



Administrative Rules Board  
AGENDA  
Thursday, July 25, 2024, 10:30 a.m.  
Administrative Headquarters 2079 E. Ninth Street,  
4th Floor – Committee Room B

The public may also view the meeting via live-stream by using the following link:  
<https://www.youtube.com/cuyahogacounty>

1. CALL TO ORDER
2. ROLL CALL BY CLERK
3. APPROVAL OF PRIOR MEETING MINUTES
  - a. March 21, 2024
  - b. June 13, 2024
4. PUBLIC COMMENT RELATED TO THE AGENDA
5. ITEMS UNDER CONSIDERATION FOR ADOPTION (POTENTIALLY UNDER WAIVER OF TWO-READING RULE)

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2024-0004	Cuyahoga County Treasurer's Office	Partial Payment Policy	Adopt permanent rule
ARB2024-0005	Cuyahoga County Treasurer's Office	Vacant Lands Bills Policy	Adopt permanent rule

6. MISCELLANEOUS BUSINESS
7. PUBLIC COMMENT UNRELATED TO THE AGENDA
8. ADJOURNMENT

**3(a) Minutes from  
March 21, 2024 Meeting**



Administrative Rules Board  
Minutes  
Thursday, March 21, 2024, 10:30 a.m.  
Administrative Headquarters 2079 E. Ninth Street,  
4<sup>th</sup> Floor – Committee Room B

**1. CALL TO ORDER**

The meeting was called to order by Chair, Rick Manoloff, at 10:33am.

**2. ROLL CALL BY CLERK**

Attending:

Rick Manoloff, Chair

Awatef Assad

Gregory Huth

Nora Hurley

Walter Parfejewiec

**3. APPROVAL OF PRIOR MEETING MINUTES**

Gregory Huth motioned to approve the prior meeting minutes (see Exhibit A); Nora Hurley seconded the motion. The motion was unanimously approved.

**4. PUBLIC COMMENT RELATED TO THE AGENDA**

No public comment was received for this item.

**5. ITEMS FOR ADOPTION UNDER WAIVER OF TWO-READING RULE**

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2024-0001	Cuyahoga County Treasurer's Office	Delinquent Tax Policies and Procedures	Amend permanent rule

Chair Rick Manoloff shared a brief reminder to the members of the role of the Board.

Brad Cromes, Cuyahoga County Treasurer, provided comments and background on the proposed amendments to the policy. Treasurer Cromes stated that the reason for the request to suspend the two-reading rule is because the rule is already in the field and the proposed amendments will streamline the implementation of the policy for County staff.

Members of the Board asked several clarifying questions regarding the amendments. Board members recommended changes during the meeting and the changes were implemented with notice waived. Chair Manoloff stated, without objection or contradiction, that the proposed amendments to the rule are authorized to be adopted by the Treasurer's Office and do not conflict with the County Code.

Nora Hurley motioned to suspend the two-reading rule and the rule requiring further action by the Board when a rule is revised based upon Board comments. Awatef Assad seconded the motion. The motion was unanimously approved.

Nora Hurley motioned to adopt the amendments made by the Treasurer and the amendments made during the meeting to the proposed rule pertaining to delinquent tax policies and procedures, as amended on the floor based on comments received by Board members; Awatef Assad seconded the motion. The motion was unanimously approved.

**6. MISCELLANEOUS BUSINESS**

None

**7. PUBLIC COMMENT UNRELATED TO THE AGENDA**

None

**8. ADJOURNMENT**

Meeting was adjourned by Chair Manoloff at 10:54am

## **Exhibit A**



Administrative Rules Board  
Minutes  
Thursday, February 22, 2024, 10:30 a.m.  
Administrative Headquarters 2079 E. Ninth Street,  
4<sup>th</sup> Floor – Committee Room B

**1. CALL TO ORDER**

Meeting called to order by Chair, Rick Manoloff, at 10:31am. Chair Manoloff provided a brief overview of the meeting rules and the code pertaining to the ARB and the formal appointments.

**2. ROLL CALL BY CLERK**

Attending:  
Rick Manoloff, Chair  
Awatef Assad  
Gregory Huth  
Nora Hurley  
Walter Parfejewiec

**3. PUBLIC COMMENT RELATED TO THE AGENDA**

No public comment was received for this item.

**4. BOARD CHAIR'S COMMENTS**

Remarks from the Board Chair to thank members for their service. Chair Manoloff also shared an overview the history of the group as well as expectations for the Board moving forward.

**5. ITEMS FOR ADOPTION UNDER WAIVER OF TWO-READING RULE**

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
ARB2024-0001	Cuyahoga County Treasurer's Office	Delinquent Tax Policies and Procedures	Adopt permanent rule

Brad Cromes, Cuyahoga County Treasurer, provided comments on the proposed rule, explaining background for the policy and reasoning for the waiving of the two-reading rule.

Members of the Board asked several clarifying questions regarding the policy and its use. Awatef Assad stated that the proposed rule was authorized to be adopted and did not conflict with the County Code.

Nora Hurley motioned to suspend the two-reading rule; Gregory Huth seconded the motion. The motion was unanimously approved.

