



AGENDA
CUYAHOGA COUNTY HUMAN RESOURCES, APPOINTMENTS & EQUITY
COMMITTEE MEETING
TUESDAY, OCTOBER 18, 2022
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PUBLIC COMMENT**
- 4. APPROVAL OF MINUTES FROM THE SEPTEMBER 20, 2022 MEETING [See Page 3]**
- 5. MATTERS REFERRED TO COMMITTEE**
 - a) R2022-0239: A Resolution confirming the County Executive's appointment of Nailah K. Byrd to serve on the Cuyahoga County Community Improvement Corporation Board of Trustees for an unexpired term ending 1/31/2024; and declaring the necessity that this Resolution become immediately effective. [See Page 7]
 - b) R2022-0341: A Resolution confirming the County Executive's appointment of Chris Glassburn to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the unexpired term ending April 30, 2024; and declaring the necessity that this Resolution become immediately effective. [See Page 12]

- c) O2022-0009: An Ordinance providing for modifications to and adoption of, certain sections of the Cuyahoga County Employee Handbook; and declaring the necessity that this Ordinance become immediately effective. [See Page 19}

6. MISCELLANEOUS BUSINESS

7. ADJOURNMENT

**Complimentary parking for the public is available in the attached garage at 900 Prospect. A skywalk extends from the garage to provide additional entry to the Council Chambers from the 5th floor parking level of the garage. Please see the Clerk to obtain a complimentary parking pass.*

***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, SEPTEMBER 20, 2022
CUYAHOGA COUNTY ADMINISTRATIVE HEADQUARTERS
C. ELLEN CONNALLY COUNCIL CHAMBERS – 4TH FLOOR
10:00 AM

1. CALL TO ORDER

Chairwoman Baker called the meeting to order at 10:08 a.m.

2. ROLL CALL

Ms. Baker asked Assistant Deputy Clerk Georgakopoulos to call the roll. Committee members Baker, Gallagher, Miller, Sweeney and Conwell were in attendance and a quorum was determined.

3. PUBLIC COMMENT

There were no public comments given.

4. APPROVAL OF MINUTES FROM THE JULY 12, 2022 MEETING

A motion was made by Mr. Gallagher, seconded by Mr. Sweeney and approved by unanimous vote to approve the minutes from the July 12, 2022 meeting.

5. MATTERS REFERRED TO COMMITTEE

- a) R2022-0257: A Resolution adopting various changes to the Cuyahoga County Non-Bargaining Classification Plan; and declaring the necessity that this Resolution become immediately effective.

Mr. Albert Bouchahine, Manager of Classification and Compensation of the Personnel Review Commission, addressed the Committee regarding Resolution No. R2022-0257. Discussion ensued.

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

On a motion by Ms. Baker with a second by Mr. Gallagher, Resolution No. R2022-0257 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

b) R2022-0295: A Resolution confirming the County Executive's reappointment of various individuals to serve on the Cuyahoga County Citizens' Advisory Council on Equity for the term 7/15/2022 - 7/14/2025; and declaring the necessity that this Resolution become immediately effective:

- 1) The Honorable Annette M. Blackwell, Mayor
- 2) Kenneth Chalker
- 3) Habeebah R. Grimes

Ms. Laura Roche addressed the Committee regarding Resolution No. R2022-0295. Discussion ensued.

Committee members asked questions of Ms. Roche pertaining to the item, which she answered accordingly.

The Honorable Annette Blackwell, Mayor of the City of Maple Heights, addressed the Committee regarding her reappointment to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Mr. Kenneth Chalker addressed the Committee regarding his reappointment to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Ms. Habeebah Grimes addressed the Committee regarding her reappointment to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Committee members asked questions of Mayor Blackwell, Mr. Chalker and Ms. Grimes pertaining to their experience, expertise and qualifications, which they answered accordingly.

On a motion by Ms. Baker with a second by Mr. Miller, Resolution No. R2022-0295 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- c) R2022-0315: A Resolution confirming the County Executive's Reappointment of Glen Shumate to serve on the Cuyahoga County Citizens' Advisory Council on Equity for the term 7/15/2022 – 7/14/2025; and declaring the necessity that this Resolution become immediately effective.

Ms. Laura Roche addressed the Committee regarding Resolution No. R2022-0315. Discussion ensued.

Committee members asked questions of Ms. Roche pertaining to the item, which she answered accordingly.

Mr. Shumate addressed the Committee regarding his reappointment to serve on the Cuyahoga County Citizens' Advisory Council on Equity. Discussion ensued.

Committee members asked questions of Mr. Shumate pertaining to his experience, expertise and qualifications, which he answered accordingly.

On a motion by Ms. Baker with a second by Mr. Miller, Resolution No. R2022-0315 was considered and approved by unanimous vote to be referred to the full Council agenda with a recommendation for passage under second reading suspension of the rules.

- d) O2022-0009: An Ordinance providing for modifications to and adoption of, certain sections of the Cuyahoga County Employee Handbook; and declaring the necessity that this Ordinance become immediately effective.

Mr. Patrick Smock, Director of Employee Services and Ms. Sheba Marshall, Interim Chief Human Resources Officer, addressed the Committee regarding Ordinance No. O2022-0009. Discussion ensued.

Committee members asked questions of Mr. Smock and Ms. Marshall pertaining to the item, which they answered accordingly. There was no further legislation action taken on Ordinance No. O2022-0009.

6. MISCELLANEOUS BUSINESS

There was no miscellaneous business.

7. ADJOURNMENT

With no further business to discuss, Chairwoman Baker adjourned the meeting at 12:02 p.m., without objection.

County Council of Cuyahoga County, Ohio

Resolution No. R2022-0239

Sponsored by: County Executive Budish and Councilmember Turner	A Resolution confirming the County Executive’s appointment of Nailah K. Byrd to serve on the Cuyahoga County Community Improvement Corporation Board of Trustees for an unexpired term ending 1/31/2024; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, the Cuyahoga County Community Improvement Corporation (“CCCIC”) was incorporated in 1982 under the authority granted in ORC 1724; and

WHEREAS, the CCCIC serves the sole purpose of advancing, encouraging and promoting the industrial, economic, commercial and civil development in Cuyahoga County. The CCCIC serves as Cuyahoga County’s review agent of industrial revenue bond financing; and

WHEREAS, Article III of the CCCIC’s Code of Regulations provides that the Board of Trustees shall consist of two classes of Trustees. The “County Class”, which shall consist of five members appointed or elected officers of Cuyahoga County, and the “Private Class”, which shall be six members elected from persons nominated by the County Executive, in consultation with the Greater Cleveland Partnership; and

WHEREAS, the members of CCCIC Board of Trustees shall serve for three-year terms; 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 Nailah K. Byrd (replacing Michele Pomerantz) to serve as a County Class Trustee on the CCCIC’s Board of Trustees for an unexpired term ending 1/31/2024.

