

CUYAHOGA COUNCIL OF CUYAHOGA COUNTY, OHIO

ORDINANCE NO. O2011-0004

SPONSORED BY: GREENSPAN, MILLER, BRADY, GERMANA, GALLAGHER, SCHRON, CONWELL, JONES, CONNALLY, ROGERS AND SIMON

**An Ordinance to expire ninety (90) days after its effective date, providing for the approval and adoption of a Code of Ethics for Cuyahoga County, and declaring the necessity that this Ordinance become immediately effective.**

WHEREAS, the Cuyahoga County Charter provides for the transition, effective January 1, 2011, to a county governed by an elected County Executive and an eleven member elected County Council;

WHEREAS, County Council has determined it is necessary to adopt a Code of Ethics to ensure that County offices, employees and officers under the authority of the County Council and the County Executive, conduct themselves in a manner that fosters public confidence in the integrity of the County and its processes, until such time as a permanent Code of Ethics can be adopted;

THEREFORE, be it hereby ordained by the Council of the County of Cuyahoga, State of Ohio that:

**Section 1. Code of Ethics.** The Code of Ethics contained in the Human Resources Policies and Procedures Manual adopted by the former governing body of Cuyahoga County and last revised in November 2010 (attached hereto as Exhibit "A"), shall be applicable to all County offices, employees, and officers under the authority of the County Council and the County Executive, and shall remain in force and effect and shall be followed by all County offices, employees, and officers under the authority of the County Council and the County Executive, for a period of ninety (90) days.

**Section 2. Effective Date.** Provided this Ordinance receives the affirmative vote of eight of the members elected to Council, it shall take effect immediately upon the signature of the County Executive. It is hereby determined to be necessary that this Ordinance become immediately effective in order that Cuyahoga County services may continue to be provided in an ethical manner, and so that the usual and daily operations of government may continue to function on and after

January 1, 2011. This Ordinance shall expire ninety (90) days after its effective date.

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

Yeas: Greenspan, Miller, Brady, Germana, Gallagher, Schron, Conwell, Jones, Connally, Rogers and Simon

Nays: None

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

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

\_\_\_\_\_  
Clerk of Council pro tem      Date

Journal CC001  
January 3, 2011

## **Section 3:**

# **CODE OF ETHICS**

### **3.01      Ethics Policy**

It is the policy of the County to carry out its mission in accordance with the strictest ethical guidelines and to ensure that County members and employees conduct themselves in a manner that fosters public confidence in the integrity of the County, its processes, and its accomplishments. Failure to adhere to the standards of ethical conduct may subject an employee to discipline, up to and including removal, pursuant to Section 13 of this Manual as well as criminal prosecution in certain cases.

### **3.02      Compliance with Ohio Ethics Laws**

County officials and employees are required to abide by the State of Ohio's ethics laws, as found in the Ohio Revised Code and as interpreted by the Ohio Ethics Commission and Ohio courts. A copy of these laws will be provided to each employee upon commencement of their employment with the County. These laws are also available at [www.ethics.ohio.gov](http://www.ethics.ohio.gov). Each employee shall be required to sign a form acknowledging receipt of this document and the form shall be placed in each employee's personnel file.

### **3.03      General Standards of Ethical Conduct**

The following is a non-exclusive general summary of the restraints on the conduct of all County officials and employees.

No County official or employee shall:

- Use their public position to obtain any benefit for themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship;
- Solicit or accept anything of value from anyone doing business with the County;
- Solicit or accept employment from anyone doing business with the County, without prior written authorization from a Director or higher-level County official. The official or employee must first withdraw from any decision-making activity affecting the party offering employment and the County must approve the withdrawal;
- Use or disclose confidential information protected by law, unless appropriately authorized;

**EXHIBIT A**

- Be paid or accept any form of compensation for personal services rendered on a matter before the County or the departments, offices, agencies and/or other bodies reporting to it;
- Hold or benefit from a contract with, authorized by, or approved by the County (*see Revised Code Section 2921.42* for exceptions);
- Vote, authorize, recommend, or in any other way use their position to secure approval of a County contract in which themselves, an immediate family member (as defined in Section 9.03 of this Manual), or anyone with whom they have a business or employment relationship, has an interest;
- Solicit or accept payment for services provided as an officer or employee of the County;
- During public service, and for one year after leaving public service, represent any person, in any fashion, before any public agency with respect to a matter in which the official or employee personally participated while serving with the County; or
- Use, or authorize the use of, their title, the name Cuyahoga County, or the County's logo in a manner that suggests impropriety, favoritism, or bias by the County or the official or employee.

### **3.04            “Moonlighting” Policy**

The County does not prohibit an employee from securing additional employment outside of their employment with the County, so long as the following conditions are met:

- The employee provides notice of their outside employment to Human Resources prior to beginning work with the second employer;
- The employee's outside employment does not interfere in any way with their ability to perform the duties of their position with the County; and
- The employee's outside employment does not place the employee in violation of the County's Code of Ethics (*see Section 3*), including, but not limited to, creation of a conflict of interests.

**NOTE:** Individual Department's may have “moonlighting policies” that require that employees place Department Management on notice of additional employment outside of their employment with the County. Department management, however, shall not prohibit an employee from pursuing additional employment unless one of the above-cited conditions is not met. Employees should consult their Departmental policies and procedures manual for more information.

### **3.05      Political Activity**

No employee in the classified service of the County shall directly or indirectly solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political party or for any candidate for public office. Nor shall any employee in the classified service of the County be an officer in any political organization or take part in politics other than to vote as the officer or employee pleases and to express freely political opinions.

The following are examples (non-exclusive) of permissible activities for County employees in the classified service:

- Registration and voting;
- Expression of opinions, either oral or written;
- Voluntary financial contributions to political candidates or organizations;
- Circulation of nonpartisan petitions or petitions stating views on legislation;
- Attendance at political rallies;
- Signing nominating petitions in support of individuals;
- Display of political materials in the employee's home or on the employee's property;
- Wearing political badges or buttons, or the display of political stickers on private vehicles; and
- Serving as a precinct election official for the Board of Elections.

The following activities are prohibited to County employees in the classified service:

- Candidacy for public office in a partisan election;
- Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
- Circulation of official nominating petitions for any candidate participating in a partisan election;
- Service in an elected or appointed office in any political organization (e.g., partisan precinct committee);
- Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
- Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
- Solicitation of any assessment, contribution or subscription, either monetary or in-kind, for any political party or partisan political candidate;
- Solicitation of the sale, or actual sale of political party tickets;
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;

- Service as a witness or challenger for any party or partisan committee;
- Participation in political caucuses of a partisan nature; and
- Participation in a political action committee which supports partisan activity.

An employee that is considering in engaging in any political activity that may potentially be prohibited under this policy should consult with Human Resources for guidance. An employee who engages in any of the prohibited activities listed above may be subject to disciplinary action, up to and including removal.

### **3.06            Employment of Relatives**

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

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

**For purposes of this Section, “relatives” include anyone who is related as husband, wife, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister.**