



City of Strongsville Policy Acknowledgement

I, _____,
(Please Print)

Acknowledge that I have received and read a copy of the policies of the City of Strongsville listed below:

- ☐ AFFIRMATIVE ACTION PLAN
- ☐ AMERICANS WITH DISABILITIES ACT (ADA) POLICY
- ☐ AUDITOR OF STATE FRAUD REPORTING SYSTEM INFORMATION (**Return Acknowledgement**)
- ☐ DRUG-FREE WORKPLACE POLICY
- ☐ TOBACCO-FREE WORKPLACE ENVIRONMENT POLICY
- ☐ ANNUAL NON-TOBACCO USE CERTIFICATION (**Return Acknowledgement**)
- ☐ SEXUAL AND OTHER HARRASSMENT POLICY
- ☐ ELECTRONIC MAIL (E-MAIL) POLICY
- ☐ OHIO ETHICS LAW AND RELATED STATUTES (**Return Acknowledgement Receipt**)
- ☐ CELLULAR PHONE USAGE POLICY (**Return Acknowledgement Receipt**)
- ☐ PUBLIC RECORDS POLICY
- ☐ CITY-OWNED VEHICLE USAGE POLICY (**Return Acknowledgement Receipt**)
- ☐ EMPLOYEE CONDUCT; PROTECTION OF CITY-OWNED PROPERTY;
CITY COMPUTERS POLICY
- ☐ EMPLOYEE WORK PLACE DRESS CODE
- ☐ EMPLOYEE WORK DAY AND HOURS
- ☐ MEDIA COMMUNICATIONS
- ☐ USE OF LEAVE FOR POLITICAL CAMPAIGN
- ☐ USE OF CITY FACILITIES
- ☐ CITY OF STRONGSVILLE CODIFIED CHAPTER 266 –EMPLOYEES GENERALLY
- ☐ WELLNESS/BIOMETRICS SCREENING POLICY

SIGNED: _____ DATED: _____

DEPARTMENT: _____ TITLE: _____



AFFIRMATIVE ACTION PLAN
Calendar Year 2009

Statement of Commitment

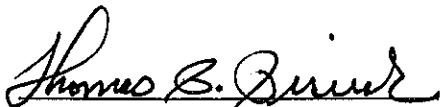
The City of Strongsville is committed to affirmative action efforts and equal employment opportunity policies. I affirm my personal and official support of these policies which provide that:

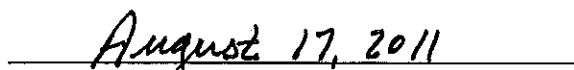
- Discrimination against employees, applicants, or eligibles on the basis of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local human rights commission, disability, sexual orientation, or age will not be tolerated;
- The City of Strongsville is committed to the implementation of the affirmative action policies, programs, and procedures included in this plan;
- The City of Strongsville will continue to actively promote a program of affirmative action, wherever minorities, women, and persons with disabilities are under-represented in the workforce;
- The City of Strongsville is committed to the retention of all qualified, talented employees, including protected group employees.

Steve Kilo, Human Resources Director will act as the City of Strongsville's Affirmative Action Officer Designee and ADA Coordinator designee for personnel related issues. He is responsible for monitoring the day-to-day activities of this plan.

Anyone interested in reviewing the City of Strongsville's affirmative action plan or who has concerns about affirmative action or equal opportunity issues may request a copy of the plan from Steve Kilo.

It is the policy of the City of Strongsville to provide an employment environment free of any form of discriminatory harassment as prohibited by federal, state, and local human rights laws. Therefore, I, Thomas P. Perciak, strongly encourage suggestions as to how we may improve the City of Strongsville. We strive to provide equal employment opportunities and the best possible service to the citizens of Strongsville.


Mayor


Date



AFFIRMATIVE ACTION PLAN
Calendar Year 2009

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I. Introduction

The City of Strongsville's (the City) Affirmative Action Plan (AAP) is a written document detailing the positive action steps the City will take to assure equal employment opportunity, consistent with the mandate of the Strongsville Codified Ordinance in Section 266.12. Moreover as Federal Regulation Title 29 states, local governments are encouraged to implement voluntary affirmative action programs even though the City has no obligation under Federal law to adopt them. Vigorous enforcement of the laws against discrimination always is essential. But equally, and perhaps even more important are affirmative, voluntary efforts to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, race, or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations--all of which emphasize voluntary action to achieve equal employment opportunity. The primary objective of creating a voluntary AAP is to take result oriented steps to ensure Equal Employment Opportunity for women, minorities, veterans and the disabled in connection with all employment procedures and decisions (e.g. hiring, promotion, reclassification, and retention/termination).

II. Organizational Profile

The largest suburb in Cuyahoga County, with more than 25 square miles of space, the City exudes small-town atmosphere with a quality of life consisting of soothing green space, excellent city services, and a school system second to none. The City's nearly 50,000 residents benefit from a group of dedicated public servants in various departments operating with an annual \$33 million general fund budget financed primarily through a 2 percent income tax. More than a third of the budget is earmarked for the city's public safety forces - the police and fire departments. Under the Direction of the Mayor's Office other departments (either created by the City Charter or Ordinance) serving the City's residents are: Building, Communication and Technology, Economic Development, Engineering, Finance, Human Resources, Law, Public Service, and Recreation and Senior Services.

III. Affirmative Action

a. Policies and Procedures

Equal Employment Opportunity (EEO) policies and procedures are distributed upon employment with the City. The City's AAP will be delivered to all City Department Directors upon approval, so that all employees will have viewing access. Departments are instructed by the City's Human Resources Department to post policies, federal and state labor law posters, and approved plans as necessary in conspicuous places so that employees will be able to view such policies, labor laws, and state/federal guidelines.

It is the policy of the City to promote EEO in the employment of women, minorities, veterans, persons with disabilities and persons of all ages. Reasonable accommodation requests are offered in the selection process to make sure that persons with disabilities have an equal chance in the selection process. Minimum qualifications are written to guarantee job relatedness. Individuals within the Human Resources Department responsible for classification and compensation issues review the minimum qualifications contained in the classification specification to guarantee that women, minorities, persons with veteran status or disability are not adversely screened out of the employment process.

b. Responsibilities

The Human Resources Department, Law Department and external consultants (if necessary) assist with citywide EEO responsibilities and training and work collaboratively to handle EEO issues. In addition, EEO mandates arising from federal or state grants or funding sources are generally located within the City's Engineering Department under oversight of the City Engineer. These and all City Departments work under the direction of the Mayor.

The Human Resources Department and the Law Department initially investigate complaints of discrimination in violation of Title VII of the Civil Rights Act of 1964 based on a protected class (i.e., race, religion, sex, national origin or color) or the Age Discrimination Act, or claims of retaliation, sexual harassment and violations of Title VI of the Civil Rights Act of 1964.

All Directors of Departments in the City are responsible for enforcing the City's anti-harassment, anti-discrimination, sexual harassment, ADA, Title VI policies and anti-retaliation. As requested and as needed, the Human Resources Department provides training related to these policies to ensure compliance with federal and state laws, as well as policies issued by the Mayor.

Claims of violations of these policies or those under Titles VI and VII of the Civil Rights Act of 1964 should be referred to:

Steve Kilo
Human Resources Director
City of Strongsville
440-580-3137

A copy of these claims should be referred to:

Kenneth Kraus
Law Director
City of Strongsville
440-580-3145

The Human Resources Department also handles activities and tracking of qualitative goals including the City's Affirmative Action Plan, diversity recruitment activities, interviewing techniques and procedures, participation on interview panels, and monitoring applicant processing on a Citywide basis. Human Resources designs, implements, and monitors the effectiveness of the above mentioned programs to determine where progress has been made and improvements are needed.

IV. Americans with Disabilities Act (ADA)

a. Reasonable Accommodations for the Disabled

The Americans with Disabilities Act (ADA) was enacted in 1990. The ADA states that public entities may not discriminate against or exclude people with disabilities from programs, services, or activities. All agencies in state or local government are considered public entities according to the ADA. The City is an equal opportunity employer and has adopted policies prohibiting discrimination in its employment practices.

b. Requests for Reasonable Accommodation

Requests for reasonable accommodations must be made through the City's Human Resources Department. Each request for a reasonable accommodation is evaluated based on the City's policies, practices, and procedures. The City's training notices include a section for requesting a reasonable accommodation to ensure all employees are afforded equal opportunity to gain knowledge through the City's training programs.

c. Complaint Procedure

An individual who feels he or she has been discriminated against based on a disability may file a complaint with the City's Human Resources Department or Law Department, and/or the U.S. Equal Employment Opportunity Commission (EEOC), and/or the Ohio Civil Rights Commission (OCRC). No discrimination complaints based upon disabilities have been reported to the City's Law Department from January 2008 through December 2008.

d. Enforcement and Responsibilities

The City's Human Resources Department and Law Department are responsible for initially investigating alleged violations of the ADA, which includes allegations of sexual harassment. The Human Resources Department also provides assistance to management on issues involving the ADA. The City has offered training on all aspects of equal employment opportunity to managers, supervisors, and employees.

V. Accomplishments and Good Faith Efforts

To date the following have been accomplished:

1. Reviewed potential adverse impact for current full time and part time employees based on 2000 Census Data from Federal Government .¹
2. Discovered that no statistically significant adverse impact existed.
3. Hired Human Resources Director to refine and implement Affirmative Action Plan for the City.
4. Developed and conducted Interview Panel Training with an emphasis on following proper EEO Standards as set forth in the Employment Guide for Questioning Applicants by the Ohio Civil Rights Commission for all Departmental staff members who perform interviews at Recreation Center.
5. Created an Equal Employment Opportunity Applicant Data Tracking form to be included with all pre-employment applications which are submitted to the City for consideration. The responses to the questions are optional. The questions are included to assist the City's equal employment opportunity efforts. Human Resource processes the responses to these confidential questions concerning sex, age group, race/ethnicity, ADA, and veteran status separately. These responses are used for statistical purposes only.

¹ www.fedstats.gov

6. Created a database to log all of the information gained from the Applicant Data Tracking form
7. Benchmarked diversity practices of other state and city agencies.
8. Analyzed flow of applicants to discern trends.
9. Based upon discussion with the Civil Service Commission, decided to continue to advertise for upcoming Civil Service tests in newspapers within the 25 miles radius of employment per Civil Service Rules and Regulations and the City Charter. This will increase applicant pool for potential position openings.
10. Prior to posting the most recent police civil service examination a "Career Opportunity" brochure was developed and distributed to all major colleges in Ohio and posted on college job opportunity sites and the "Strongsville.org" website. Hiring announcements were placed in all area major and local news papers.
11. The Police Department has participated in several recruitment/job fairs at local community colleges and through a local job fair group in areas representative of the Northeast Ohio Community, prior to the posting of a police civil service examination.
12. The Fire Department has served over the last 20 years as a clinical education site for Cuyahoga Community College, Southwest General Health Center, Parma Community Health Center, University of Akron, EHOVE Adult Career Center, Strongsville High School, Polaris Career Center and Hocking Technical College. As a clinical education site the Fire Department is allowed to offer and accommodate approximately 100 students from varying ethnic backgrounds representative of the Northeast Ohio Community to have the unique opportunity to train with paramedics during the course of a year. Through this workplace experience many of students become aware of future employment opportunities and have chosen to participate in the civil service firefighter/paramedic entrance examination.

VI. Qualitative Goals

Qualitative goals are necessary to carry through Affirmative Action efforts. Qualitative goals identify non-numerical improvement efforts needed to support the City's progression toward efforts to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial, or ethnic characteristics or age, veteran's status or disability. Progress toward qualitative goals will be monitored and reported on in the 2010 AAP. These will include:

1. Re-institute Affirmative Action Committee within the City to meet on a quarterly basis to discuss implementation of Affirmative Action Plan for the City.
2. Discuss Affirmative Action plan quarterly as an agenda point at Directors meetings to reinforce the positive action steps that the City will take to assure equal employment opportunity.
3. Attend recruitment and job fairs to build a file of qualified applicants for potential vacant positions as they become available.
4. Complete development of on-line application forms for full-time, regular part-time, seasonal and Civil Service positions which comply with all EEO standards to increase applicant pools for potential position openings.

5. Continue to conduct Interview Panel Training on an as-needed basis with an emphasis on following proper EEO Standards as set forth in the Employment Guide for Questioning Applicants by the Ohio Civil Rights Commission for all Departmental staff members who perform interviews for vacant positions.
6. Benchmark diversity practices of other cities
7. Create an employment manual which will ensure that recruitment, selection, and hiring procedures are carried out in an equitable and consistent manner.

VII. AAP Implementation

The 2009 AAP works in tandem with many other Human Resources processes. The AAP applies in recruiting, selection, and hiring procedures. Upon approval of the AAP, Implementation meetings will be held with each Department Director and other City managers.