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 appointment of Nailah K. Byrd (replacing Michele Pomerantz) to serve as a County Class Trustee on the CCCIC’s Board of Trustees for an unexpired term ending 1/31/2024.

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. Pursuant to Cuyahoga County Charter Section 3.10(5), provided that this resolution received the affirmative vote of a majority of 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: June 19, 2022

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

Additional Sponsorship Requested on the Floor: July 19, 2022

Journal _____
_____, 20____



July 12, 2022

Pernel Jones, Jr., President
Cuyahoga County Council
Cuyahoga County Administration Building
2079 E.9th, 8th Floor
Cleveland, OH 44115

Re: Cuyahoga County Community Improvement Corporation (CCCIC)

Dear President Jones:

Pursuant to Ohio Revised Code Section 1724, I am pleased to nominate the following individual for appointment to serve on the Cuyahoga County Community Improvement Corporation's Board of Trustees:

- **Nailah K. Byrd**, unexpired term ending 01/31/2024
 - Replacing Michele Pomerantz
 - Resides in Northfield (Summit County)
 - Currently serves on the following boards/commissions: Hillcrest Hospital Board of Directors; Cleveland Metropolitan Bar Association; and Cuyahoga County Citizens' Advisory Council on Equity

The Cuyahoga County Community Improvement Corporation ("CCCIC") was incorporated in 1982, for the sole purpose of advancing, encouraging, and promoting, the industrial, economic, commercial, and civic development of Cuyahoga County. The Corporation serves as Cuyahoga County's review agent for industrial revenue bond financing and economic development lending activity. Members of the Board shall serve a three-year term.

I have attached a copy of the nominee's bio for your review. There are no known conflicts of interest for which an advisory opinion has been requested. This board is uncompensated. There are seven candidates on file for this position.

Thank you for your consideration of these appointments. Should you or any of your colleagues have any questions, please feel free to contact Laura Roche in my office at 216-443-7178.

Sincerely,

A handwritten signature in black ink that reads "Armond Budish".

Armond Budish
Cuyahoga County Executive

Nailah K. Byrd, Clerk of Courts, Cuyahoga County

Nailah K. Byrd has served as the Clerk of Courts for Cuyahoga County since February 24, 2015. In this role she performs all statutory duties relative to the filing, preservation, retrieval and public dissemination of all applicable court documents and records pertaining to the Common Pleas Court's General and Domestic Relations Divisions and the Court of Appeals, Eighth Appellate District. Prior to that, Ms. Byrd served as Cuyahoga County's first Inspector General where she was responsible for investigating waste, fraud and abuse in Cuyahoga County and served as the County's Chief Ethics Officer. She has a wealth of experience in both criminal prosecution and civil litigation.

Ms. Byrd previously worked as a federal prosecutor in the United States Attorney's Office. Prior to that, she practiced law in the litigation group at the international law firm of Squire Sanders & Dempsey, and then served as senior counsel at National City Bank/PNC, where she managed outside litigation counsel. Ms. Byrd is admitted to practice law in New York, New Jersey, and Ohio. She started her legal career as an Assistant District Attorney in New York County after graduating from law school. In March 2013, Ms. Byrd successfully completed the training and examination to earn the designation of Certified Inspector General by the Professional Certification Board of the Association of Inspectors General.

Ms. Byrd is a graduate of the 2004 Bridge Builders class, the 2014 Leadership Cleveland Class and a member of Kaleidoscope Magazine's 40 under 40. She previously served on the Magistrate Selection Committee for the Northern District of Ohio. She has been recognized as a top lawyer in Ohio Super Lawyers Magazine and was selected by Crain's Cleveland Business Magazine as a 2011 Women of Note finalist. In 2011, Ms. Byrd was also honored by the Northeast Ohio African American Library and Cultural Center in their annual Young, Gifted, and Black with ties to Black History Program. Cleveland Magazine selected her as one of the Most Interesting People of 2012. She previously served on the Cleveland Metropolitan Bar Association Nominating Committee and currently serves as a member of their Unauthorized Practice of Law Committee. She also serves on the Advisory Committee for Ohio Legal Help and is a member of the NICS Working Group established by former Governor Kasich and Governor DeWine's Warrant Task Force. Additionally, Ms. Byrd has been asked to serve as a speaker, moderator and panelist for a number of organizations to discuss topics such as women, diversity, and law. Ms. Byrd lives with her husband, Ed, and their twin sons Jalen and Khalil.

Aug. 20th 2019	Cuyahoga County Community Improvement Corporation	Andrew Burger
Nov. 17th 2019	Cuyahoga County Community Improvement Corporation	Anthony Henderson Jr.
Feb. 4th 2021	Cuyahoga County Community Improvement Corporation	Suzanne Hamilton
Feb. 3rd 2022	Cuyahoga County Community Improvement Corporation	Michael Obi
Feb. 7th 2022	Cuyahoga County Community Improvement Corporation	Brian Hall
Feb. 25th 2022	Cuyahoga County Community Improvement Corporation	Anthony Tavrell
March 1st 2022	Cuyahoga County Community Improvement Corporation	Sara Jackson

County Council of Cuyahoga County, Ohio

Resolution No. R2022-0341

Sponsored by: County Executive Budish	A Resolution confirming the County Executive’s appointment of Chris Glassburn to serve on the Greater Cleveland Regional Transit Authority Board of Trustees for the unexpired term ending April 30, 2024; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, Ohio Revised Code Section 306 provides for the creation of a Regional Transit Authority; and

WHEREAS, the Greater Cleveland Regional Transit Authority (“GCRTA”) Board of Trustees provides policy direction for the GCRTA and provides oversight of GCRTA management’s efforts to implement policy and manage the day-to-day operations of the GCRTA; and

WHEREAS, the GCRTA Board of Trustees consist of ten members who are appointed by Cuyahoga County, the Cuyahoga County Mayors and Managers Association, and the City of Cleveland; and

WHEREAS, the members of the GCRTA Board of Trustees shall be appointed to serve a three-year term; and

WHEREAS, the County Executive has nominated Chris Glassburn (replacing Roberta Duarte) to serve on the GCRTA Board of Trustees for the unexpired term ending April 30, 2024.

