



**AGENDA**  
**CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY**  
**COMMITTEE MEETING**  
**TUESDAY, DECEMBER 6, 2016**  
**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**  
**C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR**  
**10:00 AM**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT RELATED TO THE AGENDA**
- 4. APPROVAL OF MINUTES FROM THE OCTOBER 18, 2016 MEETING**
- 5. MATTERS REFERRED TO COMMITTEE**
  - a) R2016-0223: A Resolution confirming the County Executive's reappointment of various individuals to serve on the Cuyahoga County Public Defender Commission for the term 1/1/2017 - 12/31/2020, and declaring the necessity that this Resolution become immediately effective:
    - 1) Gordon S. Friedman
    - 2) James R. Wooley
  - b) R2016-0225: A Resolution authorizing an amendment to Contract No. CE1600075-01 with Medical Mutual of Ohio for stop loss insurance services for County employees and their eligible dependents and Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents for the period 1/1/2016 - 12/31/2016 to extend the time period to 12/31/2017 and for additional funds in the amount not-to-exceed \$3,285,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.

**6. DISCUSSION**

- a) Department of Human Resources Budget Update-Douglas Dykes, Chief Talent Officer

**7. MISCELLANEOUS BUSINESS**

**8. OTHER PUBLIC COMMENT**

**9. ADJOURNMENT**

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*\*\*Council Chambers is equipped with a hearing assistance system. If needed, please see the Clerk to obtain a receiver.*



## **MINUTES**

### **CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY COMMITTEE MEETING**

**TUESDAY, OCTOBER 18, 2016**

**CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS**

**C. ELLEN CONNALLY COUNCIL CHAMBERS – 4<sup>TH</sup> FLOOR**

**10:00 AM**

#### **1. CALL TO ORDER**

**Chairwoman Conwell called the meeting to order at 10:03 p.m.**

#### **2. ROLL CALL**

**Ms. Conwell asked Assistant Deputy Clerk Culek to call the roll. Committee members Conwell, Germana, Miller and Brown were in attendance and a quorum was determined. Committee member Gallagher was absent from the meeting.**

**A motion was made by Ms. Conwell, seconded by Ms. Brown and approved by unanimous vote to excuse Mr. Gallagher from the meeting.**

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

**No public comments were given.**

#### **4. APPROVAL OF MINUTES FROM THE OCTOBER 4, 2016 MEETING**

**A motion was made by Ms. Brown, seconded by Mr. Germana and approved by unanimous vote to approve the minutes from the October 4, 2016 meeting.**

#### **5. MATTERS REFERRED TO COMMITTEE**

- a) Q2016-0012: An Ordinance amending Section 303.01 of the Cuyahoga County Code to update the Civil Service Code of Cuyahoga County, as amended; and declaring the necessity that this Ordinance become immediately effective.

**Mr. Michael King, Special Counsel, addressed the Committee regarding Ordinance No. O2016-0012. Discussion ensued.**

**Committee members asked questions of Mr. King pertaining to the item, which he answered accordingly.**

**Ms. Conwell introduced a proposed substitute to Ordinance No. O2016-0012. Discussion ensued.**

**A motion was made by Ms. Conwell, seconded by Mr. Miller and approved by unanimous vote to accept the proposed substitute.**

**A motion was then made by Mr. Miller, seconded by Mr. Germana and approved by unanimous vote to amend Section 303.01 (C)(5) of Ordinance No. O2016-0012 as follows:**

**If an employee is reassigned to a different classification through the position audit process referred to in subsections (C)(1) and (C)(2), such placement may result in the employee being reassigned to a classification in the same pay grade, a lower pay grade, or a higher pay grade. If the employee is reassigned to a classification with the same pay grade, the employee's salary shall not change...Individual pay determinations shall be based on relevant factors, including to be determined in each case by the Director that may include, but are not limited to, direct experience performing the job functions, qualifications, the labor market, funding, and the pay of other employees assigned to the same classification in the same appointing authority, and any other factors deemed by the Director of Human Resources to be relevant to the individual case, with the relative importance of all factors to be determined by the Director to be the most appropriate for the individual case.**

**On a motion by Ms. Brown with a second by Mr. Miller, Ordinance No. O2016-0012 was considered and approved by unanimous vote to be referred to the full Council agenda for third reading adoption, as substituted and amended [See Exhibit A].**

**6. MISCELLANEOUS BUSINESS**

**There was no miscellaneous business.**

**7. OTHER PUBLIC COMMENT**

**No public comments were given.**

8. ADJOURNMENT

**With no further business to discuss, Chairwoman Conwell adjourned the meeting at 10:10 a.m., without objection.**

**County Council of Cuyahoga County, Ohio**

**Ordinance No. O2016-0012**

<p>Sponsored by: <b>County Executive Budish/Department of Human Resources</b></p>	<p><b>An Ordinance</b> amending Section 303.01 of the Cuyahoga County Code to update the Civil Service Code of Cuyahoga County, as amended; and declaring the necessity that this Ordinance become immediately effective.</p>
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WHEREAS, Article IX of the Charter of Cuyahoga County creates a Personnel Review Commission that shall be responsible for administering, for and in cooperation with the officers, agencies, boards and commissions of the County, an efficient and economical system for the employment of persons in the public service of the County according to merit and fitness; and

WHEREAS, Section 9.01 of the Charter of Cuyahoga County states that the County’s human resources policies and systems shall be established by ordinance and shall be administered in such a manner as will eliminate unnecessary expense and duplication of effort, while ensuring that persons will be employed in the public service without discrimination on the basis of race, color, religion, sex, national origin, sexual orientation, disability, age or ancestry; and

WHEREAS, the County’s current Civil Service System is codified in Chapter 124 of the Ohio Revised Code, Chapter 123:1 of the Ohio Administrative Code, the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and