Awatef Assad motioned to adopt the proposed rule; Gregory Huth seconded the motion. No further discussion was held. All members voted in the affirmative to adopt the proposed rule.

A recording of the full proceedings and a copy of the adopted rule are available on the County website.

**6. MISCELLANEOUS BUSINESS**

None

**7. PUBLIC COMMENT UNRELATED TO THE AGENDA**

None

**8. ADJOURNMENT**

Meeting was adjourned by Chair Manoloff at 11:03am.

**3(b) Minutes from  
June 13, 2024 Meeting**



Administrative Rules Board  
Minutes  
Thursday, June 13, 2024, 10:30 a.m.  
Administrative Headquarters 2079 E. Ninth Street,  
Conference Room 8-007

**1. CALL TO ORDER**

Board Chair Manoloff called the meeting to order at 10:38am.

**2. ROLL CALL BY CLERK**

Attending:  
Rick Manoloff, Chair  
Awatef Assad  
Gregory Huth  
Nora Hurley  
Walter Parfejewiec

**3. APPROVAL OF PRIOR MEETING MINUTES**

Chair Manoloff held this item to review the minutes to ensure the final proposed edits to the minutes have been incorporated and distributed to the Board. This item will be added to the agenda at the next meeting.

**4. PUBLIC COMMENT RELATED TO THE AGENDA**

None

**5. ITEMS UNDER CONSIDERATION FOR ADOPTION (POTENTIALLY UNDER WAIVER OF TWO-READING RULE)**

RESOLUTION NO.	REQUESTING ENTITY	RULE TITLE	ACTION
<b>ARB2024-0002</b>	Cuyahoga County Department of Human Resources	Overpayment Recoupment Policy	Adopt permanent rule
<b>ARB2024-0003</b>	Cuyahoga County Department of Sustainability	Bicycle and Scooter Share Licensing	Amend permanent rule

Authorized individuals from the requesting entity are to attend the meeting to address the Board and answer relevant questions.

**ARB2024-0002**

Addressing the ARB on behalf of the Department of Human Resources was Pat Smock, Director of HR Employee Services. He was joined by Amy Marquit Renwald, Director of HR Employee and Labor Relations and Public Policy Fellow, Cara Harmon. Mr. Smock shared that the Overpayment Recoupment Policy was drafted in cooperation with the Law Department after two agencies (Internal Audit and Inspector General) found, generally stated, that the HR Department made certain mistakes leading to overpayment. A policy was needed to create a procedure to follow each time an overpayment occurred to ensure that overpayment was tracked appropriately and recouped.

Board members shared remarks that the policy is well thought out and well-written. Proposed amendments from the Board included explicitly citing notification of the Law Department at the step where the HR Director is notified, and where specific drive locations/software are noted in the policy, a footnote is to be added at the beginning of the policy to state, “in the HR shared drive” and “Matrix or current software at the time”.

Chair Manoloff reminded the Board that the standard of review is to determine if the requesting entity has the authority to adopt the rule and whether the proposed rule conflicts with the County Code. It was determined by the Board that both standards of review were met for this policy.

Mr. Smock shared that the request for adoption under suspension of the two-reading rule is that this is an ongoing concern, and the department has begun to follow this policy and is already collecting some of these overpayments. They would like to have this memorialized as quickly as possible to be able to formally follow this policy moving forward.

Awatef Assad motioned to suspend the two-reading rule for the rationale supplied by Mr. Smock and suspend the rule requiring further action by the board when amendments are made on the floor; Nora Hurley seconded the motion. The motion was unanimously approved.

Greg Huth motioned to approve the rule as submitted and amended, see Exhibit A on the floor based on comments received by Board members; Nora Hurley seconded. No further discussion on the merits of the rule ensued. The motion was unanimously approved.

Chair Manoloff thanked the HR department for its patience, persistence and professionalism with respect to the development of this policy.

ARB2024 – 0003

Ms. Annie Pease, Senior Advisor on Transportation, presented on the amendment on the Bicycle and Scooter Share rule. Cuyahoga County has had a role in the shared mobility program which encompasses shared e-scooters and e-bicycles. Ms. Pease is supporting the Department of Sustainability in this shared mobility program as it relates to her area of expertise, transportation. The rule before the board is an amendment to an existing license agreement that is held with shared mobility operators.

Ms. Pease shared that the amendments to the rule before the board include the term of the agreement to change from 1 year to 3 years, fee increase to \$7,500, and increase of the per ride fee from \$0.15 to \$0.20. The changes in the term and per ride payment align with the City of Cleveland permitting process. There are additional participating municipalities, but the majority of rides are happening in Cleveland.

It was recommended by the Board that a sentence be added at the beginning of the policy that includes additional definition of operator.

Ms. Pease made the request to walk onto the agenda the proposed amended insurance policy for consideration by the Board. Copies of Exhibit B were provided. The insurance provisions as provided were determined to meet the county’s risk management requirements.

The Interim Director of Sustainability’s term expired on June 11. Under the County Code and the Administrative Rules Board’s Rules of Procedure, the rule needs to be proposed by a duly authorized representative and a question was raised as to whether Ms. Pease qualified as such for this purpose. It was thus recommended that this issue be analyzed and addressed prior to the second reading of this rule for approval.