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 appointment of Chris Glassburn (replacing Roberta Duarte) to serve on the GCRTA Board of Trustees for the unexpired term ending April 30, 2024.

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. Pursuant to Section 3.10(5) of the Cuyahoga County Charter, provided that this Resolution receives the affirmative vote of a majority of 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: September 28, 2022

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

Journal _____
_____, 20__



September 20, 2022

Pernel Jones, Jr., President
Cuyahoga County Council
2079 E. Ninth Street, 8th Floor
Cleveland, OH 44115

Re: Greater Cleveland Regional Transit Authority Board of Trustees (RTA)

Dear President Jones:

Pursuant to Section 306 of the Ohio Revised Code and the 1974 joint County-City of Cleveland legislation enacting the RTA, I am pleased to nominate the following individual for appointment to the RTA Board of Trustees:

- **Chris Glassburn**, an unexpired term through 04/30/2024

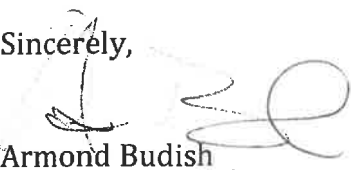
Currently resides in North Olmsted (Cuyahoga County)
Currently serves on North Olmsted City Council and Maple Elementary PTA

One of three County appointments must be a resident of the City of Cleveland. Appointees Terrence P. Joyce and Karen Moss fulfill this requirement. Trustees serve three-year terms until they resign or are replaced. Board members are compensated \$4,800 annually.

There are no known conflicts of interest for which an advisory opinion has been requested. There is one additional candidate on file for this position.

Thank you for your consideration of this appointment. If you need further information, please contact Laura Roche at 216-443-7181.

Sincerely,


Armond Budish
County Executive

Feb. 16th 2021	Greater Cleveland Regional Transit Authority Board of Trustees	Angie Schmitt
Jan. 19th 2022	Greater Cleveland Regional Transit Authority Board of Trustees	Deborah Hill
June 24th 2019	Greater Cleveland Regional Transit Authority Board of Trustees	Erskine Cade
Feb. 15th 2021	Greater Cleveland Regional Transit Authority Board of Trustees	Jeffrey Weston Sleasman
Nov. 25th 2018	Greater Cleveland Regional Transit Authority Board of Trustees	Karen Gabriel Moss
Feb. 22nd 2022	Greater Cleveland Regional Transit Authority Board of Trustees	Karen Gabriel Moss

June 20th 2022	Greater Cleveland Regional Transit Authority Board of Trustees	Pierre Bejjani
Feb. 16th 2021	Greater Cleveland Regional Transit Authority Board of Trustees	Roberta Duarte
Feb. 6th 2020	Greater Cleveland Regional Transit Authority Board of Trustees	Terence Joyce

Chris Glassburn



September 20, 2022

Cuyahoga County Council
2079 East Ninth Street
Cleveland, OH 44115

Honorable Members of Council,

Please accept this cover letter and resume as an application for membership on the Greater Cleveland Regional Transit Authority Board of Trustees. I believe that my work experience and qualifications will be of benefit to Cuyahoga County, RTA and the joint mission each seeks to fulfill. With 20 years of public service experience at the local, county, state and federal level, I believe I bring the experience and professional qualifications to provide added value to the Board of Trustees.

As a resident of Cuyahoga County since 1995, and a lifelong Greater Clevelander, I understand the challenges facing our region as well as those of its people. GCRTA has provided quality services, helped lead in maintaining and advancing neighborhoods and community initiatives, and provided innovative opportunities for our region to thrive. Thankfully, the County Council understands and values GCRTA's pivotal and necessary role to our region's future.

For most of my years as a resident of Cuyahoga County, I have been an avid rider of RTA. In each phase of my life RTA has played a critical role. As a student in high school, I often rode from North Olmsted High School to work. As a PSEOP and Graduate Cleveland State student, RTA was my sole method of transportation to class. As a season ticket holder to the Cleveland Guardians, RTA was my preferred transportation to attend games. Working downtown for Cuyahoga County, I took RTA regularly. I have seen the growth and decline of suburban lines, including the termination of the North Olmsted 75. I utilized the North Olmsted Park and Ride until its elimination upon being folded into the 55 lines.

Federal, State and County funding represent the vast majority of resources providing GCRTA's annual budget. Navigating those opportunities is critical to the organization's long-term success.

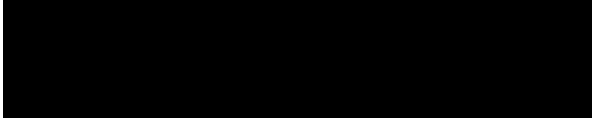
You can find my additional qualifications in my enclosed resume. I would greatly appreciate the opportunity to interview with the appropriate staff and screening committee. Thank you for your consideration.

