Records – Separation From Employment**

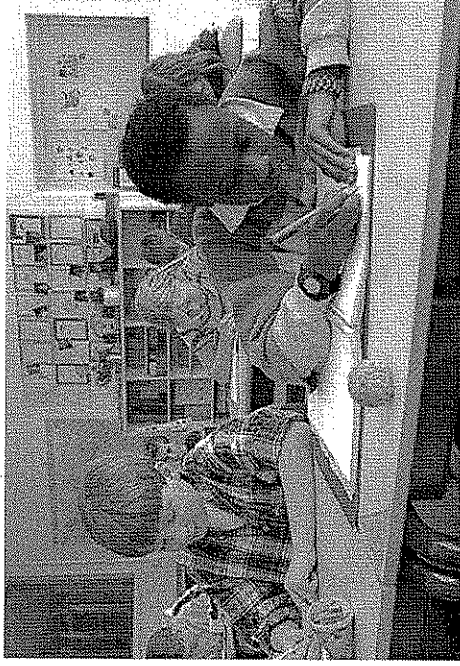
It is the hope of the County that all employees enjoy continuous and uninterrupted employment during their tenure as County employees. However, at the time of separation from employment, whether voluntary, retirement, or as a result of a disciplinary action or reduction in workforce, the employee is not permitted to remove any County records that were created in conjunction with their employment without the expressed written consent of their Department Director. This includes working copies, drafts, manuals, computer disks and software.

The County may review records prior to allowing the employee to remove them from the premises.

The electronic records on the computer hard drive may be reviewed by the Department Director or designee before the computer is provided to another employee or returned to Information Systems. These records include, but are not limited to, e-mail, word processing documents, databases, spreadsheets and other software applications. Records may be printed and retained in paper format in order to comply with the applicable retention period.



**Cuyahoga County Education Strategy:  
Fostering School Effectiveness and Community Prosperity**




# Professional Experience

- Youth Development
- Global Social Sector Consulting
- Civic Engagement

A large, dark gray, L-shaped graphic element is positioned in the top-left corner of the slide. It consists of a vertical bar on the left and a horizontal bar at the top, meeting at a rounded corner. The text 'Our Challenge' is centered within the horizontal bar.

# **Our Challenge**

- 
- A thick, dark gray horizontal bar is positioned below the title, extending across the width of the slide. It has rounded ends and serves as a visual separator between the title and the list of challenges.
- **The Drop-Out Crisis**
  - **The Achievement Gap**
  - **College & Career Readiness**

# Public School Enrollment and Performance - ODE 2009/10

Public School Data (District & Charter)	Ohio	Cuyahoga
Total Number of Students	1,741,138	176,772
% Students Econ. Disadvantaged *	42.9%	55.2%
% Students Minority	21.9%	50.1%
Total Number of Schools	3675	315
Excellent & Excellent w/ Distinction	1,584	78
Effective	912	51
Continuous Improvement	526	60
Academic Watch	222	53
Academic Emergency	215	59
Not Yet Rated (New)	216	14
% Schools "Failing"	12.6%	37.2%
% Schools "High-Performing"	72.2%	42.9%
# Kids in "Failing" Schools	160,536	48,498
# Kids in "High-Performing" Schools	1,264,835	96,115
% Kids in "Failing" Schools	9.5%	27.8%
% Kids in "High-Performing" Schools	75.0%	55.2%



## Racial Achievement Gap Data - ODE 2009/10

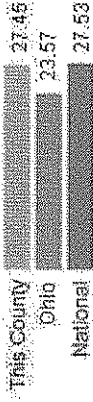
Ohio Achievement Tests 2009/10 % Passing Rates	3rd	4th	5th	6th	7th	8th	Achievement Gap
Ohio - White	84.5	84.5	76.3	86.3	81.6	78.1	
Ohio - African American	63.3	65.6	54.0	69.2	62.1	56.9	20.0%
Cuyahoga - African American	64.0	64.3	49.2	65.1	60.8	56.6	21.9%
Cleveland - African American	48.3	45.7	26.7	48.8	43.2	38.6	40.0%

2005-9

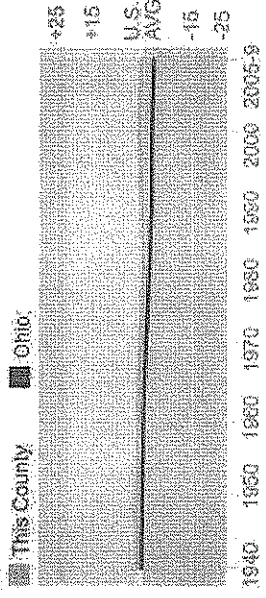
# Cuyahoga, Ohio

population: 1,296,287 median income: \$43,145

## Percentage with bachelor's degrees: everyone



## Bachelor's degrees compared with U.S. average



## Bachelor's degrees, by gender

Men: 29.33% Women: 25.86%

## Bachelor's degrees, by racial and ethnic group



## Adults with bachelor's degrees



# Strategic Initiatives

- Coordination of Education & Social Services
- Post-Secondary Scholarship Program
- Early Childhood Education
- School District Collaboration

# Questions