CITY OF STRONGSVILLE
AMERICANS WITH DISABILITIES ACT (ADA) POLICY

The City of Strongsville (City) is committed to the fair and equal employment of individuals with disabilities. Also, the City will not exclude or deny individuals with disabilities equal opportunity to receive program benefits and services, nor will it deny participation in or access to program benefits and services to individuals with disabilities. Non-discrimination in hiring, promoting and reasonable accommodation is the crux of this non-discrimination policy. While many individuals with disabilities can work without accommodation, other qualified applicants and employees face barriers to employment without the accommodation process. It is therefore, the policy of the City to reasonably accommodate qualified individuals with disabilities unless the accommodation would impose an undue hardship on the City, all consistent with the law.

In accordance with the Americans with Disabilities Act (ADA); and Section 504 of the Rehabilitation Act of 1973, accommodations will be provided to qualified individuals with disabilities when requested accommodations are directly related to performing the essential functions of a job, competing for a job, enjoying equal benefits and privileges of employment, or receiving, participating in or having access to program benefits and services of the City.

This policy is intended to assure equal opportunity in the employment process for qualified individuals with a disability; to enable a qualified individual with a disability to perform the essential functions of a job; to enable an employee with a disability to enjoy equal benefits and privileges of employment; and to afford individuals with disabilities an equal opportunity to benefit from all programs, services and activities.

In addition, this policy will set forth the procedure for submitting a request for a reasonable accommodation under the ADA. The responsible office for handling such requests is the Human Resources Department. As part of its ongoing training, employees are informed of the City's non-discrimination policies and are provided information concerning the ADA and requests for reasonable accommodations. All reasonable accommodation requests made under the ADA must be referred to the Human Resources Department. This reporting requirement is mandatory, not discretionary.

DEFINITIONS:

Disability: A physical or mental impairment that materially or substantially limits one or more major life activities.

Reasonable Accommodation: A modification or adjustment to a job, an employment practice, or the work environment that makes it possible for a qualified individual with a disability to enjoy an equal employment opportunity. Examples of accommodations may include acquiring or modifying equipment or devices; modifying training materials; making facilities readily accessible; modifying work schedules; and reassignment to a vacant position.

Individual with a Disability: A person who: 1) has a physical or mental impairment that substantially limits one or more major life activities; 2) has a record of such impairment; or 3) is regarded as having such impairment.

Undue Hardship: Any accommodation that would be unduly expensive, extensive, substantial or disruptive or that would fundamentally alter the nature or operation of the City.

PROCEDURE:

Current Employees:

1. The City will inform all employees that this policy can be made available in accessible formats.
2. An employee shall inform his or her supervisor or the ADA Coordinator (Human Resources Director) of the need for an accommodation. A Request for Reasonable Accommodation form needs to be completed and forwarded to the Human Resources Director. A hard copy is attached.
3. The ADA Coordinator may request documentation of the individual's functional limitations to support the request. The employee may be asked to complete a release for medical information in order to assess the employee's request for a reasonable accommodation. An employee's failure to cooperate with the request for medical information or request to complete the medical release will be construed as an unwillingness to engage in the interactive process as required by the ADA. At that point, no further action will be taken to process the employee's accommodation request. Any medical documentation that must be collected during this process will be maintained on separate forms and in separate files. Personal Health Information will not be shared unless the disabled person might require emergency treatment.
4. When an individual with a disability has requested an accommodation, the City will, in consultation with the employee:
 - a. Discuss the purpose and essential functions of the particular job involved, and complete a step-by-step analysis if necessary.
 - b. Determine the precise job-related limitation.
 - c. Identify the potential accommodations and assess the effectiveness each would have in allowing the individual to perform the essential functions of the job.
 - d. Select and implement the accommodation that is the most appropriate for both the employee and the City. While an individual's preference will be given consideration, the City is free to choose among equally effective accommodations.
5. The ADA Coordinator will work with the employee to obtain technical assistance, if needed.
6. The ADA Coordinator will provide a decision to the employee within a reasonable amount of time.

Job Applicants:

1. The job applicant will inform the Human Resources Department of the need for an accommodation.
2. The ADA Coordinator will make a decision regarding the request for accommodation, and if approved, take the necessary steps to ensure that the accommodation is provided.

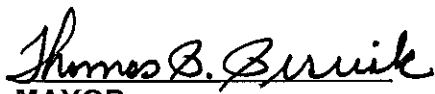
Reporting Discrimination, Harassment, or Retaliation Based on a Disability:

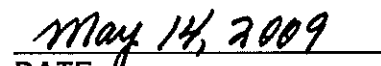
Any employee, applicant or beneficiary who believes that he or she is a victim of discrimination, harassment, or retaliation should report such incident(s) to the City's:

Human Resources Department, Attention: Director
16099 Foltz Parkway
Strongsville, OH 44149
440-580-3137

A formal complaint may be filed with any or all of the following agencies:

- The City's Law Department, 16099 Foltz Parkway, Strongsville, OH 44149
- The Ohio Civil Rights Commission (www.crc.ohio.gov) within 180 days of the incident
- The Equal Employment Opportunity Commission (www.eeoc.gov) within 300 days of the incident


MAYOR


DATE

**CITY OF STRONGSVILLE
AMERICANS WITH DISABILITIES ACT (ADA) POLICY**

Request for Reasonable Accommodation

Name: _____

Date: _____

Department: _____

Immediate Supervisor: _____

I am requesting a reasonable accommodation under the Americans with Disabilities Act (ADA):

Please describe your condition and how it substantially limits your ability to perform a major activity. You are not required to include a specific diagnosis. If your disability is not observable, you may have to provide documentation from a health professional:

Describe limitations caused by your condition that affect your ability to perform an essential function of your job: _____

Describe the essential function affected: _____

Describe how your condition affects your ability to perform an essential job function: _____

Describe the reasonable accommodation you are requesting and why it is needed.

Please note that additional information from your treating physician may be requested to evaluate your accommodation request.

I CERTIFY THAT THE ABOVE-INFORMATION IS TRUE AND CORRECT AND ACCURATELY REFLECTS THE CONDITION FOR WHICH I AM MAKING A REASONABLE ACCOMMODATION.

Signature

Date

Return form or fax to:
Human Resources Department
City of Strongsville
(440) 238-5467



Thomas P. Perciak
Mayor

City of Strongsville

16099 Foltz Parkway
Strongsville, Ohio 44149-5598
Phone: 440-580-3150
Mayor's Office Fax: 440-572-3241
www.strongsville.org



AUDITOR OF STATE

Acknowledgement of Receipt of Auditor of State Fraud-Reporting System Information

Pursuant to Ohio Revised Code 117.103(B)(1), effective May 4, 2012, a public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office.

Each new employee has thirty (30) days after beginning employment to confirm receipt of this information.

By signing below, you are acknowledging that the City of Strongsville provided you information about the fraud-reporting system as described by Section 117.103(A) of the Revised Code, and that you read and understand the information provided. You are also acknowledging you have received and read the information regarding Section 124.341 of the Revised Code and the protections you are provided as a classified or unclassified employee if you use the aforementioned fraud-reporting system.

I, _____, have read the information provided by my employer regarding the fraud-reporting system operated by the Ohio Auditor of State's office. I further state that the undersigned signature acknowledges receipt of this information.

[Print name, title and department]

Signature of employee

Date

The City of Strongsville Promotes the Use of the Auditor of State's Fraud-Reporting System

The Ohio Auditor of State's office maintains a system for the reporting of actual fraud, including misuse and misappropriation of public money by any public office or public official. This system allows anyone, including employees of any public office, to make anonymous complaints when warranted through a toll-free telephone number, the Auditor of State's website, or the United States mail. The Auditor of State must review all complaints in a timely manner.

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

U.S. Mail: Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, Ohio 43215

Website: www.ohioauditor.gov

THE CITY OF STRONGSVILLE DRUG-FREE WORKPLACE POLICY

OVERVIEW

The City of Strongsville (City) recognizes the need to address problems associated with having on-duty employees under the influence of alcohol or drugs. The City is obligated under the Federal Drug-Free Workplace Act of 1988 and other Federal laws and regulations concerning substance abuse in the workplace. At the same time, the City recognizes employees' rights to privacy and other constitutionally guaranteed rights, and any obligations governed by any collectively bargained agreements. The City does emphasize that any drug-free workplace programs are in place to prevent accidents and injuries, and to abate risks created by employees and/or others who are on duty in an impaired condition.

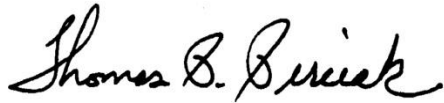
POLICY

1. City employees are prohibited from unlawfully manufacturing, distributing, dispensing, possessing, or using alcohol or a controlled substance in the workplace. "Controlled substance" means those substances defined in Sections 3719.01 and 3719.41 of the Ohio Revised Code.
2. Managers and supervisors shall be provided training about the Drug-Free Workplace Policy and the drug testing program. They shall be responsible for enforcement and monitoring of the Policy and program to ensure that they are administered consistently, fairly and within appropriate constitutional parameters.
3. City employees are required to report to work in a fit condition to perform their duties. If an employee reports to work under the influence of alcohol or other drugs, it will be considered a violation of the City's Drug-Free Workplace Policy. The employee will be subject to the disciplinary provisions of any applicable collective bargaining agreements, and the City's work rules, policies and procedures.
4. The City will not hire anyone who is known to currently abuse alcohol and/or other drugs. However, this policy shall not preclude the City from hiring persons who are in recovery from alcohol and/or other drug addiction.
5. The City prohibits all employees on official business, on or off the workplace, from purchasing, transferring, using or possessing illegal drugs, or abusing alcohol, or abusing prescription drugs in any way that is illegal.
6. The City recognizes that some prescription medications may cause impairment in judgment, coordination, and physical ability. Reasonable accommodations will be made for any employee who uses a prescribed medication.
7. The City will enforce this policy through management supervision and alcohol and/or other drug testing. The drug testing program will include the following components:
 - a. **Applicant Testing:** Final applicants for all full-time positions and certain testing-designated positions (including but not limited to certain designated part-time and seasonal employees over the age of 16 with parental/guardian consent) with the City will undergo drug and/or alcohol testing prior to hiring.
 - b. **Reasonable Suspicion Testing:** Any employee may undergo alcohol and/or other drug testing based on a for cause determination by management. Any employee involved in a significant incident in which the health or safety of himself, herself or other individuals is involved, or in which extensive property damage has occurred, will undergo alcohol and/or other drug testing according to requirements of any governing collective bargaining agreement(s) or the City's work rules, policies and procedures.

c. Random Drug Testing:

- i. The Omnibus Transportation Employee Testing Act of 1991 requires drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking railroads, mass transit, pipelines and other transportation industries. DOT publishes rules on who must conduct drug and alcohol tests, how to conduct those tests and what procedures to use when testing. These regulations cover all transportation employers, safety-sensitive transportation employees and service agents. Encompassed in 49 Code of Federal Regulations (CFR) Part 40, (www.dot.gov/ost/dapc/index.html) the Office of Drug and Alcohol Policy and Compliance (ODAPC) publishes implements and provides authoritative interpretations of these rules.
 - ii. The City will enforce a “company authority” testing program for all full time and regular part-time employees whose job responsibilities include the operation of the Senior Transportation program vehicles. This program will be totally separate from the aforementioned DOT testing procedures.
 - iii. Confidentiality about alcohol and/or other drug tests results will be maintained to the extent provided by law, and employees shall have the opportunity to refute the results of any alcohol and/or other drug or alcohol tests.
8. Confidentiality about alcohol and/or other drug tests results will be maintained to the extent provided by law, and employees shall have the opportunity to refute the results of any alcohol and/or other drug or alcohol tests.
9. Employees who are found to be under the influence of alcohol and/or other drugs while on official business, on or off the workplace, are subject to discipline provisions of the requirements of any governing collective bargaining agreement(s) or the City’s work rules, policies and procedures, as applicable.
10. Employees who have a confirmed positive alcohol or other drug test will be subject to discipline, up to and including dismissal. Notwithstanding this provision, employees may still be subject to disciplinary action for workplace or job-related incidents which may be directly or indirectly associated with the drug or alcohol test results.
11. The sale or possession of alcohol and/or illicit drugs in the workplace or any location where employees conduct official business shall be reported to the City’s Police Department or other appropriate law enforcement authorities. Any criminal drug conviction occurring in the workplace will be reported to federal granting authorities. Employees who possess or sell alcohol or illicit drugs in the workplace or any location where employees conduct official business will be appropriately disciplined pursuant to the requirements of any governing collective bargaining agreement(s) or the City’s work rules, policies and procedures, as applicable. Sale of illicit drugs in particular will result in the strongest form of discipline possible, up to and including termination.
12. Each employee is required to notify the Department Head or Immediate supervisor of his/her Department within five (5) days after he or she is convicted of a violation of any federal or state criminal drug statute. A conviction means a finding of guilty, no contest (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court. The City may have an obligation to notify any U.S. government agency with which it has a contract or grant within ten (10) days after receiving notice from the employee or otherwise actual notice of such conviction. Any employee who fails to report such a conviction will be subject to immediate termination. The Department Head or immediate supervisor will be required to take appropriate disciplinary action against such an employee, up to and including termination.
13. All City employees will be provided with periodic Drug-Free Workplace training, which will include information regarding:
 - a. The dangers of alcohol and other drug abuse in the workplace;
 - b. The City Drug-Free Workplace Policy;
 - c. Penalties that may be imposed upon employees for alcohol and/or other drug abuse violations’ occurring at the workplace or any location where official business is conducted.