Sincerely,

Chris Glassburn

Page 1 of 3

Chris Glassburn



Employment History

Project Govern (previously Glassburn Advisors)

Public Service, Policy, and Campaign Consultant (2012 – 2014, 2017 – Present)

- Small business owner based in North Olmsted
- Providing public outreach and information to groups concerned with local, state, and federal policy
- Consultant to over 200 unique clients since 2012

City Councilman, Ward 2

City of North Olmsted (2018 – Present)

- Chairman of the Finance Committee
- Developed the Small Business Relief Grant, Neighborhood Grants, and improvements to Clague Park
- Improved government transparency and public accessibility to Council

Cuyahoga County

Senior Policy Advisor to the County Executive (2015 – 2016)

- Led on development of 2016-2017 County Biennial Budget, as well as initiatives of the County Executive.
- Alternate Chair and staff lead of the Board of Control
- Supervised appointments to County Boards and Commissions

Ohio House of Representatives

Legislative Aide (2007-2008), Director, Office of the Speaker (2009 – 2010), Minority Research Director (2011)

- Supervised office staff and responsibilities including meetings with stakeholders, legislative leaders, constituent services, scheduling, and representing the office on behalf of the Speaker.
- Led or assisted in development and implementation of Speaker's key legislative initiatives, including the Third Frontier Program, Ohio New Market Tax Credit, and the Biennial State Budget.
- Advised Speaker on legislative, personnel, office, and public relations matters

North Olmsted Board of Education (2006 - 2009)

Elected Member

- Efficiently managed a \$50 million annual budget
- Hired and negotiated contracts with Superintendent, Treasurer, and senior district staff
- Met with constituents, parents, students, and key stakeholders concerning the district

MP Tony Martin, Canadian Federal Parliament (2006)

Legislative Researcher

- Researched, produced, and presented policy position papers for the New Democratic Party of Canada, including the *Federal Report on the Status of Poverty in the Provinces (2006)* and a political corruption investigation which led to the resignation of MP Joe Volpe
- Wrote and researched questions for Leader Layton and party members for "Question Period"

Rep. Dennis Kucinich (OH) & Sen. John Edwards (NC), United States Congress (2003-2004)

Legislative Researcher

- Researched, produced, and presented policy papers for the Members.
- Staff lead on the Bush administration's proposal to privatize Social Security.
- Development of Sen. Edwards' national policy platform

Volunteer, Community & Personal

- Maple Elementary PTA / Greater Cleveland Foodbank Monthly Food Giveaway
 - Founder, Makers for Medics, which provided over 15,000 hospital grade face shields during the pandemic
 - North Olmsted / Westlake League of Women Voters
 - Former Member, East Cleveland Merger Commission
 - Avid board game player, former three-time Cuyahoga County *Monopoly* champion
- [REDACTED]

Education

- North Olmsted High School
- Bachelor of the Arts (History), Baldwin Wallace College
- Coursework, Masters of Public Administration, Cleveland State University

References

- Mayor Nicole Dailey Jones
 - Mayor, City of North Olmsted

[REDACTED]
- County Executive Armond Budish
 - Former Speaker of the Ohio House of Representatives

[REDACTED]

County Council of Cuyahoga County, Ohio

Ordinance No. O2022-0009

Sponsored by: Cuyahoga County Executive	An Ordinance providing for modifications to and adoption of, certain sections of the Cuyahoga County Employee Handbook; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive has reviewed the current Employee Handbook and, in consultation with the Cuyahoga County Department of Law, determined that various amendments are required; and

WHEREAS, pursuant to Section 9.01 of the County Charter it is County Council's authority to establish personnel policies by ordinance, and Council has previously approved prior versions of the County's Employee Handbook which is amended herein and may be amended in the future by Council; 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. Adoption of Revised Employee Handbook: Council hereby adopts the amended sections of the County's Employee Handbook as set forth in Exhibit A attached hereto, to remain in full force and effect, to be applicable to all County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the amended handbook to all employees subject to the handbook, in accordance with the Department's usual method of dissemination.

SECTION 2. Policies applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: September 13, 2022

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

Journal _____
_____, 20__

EXHIBIT A

1.01 Profile of the County

...The County Executive is the chief executive officer of the county and, with the approval of the Council, appoints the **heads of various agencies that carry out the functions of the County Executive**. following: (i) a Fiscal Officer who has the duties of an elected county auditor, an elected county recorder and an elected clerk of courts (other than those related to the operations of the County Courts); (ii) a Medical Examiner who performs the duties of an elected county coroner; (iii) a Clerk of Courts to carry out the duties of an elected clerk of courts related to the operations of the courts; (iv) a Director of Public Works who performs the duties of an elected county engineer and a sanitary engineer; (v) a Director of Law who serves as the legal advisor and representative to the County Executive and Council; (vi) a Treasurer who performs the duties of an elected county treasurer; (vii) a Sheriff who performs the duties of an elected county sheriff; (viii) a Director of Health and Human Services who manages the administration of the County's various human service agencies, programs and activities; The County Executive has powers and duties of an administrative nature, including overseeing most personnel and collective bargaining matters, executing contracts, conveyances and indebtedness on behalf of the County, introducing ordinances and resolutions for Council's consideration and submitting tax and operating budgets, capital improvement plans, a five-year financial forecast for County operating funds and a related written message annually.

6.04 Pay, Direct Deposit of Pay and Payroll Deductions

Employees are paid bi-weekly and must participate in the County's Direct Deposit program. A direct deposit ~~form entry~~ must be completed as part of the employee's new hire ~~paperwork~~ **process** or when the employee experiences any changes to their applicable financial account(s). ~~Employees are responsible for notifying Human Resources if their direct deposit bank(s) and/or account(s) change.~~ Any questions regarding direct deposit or deductions should be directed to Human Resources.

Human Resources publishes an annual payroll calendar that notes each pay day. The payroll calendar is available online or by contacting Human Resources.

Various payroll deductions will be taken out of each employee paycheck. These deductions fall into two (2) categories, mandatory and voluntary.

- ***Mandatory Deductions.*** Mandatory payroll deductions are mandated by statute. They include federal, state, city and school district taxes, OPERS contributions, support orders, Medicare, bankruptcy, garnishments and other applicable obligations.
- ***Voluntary Deductions.*** Voluntary payroll deductions are authorized by the employee. These include health, accident, disability and life insurance, charitable contributions,

optional retirement plans, flexible spending accounts, credit union deductions, parking and transit costs and union dues.

Deductions can be pre-tax or post-tax depending on the nature of the deduction.

Employees are responsible for reviewing their pay statements after each pay period to ensure there are no discrepancies in pay. Should an employee become aware of an overpayment, the employee must report the overpayment directly to Human Resources as soon as the error is discovered. An employee or former employee must repay all overpayment amounts regardless of how or why the overpayment occurred. The period and method of repayment shall be determined by the Director of Human Resources. If an employee terminates employment before the overpayment has been fully recovered, the County may deduct the outstanding amount of the overpayment from the employee's final paycheck, including from any accrued vacation leave, sick leave, or compensatory time that would be paid to the employee. The County reserves the right to begin or continue the recovery process through all legal means for any unpaid amount.