WHEREAS, Section 2.10 of the Cuyahoga County Personnel Policies and Procedures Manual (Ordinance Nos. O2011-0015 and O2011-0028) states that the employment of all classified County employees is subject to the provisions of the Ohio Revised Code (Chapter 124), the Ohio Administrative Code (Chapter 123:1), the Cuyahoga County Administrative Rules and the Policies and Procedures Manual; and

WHEREAS, Section 301.23 of the Ohio Revised Code authorizes a charter-created county civil service commission to create a new system for employment with the county on the basis of merit and fitness, as ascertained by competitive examination; and

WHEREAS, the amendments proposed are designed to create pay equity for County employees performing similar duties; and

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

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

**SECTION 1.** Council hereby adopts the following changes to Section 303.01 of the Cuyahoga County Code (added language underlined; deleted language in ~~strikethrough~~; sub-sections that are either deleted or remain in their entirety are noted in *italics* and parentheses):

Section 303.01 Incorporation and amendment of relevant ORC/OAC civil service provisions

A. ~~The following Sections of Chapter 124 of the Ohio Revised Code are hereby amendment as they apply to County employees. All sections of **Ohio Revised Code Chapter 124 and Ohio Administrative Code Chapter 123:1** applicable to **employees of Ohio counties** that are not specifically amended or superseded by this Chapter ~~303~~, **the Administrative Rules of the Personnel Review Commission as ratified and adopted by Council, and the County Personnel Policies and Procedures Manual as adopted by Council** remain in full effect in their entirety. In the event a conflict between the Administrative Rules of the Personnel Review Commission and Title 3, Employment Practices, the Code shall prevail. Substantive changes to the Ohio Revised Code and/or the Administrative Code as may apply to the County shall be made only through ordinance. **In the event a conflict between this Title and a collective bargaining agreement, the collective bargaining agreement shall prevail.**~~

~~124.14 Job Classification Pay Ranges.~~

~~(A)(1) The Personnel Review Commission shall establish, and may modify or rescind, subject to approval by County Council, a job classification plan in accordance with the requirements of Section 9.04 of the Cuyahoga County Charter and Chapter 305 of this Code. The Commission shall group jobs within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The Commission shall assign a classification title to each classification within the classification plan. However, the Commission shall consider in establishing classifications, including classifications with parenthetical titles, and assigning pay ranges, such factors as duties performed only on one shift, special skills in short supply in the labor market, recruitment problems, separation rates, comparative salary rates, the amount of training required and other conditions affecting employment. The Commission shall describe the duties and responsibilities of the class, and establish the qualifications for being employed in each position in the class. The Commission shall assign each classification to an equitable pay range.~~

~~(2) The Director may reassign to a proper classification those positions and/or employees have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for a classification but has not previously been assigned to one. If a reassignment or assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on the review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.~~

~~(3) (Deleted in its entirety)~~

~~(4) The Commission shall subject to approval by County Council, assign related classifications, which form a career progression, to a classification series. The Commission shall, subject to approval by County Council, assign each classification in the classification plan a five digit number, the first four digits of which shall denote the classification series to which the classification is assigned. When a career progression encompasses more than ten classifications, the Commission shall, subject to approval by County Council, identify the additional classifications belonging to a classification series. The additional classifications shall be part of the classification series, notwithstanding the fact that the first four digits of the number assigned to the additional classifications do not correspond to the first four digits of the number of the assigned to other classification in the classification series.~~

~~(5) (Deleted in its entirety)~~

~~(B) Division (A) of this section only applies to those positions identified in Section 9.03 of the Charter.~~

~~(1) (Deleted in its entirety)~~

~~(2) (Deleted in its entirety)~~

~~(3) (Deleted in its entirety)~~

~~(4) (Deleted in its entirety)~~

~~(5) (Deleted in its entirety)~~

~~(C) (Retained in its entirety)~~

## **B. Classification Plan.**

**(1) The Personnel Review Commission shall administer, subject to approval by County Council, a clear, countywide classification and salary administration system in accordance with the requirements of Section 9.03 of the Cuyahoga**

County Charter. The Commission shall group positions within a classification so that the positions are similar enough in duties and responsibilities to be described by the same title, to have the same pay assigned with equity, and to have the same qualifications for selection applied. The Commission shall recommend a classification title for each classification within the classification plan. The Commission shall consider in recommending classifications and equitable pay grades, those factors deemed compensable by the County. The Commission shall describe the duties and responsibilities of the class in proposed classifications specifications, and recommend to County Council the qualifications for each position in the class.

(2) The Commission shall, subject to approval by County Council, assign related classifications that form a career progression to a classification series, and shall assign each series to a job family.

(3) Classification Plan Maintenance. When, the Personnel Review Commission recommends and Council determines to change the pay grade assigned to an existing classification or create a new classification, the Director of Human Resources is authorized to set the pay of affected employees, if any. Determination of pay shall not be arbitrary or capricious, or based on nepotism, political affiliation or any other factor that violates the Code of Ethics codified in Title 4 or any other County, state or federal law. Individual pay determinations shall be based on relevant factors, including direct experience performing the job functions, qualifications, the labor market, the pay of other employees assigned to the same classification, and any other factors deemed by the Director of Human Resources to be relevant to the individual case, with the relative importance of all factors to be as determined by the Director to be the most appropriate for the individual case. If funds are available, any pay rate change resulting from this process may be implemented no later than the first full pay period of the following calendar year, unless the Executive determines, in his/her discretion, to implement the change earlier. Pay determinations by the Director under this section that do not result in a reduction in pay shall not be subject to appeal.

### C. Position Audits.

(1) The Director of Human Resources may initiate a position audit and, based on the results of the audit, may reassign any employee to the proper classification, as long as the employee is performing the essential job functions of the classification identified by the Director at least fifty percent (50%) of his/her time for a minimum of one hundred and twenty (120) consecutive calendar days and the employee meets the minimum qualifications for the classification.