14. Outside contractors or vendors who are working on City property shall sign a certificate of Drug-free Workplace Compliance as a condition of such contract.
15. In the event of any conflict or inconsistencies between this policy and any Collective bargaining Agreement, the applicable provision of the latter will govern.
16. This Policy will be primarily administered by the City's Human Resources Director.



Signed

August 17, 2011

Date



City of Strongsville

Tobacco – Free Workplace Environment Policy

FROM: Thomas P. Perciak, Mayor

ORIGINAL POLICY ISSUED: December 5, 2006

AMENDMENT EFFECTIVE DATE: October 1, 2013

Purpose

In order that we may properly promote the health, safety and wellness of our employees, to eliminate the well-known risks attendant to second-hand smoke, as well as to enhance the quality of life of all those whom we serve including residents who may visit our public City facilities and related areas; and in part to implement Ohio Revised Code Chapter 3794 (Smoke-Free Workplace Law), the City of Strongsville establishes a tobacco-free workplace environment.

Definitions

As used in this Policy:

- (A) “Employee” means a person who is employed by the City of Strongsville, with or without compensation.
- (B) “Place of employment” means an enclosed or open area under the direct or indirect control of the City of Strongsville that the City’s employees use for work, or any other purpose, including but not limited to, offices, meeting rooms, sales, operations and storage areas, restrooms, stairways, hallways, warehouses, garages, and vehicles. The areas as described above are places of employment without regard to the time of day or the presence of employees.
- (C) “Public place” means any City-owned, rented, or leased, enclosed or open area incorporating or part of a City facility, City park area, or any other City premises to which the public is invited or in which the public is permitted.
- (D) “Visitor” to public City facilities or related areas, means a person who may or may not be a City resident but who for whatever reason is present at such public places as defined above, including but not limited to persons who contract with the City or third parties who otherwise perform services.
- (E) “Use of tobacco” means all uses of tobacco, including inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, other lighted smoking device or papers for burning tobacco, or any other plant; chewing tobacco, snuff, or any other matter or substances that contain tobacco.

Prohibitions

Effective as of October 1, 2013, the use of tobacco is prohibited at all times:

- **In all public places and City public facilities as defined above in (C);**
- **In all City-owned or leased vehicles; and**
- **On all outside property or grounds owned, rented or leased by the City of Strongsville, as defined, including in or on private vehicles while parked on such City property.**

Communication

Employees and visitors will be informed of the tobacco-free workplace environment policy through signs of sufficient size and type for visibility posted in City facilities/places/parks and City vehicles. All employees and visitors to such City places are expected to comply with this policy. Individuals are encouraged and empowered to respectfully inform others about this policy in an ongoing effort to support individuals to be tobacco-free, improve individual health, and encourage a culture of compliance. Further, employees will receive policy distribution and orientation by their supervisors.

“No Tobacco Use” signs and/or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it shall be conspicuously posted in every public City facility/places/parks and City place of employment where tobacco use is prohibited by this policy, including at each entrance to the public place, City facility or park. Signs shall be of sufficient size to be clearly legible to a person of normal vision throughout the areas they are intended to mark. All violations shall be reported to City management of the particular City facility involved. Appropriate follow-up, discipline, and/or further action shall be considered by the City’s Human Resources Department in the instance of City employees.

Enforcement

- (A) The success of this policy depends upon the thoughtfulness, consideration, and cooperation of tobacco users and non-tobacco users. Supervisors, employees and visitors share the responsibility for adhering to and enforcing the policy.
- (B) Concerns about tobacco use by visitors whether residents or others should be respectfully addressed the moment they appear to occur.
- (C) Any violation of this policy by City of Strongsville employees will be handled through the standard disciplinary process. This approach involves a series of disciplinary actions that may become progressively more severe if an employee commits repeated violations.
- (D) No person shall tamper with, deface, or remove any posted sign that prohibits use of tobacco.
- (E) Lack of intent to violate a provision of this policy shall not be a defense to a violation.
- (F) No person nor the City as employer shall in any manner retaliate against an individual for exercising any right, including reporting a violation, or performing any obligation under this policy.

- (G) The City's enforcement of this policy is in addition to any other enforcement provisions, penalties or remedies otherwise authorized for such violations under State law.

Cessation of Tobacco Use and Support for City Employees

Through the City's health insurer, employees are afforded:

- (A) Tobacco use and tobacco-caused disease counseling prevention (provided under the Healthcare Reform Law). Education/training age 18 and older including screening of all adult employees for tobacco use and providing cessation interventions for those using tobacco. All pregnant women are screened for tobacco use and provided augmented pregnancy-tailored counseling to those who smoke.
- (B) The City's healthcare benefits do cover smoking cessation medication when prescribed by their physician. The medication is subject to the appropriate prescription drug copay.

The City's health insurer also offers the Quitline program which includes the nicotine replacement patches and telephonic counseling. Call 1-866-845-7702 to register.

Any questions or concerns relating to this Tobacco-Free Workplace Environment Policy can be directed to the Human Resources Department at 440-580-3138.



City of Strongsville

Non-Tobacco Use Policy

FROM: Thomas P. Perciak, Mayor

EFFECTIVE DATE: January 1, 2016

Beginning in 2016, all full-time City employees will submit an Annual Non-Tobacco Use Certification to the Human Resources Department certifying whether or not they currently utilize any form of tobacco. In the event an employee does currently utilize tobacco or fails to disclose their tobacco use he/she will then be assessed an additional \$25.00 monthly to their required healthcare premium contribution (deducted \$12.50 twice monthly by the Finance Department).

Employees who utilize tobacco may have the additional fee eliminated if they can provide documentation to the Human Resources Department that demonstrates that they have entered and completed some tobacco cessation program and/or otherwise prove they have quit the use of tobacco for a period of ninety (90) days. The City's health insurer Medical Mutual of Ohio has a program covered under the City's insurance in order to assist employees in quitting the use of tobacco. You do not have to utilize MMO's cessation program but it is available and covered under insurance.

Do not hesitate to contact the Human Resources Department in the event you require any assistance in getting the necessary resource information to help you quit tobacco for good!



City of Strongsville
Human Resources Department
Full-Time Employee

Annual Non-Tobacco Use Certification

Please carefully review this Certification, check the appropriate options, and sign and date at the bottom. Once completed, please return this Certification to the Human Resources Department.

Non-Tobacco User Certification: Complete this section if you meet the criteria for a non-tobacco user as defined below.

☐ I certify that I am not currently using and have not used any tobacco products in any form (cigarettes, cigars, pipes, oral tobacco products or e-cigarettes). I further certify, that if this information changes at any time in the future while I am employed by the City of Strongsville, I will notify the Human Resources Department of any such changes within thirty (30) days through the completion and re-submission of this form.

Tobacco-User Certification: Complete this section if you currently use tobacco products.

☐ I acknowledge that I currently use tobacco in some form (cigarettes, cigars, pipes, oral tobacco or e-cigarettes) or choose not to disclose my tobacco-use status, and therefore, must pay an additional \$25.00 to my monthly (\$12.50 deduction from first two pay periods month) payroll contribution for health insurance premium, as required in my employment with the City of Strongsville.

Assistance for Tobacco Users: If you use tobacco in any form, you may eliminate the additional \$25.00 monthly health premium contribution by participating in a cessation program or other method of quitting the use of tobacco for ninety (90) consecutive days. The City's health insurer has a no cost Medical Mutual QuitLine to assist you. Please contact the QuitLine at 866.845.7702 in this regard.

☐ I certify that I am currently participating in a cessation program by checking this box. I further certify, if I successfully eliminate the use of any form of tobacco for a period of ninety (90) consecutive days while I am employed by the City of Strongsville, I will notify the Human Resources Department within thirty (30) days through the completion and resubmission of this form.

If for some reason it is medically inadvisable for you to complete the QuitLine program or any other cessation program, please contact Human Resources with supporting documentation.

If for some reason you fail to submit the Certification to the Human Resources Department within the allotted deadline, you will automatically have the additional \$25.00 monthly payroll contribution to your health insurance premium deducted until your completed Certification is on file with the Human Resources Department.

I certify that the above information is true and correct to the best of my knowledge. I further acknowledge that providing false information may subject me to the City of Strongsville's progressive disciplinary action policy.

Signature

Date: _____

Print Name

Department



CITY OF STRONGSVILLE

SEXUAL AND OTHER HARASSMENT POLICY

As Revised May, 2009

I. Introduction

The City of Strongsville is committed to providing a workplace that is free from discrimination, and to prohibit harassment of its employees, including sexual harassment. While the primary concern of this policy relates to sexual harassment, this policy also applies to any other form of harassment, and its procedures should be followed with respect to all forms of harassment.

At the City of Strongsville, sexual harassment of employees occurring in the workplace or in other settings in which employees find themselves in connection with their employment, whether verbal, physical, or environmental, is unlawful and will not be tolerated by the City. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals who have complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated.

Because the City of Strongsville takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including termination, where appropriate.

As stated above, while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

II. Definition of Sexual Harassment

“Sexual harassment” is defined as unwelcome or unwanted sexual advances, requests for sexual favors, and other verbal, written or physical conduct of a sexual nature from someone in the workplace that creates discomfort and/or interferes with the job. Conduct constitutes harassment when:

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; or

- b) Submission to or rejection of such conduct by an individual is used for the basis of employment decisions affecting such individual and/or retaliation; or
- c) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, examples of sexual harassment include, but are not limited to:

- Unwelcome sexual advances – whether or not they involve physical touching;
- Demands for sexual favors in exchange for favorable treatment or continued employment;
- Sexual epithets, jokes, written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; verbal abuse of a sexual nature; comment about an individual's sexual activity, deficiencies; or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, pinching, brushing against the body, sexual gestures, suggestive or insulting comments;
- Transmission of inappropriate electronic mail (e-mail) messages;
- Inquiries into one's sexual experiences; and
- Discussion of one's sexual activities.

III. Complaints of Sexual Harassment

This policy covers all employees of the City of Strongsville. The City will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, or by outside clients, vendors, or other non-employees who conduct business with the City. The City encourages reporting of all incidents of sexual harassment regardless of who the offender may be.

If any of our employees believes that he or she has been subjected to sexual harassment, the employee should immediately make a complaint with the City. This may be done in writing or orally. Any employee who reports sexual harassment will not be retaliated against.

IV. Sexual Harassment Investigation

If you would like to make a complaint you may do so by contacting the Human Resources Director. You may also contact your immediate supervisor, the Director of your Department, the Chief of your Division, or the Mayor, unless one of these persons is the subject of your complaint. In that case, you should choose one of the other individuals identified above. These persons are also available to discuss

any concerns you may have and to provide information to you about our policy on sexual harassment and complaint process.

Once we receive the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted by the Human Resources Director, or one of the other individuals specified above, in a confidential manner so as to protect the privacy of the persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practicable, lawful, and appropriate under the circumstances.

Each investigation will be tailored to the particular circumstances of the complaint at issue, and, without limiting the discretion of the investigator as to what appropriate steps to take in the investigation; will normally include a private interview with the person filing the complaint and with witnesses. It will also normally include an interview of the person alleged to have committed sexual harassment complaint, we will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation. If the City determines that a harassment or inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct. If it is determined that harassment has actually occurred, the harasser will be subject to appropriate disciplinary action, up to and including termination. If any of the persons involved are subject to a collective bargaining agreement to which the City is a party, the terms and conditions of the collective bargaining agreement shall be given effect to the extent applicable.

All supervisory personnel within the City are responsible for eliminating any and all forms of sexual harassment of which they are aware. Any management personnel who are made aware of sexual or other harassment must immediately report such actions to the Director of Human Resources.

V. Disciplinary Action

If it is determined that harassment has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Individuals found to have engaged in inappropriate conduct constituting sexual harassment will be disciplined, from counseling up to and including termination from employment. Appropriate sanctions may include such other forms of reprimand, referral to counseling, suspension, and withholding pay.