**6. MISCELLANEOUS BUSINESS**

None

**7. PUBLIC COMMENT UNRELATED TO THE AGENDA**

None

**8. ADJOURNMENT**

The meeting was adjourned by Chair Manoloff at 11:23am.

# **Exhibit A**



**Effective Date: , 2024**

## **Employee Overpayment Recoupment Policy**

**Purpose:** This Policy sets forth the process by which Cuyahoga County may attempt to recoup overpayments made to current employees who are, or former employees who were, subject to Section 6.04 of the Cuyahoga County Employee Handbook (Employee Handbook).<sup>1</sup> If such an overpayment has been identified by the Department of Internal Audit (IA), the Agency of Inspector General (IG), the Department of Human Resources (HR), or the Auditor of State (Auditor), the Department of Human Resources (HR) and the Law Department shall adhere to the following process:

**Step 1: The Director of HR Employee Services shall notify the Director of HR Employee & Labor Relations and the Law Department of the overpayment.**

The Director of HR Employee Services shall provide the Director of HR Employee & Labor Relations, as well as the Law Department (via submitting a request through the Matrix <sup>2</sup>portal), with the name of the overpaid current or former employee and the amount of the overpayment(s). The Director of HR Employee & Labor Relations shall then determine whether the overpaid individual is a current or former employee. If the overpaid individual is a current employee, the Director of HR Employee & Labor Relations shall also determine the employee's bargaining status and the name of the authorized representative for the bargaining unit (union representative), if applicable. Once the Director of HR Employee & Labor Relations has gathered this information, the Director shall provide that information to the Director of HR Employee Services, who shall forward that information to the HR Manager, Time and Attendance.

**Step 2: Time and Attendance /Payroll gathers and sends details of the overpayment to the Director of HR Employee & Labor Relations and the Director of HR Employee Services.**

Upon receipt of the above information, the HR Manager, Time and Attendance shall create a subfile for the overpayment in the HR Shared Drive at the following location: **\\exdcvfps01\Dept\hr-all\Overpayment Recoupment Efforts.**<sup>3</sup>—In addition, the HR Manager shall assign a Time and Attendance Administrator or Payroll Officer to the matter.

The assigned Time and Attendance Administrator or Payroll Officer shall then confirm the specific

<sup>1</sup> The recoupment process set forth herein also applies to former employees who separated from the County before the overpayment language set forth in Section 6.04 was incorporated into the Employee Handbook.

<sup>2</sup> [Matrix or the portal/case management system used by the Cuyahoga County Law Department.](#)

<sup>3</sup> [This HR Shared Drive location may be changed should this HR Shared Drive location become unavailable.](#)

dates of the pay period(s) during which the current or former employee was overpaid, as well as the complete amount of the overpayment.<sup>4</sup> The complete amount of the overpayment is the difference between the gross amount paid and the gross amount that was due to the employee.

Once the assigned Time and Attendance Administrator or Payroll Officer confirms this information, they shall email the overpayment information, together with documentation of the overpayment (i.e., screen shots of electronic time sheets, paid leave balances, leave donation records, paystubs, etc.), to the Director of HR Employee & Labor Relations and the Director of HR Employee Services. In addition, the HR Manager, Time and Attendance shall be copied on the communication.

**Step 3: HR notifies the current or former employee of the overpayment.**<sup>5</sup>

**A. Current Employees**

**Upon receipt of the overpayment information and documentation from the assigned Time and Attendance Administrator or Payroll Officer, the Director of HR Employee & Labor Relations shall proceed as follows:**

*For Current Bargaining Employees:*

- The Director of HR Employee & Labor Relations shall save the overpayment information and associated documentation to the applicable shared subfile and upload them to the Matrix matter.
- Thereafter, the Director of HR Employee & Labor Relations shall assign an Employee & Labor Relations Specialist (ELR Specialist) to send an Initial Notice of Overpayment to the employee via email.<sup>6</sup> The ELR Specialist shall copy the authorized representative for the employee's bargaining unit (union representative), as well as the Assistant Law Director assigned to the Matrix matter.

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<sup>4</sup> If the Time and Attendance Administrator or Payroll Officer believes that the overpayment amount identified by the IA, IG, or Auditor is not correct, they shall send the matter to the Director of HR Employee Services for review. If the Director of HR Employee Services disagrees, the Director shall advise the Time and Attendance Administrator or Payroll Officer to confirm the amount identified by the IA, IG, or Auditor. If, however, the Director agrees that the overpayment amount identified by the IA, IG, or Auditor is not correct, the Director of HR Employee Services shall notify the IA, IG, or Auditor of the discrepancy and propose a modified overpayment amount with supporting documentation. HR should not take any additional action to collect the overpayment until the Director receives written confirmation from the IA, IG, or Auditor agreeing that the modified overpayment amount is correct.

<sup>5</sup> All email correspondence sent to or received from the current employee and/or union representative (if applicable) or former employee, or other documentation related to Step 2, shall be saved to the applicable shared subfile.

<sup>6</sup> The Initial Notice of Overpayment for bargaining employees is attached to this Policy as Exhibit 1.