6.05 Timekeeping

The County must comply with applicable laws that require records to be maintained of the hours worked by employees. To ensure that accurate records are kept of an employee's work hours and that employees are paid in a timely manner, employees and their supervisor are required to maintain accurate time and attendance records. Attendance or use of leave should be recorded **in the County's timekeeping system** daily. ~~for non-exempt personnel or within the actual pay period for exempt employees.~~ **Employees must enter their time into the timekeeping system at the time they start their work period, and again at the time they end their work period, and not at some other time during their shift. Employees should not record non-worked time such as, but not limited to, arriving unnecessarily early and waiting for their shift to begin or a delayed exit from the workplace that is unrelated to work duties. Employees who fail to record their attendance or use of leave in the County's timekeeping system may be subject to disciplinary action up to and including termination.**

~~Time entry for non-exempt employees must be completed daily and accurately by employees.~~ After reviewing and resolving any discrepancies, the supervisor (or department designee) must **approve authorize** the number of hours worked or on leave in the County's timekeeping system weekly. Supervisors (or department designees) who fail to review employee time entries, resolve any discrepancies, and authorize the number of hours worked or on leave in the County's timekeeping system may be subject to disciplinary action up to and including termination.

~~Time entry for exempt employees must be completed within the actual pay period. After reviewing and resolving any discrepancies, supervisors (or department designee) must approve authorize the number of hours to be paid for time worked or on approved paid or unpaid leave in the County's timekeeping system.~~

All employees are expected to provide accurate information regarding time and attendance. Falsification is an act of misconduct and considered a violation of the County’s policy and procedural guideline and may be subject to disciplinary action **up to and including termination**.

6.12 End of Employment

Final Paycheck

Upon separation of employment, compensation for accrued vacation leave and compensatory time will be included in the last paycheck or may be included in a separate check (provided that all County property i.e. laptop, keys, have been returned **and all debts to the County have been satisfied**). There is no compensation for unused sick leave except upon retirement. An employee with ten (10) or more years of service may receive payment for one-fourth (1/4) the value of accrued, unused sick leave, not to exceed 240 hours (30 days).

7.04 Attendance

Occurrences

An occurrence is defined as an unapproved absence, two (2) tardies, **two (2) early departures, two (2) excessive breaks**, or two (2) missed time clock punch-ins/outs. The total number of days or partial days that an employee is unavailable for work due to unapproved absence are considered when applying discipline, as outlined in the table below.

Unapproved Absences

An absence is deemed unapproved when an absence of more than one hour is not covered by an approved leave (e.g., sick, FMLA, vacation, compensatory or exchange time).

Employees will be docked pay for all hours missed due to unapproved absences.

Tardy Arrivals, Early Departures, Excessive Breaks

An employee is tardy when the following occurs involving periods of one hour or less:

- failure to report to work on time, as scheduled
- **failure to remain at work, as scheduled**
- taking an extended meal or break period without prior approval

Definition of an Occurrence	Occurrences	Disciplinary Action
An occurrence is equal to any of the following: <ul style="list-style-type: none"> ▪ 2 tardies ▪ 2 early departures ▪ 2 excessive breaks ▪ 2 missed clock punch-in/outs ▪ 1 full or partial day unapproved absence 	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	Termination

<ul style="list-style-type: none"> ▪ Day of no call/no show (i.e., without prior notice) 	1	1-day suspension
	2	3-day suspension
	3	Termination
<ul style="list-style-type: none"> ▪ AWOL (3 or more consecutive days of no call/no show) 	1	Employee subject to separation as a voluntary resignation

7.07 Progressive Discipline

The County **in general** subscribes to a policy of progressive discipline. **Unclassified employees serve at the pleasure of the Appointing Authority and can be removed from their position at any time, without application of progressive discipline.**

Progressive discipline is not intended to be punitive. The goal of progressive discipline is to help the employee recognize and correct unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment. **Certain offenses and misconduct may be severe enough to warrant immediate removal from employment without applying progressive discipline. These include, but are not limited to, egregious or willful neglect of assigned duties or failure to supervise; disregarding safety or security regulations; destruction of County property; falsification of records; dishonesty in application for benefits; unauthorized time entries; soliciting or accepting a bribe; assault; fighting; theft; using obscene, abusive or threatening language; egregious sexual harassment; egregious hostile, intimidating or offensive work environment; unauthorized possession of dangerous items or weapons; use, possession, or distribution of alcohol or illicit drugs; refusal or failure to submit to mandatory alcohol or drug testing; failing or tampering with an alcohol or drug test; committing a felony; a felony conviction; absence without leave (AWOL) as defined by the attendance policy...**

Prohibited Conduct

The County considers the following to be a non-exhaustive list of unsatisfactory conduct that may be considered grounds for progressive disciplinary action **or removal without progressive discipline when appropriate:**

- Absence from duty without reasonable cause
- Absence without leave
- Being away from assigned work area without permission of supervisor
- Conduct that might endanger the safety of others
- Conduct unbecoming an employee of the County
- Creating a hostile, intimidating or offensive work environment based upon a protected characteristic
- Excessive absenteeism
- Excessive tardiness
- Failure to comply with safety regulations, procedures and/or guidelines
- Failure to cooperate in a workplace investigation
- Failure to follow call in procedures

- Failure to follow the orders of a supervisor
- Failure to properly report work status
- Failure to report known safety hazards
- Failure to wear required safety equipment
- Falsification
- Fighting
- Harassment, discrimination or retaliation against another
- Insubordination
- Intimidation or threats
- Misfeasance, malfeasance or nonfeasance
- Neglect of duty
- Offensive language or conduct toward another
- Poor job performance
- Possession of weapons on County premises without authorization
- Reckless operation and/or misuse of County vehicles and equipment
- Reporting for or being on duty in an unfit condition to work
- Reporting to work under the influence of alcohol and/or drugs
- Sleeping while on duty
- Theft
- Use of or possession of alcohol and/or drugs on County property
- Destruction of County property
- Violation of policies, procedures, rules, regulations, or guidelines...

9.07 Exempt Employees: Exchange/Straight Time

Exchange Time

...Exchange time is accrued in increments of one-minute ~~after the first 30 minutes over 40 hours.~~

~~In order to qualify for Exchange time employees must designate the hours~~ **must be designated** as exchange time in the County's payroll system. The County will not recognize exchange time beyond an accrual of 40 hours except as otherwise set forth below.