If an investigation results in a finding that the complainant falsely accused another of sexual harassment intentionally or in a malicious manner, the complainant will be subject to appropriate sanctions, up to and including termination.

VI. Other Harassment

Harassment due to race, color, religion, sex, military status, national origin, disability, age, or ancestry will also not be tolerated by the City of Strongsville's workplace. Such conduct is also subject to discipline, up to and including termination, subject, however, to any applicable collective bargaining agreement to which the City is a party.

VII. Retaliation

The City of Strongsville will not tolerate retaliation against any individual who has complained about harassment. The City will also not tolerate retaliation against individuals who cooperate or provide information in connection with any such complaint or the investigation of a sexual harassment complaint.

VIII. Written Policy

You will receive a copy of the City of Strongsville's Sexual Harassment Policy when you begin working for the City. If at any time you would like another copy of that policy, please contact the Human Resources Director. If the City should amend or modify its sexual harassment policy, you will receive an individual copy of the amended or revised policy.

If you have any questions regarding this policy, please contact the Human Resources Director.

Adopted and Revised by Executive Order of the Mayor. Effective immediately.



Thomas P. Perciak, Mayor

5/14/09

Date

August 10, 2011



CITY OF STRONGSVILLE

ELECTRONIC MAIL (E-Mail) POLICY

The City maintains an electronic mail (e-mail) system to assist in the conduct of business with the City. This system, including equipment and the data stored in the system, is and remains at all times the property of the City. As such, all messages created, sent, received or stored into the system are and remain the property of the City.

Messages should be limited to the conduct of business and electronic mail and should not be used for the conduct of personal business. In addition:

- The City prohibits communications that may constitute verbal abuse, slander, defamation, or trade disparagement of employees, customers, vendors or others.
- The City prohibits offensive, harassing, vulgar, obscene, or threatening communications, including disparagement of others based on race, national origin, marital status, sex, sexual orientation, age, disability, pregnancy, religious or political beliefs, or any other characteristic protected under federal, state and local law.
- The City prohibits employees from creating, distributing, or soliciting sexually oriented messages unwelcome conduct of a sexual nature.

The City of Strongsville reserves the right to retrieve and review any message composed, and/or received. Please note that even when a message is deleted or erased, it is possible to recreate the message, therefore, ultimate privacy of messages cannot be ensured to anyone.

CITY OF STRONGSVILLE



RECEIPT OF OHIO ETHICS LAW AND RELATED STATUTES

I have received a copy of the Ohio Ethics Law and Related Statutes. It is my responsibility to familiarize myself with this law. It is also my responsibility to seek clarification for any part of this law that I do not understand.

Print Name

Department

Employee Signature

Date

Witness

Date

Ohio Ethics Law and Related Statutes



The Ohio Ethics Commission

Merom Brachman, Chairman
Maryann Gall, Vice Chair
Bruce E. Bailey
Betty Davis
Michael A. Flack

Paul M. Nick, Executive Director

October 2012

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THE OHIO ETHICS LAW: CHAPTER 102. OF THE REVISED CODE

Section 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 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 general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity 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. “Public agency” does not include the nonprofit corporation formed under section 187.01 of the Revised Code.

(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) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, “appropriate ethics commission” means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, and public members appointed to the Ohio constitutional modernization commission under section 103.63 of the Revised Code, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) “Anything of value” has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the 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) “Executive agency decision,” “executive agency lobbyist,” and “executive agency lobbying activity” have the same meanings as in section 121.60 of the Revised Code.

(K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Revised Code.

(L) “Expenditure” has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

Section 102.02

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

(1) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(2)(a) Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients,

including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Except for disclosure statements filed by members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education.....	\$95
For office of member of general assembly.....	\$40
For county office	\$60
For city office.....	\$35
For office of member of the state board of education	\$35
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board.....	\$30
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center.....	\$30

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission and the joint legislative ethics committee shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section, investigative or other fees, costs or other funds it receives as a result of court orders, and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative fund.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

Sec. 102.021

(A)(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this

division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

Sec. 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. 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 Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Section 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) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(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 Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the 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) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "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 division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional

amendments. As used in division (A) of this section, "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 division (A) of this section 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) Division (A) of 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 similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision from becoming a public official or employee of a different department, division, agency, office, or unit of the same political subdivision. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new department, division, agency, office, or unit on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former department, division, agency, office, or unit of the same political subdivision. As used in this division, "political subdivision" means a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(10) No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(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.

(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 division (A) of this section, in any license or rate-making 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 division (A) of this section, 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 Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(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.

(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.

(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.

(G) In the absence of bribery or another offense under the Revised Code 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 of divisions (D), (E), and (F) of this section.

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 Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code 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 state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(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. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under

section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, 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.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator, management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

(1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;

(2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;

(3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

In addition to the penalty provided in section 102.99 of the Revised Code, whoever violates division (M)(1), (2), or (3) of this section forfeits the individual's office or employment.

Sec. 102.031

(A) As used in this section:

(1) “Business associate” means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(2) “Contribution” has the same meaning as in section 3517.01 of the Revised Code.

(3) “Employee” does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, “gift” does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member’s official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

Section 102.04

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, 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 that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, 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 nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section 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.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section 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.

Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his

appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

Section 102.06

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a member of the bureau of workers' compensation board of directors, the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the

dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission also shall report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Section 102.07

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

Section 102.08*

* *See also following version of this section and explanation after that version.*

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing

program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, “appropriate ethics commission” does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

Section 102.08*

* *See also preceding version of this section and explanation below.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee

relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

** R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.*

Section 102.09

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the 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 Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

Section 102.99

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

CHAPTER 2921.

Section 2921.01 As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) “Public official” means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers. “Public official” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.03 of the Revised Code.

(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. “Public servant” does not include an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.03 of the Revised Code.

(C) “Party official” means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) “Official proceeding” means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) “Detention” means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state into this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, “detention” includes time spent at an assigned work site and going to and from the work site.

(F) “Detention facility” means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(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 Revised Code.

(I) “Provider agreement” and “medical assistance program” have the same meanings as in section 2913.40 of the Revised Code.

Sec. 2921.42.

(A) No public official shall knowingly do any of the following:

(1) 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;

(2) 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;

(3) 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;

(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.

(B) 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) Division (A)(4) of this section 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.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal

corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(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 this section 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 Revised Code.

Sec. 2921.421

(A) As used in this section:

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

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between

the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

- (a) Authorizes the furnishing of services as required under division (B)(1) of this section;
- (b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.
- (4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.
- (C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Section 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 Revised Code 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.

(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.

(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.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section 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.

(F) Divisions (A), (B), and (C) of this section 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.

FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:

OHIO ETHICS COMMISSION

**William Green Building
30 West Spring St., L3
Columbus, Ohio 43215-2256
Phone: (614) 466-7090
Fax: (614) 466-8368
www.ethics.ohio.gov**

[Rev. 10/12]



CITY OF STRONGSVILLE, OHIO

CELLULAR PHONE USAGE POLIICY

PURPOSE

The purpose of this policy is to establish standard requirements and procedures for City employees who are provided with a City assigned cellular phone to be use in the course of providing City services or conducting City business. This policy is intended to ensure the safety and well-being of City employees; to minimize the City's exposure to liability; to monitor the use of City assigned cellular phones; and to comply with the Internal Revenue Service treatment of employer provided cellular phones as a taxable fringe benefit.

GOAL

It is the goal of the City to take advantage of improved communication technologies to promote operational efficiency, improve service levels, and respond to emergencies. It is the further desire of the City to make sure that cellular phones are used primarily for City business that the overall cost to the City for cellular phone usage is kept as low as possible, and that employees and supervisors are held accountable for proper cellular phone usage, with a minimum of paperwork and auditing.

PERSONAL USE

It is preferable that City provided cellular phones not be used for personal business. In the event an employee elects to take or receive a personal call on a City-provided cellular phone, those calls should be kept to a minimum, for a short duration and should be made on the employee's own time such as during peaks or lunch. Employees must reimburse the City for personal cellular phone calls when the employee's personal calls cause the monthly plan minutes to be exceeded along with any additional charges not covered under the plan.

NOTE: All calls made on City-provided cellular phones are public records that are generally subject to any public records request.

GENERAL CELLULAR PHONE ASSIGNMENT AND USE

1. Verizon cellular phones shall be issued only to those employees with a demonstrated need for this type of communication. Employees who have demonstrated this need agree to the following rules of use:
2. Employees must reimburse the City for any costs associated with personal use, which cause the monthly plan minutes to be exceeded, and for any additional charges not covered by the monthly plan, unless they can be demonstrated to relate directly to City business.
3. Employees must safeguard any City provided cellular telephone equipment in their possession.
4. The loss of any City Cellular telephone equipment shall be reported to the employee's supervisor immediately. If theft is suspected, the police should also be notified immediately.

5. Employees shall exercise extreme caution when driving and talking on a City cellular telephone. Unless utilizing a "hands-free" speakerphone option, employees should stop their vehicle as soon as safely possible, to use the phone.
6. When an employee no longer has demonstrated need for the City provided cellular telephone, or when the employee terminates employment with the City, that employee shall return all issued equipment and telephones to that department.
7. No calls to information services (such as Verizon 411, 411 Connect or 411 Search) shall be made from a City of Strongsville issued cellular telephone which will result in any additional charge to the City. Any such calls identified will be the personal responsibility of the employee accountable for the cellular telephone, and must be reimbursed to the Finance Department in a manner to be determined by the City. Communication and Technology has supplied the following options for available free services if you are in need of using the "information" service from a City of Strongsville wireless telephone: 800-Free-411 (800-373-3411), or 800-GOOG-411 (800-466-4411).

I acknowledge receipt of and have read the above Policy regarding City cellular telephone usage and understand that these regulations/guidelines are in effect.

Employee Name: _____

Cellular Telephone Number: _____

Witness: _____ Date: _____
Supervisor

Signed: _____ Date: _____
Employee Name



*Issued September, 2007
Revised January, 2010
Revised February, 2011*

CITY OF STRONGSVILLE

PUBLIC RECORDS POLICY

Introduction

The City of Strongsville maintains various records used in the administration and operation of the City. In accordance with State law and the City's Ordinances and Records Commission, the City has adopted Schedules of Records Retention and Disposition (RC-2) that identify such records. The records maintained by the City and the ability to access them are a means to provide trust between the public and the City.

It is the policy of the City of Strongsville that openness leads to a better informed citizenry, which in turn leads to better government and more responsive public policy. It is the policy of the City to strictly adhere to the State's Public Records Act (O.R.C. Section 149.43 et seq.). All exemptions to openness are to be construed in their narrowest sense, and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

Section 1. Public Records

The City, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, business e-mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the City are public unless they are exempt from disclosure under the Ohio Revised Code.

Section 1.1

It is the policy of the City that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules as approved by the City's Records Commission in accordance with law are to be updated regularly and posted prominently. Each City Department that maintains records has a designated employee who serves as the custodian of all records maintained by such Department.

Section 2. Records Requests

Each request for public records should be evaluated for a response using the following guidelines:

Section 2.1

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the City to identify, retrieve, and review the records. If it is not clear what records are being sought or the request is overly broad or ambiguous, the City's particular custodian of the records requested should contact the requester for clarification, and should assist the requester in revising the request by informing the requester of the manner in which the office keeps its records. The City is under no obligation, however, to create new records or perform new analysis of existing information in order to simply meet a public records request. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through simple sorting, filtering or querying.

Section 2.2

The requester does not have to submit a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. However, the City records custodian may suggest that a written request be submitted, and may ask for the requester's identity and/or intended use of the information requested if (1) it would benefit the requester by helping the public office identify, locate or deliver the records being sought; and (2) the requester is informed that a written request and the requester's identity and intended use of the information requested are not required. It is the general policy of the City that consistent with the above, it will be suggested that requesters fill out a simple form seeking basic information concerning the request.

Section 2.3

Public records are to be available for inspection from 8:00 a.m. to 4:30 p.m., Monday through Friday during regular business hours, with the exception of recognized City holidays. Public records must be made available for inspection as promptly as reasonably possible and overall within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; the necessity for any legal review and/or redaction of the records requested, and the availability of the Department custodian.

Section 2.4

Each request should be evaluated for an estimated length of time required to gather the records. Routine requests for records, depending on the volume requested and other pending requests before the City, should be satisfied immediately if feasible to do so. Routine requests include, but are not limited to, meeting minutes, budgets, personnel rosters, and police and fire incident reports. If fewer than 20 pages of copies are requested or if the records are readily available in an electronic format that can be e-mailed or downloaded easily, these should be made as quickly as the equipment allows given availability of personnel.