(2) Upon the request of any non-bargaining, non-probationary classified employee, the Director of Human Resources shall perform a position audit to review the employee's position for the sole purpose of determining whether the employee is properly assigned to his/her classification and, if not, to identify the

proper classification. The Director of Human Resources shall give to the affected employee and to the employee's appointing authority a written notice of the Director's determination. Reassignment may only occur if the employee continues to perform essential job functions that are exclusive to another classification at least fifty percent (50%) of his/her time for a minimum of one hundred twenty (120) calendar days, and the employee meets the minimum qualifications for the classification. An employee may not request a position audit more than once in a twelve (12)-month rolling period unless approved the Director.

(3) An employee who has been reassigned to a different classification through the position audit process is not required to serve a new probationary period.

(4) Employees must meet the minimum qualifications of a classification to be assigned to that classification through the position audit process. The Personnel Review Commission shall, on a regular basis, audit final determinations on position audits to verify whether the employee meets the minimum qualifications for the classification to which he/she was reassigned.

(5) If an employee is reassigned to a different classification through the position audit process referred to in subsections (C)(1) and (C)(2), such placement may result in the employee being reassigned to a classification in the same pay grade, a lower pay grade, or a higher pay grade. If the employee is reassigned to a classification with the same pay grade, the employee's salary shall not change. If the employee is reassigned to a classification with a lower pay grade, the employee's pay may be decreased by up to five percent (5%), or set at the new pay grade's maximum rate, whichever pay decrease is greater, and the pay decrease shall not be retroactive. If the employee is reassigned to a classification with a higher pay grade, the employee's pay may be increased by up to five percent (5%), or set at the new pay grade's minimum rate, whichever is greater, and the pay increase shall be retroactive to the first pay period following the date the audit was requested. Pay determinations of the Director under this section shall not be arbitrary or capricious. Individual pay determinations shall be based on relevant factors, including direct experience performing the job functions, qualifications, the labor market, funding, and the pay of other employees assigned to the same classification, and any other factors deemed by the Director of Human Resources to be relevant to the individual case, with the relative importance of all factors to be determined by the Director to be the most appropriate for the individual case.

(6) In lieu of reassignment pursuant to subsections (C)(1) and (C)(2), the appointing authority may choose, or the Director of Human Resources may direct the appointing authority, to remove or reduce the amount of duties that are in a classification other than the employee's, and to require the assignment of duties that are within the scope of the employee's classification, to occur no later than forty-five (45) calendar days from the date of the determination. In such case, the employee shall be compensated with up to a five percent (5%) pay increase for the temporary performance of duties in a higher-paying classification. This pay

increase shall be calculated from the first full pay period following the date the audit was requested through the date the employee's duties were changed. If following the forty-five (45) calendar-day period the employee believes that he/she is still performing job duties of a different classification at least fifty percent (50%) of his/her time, the Commission shall determine whether the employee has been compensated for the performance of the duties in the higher classification, and may order that the duties be removed within a particular time frame and that the employee be compensated.

(7) If an employee is assigned or reassigned to a classification through exercise of powers granted to the Director of Human Resources in subsections (C)(1), (C)(2), or (D), the Director shall give the affected employee and the employee's appointing authority written notice setting forth the Director's determination. If the assignment or reassignment results in a salary reduction, the affected employee shall be offered an opportunity to meet with the Director or designee prior to the determination becoming final. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee and the employee's appointing authority written notice of the Director's final determination. Determination letters may be sent to employees by electronic mail to the employees' County e-mail addresses.

(8) Following a final determination of the Director of Human Resources pursuant to Subsections (C)(1), (C)(2), or (D), a non-bargaining, non-probationary employee may file a written appeal with the Personnel Review Commission in accordance with the Personnel Review Commission's Administrative Rules. Employee's may also file an appeal to the limited extent authorized by (C)(6).

(9) Following a determination by the Commission that a non-bargaining, non-probationary employee is performing the essential job functions exclusive to a different classification at least fifty percent (50%) of the time, in lieu of reassignment the appointing authority may choose, or the Director of Human Resources may direct the appointing authority, to remove or reduce duties as provided for in Subsection (C)(6) above.

(10) Assignment of Current Employees Who Were Not Previously Classified. The Director of Human Resources may assign a County employee who has not previously been assigned to a classification in the classification plan. An employee who has received an assignment pursuant to this Subsection is not required to serve a new probationary period.

D. To ensure pay equity for like positions, the Personnel Review Commission may conduct audits of final pay determinations pursuant to (B)(3), and of final pay determination made pursuant to (C)(5) where appeal rights have expired and there is no pending appeal. When such an audit is conducted, the Department of Human Resources shall provide the Commission with the rationale and supporting documentation for the Director's final pay determination. The

**Commission shall provide reports on its audit findings to the Administration and County Council. Nothing in this provision shall require the Commission's audit of pay determinations within like positions to be restricted or limited solely to those employees whose pay is affected by final pay determinations as a result of maintenance of the class plan or the position audit process, but the Personnel Review Commission will not consider in its audit any employees with a pending appeal related to C (5).**

~~(D)(1) When the Commission modifies a classification or the assignment of classes to appropriate pay ranges, the Commission shall review the proposed action in an open meeting. If the Commission approves of the proposed action, it shall submit the proposed action to County Council.~~

~~(2) When the Director proposes to reassign any employee or reclassify any position, as long as the reclassification does not result in a modification of the County's Class Plan, and an employee is adversely affected, the Director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range and step, and salary. Employees shall be given advance notice of reassignment or reclassification in the manner prescribed by the Personnel Review Commission's administrative rules adopted pursuant to section 301.02 of the code. If the reassignment or reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director's final decision to the Personnel Review Commission in accordance with the process described below.~~

~~Upon the request of any classified employee who is not serving in a probationary period, the Director shall perform a job audit to review the classification of the employee's position to determine whether the position is properly classified. The Director shall give to the employee affected and to the employee's appointing authority a written notice of the Director's determination whether or not to reclassify the position. An employee desiring a hearing shall file a written request for the hearing with the Personnel Review Commission in accordance with the Personnel Review Commission's Rules.~~