- If the employee does not respond to the email, the ELR Specialist shall deliver the Initial Notice of Overpayment to the employee via alternative means (i.e., hand delivery at job site, via U.S. mail, etc.).
- Once the ELR Specialist confirms that the employee received the Initial Notice of Overpayment, the ELR Specialist shall attempt to meet with the employee and/or the union representative to discuss repayment options.
  - If the employee refuses to meet, the ELR Specialist shall proceed to Step 4C-1 below.
  - If the employee and/or the union representative meets with the ELR Specialist and subsequently:
    - Agrees to repay the overpayment in one (1) lump sum via one (1) payroll deduction on a specific date, the ELR Specialist shall proceed to Step 4A-1 below; or
    - Agrees to negotiate a repayment plan, the ELR Specialist shall proceed to Step 4B-1 below; or
    - Refuses to pay (under a repayment plan or otherwise), the ELR Specialist shall proceed to Step 4C-1 below.

*For Current Non-Bargaining Employees*

- The Director of HR Employee & Labor Relations shall save the overpayment information and associated documentation to the applicable shared subfile and upload them to the Matrix matter.
- The Director of HR Employee & Labor Relations shall assign an ELR Specialist to send an Initial Notice of Overpayment to the employee via email.<sup>7</sup> The ELR Specialist shall copy the Assistant Law Director assigned to the Matrix matter.
- If the employee does not respond to the email, the ELR Specialist shall deliver the Initial Notice of Overpayment to the employee via alternative means (i.e., hand delivery at job site, via U.S. mail, etc.).
- Once the ELR Specialist confirms that the employee received the Initial Notice of Overpayment, the ELR Specialist shall attempt to meet with the employee to discuss repayment options.

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<sup>7</sup> The Initial Notice of Overpayment for non-bargaining employees is attached to this Policy as Exhibit 2.

- If the employee refuses to meet, the ELR Specialist shall proceed to Step 4C-1 below.
- If the employee meets with the ELR Specialist and subsequently:
  - Agrees to repay the overpayment in one (1) lump sum and via one (1) payroll deduction on a specific date, the ELR Specialist shall proceed to Step 4A-1 below; or
  - Agrees to negotiate a repayment plan, the ELR Specialist shall proceed to Step 4B-1 below; or
  - Refuses to pay (under a repayment plan or otherwise), the ELR Specialist shall proceed to Step 4C-1 below.

## **B. Former Employees**

**Upon receipt of the overpayment information and documentation from the assigned Time and Attendance Administrator or Payroll Officer, the Director of HR Employee Services shall proceed as follows:**

- The Director of HR Employee Services shall save the email containing the overpayment information and documentation in the applicable shared subfile.
- The Director of HR Employee Services or assigned designee shall send a Notice of Overpayment letter, together with documentation of the overpayment, to the former employee via USPS certified mail. The Director of HR Employee & Labor Relations and the Assistant Law Director assigned to the Matrix matter shall be copied on Notice of Overpayment.<sup>8</sup>
  - If the former employee cannot be reached and/or does not respond, then the Director of HR Employee Services shall proceed to Step 4C-2 below.<sup>9</sup>
  - If the former employee contacts the Director of HR Employee Services or assigned designee and subsequently:
    - Agrees to repay the overpayment in one (1) lump sum on a specific date, then the Director of HR Employee Services shall proceed to Step 4A-2 below; or

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<sup>8</sup> The Notice of Overpayment letter for former employees is attached to this Policy as Exhibit 3.

<sup>9</sup> HR will save scanned copies or pictures of certified receipts and “return to sender” notifications in the applicable shared subfile and in accordance with the retention schedule.

- Agrees to negotiate a repayment plan, then the Director of HR Employee Services shall proceed to Step 4B-2 below; or
- Refuses to pay (under a repayment plan or otherwise), then the Director of HR Employee Services shall proceed to step 4C-2 below.

**Step 4A: The current or former employee agrees to repay the overpayment in one (1) lump sum.<sup>10</sup>**

### **1. Current Employees**

If a current employee agrees to repay the complete amount of the overpayment in one (1) lump sum via one (1) payroll deduction on a specific date, the ELR Specialist shall proceed as follows:

*For Current Bargaining Employees:*

- The ELR Specialist shall notify the assigned Time and Attendance Administrator or Payroll Officer via email that the employee has agreed to repay the complete amount of the overpayment in one (1) lump sum. The HR Manager, Time and Attendance shall be copied on that communication.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon repayment date for payroll deduction; and
  - Signature line(s) with a date.<sup>11</sup>
- Once prepared, the assigned Time and Attendance Administrator or Payroll Officer shall save a copy of the Repayment Agreement in the applicable shared subfile and email it to the assigned ELR Specialist, copying the Director of HR Employee & Labor Relations, the Director of HR Employee Services, and the HR Manager, Time and Attendance.
- Upon receipt, the ELR Specialist shall arrange for the employee and union representative to sign and return the Repayment Agreement.

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<sup>10</sup> All email correspondence sent to or received from the current employee and/or union representative (if applicable) or the former employee, or other documentation related to Step 4A, shall be saved in the applicable shared subfile.