All requests for public records must be acknowledged in writing or electronically by the City within three (3) business days following the office's receipt of the request. If a request is voluminous or will require research, the acknowledgment should include the following:

Section 2.4(a) – An estimated number of business days it will take to satisfy the request.

Section 2.4(b) – An estimated cost if copies are requested.

Section 2.4(c) – A preliminary indication that some items within the request may be exempt from disclosure.

Section 2.5

If the requester makes an ambiguous or overly broad request or has difficulty in making a request for public records, the request may be denied, but the denial must provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the office.

Any denial of public records requested must include an explanation, including legal authority supporting the exemption or denial. If portions of a record are public and other portions are exempt, the exempt portions are to be redacted and the remainder released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority, and in writing if the initial request was made in writing. Examples of exempt records include, but are not limited to, social security numbers; certain medical information; certain law enforcement investigative records; and attorney-client privilege memos/documents. When in doubt, please consult with the City's Law Department regarding legal exemptions to public records disclosures.

Section 2.6

Persons requesting copies of public records are not permitted to make their own copies of the requested records by any means. Original public records may not be removed from the City's facilities. In processing a request for inspection of a public record, a City employee must accompany the requester during inspection to make certain original records are not taken or altered.

Section 3. Fees for Public Records

Those seeking public records maintained by the City will be charged only the actual cost of making copies as designated by the City. Advance payment may be required before any copies are prepared. Pursuant to Codified Ordinance Section 222.02, the Director of Finance has established the following fees for the reproduction of public records:

Section 3.1

The charge for paper copies in either letter or legal size is 5 cents (\$.05) per page; but if the fee is paid by check, there will be no charge for fewer than five (5) pages.

Section 3.2

The charge for downloaded computer files to a compact disc is \$1.00 per disk.

Section 3.3

The charge for oversized copies (such as maps, drawings, etc.) is \$2.00 per page.

Section 3.4

There is no charge for documents transmitted electronically (e-mail; facsimile).

Section 3.5

For video tapes, cassette tapes or any other type of media, the fee shall be \$5.00, or the actual reproduction (copying) cost, if a commercial service is utilized.

Section 3.6

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the postage and mailing supplies in addition to the per page charge or other applicable charge.

Section 3.7

A requester may be required to pay in advance for costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium in which the public record is kept, or upon any other medium on which the City determines that the record can reasonably be duplicated as an integral part of the City's normal operations.

Section 3.8

Established fees/costs shall be clearly posted and available to the public.

Section 4. Electronic Records and E-mail

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the City office. E-mail is to be treated in the same manner as records in other formats, and should follow the same retention schedules.

Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device (such as a Blackberry) are to be treated in the same fashion as records in other formats, such as paper or audiotape.

Section 4.1

While City e-mails should never be transmitted from personal e-mail accounts, to the extent they are, such records in private e-mail accounts used to conduct public business are subject to disclosure in the same manner as those in City e-mail accounts. Accordingly, all employees or representatives of the City are instructed to retain their e-mails that relate to public business (see Section 1 Public Records) and to copy them to their business e-mail accounts and/or to the City's records custodian subject to applicable records retention schedules. However, any e-mails of a purely private nature would not constitute public records, such as making an arrangement to see a co-worker for lunch.

Section 4.2

City records custodians are to treat e-mails from whatever accounts, which pertain to the conduct of public business as records of the public office, filing them in the appropriate way, retaining them per established schedules and making them available for inspection and copying in accordance with the Public Records Act.

Section 5. Failure to respond to a public records request

The City recognizes the serious legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, the City's failure to comply with a request also may result, among other things, in a court ordering the City to comply with the law and to pay the requester's attorney's fees, court costs and damages.

Section 6. Grievances

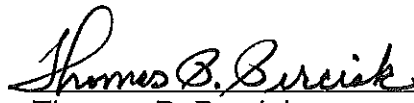
If a person allegedly is aggrieved due to the inability to inspect a public record or receive a copy, then the person shall be advised that he/she may contact the City's Law Director or pursue legal means for addressing their complaint as provided under Ohio Revised Code Section 149.43(C)(1)(2).

Section 7. Training and Education

The City will continue to update and address all education, training, disclosure, and policy requirements mandated by the Ohio Revised Code.

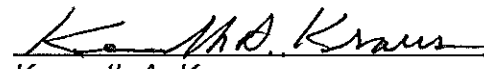
Section 8. Posting of this Policy

Each City records custodian shall possess a copy of this City Records Policy, along with the applicable Schedules of Records Retention and Disposition. These documents shall be located at every City facility in which the public may access the City's records; and the City shall prominently display by posters a description of the City's public records policy at various buildings where the public may access the City's public records, including the administrative offices at the Strongsville Municipal Offices building located at 16099 Foltz Parkway, Strongsville, Ohio.



Thomas P. Perciak
Mayor

Approved for form:



Kenneth A. Kraus
Law Director

Date: February 24, 2011



CITY OF STRONGSVILLE, OHIO

CITY-OWNED VEHICLE USAGE POLICY

The purpose of this policy is to establish standard requirements and procedures for City Employees who are assigned a City-owned or leased vehicle in the course of providing City service or conducting City business. This policy is intended to ensure the safety and well-being of City employees; to minimize the City's exposure to liability; to monitor the use of City-owned vehicles; and to comply with the Internal Revenue Service regulations relating to City vehicle usage.

Assignment of City Vehicles

1. The assignment of City vehicles to City employees shall require the approval of the Mayor and Department Head.
2. All employees assigned a City vehicle will be required to sign a statement indicating that they have read this policy and will comply with the rules and provisions contained in it. Employees who do not comply with any provisions of this policy shall be subject to disciplinary action including and up to termination.

USE OF CITY VEHICLES

Aside from providing City services and conducting City business, City vehicles may be used for commuting and do minims personal errands during workdays only while traveling between work and home, pursuant to Internal Revenue Service regulations.

Employees will be required to maintain daily reports of their vehicle usage. These reports will segregate commuting mileage from business related mileage. The reports will be maintained by each individual and made available upon request.

For those employees who fall within the provisions of the Internal Revenue Service Code, the City will comply with the Internal Revenue Service's regulations regarding the reporting of income. Since the only authorized non-business use is commuting and de minims personal errands, the City will use the Commuting Valuation Method to report income. This method will utilize the payment of \$3.00 per day for each day of commuting as the amount of untaxed income reported to the IRS on year-end W-2's. (This amount may be amended by the IRS from time to time.) The employee is responsible or complying with all IRS regulations and any other regulatory requirements regarding employer provided vehicles.

All operators of City vehicles shall possess a valid State of Ohio driver's license. Employees are responsible for notifying the City if their license is suspended and of any violations or summonses received while in possession of, or while operating a City vehicle. Failure to do so may result in the loss of vehicle privileges and or disciplinary action, solely within the City's discretion.

Employees are personally responsible for the payment of all fines and fees associated with moving traffic and parking violations received while in possession of, or while operating a City vehicle.

Unauthorized or excessive personal use will result in immediate disciplinary action including possible loss of vehicle privileges, suspension or termination from employment.

Only City employees are authorized to operate City vehicles.

All drivers and City business travelers must wear seat belts and obey all applicable traffic laws. Employees are strictly prohibited from operating a City vehicle while under the influence of alcohol or illegal drugs, and are likewise prohibited from using prescription or over-the-counter medication which may impair their ability to safely operate a motor vehicle.

In the case of an accident, the employee driving the vehicle shall immediately notify his/her supervisor and the nearest Police Department in order to report the accident and complete a full accident report. Copies of the completed accident report shall be forwarded to the employee's supervisor; the Law Department, the Finance Department, and the City's Vehicle Maintenance Supervisor.

Employees must comply with all preventative maintenance programs that are required by the City. Vehicles shall be kept free of litter and debris. The physical appearance of the vehicle must create a good impression.

In the interest of safety, the City discourages the use of cell phones, including texting, while driving a City vehicle.

I acknowledge receipt of and have read the above Policy regarding City provided vehicles and understand that these regulations/guidelines are in effect.

Signed: _____ Date: _____
Employee's Name

Vehicle Number: _____

Witness: _____ Date: _____

CITY OF STRONGSVILLE

MEMORANDUM

DATE: February 23, 2006

TO: All City Employees

FROM: Mayor Thomas P. Perciak

SUBJECT: **CITY POLICY**
Employee Conduct/City-owned Property
(Telephones; Cell Phones; Computers; Vehicles)

.....

In order to continue the excellent level of service to our residents and the quality of our work place, it is constructive to once again remind all City employees of certain City policies concerning City-owned property which have been presented to you on a number of occasions in the past. These include the following:

1. City Telephone System/City Cell Phones -- Like all City-owned property, the City's telephone system, including cell phones, are to be utilized solely for actual City business. While we do realize that from time to time we all receive or make a limited number of personal phone calls, please be judicious in your use of the City's telephone system in this regard. Of course, any long distance or toll-type charges are strictly forbidden and should be immediately reported to your supervisor.
2. City Computers -- We previously issued a policy regarding electronic mail (e-mail) on December 2, 2002, which remains in effect. Overall, City computers are not to be utilized for any activity other than City business. This means that the use of computers for personal business or recreational activity, including games, is not acceptable. This will be strictly enforced.
3. Use of City Vehicles. It should be clearly understood that any use of City vehicles by City employees is strictly limited to City business. City vehicles are not to be driven by any non-employee under any circumstances whether friend or even a family member. Those employees assigned an automobile due to the nature of their duties should be particularly cognizant of this requirement, especially if they have a City vehicle at their home during evenings or weekends. Thus, only City employees with specific authority to utilize vehicles may do so; and they may not use such vehicles for personal use. These admonitions are intended to avoid legal, ethical and insurance issues or other problems. It is certainly important that all employees understand the appearance of impropriety of anyone utilizing a City vehicle for other than legitimate City business.

4. Protection of All City-owned Property – City property is only for the use of City employees. Every City employee who has possession of or access to City property, therefore, must realize that the safeguarding of such property is a serious responsibility. It should be clearly understood that any property of the City of Strongsville that is not of a type normally loaned to residents, such as certain sports equipment or animal traps, is not to be loaned, given away, or allowed to leave the City's premises without appropriate authorization. We must at all times avoid any appearance of impropriety. It is also important for employees to realize that theft of the City's property or complicity in the loss of the City's property is a dischargeable offense. Finally, in the event that City property is allowed to be used by residents, for example in the Recreation area, it is mandatory that records of such instances be maintained and appropriate follow-up procedures be in effect.

Any infractions of the above policies should be promptly reported to the Mayor's office. Hopefully, there will be none, and all of us through our personal and professional conduct will fulfill our work duties in an appropriate manner with regard to these topics. Your cooperation and assistance in achieving this goal will be most appreciated not only by me, but by all of your co-workers and certainly by our residents and taxpayers.

TPP

CITY OF STRONGSVILLE

MEMORANDUM

Date: October 31, 2011
To: ALL EMPLOYEES
FROM: Thomas P. Perciak, Mayor
SUBJECT: Reminder – Work Place Dress Code
CC: Stephen F. Kilo, Director of Human Resources

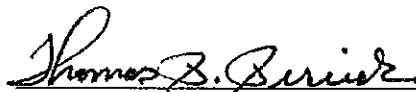
By way of reminder and in order to be mindful of how you dress for work and its reflection on you and the City, please take time to review and adhere to this City policy concerning Work Place Dress.

For those employees who work in departments where uniforms are mandatory or are the subject of collective bargaining, each respective bargaining unit agreement controls. For all employees who are not party to collective bargaining and/or who do not hold positions that are maintenance, janitorial or otherwise labor oriented, you must dress appropriately for your office or work setting.

Clothing should be clean and free of rips, tears, and holes. Shorts, short skirts, crop tops, halter tops, tank tops, t-shirts, jeans, caps with advertising, etc. are not appropriate in the workplace. Clothing that is distracting in appearance or inappropriate either due to fit, cut or style is not acceptable. Please understand that such list is not exhaustive and any determination of what may be inappropriate will be handled on a case by case basis.

Should any employee have a conflict with this Work Place Dress Policy based on cultural or religious traditions or medical reasons, they may request in writing an exemption to the Human Resource Department and it will be taken into consideration in accordance with applicable legal standards.

Your cooperation and assistance in this matter are most appreciated not only by me, but by all of your co-workers and certainly by our residents and those we serve.



Thomas P. Perciak, Mayor

bl

CITY OF STRONGSVILLE

MEMORANDUM

DATE: March 11, 2005
TO: All Service Center Employees
FROM: Mayor Thomas P. Perciak
SUBJECT: Employee Work Day

cc: Don Batke, Director of Finance

I am writing this memo to reiterate the work day policy for full time Service Center employees. Work hours are from 8:00 a.m. to 5:00 p.m. (including a one-hour lunch period).