Exchange time not used within six (6) months of accrual shall expire. If a critical or extraordinary operational need exists, the Director of Human Resources may authorize an employee to accrue up to two hundred (200) hours of exchange time and may extend the expiration timeframe up to one (1) year. At no time shall exchange time be paid out to the employee.

11.01 Paid Vacation Leave

...To receive service credit, employees must provide Human Resources with a signed letter from the former employer(s), on each employer's letterhead, with qualifying start and end dates of employment, number of days worked if any of the service was less than a full year, number of hours worked if any of the service was less than full-time, and verification of any unused accumulated sick leave.

...An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio shall not have prior service **that was completed prior to retirement** considered for the purpose of computing vacation leave.

11.02 Paid Holidays

~~... Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay.~~

Eligible employees **who are not required to** work on a County-recognized holiday **that falls on their regularly scheduled workday** and are in a paid status on the regular workday immediately preceding and following a holiday are entitled to ~~holiday~~ regular pay for their regularly scheduled work hours. Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay. If the employee's work schedule is other than Monday through Friday, and the holiday falls on the employee's day off, the employee is entitled to a floating day off, to be used within ninety (90) calendar days and with prior approval.

11.03 Paid Sick Leave

Sick Leave Credit

Employees who have a balance of sick leave earned while employed by another political subdivision of the State of Ohio within the past ten (10) years may have the unused sick leave balance credited to their current sick leave balance with the County. To receive sick leave balance credit, employees must provide Human Resources with a signed letter from the most recent qualifying former employer, on the employer's letterhead, with qualifying start and end dates of employment and verification of any unused accumulated sick leave. **An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio shall not have sick leave balance that was accrued prior to that retirement credited to their County sick leave balance.**

11.04 Paid Bereavement Leave

All full-time employees who experience the loss of a spouse, mother, father, step-parent, child, step-child, or persons to whom they stand in loco parentis or who stood in loco parentis to them, will be granted up to five (5) days of paid bereavement leave.

Full-time employees are entitled to up to three (3) days of paid bereavement leave for the loss of a brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, uncle, aunt, ~~first cousin, niece or nephew~~, or any relative residing with the employee (proof of residency required).

11.07 Family Medical Leave

The Family and Medical Leave Act (FMLA) and its amendments provide employees with the right to take job-protected unpaid time off for various identified reasons.

Employees with at least one (1) year of service who have worked at least 1,250 hours in the previous year are eligible, and can request up to twelve (12) workweeks (480 hours) of Family Medical Leave (FML), during a 12-month period, for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth
- The birth or placement of a child for adoption or foster care
- To care for an immediate family member (as defined by this procedure to only include spouse, child or parent) with a serious health condition
- To take medical leave when employees are unable to work because of their own serious health condition

Employees may take up to twelve (12) weeks of approved leave within a ~~rolling~~ twelve (12) month period. **During the** twelve (12) month period ~~is~~ measured backward from the commencement date of FML, ~~during this time~~ the employee must have worked 1,250 hours. If two married employees both work for the County and each wants to take leave for the birth of a child, adoption or placement with the employee of a child in foster care, or to care for a parent with a serious health condition, the employees may take only a combined total of twelve (12) weeks of leave...

Status and Benefits While on FML

While on paid FML, the County will continue employees' benefit coverage at the same level and under the same conditions as if they had continued to work. All available paid leave must be used and charged against the employee's FML before unpaid FML will be initiated. The employee's accrued time must be used in the following order: Sick, ~~Compensatory/Exchange~~, Vacation, **Compensatory/Exchange**. Sick and vacation leave will accrue during the employee's paid FML as it normally would. Available time accrued during paid FML must be used in the

same order as above. All usual payroll deductions will be taken during the employee's paid FML.

Leave Donation

Employees may donate accrued sick or vacation leave to a fellow employee who has a serious health condition as defined under the FMLA and ~~are~~ **is** in critical need of time off due to the condition. Donation of leave time is strictly voluntary. FML leave will run concurrently with the donated leave time.

An employee may receive donated leave provided that the employee:

- is first approved for FML leave that removes them from the workplace for fifteen (15) consecutive workdays for their own serious health condition. Donated leave may be applied retroactively to whenever the donee exhausts his or her paid leave balance. Employees on intermittent FML leave do not qualify to participate in the program. Any unused donated leave will be returned to the donating employee
- has exhausted all sick leave, vacation leave and compensatory/exchange time
- has not had any discipline for attendance within the previous year...

12.02 Recording of Conversations Voice and Video

The County has established the following guidelines for ~~the recording of conversations~~ **voice or video concerning** County business. This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the public, including, but not limited to, public hearings. Any violation of this policy could result in disciplinary action **as well as exclusion of the recording from consideration as evidence in proceedings such as workplace investigations, administrative appeals, and grievance arbitrations.**

- County employees shall not record any ~~conversations~~ **voice or video** involving the discussion of County business unless at least one of the following applies:
 - The Director of Law or designee authorizes in writing an employee to record ~~a conversation~~ **such voice or video**;
 - **In the case of an in-person meeting**, all parties first consent in writing;
 - **In the case of a virtual meeting, training or presentation (“virtual activity”), recording is only permitted using the recording function available through the virtual activity’s host platform; only the County host in charge of the meeting is permitted to initiate and end recording; an employee participant is responsible for determining whether the virtual activity is being recorded; and an employee’s participation in the virtual activity constitutes acknowledgement that the virtual activity is being recorded; or**
 - The department director, with the approval of the Director of Law, authorizes recording as a standard course of business in the interest of the public (e.g., ~~all~~ telephone calls to the 696-KIDS hotline, ~~and~~ 911 calls, **and calls to-and-from inmates are recorded**).

12.07 Electronic Equipment and Communications Policy

The County's Electronic Equipment and Communications Policy defines the acceptable use of electronic equipment and the responsibilities of all users. Employees may access the Electronic Equipment and Communications Policy electronically ~~from the MyHR system~~ or may request a copy from Human Resources

12.08 Travel Policy

Employees may access the County's Travel Policy **electronically** ~~on the MyHR system~~ or may request a copy from Human Resources.