~~order the reclassification of the employee and require the Director to assign the employee to such appropriate classification as the facts and evidence warrant. As provided in division (A)(1) of section 124.03 of the Revised Code, the Commission may determine the most appropriate classification for the position of any employee coming before the board, with or without a job audit. The Commission shall disallow any reclassification or reassignment classification of any employee when it finds that changes have been made in the duties and responsibilities of any particular employee for political, religious, or other unjust reasons. fifty5~~

~~(E) (Deleted in its entirety)~~

~~(F) (Deleted in its entirety)~~

~~(G) (Deleted in its entirety)~~

~~(H) (Deleted in its entirety)~~

~~(I) The Director shall set the rate of compensation for all intermittent, seasonal, temporary, emergency, and casual employees in the service of the County who are not considered public employees under section 4117.01 of the Revised Code.~~

#### **124.34 - Reduction in Pay or Position - Suspension - Removal.**

(A) The tenure of every officer or employee in the classified service of the state and the counties, civil service townships, cities, city health districts, general health districts, and city school districts of the state, holding a position under this chapter, shall be during good behavior and efficient service. No officer or employee shall be reduced in pay or position, fined, suspended, or removed except as provided in section 124.32 of the Revised Code, and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the officer's or employee's appointing authority, violation of this chapter or the rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony. The denial of a one-time pay supplement or a bonus to an officer or employee is not a reduction in pay for purposes of this section.

This section does not apply to any modifications or reductions in pay authorized by division (A)(2) of Section 124.14, division (O) of section 124.181 or section 124.392 or 124.393 of the Revised Code.

An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. The disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

A finding by the appropriate ethics commission, based upon a preponderance of the evidence, that the facts alleged in a complaint under section 102.06 of the Revised Code constitute a violation of Chapter 102, section 2921.42, or section 2921.43 of the Revised Code may constitute grounds for dismissal. Failure to file a statement or falsely filing a statement required by section 102.02 of the Revised Code may also constitute grounds for dismissal. The tenure of an employee in the career professional

service of the department of transportation is subject to section 5501.20 of the Revised Code.

Conviction of a felony is a separate basis for reducing in pay or position, suspending, or removing an officer or employee, even if the officer or employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An officer or employee may not appeal to the state personnel board of review or the commission any disciplinary action taken by an appointing authority as a result of the officer's or employee's conviction of a felony. If an officer or employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the officer's or employee's reinstatement.

A person convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of the conviction for the felony. If an officer or employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the officer or employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal, and vacation leave as authorized by law. If subsequently reemployed in the public sector, the person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

As used in this division, "felony" means any of the following:

- (1) A felony that is an offense of violence as defined in section 2901.01 of the Revised Code;
- (2) A felony that is a felony drug abuse offense as defined in section 2925.01 of the Revised Code;
- (3) A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
- (4) A felony involving dishonesty, fraud, or theft;

(5) A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Revised Code.

(B) In case of a reduction, a suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation, a fine of more than forty hours' pay in the case of an employee exempt from the payment of overtime compensation, a fine of more than twenty-four hours' pay in the case of an employee required to be paid overtime compensation, or removal, except for the reduction or removal of a probationary employee, the appointing authority shall serve the employee with a copy of the order of reduction, fine, suspension, or removal, which order shall state the reasons for the action.

An employee may appeal such order in accordance with the Rules set forth by the Personnel Review Commission. If an appeal is filed, the Personnel Review Commission shall forthwith notify the appointing authority and shall hear, or appoint a hearing officer to hear, the appeal. The Personnel Review Commission may affirm, disaffirm, or modify the judgment of the appointing authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the Personnel Review Commission may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

Either the employee or the appointing authority may appeal the decision of the Personnel Review Commission to the Cuyahoga County Court of Common Pleas in accordance with general law.

(C) (Deleted in its entirety)

(D) A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

(E) As used in this section, "last chance agreement" means an agreement signed by both an appointing authority and an officer or employee of the appointing authority that describes the type of behavior or circumstances that, if it occurs, will automatically lead to removal of the officer or employee without the right of appeal to the state personnel board of review or the appropriate commission.

~~B. — 1. OHIO ADMINISTRATIVE CODE — The following section of Chapter 123:1 of the Ohio Administrative Code is hereby amended as it applies to County employees. All sections in Chapter 123:1 applicable to Ohio counties that are not specifically identified in bold below remain in full effect in their entirety. 123:1-7-22 — Reassignments by the Director of Human Resources~~

~~The Director may reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one. If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification. Such placement may result in the employee maintaining their current salary, or may result in an increase or reduction in salary.~~

~~If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction. The employee may then file an appeal of the Director's final decision to the Personnel Review Commission in accordance with the Commission's rules.~~

~~(B) (Deleted in its entirety)~~

~~(C) (Deleted in its entirety)~~

~~2. — CUYAHOGA COUNTY ADMINISTRATIVE RULES — The following section of the Cuyahoga County Administrative Rules is hereby amended. All sections in the Cuyahoga County Administrative Rules that are not specifically identified in bold below remain in full effect in their entirety.~~

~~—— Rule No. 3 — Position Audits~~

~~The Director of Human Resources may initiate a position audit and reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one.~~

~~Non-probationary, non-bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit. An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee's request, or upon request of the Director of Human Resources, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee's Department Director.~~

~~The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human~~

~~Resources a onetime extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date.~~

~~Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will provide written notice of the position audit to the employee with a copy to the Department Director. If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee's waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction.~~

~~The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Personnel Review Commission (PRC) within the time frame set forth in the Personnel Review Commission's Rules~~

~~If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.~~

~~If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.~~

~~If the position audit results in the employee receiving a higher salary, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the employee receiving a lower salary, any salary adjustment will begin the first day of the first pay period following the date of the final decision by the Director of Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive)~~

~~If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. For purposes of this section, a~~