I also recognize that each Department Director may have a need to modify this schedule with a few variations. However, we must be sure that each Department has appropriate staff to meet the needs of the public. Remember our residents require your prompt attention. In addition, employees may not forego a lunch period without the prior approval of your supervisor.

Further, the receptionist on duty will be responsible for unlocking the front door at 8:00 a.m. and locking up at 5:00 p.m.

I appreciate your cooperation.

CITY OF STRONGSVILLE

MEMORANDUM

DATE: March 25, 2005
TO: ALL EMPLOYEES
FROM: Mayor Thomas P. Perciak
SUBJECT: Regular Work Day/Work Week

.....

By way of reminder, the City of Strongsville's regular work day for most full-time staff, including all non-bargaining unit employees, is from 8:00 a.m. until 5:00 p.m., five (5) days per week, Monday through Friday. This enables City offices to be open to serve our residents and the public during those hours.

The Mayor's office and Administration will be carefully enforcing these requirements on a continual and ongoing basis. Any violations or abuse of this policy will be addressed appropriately.

Your cooperation in adhering to the City's established and required schedule will be most appreciated.

Thank you.

Thomas P. Perciak, Mayor

CITY OF STRONGSVILLE

MEMORANDUM

DATE: January 2, 2004
TO: All Department Directors/Department Heads
FROM: Mayor Thomas P. Perciak
SUBJECT: Media Communications

Effective on Monday, January 5, 2004, media inquiries directed to administrative Department Directors, Department Heads and staff will be handled as follows:

1. All media contacts of any consequence should be promptly reported to the Mayor's office. This would exclude routine requests relating to traffic or accident reports, minor criminal matters, minor fire or rescue incidents, or other non-controversial and routine safety force activities/incidents. If litigation is already pending or threatened or there are potential legal implications, the Law Director also should be notified.
2. The Mayor and Mayor's office will address media inquiries through press releases and/or other appropriate means.
3. With the exception of the "routine" matters itemized in No. 1, no on-the-air statements or interviews (radio or television) or print interviews of any kind should be granted by any personnel without the prior and specific authorization of the Mayor.
4. Any prepared press releases should be submitted to the Mayor's office with a copy to the Law Director for legal review.

The above will be applicable irrespective of whether or not the media initiates the contact, and even if they already have talked with or received information from a third party, member of Council or the Mayor. These guidelines make sense in order to ensure prompt, accurate, complete and consistent responses and information publicly disseminated by members of the City Administration, and to avoid potential legal problems. However, nothing in this Memorandum will affect the City's procedures for handling public records requests.

Your cooperation and compliance with this policy will be greatly appreciated.

TPP

CITY OF STRONGSVILLE
CONFIDENTIAL MEMORANDUM

DATE: October 7, 2008
TO: All Department Directors/Employees
FROM: Kenneth A. Kraus, Law Director
CC: Mayor Thomas P. Perciak
SUBJECT: Use of Leave for Political Campaigns/Events

**THIS IS A CONFIDENTIAL COMMUNICATION WITHIN THE
ATTORNEY-CLIENT PRIVILEGE AND IS NOT INTENDED FOR
COPYING OR REVIEW BY ANYONE OTHER THAN THOSE
IDENTIFIED IN THE CAPTION ABOVE.**

Obviously we are now in the “campaign season.” Therefore, I want to remind you that any director or other City employee who wants to engage in political or campaign activities or events during their City work day/City hours can do so only after notifying their respective supervisor of the anticipated absence, and charging all of such time to either their personal leave or vacation leave accounts.

If you or your staff have any questions in this regard, please contact the Law Department.

Thank you.

KAK

CITY OF STRONGSVILLE
CONFIDENTIAL MEMORANDUM

DATE: September 24, 2003
TO: ALL PERSONNEL
CC: Acting Mayor Raymond L. Haseley
FROM: Kenneth A. Kraus, Law Director
SUBJECT: Use of City Facilities

**THIS IS A CONFIDENTIAL COMMUNICATION WITHIN THE
ATTORNEY-CLIENT PRIVILEGE AND IS NOT INTENDED FOR
COPYING OR REVIEW BY ANYONE OTHER THAN THOSE
IDENTIFIED IN THE CAPTION ABOVE.**

Recognizing that the political “season” is now upon us, I feel it incumbent as Law Director to remind all personnel of certain legal requirements concerning use of City facilities and equipment by City employees.

As set forth in prior policy statements from the Mayor’s office, generally City property and City facilities such as telephones, copiers, computers and other equipment are to be used strictly for City business and public purposes. Therefore, it would be illegal for any City employee to utilize such City equipment, property or facilities in connection with any campaign for any issue or candidate for political office. It would also be illegal for any City employee to conduct any activities during hours on duty or at City Hall which support or relate to, whether directly or indirectly, any campaign for any issue or candidate for political office.

I want to assure you that we have not received any complaints to date or allegations that any such rules have been violated. The Law Department merely wants to remind everyone of those legal requirements under which all of us must operate in the public sector.

Any questions regarding the above should be directed to this office.

KAK

CHAPTER 266

Employees Generally

EDITOR'S NOTE: Because of the frequency of change, provisions relating to compensation and classification of City employees are not codified. Copies of the latest relevant legislation may be obtained, at cost, from the Clerk of Council.

266.01	Blanket surety bond.
266.02	Surety bond amounts.
266.03	Vacation leave, sick leave and holidays.
266.04	Personal leave.
266.05	Benefits.
266.06	Special circumstances; time off.
266.07	Pay for jury duty.
266.08	Hours of work and overtime.
266.09	Mandatory physical examinations.
266.10	Affirmative action plan.
266.11	Longevity compensation.
266.12	Regulation of secondary employment.
266.13	Rules and regulations.
266.14	Reimbursement of expenses.
266.15	Deferred Compensation Plan.
266.16	Ohio Public Employees Retirement System (OPERS) pick-up.
266.17	Ohio Police and Fire Pension Fund (OP&F) pick-up.
266.18	Childbirth leave.
266.19	Nepotism prohibited.
266.20	Collective bargaining agreements.
266.21	Limited City expenditures for food and non-alcoholic beverages.
266.22	Clothing allowance.

CROSS REFERENCES

Public employees retirement system - see Ohio R.C. Ch. 145
Expenses for attendance at conference or convention - see Ohio R.C. 733.79
Collective bargaining - see Ohio R.C. Ch. 4117
Approval of appointments by Mayor - see CHTR. Art. II, Sec. 1
Charter provisions - see CHTR. Art. II, Secs. 6 et seq.
Oath of office - see CHTR. Art. XI, Sec. 7
Conflicts of interest - see CHTR. Art. XI, Sec. 8; GEN. OFF. 606.17

266.01 BLANKET SURETY BOND.

Notwithstanding the provisions of any other ordinance requiring an official bond to be conditioned substantially to the effect that an officer, clerk or employee of the City will faithfully

perform his/her duties, it shall be permissible in lieu thereof, to procure a blanket bond or bonds from any duly authorized corporate surety, covering officers, clerks and employees of the City, such bond or bonds to indemnify against losses:

- (a) Through failure of the officers, clerks and employees covered thereunder to faithfully perform their duties or to properly account for all moneys or property received by virtue of their positions or employments, or
- (b) Through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

The authority herein conferred shall not extend to the office or position of any officer, clerk or employee required by controlling State law or City Charter provision to execute or file an individual official bond to qualify for office or employment.

Any such blanket bond shall be approved as to its form by the Law Director and as to sufficiency of surety by Council or the officer or governing body authorized to require it. The premium of any such blanket bond shall be paid by the City.

(Ord. 2011-043. Passed 4-4-11.)

266.02 SURETY BOND AMOUNTS.

Separate official bonds pursuant to Section 266.01 shall be required in the amount of fifty thousand dollars (\$50,000) each for those persons holding the position of Mayor, and the Director of Finance. The furnishing of such bonds by such officials, or by the City on their behalf shall be a prerequisite to their assuming office and performing the duties thereof. All other officers, clerks or employees of the City shall be included in a blanket bond, pursuant to Section 266.01, in the minimum amount of fifty thousand dollars (\$50,000) and such bond shall be of a type referred to in the trade as a blanket surety bond.

(Ord. 2011-043. Passed 4-4-11.)

266.03 VACATION LEAVE, SICK LEAVE AND HOLIDAYS.

Except for part-time elected officials and all less than full-time employees including regular part-time, seasonal or temporary employees, and those employees covered under a collective bargaining agreement, each full-time employee of the City shall be provided with vacation leave, sick leave and holidays as follows:

- (a) Vacation Leave. Each full-time City employee shall be entitled to paid vacation leave on his or her anniversary date as follows:
 - (1) After completion of one year and up to five years of continuous service, two weeks with pay;
 - (2) After completion of five years and up to ten years of continuous service, three weeks;
 - (3) After completion of ten years and up to fifteen years of continuous service, four weeks;
 - (4) After completion of fifteen years and up to twenty years of continuous service, five weeks;
 - (5) After completion of twenty or more years of continuous service, six

weeks;

- (6) Compensation in lieu of vacation must receive prior written approval of the Mayor.

- (b) Sick Leave. Each full-time City employee shall be entitled to sick leave with pay as follows:

- (1) Sick leave credit shall be earned at the rate of 4.60 hours for each eighty hours of service, up to a maximum of 120 hours per year. Sick leave credit shall be prorated to the hours of completed service in each pay period. Unused sick leave shall accumulate without limit.
- (2) Previously accumulated and documented sick leave of an employee who has been separated from the public service as defined in Ohio Revised Code Section 124.38 shall be placed to his/her credit upon employment with the City, provided that such employment takes place within ten years of the date on which the employee was last terminated from public service.
- (3) An employee shall be charged for sick leave only for days which he/she would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.
- (4) Sick leave shall be granted to an employee, upon approval of the Mayor or designee, for the following reasons:
 - A. Illness or injury of the employee;
 - B. Death of a member of his/her immediate family;
 - C. Medical, dental or optical examination or treatment of the employee, where the treatment may not be scheduled during non-work hours;
 - D. If a member of the immediate family is afflicted with a contagious disease and when, through exposure to a contagious disease, the presence of the employee at his/her job would jeopardize the health of others;
 - E. Pregnancy and/or childbirth and other conditions related thereto; and
 - F. To attend the funeral of a brother, sister, spouse, child, mother, father, grandfather, grandmother, person in loco parentis, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, or son-in-law, provided that not more than three days of sick leave shall be granted to an employee for such purpose and then only to an employee who provides proof of such attendance.
- (5) The employer shall require an employee to furnish a standard written signed statement to justify the use of sick leave. Such statement shall be submitted to the Director of Human Resources or designee. Falsification of either the signed statement or a physician's certificate shall be grounds for disciplinary action which may include dismissal.
- (6) When an employee is unable to work, the employee shall notify the

supervisor or other designated person within one-half hour after the time the employee is scheduled to report to work on each day of absence, unless emergency conditions make it impossible or unless the employee has made other reporting arrangements with the supervisor.

- (7) Employees failing to comply with sick leave rules and regulations shall not be paid.
- (8) If medical attention is required, the employee shall be required to furnish a statement from a licensed physician or psychologist notifying the employer that the employee was unable to perform his/her duties.
- (9) The City may, at its discretion, require any employee requesting paid sick leave to furnish substantiating evidence or a statement from his/her attending physician certifying that absence from work was required due to one of the reasons set forth in paragraph (c)(4) hereof. In any case, such certification must be presented whenever sick leave is requested for five or more consecutive work days or for the day immediately prior to or after a holiday. Such certification shall be submitted to the Director of Human Resources or designee.

The City may, at its discretion, verify the report of the attending physician concerning the illness or disability of an employee, and require the employee to be examined, at the City's expense, by a physician selected by the City to determine the nature and extent of the illness or disability. As a result of such physician's statements and examinations, the City may approve or deny an employee's sick leave request and establish limits and conditions for any further approved sick leave connected with the same illness or disability.

Any employee who is sick or disabled for five or more consecutive workdays may be required, at the City's discretion, to secure and submit a physician's release certifying that the employee is fit to return to work. The City may also require, at its discretion, that an employee be examined by a professional of its choice in conjunction with such sick leave release procedure.

- A. Upon retirement from service after fifteen (15) or more years of service with the City, an employee may convert up to one-half of the value of his/her accumulated sick leave balance, to cash, at the rate of one hour of pay for each hour of sick leave at the employee's current hourly rate of pay on the date of the employee's retirement.
- B. Employees hired by the City prior to December 18, 2006, the date of passage of Ordinance 2006-262, upon retirement with more than ten (10) years but less than fifteen (15) years of service with the City, are grandfathered under the provisions of the City's previous conversion formula and may convert up to one-quarter of the value

of no more than 960 hours of accumulated sick leave credit, to cash, at the rate of one hour of pay for each hour of sick leave at the employee's current hourly rate of pay on the date of the employee's retirement.