Employees are expected to know and comply with the Travel Policy. Employees may be subject to disciplinary action for failure to comply with this policy.

PROPOSED SUBSTITUE

County Council of Cuyahoga County, Ohio

Ordinance No. O2022-0009

Sponsored by: Cuyahoga County Executive	An Ordinance providing for modifications to and adoption of, certain sections of the Cuyahoga County Employee Handbook; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Executive has reviewed the current Employee Handbook and, in consultation with the Cuyahoga County Department of Law, determined that various amendments are required; and

WHEREAS, pursuant to Section 9.01 of the County Charter it is County Council's authority to establish personnel policies by ordinance, and Council has previously approved prior versions of the County's Employee Handbook which is amended herein and may be amended in the future by Council; 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. Adoption of Revised Employee Handbook: Council hereby adopts the amended sections of the County's Employee Handbook as set forth in Exhibit A attached hereto, to remain in full force and effect, to be applicable to all County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the amended handbook to all employees subject to the handbook, in accordance with the Department's usual method of dissemination.

SECTION 2. Policies applicable to bargaining employees shall be effective as permitted under state law and the Collective Bargaining Agreements.

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

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

Yeas:

Nays:

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee:

Committee(s) Assigned:

Journal _____
_____, 20__

EXHIBIT A

1.01 Profile of the County

The County Executive is the chief executive officer of the county and, with the approval of the Council, appoints the **heads of various agencies that carry out the functions of the County Executive**. following: (i) a Fiscal Officer who has the duties of an elected county auditor, an elected county recorder and an elected clerk of courts (other than those related to the operations of the County Courts); (ii) a Medical Examiner who performs the duties of an elected county coroner; (iii) a Clerk of Courts to carry out the duties of an elected clerk of courts related to the operations of the courts; (iv) a Director of Public Works who performs the duties of an elected county engineer and a sanitary engineer; (v) a Director of Law who serves as the legal advisor and representative to the County Executive and Council; (vi) a Treasurer who performs the duties of an elected county treasurer; (vii) a Sheriff who performs the duties of an elected county sheriff; (viii) a Director of Health and Human Services who manages the administration of the County's various human service agencies, programs and activities; The County Executive has powers and duties of an administrative nature, including overseeing most personnel and collective bargaining matters, executing contracts, conveyances and indebtedness on behalf of the County, introducing ordinances and resolutions for Council's consideration and submitting tax and operating budgets, capital improvement plans, a five-year financial forecast for County operating funds and a related written message annually.

6.04 Pay, Direct Deposit of Pay and Payroll Deductions

Employees are paid bi-weekly and must participate in the County's Direct Deposit program. A direct deposit ~~form-entry~~ must be completed as part of the employee's new hire ~~paperwork~~ **process** or when the employee experiences any changes to their applicable financial account(s). ~~Employees are responsible for notifying Human Resources if their direct deposit bank(s) and/or account(s) change.~~ Any questions regarding direct deposit or deductions should be directed to Human Resources.

Human Resources publishes an annual payroll calendar that notes each pay day. The payroll calendar is available online or by contacting Human Resources.

Various payroll deductions will be taken out of each employee paycheck. These deductions fall into two (2) categories, mandatory and voluntary.

- **Mandatory Deductions.** Mandatory payroll deductions are mandated by statute. They include federal, state, city and school district taxes, OPERS contributions, support orders, Medicare, bankruptcy, garnishments and other applicable obligations.
- **Voluntary Deductions.** Voluntary payroll deductions are authorized by the employee. These include health, accident, disability and life insurance, charitable contributions, optional retirement plans, flexible spending accounts, credit union deductions, parking and transit costs and union dues.

Deductions can be pre-tax or post-tax depending on the nature of the deduction.

Employees ~~are responsible for~~ **should** reviewing their pay statements **regularly** ~~after each pay period to ensure there are no~~ **for accuracy** ~~discrepancies in pay.~~ Should an employee become aware of ~~an overpayment,~~ **a discrepancy,** the employee ~~must~~ **should** report the **discrepancy** ~~overpayment directly~~ to Human Resources as soon as ~~it the error~~ is discovered. An employee or former employee ~~must~~ **will be expected to** repay ~~all~~ **any** overpayment ~~amounts~~ regardless of how or why ~~the overpayment~~ **it** occurred. The period and method of repayment ~~shall~~ **will** be determined by the Director of Human Resources, **taking into account the amount, the employee's ability to pay etc.** If an employee terminates employment before ~~the an~~ overpayment has been ~~fully~~ recovered, the County may deduct the outstanding amount ~~of the overpayment~~ from the employee's final paycheck, including from ~~any~~ accrued vacation leave, sick leave, or compensatory time that would be paid to the employee. The County reserves the right to ~~begin or continue the recovery~~ **funds** ~~process~~ through ~~all~~ legal means **when necessary,** ~~for any unpaid amount.~~

6.05 Timekeeping

The County must comply with applicable laws that require records to be maintained of the hours worked by employees. To ensure that accurate records are kept of an employee's work hours and that employees are paid in a timely manner, employees and their supervisor are required to maintain accurate time and attendance records. Attendance or use of leave should be recorded **in the County's timekeeping system** daily. ~~for non-exempt personnel or within the actual pay period for exempt employees.~~ Employees must enter their time into the timekeeping system at the time they start their work period, and again at the time they end their work period, and not at some other time during their shift. Employees should not record non-worked time such as, but not limited to, arriving unnecessarily early and waiting for their shift to begin or a delayed exit from the workplace that is unrelated to work duties. **Employees should not enter time on behalf of another employee with the exception of a supervisor or payroll employee entering time for an employee who is unable to do so.** Employees who fail to record their attendance or use of leave in the County's timekeeping system may be subject to disciplinary action up to and including termination.

~~Time entry for non-exempt employees must be completed daily and accurately by employees.~~ After reviewing and resolving any discrepancies, the supervisor (or department designee) must ~~approve~~ **authorize** the number of hours worked or on leave in the County's timekeeping system weekly. Supervisors (or department designees) who fail to review employee time entries, resolve any discrepancies, and authorize the number of hours worked or on leave in the County's timekeeping system may be subject to disciplinary action up to and including termination.