~~“similarly situated employee” is an employee that performs the same essential job functions and responsibilities as the audited employee. Similarly situated employees will not be entitled to retroactive pay increases.~~

~~3. — CUYAHOGA COUNTY PERSONNEL POLICIES AND PROCEDURES MANUAL — The following section the Cuyahoga County Personnel Policies and Procedures Manual is hereby amended. All sections in the Cuyahoga County Personnel Policies and Procedures Manual that are not specifically identified in bold below remain in full effect in their entirety.~~

#### ~~Section 5.09 — Non Bargaining Position Audits~~

~~The Director of Human Resources may initiate a position audit and reassign to a proper classification those positions and/or employees that have been assigned to an improper classification. The Director may also assign a proper classification to a County employee who qualifies for classification but has not previously been assigned to one.~~

~~Non probationary, non bargaining, classified employees who believe that their duties have changed significantly and feel that their classification is no longer appropriate may request a position audit.~~

~~An employee wishing to initiate a position audit shall submit their request in writing to the Director of Human Resources. Upon receipt of the employee’s request, or upon request of the Director of Human Resources, Human Resources shall forward a Comprehensive Position Questionnaire (CPQ) to the employee for completion. The CPQ will be accompanied by a cover letter and instructions for completing the CPQ. The cover letter will also be sent to the employee’s Department Director.~~

~~The employee shall return the completed CPQ forms to Human Resources within thirty (30) days of receipt. The employee may request in writing to the Director of Human Resources a onetime extension of time in which to complete the CPQ. The deadline, however, may not be extended beyond thirty (30) days after the original due date. Human Resources will review all submitted information and will make a determination as to the appropriate classification. To meet the classification criteria, an employee must perform the mandatory duties stated in the classification function at least 20% of the time. Prior to rendering a decision on the position audit request, Human Resources reserves the right to conduct an on-site audit. Upon completion of their review, Human Resources will provide written notice of the position audit to the employee with a copy to the Department Director. If the reclassification results in a reduction in salary, the employee shall be offered an opportunity to meet with the Director or designee to dispute the proposed change. Subsequent to this meeting, or the employee’s waiver of this meeting, the Director shall provide the employee written notice of the final decision regarding the proposed reduction.~~

~~The employee has the right to appeal the decision rendered by Human Resources. This must be done in writing to the Cuyahoga County Personnel Review Commission (PRC) within the time frame set forth in the Personnel Review Commission’s Rules.~~

~~— Employees may lose their appeal rights if their own negligence caused them to fail to receive the position audit decision from Human Resources (i.e., failure to list correct mailing address on Request for Position Audit Form or failure to sign for the certified letter).~~

~~— If a reassignment or new assignment occurs, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification.~~

~~If the position audit results in no change in the employee's classification, but a change in the pay range assignment of the classification, the employee shall be placed in an equitable pay step in the applicable pay range for the new classification. Determination of the equitable pay step shall be based on a review of the employee's relative skill level, education and experience as compared to the employees currently existing in the classification. If the position audit results in the employee receiving a higher salary, any salary adjustment will be computed retroactive to the beginning of the first pay period following the date that the written request for the position audit was received by Human Resources. If the position audit results in the employee receiving a lower salary, any salary adjustment will begin the first day of the first pay period following the date of the final decision by the Director of Human Resources. If the position audit results in the creation of a new classification and/or pay range, any salary adjustment will be effective the first pay period following approval of the new classification and/or pay range by the County (i.e., not retroactive).~~

~~If, after conducting a position audit on an employee, Human Resources becomes aware of similarly situated employees, it will reassign the other employees, effective the beginning of the first pay period following the date that the decision was rendered on behalf of the employee that had requested the audit. For purposes of this section, a "similarly situated employee" is an employee that performs the same essential job functions and responsibilities as the audited employee. Similarly situated employees will not be entitled to retroactive pay increases.~~

~~An employee may not request a position audit more than once in a twelve-month (12) rolling period unless documentation acceptable to the Director of Human Resources is provided at the time of the second request that the job has substantially changed since the date of the completion of the previous audit.~~

~~An employee who has received a classification change pursuant to this Section is not required to serve a new probationary period.~~

~~— Bargaining unit employees should refer to their collective bargaining agreement for information on position audits.~~



Journal CC024  
October 24, 2016

# County Council of Cuyahoga County, Ohio

## Resolution No. R2016-0223

Sponsored by: <b>County Executive Budish</b>	<b>A Resolution</b> confirming the County Executive's reappointment of various individuals to serve on the Cuyahoga County Public Defender Commission for the term 1/1/2017 - 12/31/2020, and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Public Defender Commission was created pursuant to the provisions of ORC Section 120.13; and

WHEREAS, the powers and duties of the Cuyahoga County Public Defender Commission are established pursuant to ORC Section 120.14, which include: recommending an annual operating budget of the office of the County Public Defender, establishing operational standards of the office of the County Public Defender, and determining the qualification and size of the supporting staff of the office in an effort to provide essential legal representation to indigent persons in the County; and

WHEREAS, pursuant to ORC Section 120.13, the Cuyahoga County Public Defender Commission shall have five members with a term of office of four years; and

WHEREAS, the Cuyahoga County Charter Section 6.04, entitled Special Boards and Commissions, states that “[w]hen general law or any agreement with another public agency or court order provides for appointment of members of a special board or commission or other agency by the board of county commissioners, such appointment shall be made by the County Executive, subject to confirmation by the Council;” and

WHEREAS, the County Executive has nominated the following individuals for reappointment to serve on the Cuyahoga County Public Defender Commission for the term 1/1/2017 – 12/31/2020:

- i. Gordon S. Friedman
- ii. James R. Wooley; and,

WHEREAS, this Council by a vote of at least eight (8) members determines that it is necessary that this Resolution become immediately effective in order that Charter

requirements can be complied with and critical services provided by Cuyahoga County can continue, and to provide for the usual, daily operation of a County Board.