(Ord. 2011-204. Passed 12-19-11.)

- C. Notwithstanding the above provisions, all full-time, nonbargaining employees with twenty-five (25) or more years of service with the City may annually elect to convert to cash up to one-half (1/2) of the value of their accumulated sick leave balance that exceeds one thousand (1,000) hours. Therefore, if an employee chooses this option, the employee will receive one hour of pay at his/her regular rate for every two (2) hours of sick leave so converted. After the conversion, the employee must have a minimum of one thousand (1,000) hours remaining in the employee's sick leave balance. Eligibility for this program will be based on both years of service and an employee's sick leave balance measured as of November 30th of each year. Employees eligible to participate in this program shall notify the Finance Department of their intent to convert sick leave on forms supplied by the City. Such sick leave conversion payments will be made by direct deposit and included within the second City payroll in December.

(Ord. 2013-272. Passed 12-2-13.)

(c) Holidays.

- (1) Each full-time City employee, as defined in the City of Strongsville's current General Salary Ordinance, shall be entitled to the following twelve days off with pay: New Year's Day; Martin Luther King Day; Memorial Day; Independence Day; Labor Day; Columbus Day; Thanksgiving Day; Friday after Thanksgiving Day; Christmas Day; Presidents' Day; Veterans' Day and the employee's birthday.
- (2) In the event that any of the holidays or days off set forth in subsection (b)(1) above shall fall on Saturday, the Friday immediately preceding shall be observed as the holiday or day off. In the event that any of the holidays or days off set forth in subsection (b)(1) above should fall on Sunday, the Monday immediately succeeding shall be observed as the holiday or day off.
- (3) An employee of the City shall forfeit holiday pay if he or she does not work the last scheduled work day before such holiday or day off and the first scheduled work day after the holiday or day off, unless on approved sick leave or, such employee has been excused by his or her department head with the approval of the Mayor.
- (4) Holidays or days off shall be taken in their entirety, unless on approved sick leave or when an employee works on a recognized holiday and then in

the pay period in which the same were earned. Holidays shall not be accumulated, except with the explicit written permission of the Mayor upon the recommendation of the department head.
(Ord. 2011-204. Passed 12-19-11.)

266.04 PERSONAL LEAVE.

Each regular full-time employee shall earn personal leave with pay at the rate of three (3) hours for each calendar month of service completed provided that the employee has been engaged in active employment at all times during each regular work day and work week schedule for such employee, except for absence on sick leave due to death in the employee's immediate family. Personal leave with pay must be scheduled with the approval of the director of the employee's department. An employee may carry over no more than twenty-four (24) hours of personal leave in total from one calendar year to the next. Accumulated personal leave shall be forfeited upon separation or retirement from employment with the City and shall not accrue to the benefit of the employee's estate or his/her heirs or assigns upon death of the employee.
(Ord. 2011-043. Passed 4-4-11.)

266.05 BENEFITS.

(a) A comprehensive health care plan with extensive medical benefits, major dental care and vision care, and prescription drug benefits shall be furnished by the City for each full-time hourly and salaried employee who is not covered by a collective bargaining agreement and is enrolled in the City's health care plan.

(b) The City shall provide and pay for all full-time hourly and salaried employees, who are not covered by a collective bargaining agreement, a policy of life, accidental death and dismemberment insurance in the amount equal to two times such employee's annual salary up to a maximum benefit of two hundred fifty thousand dollars (\$250,000), and the premium or part-premium for which shall be listed on the employee's taxable income for Federal, State and local income tax purposes to the extent required by Section 79 of the U.S. Internal Revenue Service Code. Such policy shall be underwritten by an insurance company approved by the City as part of its benefits plan.

(c) Effective January 1, 2016 through December 31, 2018, all full time employees eligible and receiving any benefits listed and described under subsection (a) hereof shall pay to the City seventy-five dollars (\$75.00) monthly for single coverage and one hundred fifty dollars (\$150.00) monthly for family coverage. The amount shall be paid through payroll deductions equally in each of the first two pay periods of each month. If the employee has no earnings the employee shall reimburse the City on or before the 15th of each month. To the extent permissible under the Internal Revenue Code Section 125 (Premium Only Plan) such deductions shall be made from the employee's gross pay on a pretax basis. Life Insurance will remain at two (2) times the annual salary.

Effective January 1, 2016, all full-time eligible employees who have met all of the bi-

annual Wellness Initiative/Screening conditions as established by the City in 2013, and on file with the City's Director of Human Resources, and who are receiving the benefits listed and described in subsection (a) shall continue to pay a monthly premium-contribution through 2018 of seventy-five dollars (\$75.00) monthly for single coverage and one hundred fifty dollars (\$150.00) monthly for family coverage from their gross pay on a pre-tax basis.

Effective January 1, 2016 and thereafter, an employee failing to meet any of the aforementioned bi-annual Wellness Initiative/Screening conditions of the prior year shall pay an additional fifty dollars (\$50.00) per month or twenty-five dollars (\$25.00) per pay from his/her gross pay on a pre-tax basis, throughout the succeeding year.

Any additional cost for alternate coverage or for additional coverage, other than that provided in subsections (a) and (b) hereof, shall be paid by the employee, and such additional cost shall be paid through payroll deductions. The remainder of the actual premium rate of such health care plan shall be paid by the City from City funds.

(d) Employees must sign an annual Certification attesting to non-usage of any form of tobacco products. In the event an employee currently utilizes tobacco in any form, they will be required to pay an additional twenty-five dollars (\$25.00) monthly from his/her gross pay on a pre-tax basis throughout the succeeding year.

(e) In those cases where both spouses are employed by the City of Strongsville in any position or capacity, only one will be eligible for health care coverage, which shall be the family plan as determined by first date of birth. In such circumstances, only the one eligible spouse shall be required to pay a contribution towards the premiums as set forth herein.

(f) The amount set forth in subsection (c) hereof shall be paid in the manner specified above, from each employee who is eligible and receiving benefits provided for in subsection (a) hereof. In the event an employee who is eligible and receiving benefits provided for in subsection (a) hereof is not receiving bi-weekly compensation through City payroll, such employee shall pay to the City on or before the 15th of each month, such amounts as are due from the employee to the City for such benefits.

(Ord. 2015-255. Passed 12-21-15.)

266.06 SPECIAL CIRCUMSTANCES; TIME OFF.

(a) The Mayor, as Chief Executive of the City, shall have the power and authority to grant to employees of the City, either singularly or as a group, time off from work for either a portion of a day or an entire day, when, in the opinion of the Mayor, special circumstances warrant the granting of time off. The granting of time off by the Mayor should be in light of the following circumstances generally, but not exclusively: to memorialize a public figure; to make preparations for the celebration of a public holiday; to memorialize a group or organization; or for other reasons deemed by the Mayor to justify time off from work.

(b) Any time off granted under the provisions of subsection (a) hereof shall in no way

diminish or reduce time allowed under Section 266.03 for vacations, holidays or sick leave. Additionally, any person granted time off in accordance with the provisions of this section shall be given time off with pay at the regular rate established for such individual.
(Ord. 2011-043. Passed 4-4-11.)

266.07 PAY FOR JURY DUTY.

(a) Any employee who is called for jury duty for any of the courts of record in the State of Ohio shall be privileged to so serve and while serving shall receive compensation by the City at the employee's regular rate in addition to any amount paid by the court for individuals serving as jurors.

(b) The City shall pay any employee who serves on a jury his/her regular rate of pay. Any time off by an employee resulting from serving on a jury shall in no way diminish or reduce time allowed under Section 266.03 for vacations, holidays or sick leave.
(Ord. 2011-043. Passed 4-4-11.)

266.08 HOURS OF WORK AND OVERTIME.

Except as otherwise provided by ordinance or by collective bargaining agreement, the regular work week and regular work day for all positions in the City service shall be as provided by departmental regulations approved by the Mayor.

In cases of emergency necessitating overtime work, the director of a department in which such work is to be required, other than the Department of Public Safety, may authorize compensation for overtime work in excess of the regular work week or the regular work day of the employee, subject to the approval of the Mayor.

Employees who are overtime-eligible under the Fair Labor Standards Act (FLSA) are eligible for overtime pay if they spend more than forty (40) hours in active pay status in a week.
(Ord. 2011-043. Passed 4-4-11.)

266.09 MANDATORY PHYSICAL EXAMINATIONS.

(a) Unless otherwise governed by a collective bargaining agreement, each full-time employee who is a sworn member of the Police or Fire Department shall submit to periodic physical examinations and at the option of the City, a psychological examination by a doctor or professional designated by the Mayor or designee, as a requirement of continued employment with the City once every five years on the anniversary date of his/her appointment.

(b) At the conclusion of the physical examination, the doctor so designated shall submit a report to the Mayor and the Civil Service Commission certifying that the person examined is in good health and physically capable of performing the duties of his/her employment.

(c) In the event that a report is received by the Mayor from the doctor that any such employee is not in good health and physically incapable of performing the duties of employment,

the employee may be suspended by written notice by the Mayor, and if so suspended, the Mayor shall notify the Commission of such suspension. The employee shall have ten days after notice of suspension to appeal such suspension to the Commission. The Commission shall conduct a hearing and receive additional medical information or testimony, if offered, concerning the employee from the employee or from the City.

After the hearing, the Commission shall affirm or reverse the decision of the Mayor. If, after the hearing, the Commission affirms the Mayor's decision to suspend the employee, such suspension shall be considered permanent and such employee shall be removed from the employment rolls of the City.

(Ord. 2011-043. Passed 4-4-11.)

266.10 AFFIRMATIVE ACTION PLAN.

(a) Council formally declares that the City must hire and promote its employees without regard to race, color, religion, sex, national origin, age or handicap (except where age or handicap would be an obvious and bona fide obstacle to expected and required job performance), and furthermore must continue to recruit, hire and develop the best qualified persons available for the jobs involved, basing its judgment on job related qualifications.

(b) Artificial barriers of personal attitudes and customs cannot be permitted to have effect in matters of employment practices.

(c) The City pledges itself to ensure that all activities relative to recruitment, hiring and promoting will be undertaken to effect the principle of equal opportunity and that only valid requirements will be imposed when promotional opportunities exist. Further, all matters related to compensation, benefits, transfers, layoffs, recall from layoff and training will be free from any and all discriminatory practices.

(d) The Director of Human Resources will have the responsibility for the implementation of a written City Affirmative Action Plan to be issued by the Mayor and detailing the positive action steps the City will take to assure equal employment opportunity, consistent with the mandate of this section.

(e) When outside sources of recruitment are utilized, they will be informed that the City is an equal opportunity employer and that legal advertisements for bids shall include the wording "AN EQUAL OPPORTUNITY EMPLOYER" and that equal opportunity clauses shall be included in all major single purchase orders, leases and contracts, for fifty thousand dollars (\$50,000) or more.

(f) The Clerk of Council is hereby directed to post, and/or otherwise make publicly available, a copy of this section on all departmental bulletin boards and to provide a copy of this section to all employees of the City.

(Ord. 2011-043. Passed 4-4-11.)

266.11 LONGEVITY COMPENSATION.

(a) In addition to their base pay, all full-time City employees, with the exception of part-time elected officials and those employees covered under a collective bargaining agreement, shall receive additional compensation as follows:

- (1) Upon the completion of the employee's first five (5) years of continuous service with the City, the sum of five hundred dollars (\$500.00);
- (2) For each year of continuous service completed by an employee after the employee completes the initial five years of continuous service with the City as set out in subsection (a)(1) above, the employee shall receive a sum equal to one hundred dollars (\$100.00) times the employee's total years of continuous service completed (i.e., \$600.00 for completion of six years of continuous service, \$700.00 for completion of seven years of continuous service).

(b) For the purposes of this section, the completion of a year of continuous service shall be on the anniversary date of the employee's date of hire if there is no break in service with the City. If there is a break in service with the City, then completion of a year of continuous service shall be on the anniversary date of the employee's date of re-hire.

(c) The additional compensation set out in this section shall be made as soon as practicable following the anniversary date of the employee's date of hire or the date of re-hire in the event of a break in service for any reason.

(d) The requirement for continuous service shall not be applicable to those employees of the City at the time of adoption of Ordinance No. 2011-043 who had a prior break in service. (Ord. 2011-043. Passed 4-4-11.)