<sup>11</sup> The standard Repayment Agreement form is attached to this Policy as Exhibit 4.

- Once the employee and union representative sign and return the Repayment Agreement, the ELR Specialist shall forward it to the Director of Human Resources, Chief Human Resources Officer for approval and signature.
- Once the Repayment Agreement is fully executed by the employee, union representative, and Director of Human Resources, Chief Human Resources Officer, the ELR Specialist or Director of HR Employee & Labor Relations shall save a copy of it in the applicable shared subfile and send a copy to the employee, the union representative, and the Law Department (by uploading the signed Repayment Agreement to the applicable Matrix matter). In addition, the ELR Specialist shall forward the fully executed Repayment Agreement to the HR Manager, Time and Attendance, as well as the assigned Time and Attendance Administrator or Payroll Officer.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall set up the agreed-upon payroll deduction in accordance with the Repayment Agreement.

*For Current Non-Bargaining Employees:*

- The ELR Specialist shall notify the assigned Time and Attendance Administrator or Payroll Officer via email that the employee has agreed to repay the full amount of the overpayment in one (1) lump sum. The HR Manager, Time and Attendance shall be copied on that communication.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon repayment date for payroll deduction; and
  - Signature line(s) with a date.
- Once prepared, the assigned Time and Attendance Administrator or Payroll Officer shall save a copy of the Repayment Agreement in the applicable shared subfile and email it to the assigned ELR Specialist, copying the Director of HR Employee & Labor Relations, the Director of HR Employee Services, and the HR Manager, Time and Attendance.
- Upon receipt, the ELR Specialist shall arrange for the employee to sign and return the Repayment Agreement.
- Once the employee signs and returns the Repayment Agreement, the ELR Specialist shall forward it to the Director of Human Resources, Chief Human Resources Officer for approval and signature.

- Once the Repayment Agreement is fully executed by the employee and the Director of Human Resources, Chief Human Resources Officer, the ELR Specialist or Director of HR Employee & Labor Relations shall save a copy of it in the applicable shared subfile and send a copy to the employee and the Law Department (by uploading the signed Repayment Agreement to the applicable Matrix matter). In addition, the ELR Specialist shall forward the fully executed Repayment Agreement to the HR Manager, Time and Attendance, as well as the assigned Time and Attendance Administrator or Payroll Officer.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall set up the agreed-upon payroll deduction in accordance with the Repayment Agreement.

## 2. Former Employees

If a former employee agrees to repay the full amount of the overpayment in one (1) lump sum, the Director of HR Employee Services or assigned designee shall proceed as follows:

- The Director of HR Employee Services shall notify the assigned Time and Attendance Administrator or Payroll Officer via email that the former employee has agreed to repay the full amount of the overpayment in one (1) lump sum. The HR Manager, Time and Attendance shall be copied on that communication.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the former employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon repayment date and method; and
  - Signature line(s) with a date.
- Once prepared, the assigned Time and Attendance Administrator or Payroll Officer shall save a copy of the Repayment Agreement in the applicable shared subfile and email it to the Director of HR Employee Services and HR Manager, Time and Attendance.
- Upon receipt, the Director of HR Employee Services shall arrange for the former employee to sign and return the Repayment Agreement.
- Once the former employee signs and returns the Repayment Agreement, the Director of HR Employee Services shall forward the Repayment Agreement to the Director of Human Resources, Chief Human Resources Officer for approval and signature.

- Once the Repayment Agreement is fully executed by the former employee and the Director of Human Resources, Chief Human Resources Officer, the Director of HR Employee Services shall save a copy of it in the applicable shared subfile and send a copy to the former employee and the Law Department (by uploading the signed Repayment Agreement to the applicable Matrix matter).
- In addition, the Director of HR Employee Services shall coordinate with the former employee and the Fiscal Office to collect and process the repayment.

**Step 4B: The current or former employee agrees to repay the overpayment under a repayment plan, the terms of which are set forth in the Repayment Agreement.**<sup>12</sup>

## 1. Current Employees

*For Current Bargaining Employees:*

- If a current bargaining employee and the union representative agree to repayment over time and via multiple payroll deductions (as opposed to one (1) lump sum), the ELR Specialist, with assistance from Assistant Law Director assigned to the Matrix matter, shall negotiate a repayment plan for the entire amount of the overpayment.
- The ELR Specialist shall send the assigned Time and Attendance Administrator or Payroll Officer the terms of the agreed-upon repayment plan. The HR Manager, Time and Attendance shall be copied on that communication, as well as the Assistant Law Director assigned to the matter.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon terms for repayment (i.e., the dates and amounts of the payroll deductions); and
  - Signature line(s) with a date.
- Once prepared, the Repayment Agreement shall be executed and processed in accordance with Step 4A-1, above.

*For Current Non-Bargaining Employees:*

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<sup>12</sup> All email correspondence sent to or received from the current employee and/or union representative (if applicable) or the former employee, or other documentation related to Step 4-B, shall be saved to the applicable shared subfile.