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

**SECTION 1.** That the Cuyahoga County Council hereby confirms the County Executive's reappointment of various individuals to serve on the Cuyahoga County Public Defender Commission for the term 1/1/2017 – 12/31/2020 as follows:

- i. Gordon S. Friedman
- ii. James R. Wooley.

**SECTION 2.** It is necessary that this Resolution become immediately effective for the usual daily operation of the County, the preservation of public peace, health or safety in the County, and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight (8) members of Council, this Resolution shall become immediately effective.

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

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

Yeas:

Nays:

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

First Reading/Referred to Committee: November 29, 2016

Committee(s) Assigned: Human Resources, Appointments & Equity

Journal \_\_\_\_\_  
\_\_\_\_\_, 20\_\_



**ARMOND BUDISH**  
Cuyahoga County Executive

November 21, 2016

TO: Dan Brady, President  
Cuyahoga County Council  
2079 E. Ninth Street  
Cleveland, OH 44115

RE: Cuyahoga County Public Defender Commission appointment

Dear President Brady,

Pursuant to Ohio Revised Code Section 120.13, I submit the following nominee for reappointment to the Cuyahoga County Public Defender Commission:

**Gordon S. Friedman**

Among other duties, the County Public Defender Commission is responsible for the following:

- Appointing the County Public Defender;
- Determining the qualifications and size of the supporting staff and facilities, and other requirements needed to maintain and operate the office of the County Public Defender;
- Recommending an annual budget for the office of the County Public Defender to the County Executive;
- Making an annual report to the County Executive and Ohio Public Defender Commission on the operation of the County Public Defender Office;
- Contracting with municipal corporations within Cuyahoga County for the Public Defender to provide legal representation for indigent persons who are charged with a violation of the ordinances of the municipal corporation

The Public Defender Commission is comprised of five members – three appointed by the County Executive, and two appointed by the presiding judge of the Court of Common Pleas. Public Defender Commission members are uncompensated. Per Ohio Revised Code, at least one member appointed by each of these authorities must be an attorney admitted to practice law in the State of Ohio. Mr. Friedman currently maintains an active registration with the Supreme Court of Ohio, with no history of discipline or sanction.

Mr. Friedman's current appointment was confirmed by County Council in 2012. Upon confirmation, his term of office will run for four years. According to information provided by the

Office of the Public Defender, he has attended all meetings since originally appointed to the Commission in 1992.

Aside from the reappointment of James Wooley, no other individuals have submitted applications to the County Executive's Office expressing interest in service on the Public Defender Commission.

Mr. Friedman is a resident of the City of Shaker Heights. In addition to his service with the Public Defender Commission, he is also involved with the National Association of Criminal Defense Lawyers, American Civil Liberties Union, The Innocence Project, The NORML Legal Committee, the Ohio Association of Criminal Defense Lawyers, and the William K. Thomas Inns of Court. He has no known potential conflicts of interest for which an advisory opinion has been requested.

Attached, for your review, is a copy of Mr. Friedman's bio. As shown, he currently serves as Partner with the firm of Friedman & Gilbert. He is an expert in the areas of criminal defense and civil rights law, and his work in litigation has resulted in legal reform in the State of Ohio. We are extremely grateful for his service over the past four years, and look forward to retaining his expertise in the effort to provide high-quality legal representation to the County's indigent residents.

Thank you for your consideration of this appointment. If you need further information, please contact Boards Administrator Lindy Burt at 216-698-2064.

Sincerely,



Armond Budish  
Cuyahoga County Executive

Copy:

Robert Tobik  
Judge John J. Russo  
Mark Budzar

October 12, 2016

Armond Budish, Cuyahoga County Executive  
Cuyahoga County Administration Building  
2079 East Ninth Street  
Cleveland, OH 44115

Re: **Reappointment to the Cuyahoga County Public Defender Commission**  
Term January 1, 2017 to December 31, 2020

Dear Executive Budish:

Pursuant to the Ohio Revised Code Section 120.13, I am requesting to be reappointed for service to the Public Defender Commission.

- The commission is comprised of five members, three appointed by the Cuyahoga County Executive and two by the Administrative Judge of the Cuyahoga County Common Pleas Court.
- The reappointment is for a full four year term, beginning 1/1/2017 and ending 12/31/2020.
- There are no know conflicts of interest for which an advisory opinion has been requested.
- The board is uncompensated.

Please note, I have been a member of the commission since March 1992.

Should you or any of your colleagues have any questions, please feel free to contact Mark Budzar, Administrator of the Office of the Public Defender at [mbudzar@cuyahogacounty.us](mailto:mbudzar@cuyahogacounty.us) or 216-443-8386.

Sincerely,



Gordon S. Friedman, Esq.

Email: [gorlaw@f-glaw.com](mailto:gorlaw@f-glaw.com)

Website/bio: <http://www.friedmanandgilbert.com/gordon-s-friedman.html>

{ cc: Chris Glassburn – Senior Policy Advisor  
Joe Nanni, Chief of Staff – County Council }

## GORDON SAMUEL FRIEDMAN



### EDUCATION

- A. Shaker Heights High School - 1960 Graduate
- B. Miami University, Oxford, Ohio, 1960  
Graduation: June, 1964, with Honors
- C. The George Washington University  
Graduation: June, 1967, Juris Doctor

### EMPLOYMENT

- A. Private Practice of Law  
September, 1976 - Present  
Friedman & Gilbert  
Specializing in Criminal and Civil Rights litigation
- B. Adjunct Professor of Law  
September, 1976 - Present  
Cleveland-Marshall College of Law,  
Cleveland State University
- C. Cleveland-Marshall College of Law  
Cleveland State University  
Associate Professor of Law (tenured)  
June, 1972 - September, 1976
- D. Executive Director, The Free Medical Clinic  
of Greater Cleveland  
May, 1970 - June, 1972
- E. Public Defender's Office of Cleveland Legal  
Aid Society, Staff Attorney  
August, 1967 - May, 1970