266.12 REGULATION OF SECONDARY EMPLOYMENT.

Gainful employment by an employee of the City secondary to full-time employment with the City shall be permitted only with the written approval of the Director of the employee's department and the Mayor. Approval shall be granted when the Director finds and determines that the secondary employment meets and complies with the following standards:

- (a) The tasks involved in the secondary employment are of such a nature that they will not tend to tire or reduce the efficiency of the employee to the extent that his/her ability to perform his/her duties for the City will tend to be impaired;
- (b) The nature of the secondary employment will not tend to result in visits, telephone calls or other communications to the employee while in the performance of his/her duties for the City;
- (c) The nature of the secondary employment will not tend to result in loss of time or diversion from the duties of the employee in his/her employment with the City; and

- (d) The nature of the secondary employment is not in conflict with or in impairment of the duties of the employee in his/her employment with the City.
(Ord. 2011-043. Passed 4-4-11.)

266.13 RULES AND REGULATIONS.

(a) Each department head may from time to time promulgate rules and regulations establishing departmental practices and procedures for and in furtherance of the employment provisions of this Chapter. Such rules and regulations shall be in full force and effect after approval of the Mayor and posting of a copy in the department in question for a period of ten days.

(b) Violation by an employee of any rule or regulation adopted in accordance with this section shall be grounds for disciplinary action.

(c) This section shall not be construed to limit or otherwise contravene disciplinary action for cause other than violation of a rule or regulation adopted hereunder.
(Ord. 2011-043. Passed 4-4-11.)

266.14 REIMBURSEMENT OF EXPENSES.

(a) The Director of Finance is hereby authorized to pay, upon the written approval of the Mayor, to each municipal official or employee, an allowance equal to the prevailing Internal Revenue Service standard mileage rate per mile for the actual use by such official or employee of his/her own automobile for City business.

(b) Invoices or other written evidence of the mileage and nature of the official business undertaken shall be required by the Director of Finance to be in such form as he shall determine.

(c) Similar reimbursement may be made for actual expenses by the official or employee for parking fees, meals, lodging and other incidental expenses of such trips for approved City business, provided that all such expenditures are reasonable, documented, and do not exceed the amounts budgeted for such expenditures.

(d) In the event of any dispute of the propriety or amount of any such claim for reimbursement, the decision of the Mayor shall be final for all City officials or employees.

(e) The provisions of this section shall not apply to any independent contractor providing services to the City or when such contract provides for the reimbursement of such expenses. (Ord. 2011-043. Passed 4-4-11.)

266.15 DEFERRED COMPENSATION PLAN.

(a) The City shall facilitate participation by its employees in a voluntary Deferred

Compensation Plan approved and accepted by the City.

(b) The City may, by contract, or through the State of Ohio program, agree with any employee to defer, in whole or in part, any portion of that employee's income allowed under the plan and may subsequently, with the consent of the employee, purchase a fixed or variable life insurance or annuity contract for the purpose of funding the Deferred Compensation Program for the employee from any life underwriter duly licensed by this State who represents an insurance company licensed to contract business in this State or purchase such other investment as shall be approved by the United States Internal Revenue Service and the State.

(c) The Deferred Compensation Program offered shall exist and serve in addition to all other retirement, pension or benefit systems established for the benefit of employees of the City and no deferral of income under the Deferred Compensation Program shall affect a reduction of any retirement, pension or other benefit provided by law. All sums deferred under the Deferred Compensation Program shall not be included for the purposes of computation of any taxes withheld on behalf of an employee, except municipal income tax.
(Ord. 2011-043. Passed 4-4-11.)

266.16 OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM (OPERS) PICK-UP.

Effective October 11, 1987, the employee contribution to the Ohio Public Employees Retirement System (OPERS), which must be paid by the employees of the City who are members of OPERS, shall be paid by the City directly to as a salary reduction pick-up, subject to the following:

- (a) The "pick-up" by the City of a portion of an employee's retirement contributions to OPERS shall be mandatory for all employees. No employee shall have the option of choosing to receive the contributed amounts directly instead of having them paid on his or her behalf directly to OPERS.
- (b) The "pick-up" by the City shall not otherwise affect the employee's salary or benefits elsewhere provided for in the ordinances of the City, or any payment which is determined with reference to such salary or benefits.
(Ord. 2011-043. Passed 4-4-11.)

266.17 OHIO POLICE AND FIRE PENSION FUND (OP&F) PICK-UP.

Effective October 11, 1987, the employee contribution to the Ohio Police & Fire Pension Fund (OP&F), which must be paid by the employees of the City who are members of OP&F, shall be paid by the City directly to OP&F as a salary reduction pick-up, subject to the following:

- (a) The "pick-up" by the City of a portion of an employee's retirement contributions to OP&F shall be mandatory for all employees. No employee shall have the option of choosing to receive the contributed amounts directly instead of having them paid on his or her behalf directly to OP&F.
- (b) The "pick-up" by the City shall not otherwise affect the employee's salary or

benefits elsewhere provided for in the ordinances of the City, or any payment which is determined with reference to such salary or benefits.
(Ord. 2011-043. Passed 4-4-11.)

266.18 CHILDBIRTH LEAVE.

In order to fully implement the provisions of the Family and Medical Leave Act (FMLA) for City of Strongsville employees, the following requirements shall apply:

- (a) Except as otherwise provided by collective bargaining agreement(s), full-time employees of the City who become pregnant and who represent in writing their intent to return to work at the completion of such childbirth leave, shall be granted a childbirth leave for up to three months. Where, in the opinion of the director of the employee's department and the Mayor, there exist unexpected circumstances of an extreme and unusual nature, the Mayor or designee may in his or her discretion grant an extension of childbirth leave, provided that the requirements of the employee's position are being and will be fully met without any impact on the daily operation of the Municipality.
- (b) Application for childbirth leave shall be in writing to the department head with a copy to the Mayor at least sixty days prior to the requested commencement date, and shall contain the following information:
 - (1) Expected date of birth;
 - (2) Expected commencement date of leave;
 - (3) Return to work date;
 - (4) Application for earned and unused sick, personal and/or vacation leave; and
 - (5) Fully completed City of Strongsville Request for Family Medical Leave forms and supporting documentation to the Director of Human Resources.
- (c) Employees approved by the City for a childbirth leave shall be entitled to apply for sick, personal leave and/or vacation leave that are earned and unused prior to the commencement date of the childbirth leave. Upon exhaustion of the above specified sick/personal/vacation leave, during the requested and approved childbirth leave period, the employee's status shall revert to leave without pay status for the remaining time of the requested and approved childbirth leave.
- (d) Upon return from childbirth leave on the date set forth in the above referenced application for childbirth leave, the employee shall be entitled to reinstatement to the same position held prior to the childbirth leave, or to an equivalent position, or if none exists, to a position with the same pay, with no loss of seniority.
- (e) An employee who is physically able to return to work prior to the stated return to work date, may make such request in writing to the City.
- (f) As a condition to return to work the employee shall provide certification by the employee's physician that the employee is able to perform all of the job-related requirements upon reinstatement. Failure to present the required medical certification as specified herein shall result in nonreinstatement as an employee of

the City.

- (g) An employee who is on a childbirth leave shall continue to receive benefits under Section 266.05 during the approved period of childbirth leave. Except as otherwise specified, any and all other accrual and/or applications of benefits shall cease during the specific period of the childbirth leave.
(Ord. 2011-043. Passed 4-4-11.)

266.19 NEPOTISM PROHIBITED.

(a) The hiring by the City of Strongsville of family members, as defined below, of elected City officials or City department heads to any employment positions whether regular full-time or part-time, seasonal, or temporary appointment, as the latter are defined by the City's General Salary Ordinance, is prohibited.

(b) "Family members" are defined as parents, grandparents, children, grandchildren, spouse and siblings, or any other person related by blood, marriage or adoption, and regardless of dependence or residence.

(c) Any employee defined as a "family member" who is employed by the City of Strongsville on the effective date of this section shall be exempt from its provisions unless that employee leaves the employment of the City.
(Ord. 2012-111. Passed 7-2-12.)

266.20 COLLECTIVE BARGAINING AGREEMENTS.

Notwithstanding anything in this Chapter 266 to the contrary, to the extent any provision of this Chapter conflicts with the specific terms or provisions of a collective bargaining agreement to which the City is a party and which is in force and effect, then the terms of the collective bargaining agreement will be applicable to those employees in the bargaining unit rather than the conflictive provisions of this Chapter.
(Ord. 2011-043. Passed 4-4-11.)

266.21 LIMITED CITY EXPENDITURES FOR FOOD AND NON-ALCOHOLIC BEVERAGES.

(a) City funds may be utilized to offer hospitality consisting of food and non-alcoholic beverages as part of an employee's official duties and functions only under the following circumstances or occasions:

- (1) To provide coffee, tea and hot chocolate on a daily basis for employees and invited visitors to City facilities with related accouterments, including cream and milk, powdered cream, sugar and artificial sweeteners, stirrers, cups and napkins.
- (2) When an employee is conducting City business with persons or guests who are not employed by the City, such as representatives from other government agencies, private industry, or public interest groups.

- (3) When the City sponsors conferences, seminars or training sessions that continue through meal times; provided that for such occasions the following information must be submitted to the Director of Finance:
 - A. Copy of the meeting agenda.
 - B. Length of meeting.
 - C. List of attendees.
 - D. Statement from a City Department Director certifying that food and non-alcoholic beverages furnished to employees and/or guests are an integral part of the meeting and why.
- (4) When the City hosts employee recognition events, special events, or when other special circumstances arise as determined or designated by the Mayor.

(b) Such purchases of food and non-alcoholic beverages shall only be provided in relation to and during the normal course of City business and/or in conjunction with City functions, all as specified above; must be within approved City budgets; and in the case of subsections (a)(2), (3) and (4) they must be approved in advance and in writing by the Mayor and/or Director of Finance.

(c) This Section 266.21 is in addition to and not in derogation of any reimbursements for an employee's travel expenses, including meals where appropriate, as may be separately authorized pursuant to Section 266.14 of this Chapter.
(Ord. 2012-148. Passed 9-4-12.)

266.22 CLOTHING ALLOWANCE.

(a) Certain designated employees who are not covered by a Collective Bargaining Agreement shall be entitled to receive an annual allowance for work-related clothing, as set forth below.

(b) The following employee positions warrant and will receive the annual clothing allowances:

General Clothing Allowance:

Building Commissioner, Assistant Building Commissioner, Groundskeeper, Service Supervisor.

Work Boot Allowance:

City Engineer, Assistant City Engineer, Design Engineer, Engineering Inspector, Coordinator of Natural Resources.

(c) The annual clothing allowances for the above eligible employee positions will be as follows:

- (1) General Clothing Allowance \$300.00
- (2) Work boot allowance \$100.00

(d) All clothing and work boot allowances shall be paid as taxable benefits that will be included with the employee's payroll direct deposit, all to be in the same pay period as designated by the Director of Finance.

(Ord. 2015-255. Passed 12-21-15.)



**CITY OF STRONGSVILLE
DEPARTMENT OF HUMAN RESOURCES**

WELLNESS INITIATIVE – BIOMETRIC HEALTH SCREENING POLICY

Effective January 1, 2013, the City of Strongsville implemented its Wellness Initiative/Biometric Health Screening Policy. The employee's share of health insurance premiums, in the form of an incentive discount/benefit on their individual contribution, will be determined by participation under the Wellness Program screening metrics. No individual test results will ever be provided to the Employer. All testing and screening is independently conducted by the City's health insurer. The final point score and general aggregate information about wellness screening results (without revealing individual employee names) are the only information reported to the employer.

To this end, the City, in conjunction with Medical Mutual, will host two (2) on-site screening sessions annually provided at no cost to the employee, in order that the employees may conveniently participate in the screenings. Screening opportunities will be made available during the same period each year. The employee's participation in both screening events will determine the employee's individual premium rates beginning the following January, according to the Wellness/Screening Program.

The screening sessions will measure the following biometric factors: **Blood Pressure (Systolic/Diastolic); Body Mass Index (BMI); Waist Circumference; Total Cholesterol; High Density Lipoprotein (HDL); Low Density Lipoprotein (LDL); Triglycerides; Hemoglobin A1c and Tobacco use.**

In the event an employee is unable to attend a scheduled on-site biometric screening, the employee has the option to visit his/her physician to obtain the biometric screening results. The attending physician must complete the form provided, and the employee must return the form to the Human Resources Department within 45 days of the scheduled on-site screening event to remain eligible for any incentive discount/benefit on his/her annual health premium contribution. However, the employee will be responsible for any additional costs incurred from the appointment and testing.

The bi-annual biometric screening program effectuated through this Policy is designed to increase awareness, assess risk, educate and promote voluntary behavior change to improve the health of an individual, encourage modifications of his or her health status, and enhance his or her personal well-being and productivity, with a goal of preventing injury and illness.

This Policy has been referenced in the City's Codified Ordinances [SCO Section 266.05(c)], as well as in various collective bargaining agreements to which the City and employee union groups are parties.

Date: 11/1/13

Approved:

Stephen F. Kilo
Stephen F. Kilo, Human Resources Director

Thomas P. Perciak
Thomas P. Perciak, Mayor