- If a current non-bargaining employee agrees to repayment over time and in installments (as opposed to in one (1) lump sum), the ELR Specialist, with assistance from the Law Department, shall negotiate a repayment plan for the entire amount of the overpayment.
- The ELR Specialist shall send the assigned Time and Attendance Administrator or Payroll Officer the terms of the agreed-upon repayment plan. The HR Manager, Time and Attendance shall be copied on that communication, as well as the Assistant Law Director assigned to the Matrix matter.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon terms for repayment and designated payroll deductions; and
  - Signature line(s) with a date.
- Once prepared, the Repayment Agreement shall be executed and processed in accordance with Step 4A-1, above.

## **2. Former Employees**

- If a former employee agrees to repayment over time and in installments (as opposed to in one (1) lump sum), the Director of HR Employee Services or assigned designee, with assistance from the Law Department, shall negotiate a repayment plan for the entire amount of the overpayment.
- The Director of HR Employee Services shall send the assigned Time and Attendance Administrator or Payroll Officer the terms of the agreed-upon repayment plan. The HR Manager, Time and Attendance shall be copied on that communication.
- Upon receipt, the assigned Time and Attendance Administrator or Payroll Officer shall prepare a Repayment Agreement on HR's designated form, which includes:
  - The specific dates of the pay period(s) during which the former employee was overpaid;
  - The complete amount of the overpayment;
  - The agreed-upon terms and method of repayment; and
  - Signature line(s) with a date.

- Once prepared, the Repayment Agreement shall be executed and processed in accordance with Step 4A-2, above.

**Step 4C: If HR is unable to secure a Repayment Agreement with a current or former employee, HR shall refer the matter to the Law Department.<sup>13</sup>**

### **1. Current Employees**

*For Current Bargaining Employees:*

- If a current bargaining employee (a) does not respond to the Initial Notice of Overpayment within a reasonable period of time (as stated in the Notice), (b) refuses to meet, or (c) refuses to pay (under the terms of a repayment plan or otherwise), the ELR Specialist or Director of HR Employee & Labor Relations shall document the facts and upload such documentation to the applicable shared subfile.
- In addition, the ELR Specialist shall advise the employee and union representative that the matter will be referred to the Cuyahoga County Law Department.
- The ELR Specialist or Director of HR Employee & Labor Relations shall then upload the information and documents saved in the shared subfile to the applicable Matrix matter. The ELR Specialist shall also notify the Assistant Law Director assigned to the Matrix matter via email that HR was unable to secure a Repayment Agreement.

*For Current Non-Bargaining Employees:*

- If a current non-bargaining employee (a) does not respond to the Initial Notice of Overpayment within a reasonable period of time (as stated in the Notice), (b) refuses to meet, or (c) refuses to pay (under the terms of a repayment plan or otherwise), the ELR Specialist or Director of HR Employee & Labor Relations shall document the facts and upload such documentation to the applicable shared file folder.
- In addition, the ELR Specialist shall advise the employee that the matter will be referred to the Cuyahoga County Law Department.
- The ELR Specialist or Director of HR Employee & Labor Relations shall then refer the matter to the Law Department (by uploading the information and documents saved in

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<sup>13</sup> All email correspondence sent to or received from the current employee and/or union representative (if applicable) or the former employee, or other documentation related to Step 4C, shall be saved to the applicable shared subfile.

the shared subfile to the Matrix matter). The ELR Specialist shall also notify the Assistant Law Director assigned to the Matrix matter via email that HR was unable to secure a Repayment Agreement.

## **2. Former Employees**

- If the Notice of Overpayment that is sent via certified mail to a former employee is (a) “returned to sender,” (b) confirmed received but is not replied to within a reasonable period of time (as stated in the Notice), or (c) is replied to but the former employee refuses to pay (under the terms of a repayment plan or otherwise), then the Director of HR Employee Services shall document the facts and upload such documentation to the applicable shared subfile.
- In addition, the Director of HR Employee Services shall refer the matter to the Law Department (by uploading the information and documents in the shared subfile to the applicable Matrix matter).

### **Step 5: The Law Department shall refer the matter to the Cuyahoga County Prosecutor’s Office**

When an overpayment matter is referred to the Law Department because (1) a current employee refuses to meet or to repay the overpayment, or (2) a former employee cannot be reached, has not responded to HR, and/or refuses to meet or repay the overpayment, the Law Department shall proceed as follows:

Refer the matter to the Cuyahoga County Prosecutor’s Office and request that a letter is sent to the current or former employee, copying the Law Department, the Director of HR Employee Services and the Director of HR Employee & Labor Relations. The letter will include a demand for repayment and any prior correspondence.

- If letters from the Prosecutor’s Office succeed in eliciting a favorable response (i.e., a willingness to repay), the Prosecutor’s Officer shall proceed as follows:
  - For current employees, the Prosecutor’s Office shall refer the matter to the Director of HR Employee & Labor Relations to proceed in accordance with Step 4A-1 or 4B-1, above.
  - For former employees, the Prosecutor’s Office shall refer the matter to the Director of HR Employee Services to proceed in accordance with Step 4A-2 or 4B-2, above.
- If letters from the Prosecutor’s Office do not succeed in eliciting a favorable response, the Prosecutor’s Office shall proceed in accordance with Step 6, below.