## COMMUNITY ACTIVITIES

- A. President, Board of Trustees, Free Medical Clinic of Greater Cleveland, 1987 - 1996;
- B. Commissioner, Cuyahoga County Public Defender Commission, 1992 - Present
- C. National Lecturer, Criminal Procedure, Civil Rights Litigation (§1983), Continuing Legal Education; Cuyahoga Bar Association; Cleveland Bar Association; Cuyahoga Criminal Defense Lawyers Association; Ohio Association Criminal Defense Lawyers
- D. Board Member, Cleveland Legal Aid Society (past)
- E. U.S. Court of Appeals for the Sixth Circuit, Federal Public Defender Selection Panel, 2015

## HONORS

- A. Claude E. Clarke Award  
Outstanding Legal Aid Attorney, 1969
- B. Elected to the Shaker Heights High School Alumni Hall of Fame, October, 1992
- C. 2004 Outstanding Service Award, Cuyahoga County Bar Association
- D. Al Horn Memorial Award, December 5, 2009  
Lifetime Achievement Award, National Organization for the Reform of Marijuana Laws

## MEMBERSHIPS

- A. National Association of Criminal Defense Attorneys
- B. Cleveland Metropolitan Bar Association
- C. American Civil Liberties Union
- D. Licensed to practice in State (Ohio) and Federal Courts



**ARMOND BUDISH**  
Cuyahoga County Executive

November 21, 2016

TO: Dan Brady, President  
Cuyahoga County Council  
2079 E. Ninth Street  
Cleveland, OH 44115

RE: Cuyahoga County Public Defender Commission appointment

Dear President Brady,

Pursuant to Ohio Revised Code Section 120.13, I submit the following nominee for reappointment to the Cuyahoga County Public Defender Commission:

**James R. Wooley**

Among other duties, the County Public Defender Commission is responsible for the following:

- Appointing the County Public Defender;
- Determining the qualifications and size of the supporting staff and facilities, and other requirements needed to maintain and operate the office of the County Public Defender;
- Recommending an annual budget for the office of the County Public Defender to the County Executive;
- Making an annual report to the County Executive and Ohio Public Defender Commission on the operation of the County Public Defender Office;
- Contracting with municipal corporations within Cuyahoga County for the Public Defender to provide legal representation for indigent persons who are charged with a violation of the ordinances of the municipal corporation

The Public Defender Commission is comprised of five members – three appointed by the County Executive, and two appointed by the presiding judge of the Court of Common Pleas. Public Defender Commission Members are uncompensated. Per Ohio Revised Code, at least one member appointed by each of these authorities must be an attorney admitted to practice law in the State of Ohio. Mr. Wooley currently maintains an active registration with the Supreme Court of Ohio, with no history of discipline or sanction.

Mr. Wooley's current appointment was confirmed by County Council in 2013. Upon confirmation, his term of office will run for four years. According to information provided by the

Office of the Public Defender, his attendance at board meetings has been consistent, missing only one meeting during the term of his appointment.

Aside from the reappointment of Gordon Friedman, no other individuals have submitted applications to the County Executive's Office expressing interest in service on the Public Defender Commission.

Mr. Wooley is a resident of the City of Lakewood. According to his resume, he does not currently serve on any other government, private or non-profit boards or commissions, and has no known potential conflicts of interest for which an advisory opinion has been requested.

Attached, for your review, is a copy of Mr. Wooley's bio. As shown, in addition to his employment as a Partner with the firm of Jones Day, Mr. Wooley also serves as an Adjunct Professor at Case Western Reserve School of Law, teaching advanced criminal procedure. We are extremely grateful for his service over the past four years, and look forward to retaining his expertise in the effort to provide high-quality legal representation to the County's indigent residents.

Thank you for your consideration of this appointment. If you need further information, please contact Boards Administrator Lindy Burt at 216-698-2064.

Sincerely,



Armond Budish  
Cuyahoga County Executive

Copy:  
Robert Tobik  
Judge John J. Russo  
Mark Budzar

October 17, 2016

Armond Budish, Cuyahoga County Executive  
Cuyahoga County Administration Building  
2079 East Ninth Street  
Cleveland, OH 44115

Re: **Reappointment to the Cuyahoga County Public Defender Commission**  
Term January 22, 2017 to January 22, 2021

Dear Executive Budish:

Pursuant to the Ohio Revised Code Section 120.13, I am requesting to be reappointed for service to the Public Defender Commission.

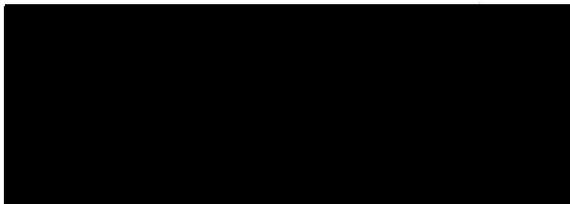
- The commission is comprised of five members, three appointed by the Cuyahoga County Executive and two by the Administrative Judge of the Cuyahoga County Common Pleas Court.
- The reappointment is for a full four year term, beginning 1/22/2017 and ending 1/22/2021.
- There are no know conflicts of interest for which an advisory opinion has been requested.
- The board is uncompensated.

Please note, I have been a member of the commission since January 2013.

Should you or any of your colleagues have any questions, please feel free to contact Mark Budzar, Administrator of the Office of the Public Defender at [mbudzar@cuyahogacounty.us](mailto:mbudzar@cuyahogacounty.us) or 216-443-8386.