**Step 6: The Prosecutor’s Office, the Law Department, HR, and the Fiscal Office shall perform a cost-benefit analysis to determine if legislation should be submitted to write off the debt,**

**or if the County should pursue other methods to collect the debt.**

If letters from the Prosecutor's Office do not succeed in eliciting a favorable response, then the Prosecutor's Office, in consultation with the Law Department, HR, and the Fiscal Office or designee, performs a cost-benefit analysis to determine whether the County Executive and Fiscal Officer should submit legislation to County Council to write off the debt, or whether prosecution under Ohio Revised Code Section 309.12, the hiring of a debt collector, or "self-help" measures would be in the best interest of the County.

## **Exhibit B**

## **CUYAHOGA COUNTY Insurance Requirements**

Operator shall procure and maintain for the duration of the License insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Operator, his agents, representatives, employees or subcontractors.

Nothing in this Agreement shall be construed to be a waiver of defenses or immunities afforded to the County under applicable law.

### **MINIMUM SCOPE AND LIMIT OF INSURANCE**

Coverage shall be at least as broad as:

(a) **Worker's Compensation Insurance** as statutorily required by the State of Ohio.

For Operators with employees working outside of Ohio, Worker's Compensation Insurance as required by the various state and Federal laws as applicable including Employers' Liability coverage with limits of no less than \$1,000,000 per accident for bodily injury or disease.

(b) **Commercial General Liability Insurance** with limits of liability not less than:

\$2,000,000 each occurrence bodily injury & property damage;  
\$2,000,000 personal & advertising injury;  
\$2,000,000 general aggregate;  
\$2,000,000 products/completed operations aggregate.

Such insurance shall be written on an occurrence basis on the Insurance Services Office (ISO) form CG 00 01 or its equivalent. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this specific project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

(c) **Business Automobile Liability Insurance** covering any auto (symbol 1), or if Operator has no owned autos, hired (symbol 8) and non-owned autos (symbol 9). Such insurance shall provide a limit of not less than \$2,000,000 combined single limit (bodily injury & property damage) each accident;

Such insurance shall be written on an occurrence basis on the Insurance Services Office (ISO) CA 00 01 form or its equivalent.

### **Insurance Coverage Terms and Conditions**

1. Nothing in this License Agreement shall be construed to be a waiver of defenses or immunities

afforded to the County under applicable law.

2. Neither the Operator nor any of its contractors shall commence any Bicycle and Scooter Share services in connection with this License until all of the foregoing types of insurance has been approved by the County.
3. The insurance policies of the Operator required for this License, shall:
  - (i) Name the County Of Cuyahoga, its officers, officials, employees, and volunteers as additional insureds.

General liability coverage can be provided in the form of an endorsement to the Operator's insurance (at least as broad as ISO Form CG 20 10 11 85 or if not available, through the addition of both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 if a later edition is used).
  - (ii) Be primary and non-contributory and at least as broad as ISO CG 20 01 04 13 as respects the County of Cuyahoga, its officers, officials, employees, and volunteers for any claims related to this License. Any insurance or self-insurance maintained by the County of Cuyahoga, its officers, officials, employees, or volunteers shall be excess of the Operator's insurance and shall not contribute with it. This requirement shall also apply to all policies.
  - (iii) Grant the County of Cuyahoga a waiver of any right to subrogation which any insurer of said Operator may acquire against the County of Cuyahoga by virtue of the payment of any loss under such insurance. Operator agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the County of Cuyahoga has received a waiver of subrogation endorsement from the insurer.
  - (iv) Provide that, for each insurance policy provided above, coverage shall not be canceled except with notice to the County of Cuyahoga.
  - (v) Provide the County of Cuyahoga with a Certificates of Insurance evidencing these coverages; as well as reference and provide evidence (via physical policy endorsement) that each of the terms and conditions identified in section 1 have been met by the Operator and their respective insurer(s).
4. The insurance required for this License shall be provided by insurance carrier(s) licensed to transact business and write insurance in the state(s) where operations are performed and shall carry a minimum A.M. Best's rating of A-VII or above.
5. The terms of this License shall be controlling and shall not be limited by any insurance policy provision.

**ARB2024-0004**  
**Cuyahoga County Treasurer's Office**  
*Partial Payment Policy*



## **Cuyahoga County Treasurer's Office**

### *Policy Concerning the Acceptance of Partial Payments for Delinquent Taxes*

#### **Legal Authority.**

Under Sections 5719.03(E) (current taxes) and 323.132 (delinquent taxes) of the Ohio Revised Code ("Code"), the County Treasurer may accept partial payment of taxes. The Code gives the Treasurer discretion to accept or reject partial payments as the Treasurer sees fit. This discretion is limited by Constitutional constraints at the level of both the U.S. Constitution and the Ohio Constitution.

The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution requires that the government treat similarly situated individuals consistently. The Equal Protection Clause of the Ohio Constitution affords identical protections. Although the Treasurer's Office can elect to accept or reject partial payments, it must do so according to a policy rationally related to a legitimate governmental purpose. It cannot vary its treatment of such payments in a discriminatory or arbitrary manner.

#### **Partial Payments Policy.**

Therefore, with the aim of maximizing the collection of tax revenue within the applicable constitutional constraints, the Treasurer adopts the following policy concerning the acceptance of partial payments for delinquent taxes.

If a taxpayer tenders less than the full amount due and payable towards delinquent taxes, the Treasurer shall accept that partial payment. Payments shall be applied to the oldest delinquency first, unless the application of the amount tendered to current taxes would result in the taxpayer avoiding additional interest and/or penalties.

Partial payments under the terms of a performing delinquent tax contract are governed under the terms of the Ohio Revised Code pertaining to delinquent tax contracts and a separate Treasurer policy.

For all other partial payments, when the Treasurer accepts a partial payment, the Treasurer shall provide notice to the taxpayer advising the taxpayer that:

- Payment of less than the full amount of delinquent taxes will not prevent the filing or prosecution of a foreclosure action;
- In the event of a foreclosure sale, if there are no excess proceeds, the value of any partial payment made will be lost to the taxpayer and unrecoverable; and
- The taxpayer is advised to consult with legal counsel prior to tendering partial payment of delinquent taxes.

*Adopted XXXX XX, 2024  
Last Revised July 8, 2024*

**ARB2024-0005**  
**Cuyahoga County Treasurer's Office**  
*Vacant Lands Bills Policy*



## **Cuyahoga County Treasurer's Office**

### *Policy For Expenses Related to Undeliverable Tax Bills Against Delinquent Vacant Lands*

#### **Background.**

The County Treasurer has numerous statutory powers and responsibilities, two of which are relevant to this policy:

- The collection of cash owed to the County, including the collection of property taxes; and
- Cash management, with a duty to manage the assets of the County in a responsible manner.

#### **Legal Authority and Discussion.**

To fulfill these roles, the County Treasurer requires certain powers, some of which are expressly granted by statute and other implied because they are necessary to carry out the treasurer's duties.<sup>1</sup> An implicit power may arise where an express obligation imposed by the Ohio Revised Code ("Code") appears to require one action, but another duty requires a mutually exclusive action. In such a case, the County Treasurer must have the power to exercise reasonable discretion to resolve the conflict.

As part of the County Treasurer's property tax collection role, the Treasurer is obliged under Section 323.13 of the Code to mail tax bills to owners of record. This obligation is generally understandable and non-problematic, as it is critical to put property owners on notice of their obligation to pay. For most property owners, mailing a bill is an effective part of the County treasurer's tax collection office, because property owners will comply with their own obligation to provide a good address and the mailed bills will reach the owners and eventually result in collection of property taxes.

An issue arises, however, where property owners fail to meet their obligations, both to pay their bills and to update the County when their mailing address changes. An unknown but significant number of parcels in the County are delinquent, vacant without any improvements, and have a tax mailing address of the parcel itself. Because the address points to a vacant lot, mail delivery to that address fails, and the cost of printing and mailing a bill cannot achieve payment. Such costs are small individually, but they add up to a substantial cost in the aggregate, twice per year, every year, with no perceptible benefit to the County. Thus, blindly mailing tax bills in such cases results in significant, predictable waste.

A policy which results in significant, predictable waste runs headlong into conflict with the County Treasurer's other role as cash manager, and its attendant duty to manage the County's assets in a responsible manner. The County Treasurer is subject to an investment policy adopted by majority vote of the Investment Advisory Committee. According to the purpose statement of the policy, it is "designed to ensure the prudent management of public funds." It commands that the County Treasurer "shall act responsibly as custodian of the public trust."

Maintaining a process that requires regularly spending large amounts of public funds in a

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<sup>1</sup> . State ex rel. Kuntz v. Zangerle, 130 Ohio St. 84, 89 (1935).

manner which the Treasurer knows will generate no public benefit is in direct conflict with the Treasurer's obligation to act as a responsible custodian of public assets.

## **Undeliverable Tax Bills Policy.**

Therefore, in order to meet its obligation as responsible custodian of the public trust and resolve this conflict, the Treasurer hereby adopts the following policy.

For known undeliverable bills, the Treasurer shall prepare tax bills as is required, but the Treasurer shall not expend public resources to print or mail physical copies of those bills. Electronic versions of those tax bills will remain available via the County's online payment platform.

A "known undeliverable bill" is one which meets all the following criteria:

- It pertains to a parcel on the delinquent vacant lands list; and either
  - All bills mailed to the address have been returned as undeliverable for at least one year; or
  - It is addressed to the parcel itself and the parcel is unimproved and thus incapable of acting as a valid mailing address.

If the owner of the parcel provides an updated mailing address, then its bill will no longer be considered undeliverable for the purposes of this policy and will be placed back on the list of production and distribution of physical tax bills.

The Treasurer shall maintain a list of all undeliverable bills, including the parcel number, property address, the record owner's name, and the undeliverable mailing address. The list will be published on a website maintained by the County that is publicly available and searchable through widely used search engines to put property owners on notice that the County will not provide them with a physical tax bill unless they meet their obligation to update their mailing address.

*Adopted XXXX XX, 2024  
Last Revised July 8, 2024*