Sincerely,

  
James R. Wooley, Esq. /s/MB



✓cc: Chris Glassburn – Senior Policy Advisor  
Joe Nanni, Chief of Staff – County Council



**JAMES R. WOOLEY (JIM)**

**PARTNER**

Investigations & White Collar Defense  
Business & Tort Litigation  
Antitrust Criminal Investigations  
Foreign Corrupt Practices Act Counseling & Defense  
Life Sciences False Claims Act & Qui Tam Defense

[jrwooley@jonesday.com](mailto:jrwooley@jonesday.com)

**Cleveland**

(T) +1.216.586.7345  
(F) +1.216.579.0212

**EXPERIENCE HIGHLIGHTS**

Jones Day represents Cleveland kidnapping survivors on pro bono basis

**HONORS & DISTINCTIONS**

Listed in *Ohio Super Lawyers*, *The Best Lawyers in America*, and *Chambers USA*  
Recipient of U.S. Attorney General's Distinguished Service Award, FBI  
Director's Excellence Investigations Award, and Assistant U.S. Attorney of the  
Year Award

**EDUCATION**

Case Western Reserve University (J.D. 1982; Order of the Coif; Law Review);  
University of Cincinnati (B.F.A. magna cum laude 1979)

**BAR ADMISSIONS**

Ohio, New York, U.S. District Court for the Northern District of Ohio, and U.S.  
Courts of Appeals for the Sixth Circuit

**GOVERNMENT SERVICE**

Assistant United States Attorney, U.S. Department of Justice (1990-2000) and  
Assistant District Attorney, Manhattan District Attorney's Office (1982-1986)

Jim Wooley's practice involves representing public and private corporations and business professionals in federal, state, and local criminal investigations. He also conducts internal investigations into allegations of employee misconduct, fraud, or other business crimes.

Jim's matters involve antitrust, criminal tax, health care fraud, securities fraud, public corruption (including the FCPA), environmental crimes, customs law violations, and other criminal statutes. He has successfully represented clients in matters before the U.S. Department of Justice, as well as the SEC, IRS, EPA, FDA, NASA, NRC, and other federal, state, and local law enforcement agencies.

Jim served as a federal prosecutor handling criminal cases involving racketeering, public corruption, murder, fraud, money laundering, and other federal crimes. At the DOJ, he received awards for his work prosecuting notable cases, including RICO cases against organized crime families, the landmark forensic DNA case in the U.S., and the largest police corruption case in FBI history at that time. He also served as an assistant in Manhattan D.A. Robert Morgenthau's office.

Jim is a Fellow of the American College of Trial Lawyers. He has been appointed by courts to chair the Merit Selection Committee for the federal defender position for the Northern District of Ohio, to act as special prosecutor in cases alleging prosecutorial misconduct, and to oversee an audit of the Cleveland Police Department Crime Laboratory. In 2005, he was appointed by Cleveland's mayor to investigate allegations of fraud within the Cleveland City School District.

Jim is an adjunct professor at Case Western Reserve School of Law, teaching advanced criminal procedure.

# County Council of Cuyahoga County, Ohio

## Resolution No. R2016-0225

<p>Sponsored by: <b>County Executive Budish/Department of Human Resources</b></p>	<p><b>A Resolution</b> authorizing an amendment to Contract No. CE1600075-01 with Medical Mutual of Ohio for stop loss insurance services for County employees and their eligible dependents and Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents for the period 1/1/2016 - 12/31/2016 to extend the time period to 12/31/2017 and for additional funds in the amount not-to-exceed \$3,285,000.00; authorizing the County Executive to execute the amendment and all other documents consistent with this Resolution; and declaring the necessity that this Resolution become immediately effective.</p>
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WHEREAS, the County Executive/Department of Human Resources recommended an amendment to Contract No. CE1600075-01 with Medical Mutual of Ohio for stop loss insurance services for County employees and their eligible dependents and Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents for the period 1/1/2016 - 12/31/2016 to extend the time period to 12/31/2017 and for additional funds in the amount not-to-exceed \$3,285,000.00; and

WHEREAS, the purpose of this amendment is to provide stop loss insurance services for the health benefits program; and

WHEREAS, this project will be funded 100% from Hospitalization Self-Insurance Funds; and

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

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

**SECTION 1.** That the Cuyahoga County Council hereby authorizes an amendment to Contract No. CE1600075-01 with Medical Mutual of Ohio for stop



First Reading/Referred to Committee: November 29, 2016  
Committee(s) Assigned: Human Resources, Appointments & Equity

Journal \_\_\_\_\_  
\_\_\_\_\_, 2016

**Title:** Department of Human Resources 2016 Medical Mutual of Ohio amendment to the contract for Stop Loss Insurance services for County employees and their eligible dependents and Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents for the period 1/1/2017 - 12/31/2017.

**A. Scope of Work Summary**

1. Department of Human Resources requesting approval of an amendment with Medical Mutual of Ohio for the anticipated cost not-to-exceed \$3,285,000.00. The anticipated start-completion dates are 1/1/2017 – 12/31/2017.
2. The primary goals of the project is to provide Stop Loss Insurance services for County employees and their eligible dependents and Cuyahoga County Benefits Regionalization Program participants' employees and their eligible dependents.

**B. Procurement**

1. The procurement method for this project was RFP exemption for professional insurance services (Cuyahoga County Code Section 501.12 (B) (2)). The total value of the contract and this amendment is \$7,009,000.
2. The proposed contract and amendment are exempt from the RFP process.

**C. Contractor and Project Information**

1. The address of the vendor is:  
Medical Mutual of Ohio  
2060 East Ninth Street  
Cleveland OH 44115  
Council District 07
2. The Chairman, President and Chief Executive Officer for the vendor is Richard Chiricosta

**D. Project Status and Planning**

1. The project reoccurs annually.

**E. Funding**

1. The project is funded 91% by the Self Insurance Internal Service Fund (for County employees and their eligible dependents) and 9% by the Regional Special Revenue Fund (for Benefits Regionalization Program participants and their eligible dependents).
2. The schedule of payments is monthly by invoice.
3. The project is an amendment to a contract. This amendment changes the term from one year (2016) to two years (2016 and 2017). This amendment changes the value of the contract from \$3,724,000.000 (2016), adding an additional \$3,285,000 (2017) for a total value of \$7,009,000. This is the 1<sup>st</sup> amendment of the contract.