~~Time entry for exempt employees must be completed within the actual pay period. After reviewing and resolving any discrepancies, supervisors (or department designee) must approve authorize the number of hours to be paid for time worked or on approved paid or unpaid leave in the County's timekeeping system.~~

All employees are expected to provide accurate information regarding time and attendance. Falsification is an act of misconduct and considered a violation of the County's policy and procedural guideline and may be subject to disciplinary action **up to and including termination**.

6.12 End of Employment

Final Paycheck

Upon separation of employment, compensation for accrued vacation leave and compensatory time will be included in the last paycheck or may be included in a separate check (provided that all County property i.e. laptop, keys, have been returned **and all debts to the County, including from tuition reimbursement and other programs, have been satisfied**). There is no compensation for unused sick leave except upon retirement. An employee with ten (10) or more years of service may receive payment for one-fourth (1/4) the value of accrued, unused sick leave, not to exceed 240 hours (30 days).

7.04 Attendance

Occurrences

An occurrence is defined as an ~~unapproved~~ **unauthorized** absence, two (2) tardies, **two (2) early departures, two (2) excessive breaks**, or two (2) missed time clock punch-ins/outs. The total number of days or partial days that an employee is unavailable for work due to ~~unapproved~~ **unauthorized** absence are considered when applying discipline, as outlined in the table below.

Unapproved Unauthorized Absences

An absence is deemed ~~unapproved~~ **unauthorized** when an absence of more than one hour is not covered by an approved leave (e.g., sick, FMLA, vacation, compensatory or exchange time).

Employees will be docked pay for all hours missed due to ~~unapproved~~ **unauthorized** absences.

Tardy Arrivals, Early Departures, Excessive Breaks

An employee is tardy when the following occurs involving periods of one hour or less:

- failure to report to work on time, as scheduled
- **failure to remain at work, as scheduled**
- taking an extended meal or break period without prior approval

Absence Without Leave (AWOL)

Employees who are absent for three (3) or more consecutively scheduled workdays without prior notification to their supervisor will be AWOL and may be subject to removal. Supervisors should immediately consult with Human Resources if this situation occurs. A single day of no call/no show is subject to corrective action based on the circumstances of each individual case.

Progressive Discipline for Attendance

An occurrence is documented as a tardy and/or missed time clock punch-in/out. Supervisors and department management staff are responsible for tracking accumulated occurrences and for

initiating the discipline process in consultation with Human Resources to ensure consistent application of discipline across the organization.

The following table is a guideline for discipline based on the total number of occurrences. Occurrences will be considered active for discipline purposes using a rolling twelve (12) month period. Occurrences will not be issued for absences that are protected under FMLA, ADA, Workers' Compensation, or legal proceedings leave.

Definition of an Occurrence	Occurrences	Disciplinary Action
<p>A One occurrence is equal to any of the following:</p> <ul style="list-style-type: none"> ▪ 2 tardies ▪ 2 early departures ▪ 2 excessive breaks ▪ 2 missed clock punch-in/outs ▪ 1 full or partial day unapproved unauthorized absence 	2	Verbal reprimand
	3	Written reprimand
	5	1-day suspension
	7	3-day suspension
	9	Termination
<ul style="list-style-type: none"> ▪ Day of no call/no show (i.e., without prior notice) 	1	1-day suspension
	2	3-day suspension
	3	Termination
<ul style="list-style-type: none"> ▪ AWOL (3 or more consecutive days of no call/no show) 	1	Employee subject to removal removal as a job abandonment

If an employee accumulates several occurrences within a single pay period, the employee may be advanced to the level of discipline called for in these guidelines even if the employee has no prior discipline. For example, an employee with no prior discipline who accumulates five (5) occurrences in a pay period will be issued a one (1) day suspension.

This procedural guideline will be administered in conjunction with the timelines contained in this handbook and the County's CBAs for the expiration of active discipline. For example, if the timeline for the expiration of active discipline is twenty-four (24) months, a verbal reprimand issued under this procedural guideline will remain active for twenty-four (24) months and will be used as the basis of future discipline. If the discipline immediately prior to the one being assessed was less than twenty-four (24) months ago, the next discipline assessed will progress based on that prior discipline, unless the guidelines recommend discipline that is more severe. Examples: 1) If an employee has an active one (1) day suspension for missed clock punch-in/out and then is charged with two occurrences of tardiness, the employee will receive a three (3) day suspension. 2) If a three (3) day suspension has been imposed pursuant to this guideline and remains active, the next discipline will be termination.

7.07 Progressive Discipline

The County **in general** subscribes to a policy of progressive discipline. **Unclassified employees serve at the pleasure of the Appointing Authority and can be removed from their position at any time, without application of progressive discipline.**

Progressive discipline is not intended to be punitive. The goal of progressive discipline is to help the employee recognize and correct unacceptable behavior before it becomes serious enough, or frequent enough, to warrant termination of employment. **Certain offenses and misconduct may be severe enough to warrant immediate placement on administrative leave which may lead to removal from employment without applying progressive discipline. These include, but are not limited to the following examples: egregious or willful neglect of assigned duties or failure to supervise; disregarding safety or security regulations; destruction of County property; falsification of records; dishonesty in application for benefits; unauthorized time entries; soliciting or accepting a bribe; assault; fighting; theft; ~~using obscene, abusive or threatening language;~~ egregious sexual harassment; egregious hostile, intimidating or offensive work environment; unauthorized possession of dangerous items or weapons; use, possession, or distribution of alcohol or illicit drugs; refusal or failure to submit to mandatory alcohol or drug testing; failing or tampering with an alcohol or drug test; committing a felony; a felony conviction; absence without leave (AWOL) as defined by the attendance policy.**

Application

When progressive discipline is applied, the County shall examine the totality of the employee's current disciplinary record, including, but not limited to, attendance and tardiness discipline that remains active.

Procedure

Supervisors and managers are responsible for exercising independent judgement to identify and recommend the need for discipline.

When a management representative recommends discipline, they shall consult with Human Resources for guidance and to ensure consistency across the organization. Prior to recommending discipline, supervisors must have investigated and obtained documentation of the alleged conduct.

After a supervisor has recommended discipline, the role of Human Resources is to provide guidance on the level of discipline to be imposed. If the facts of the case may justify a suspension, demotion, or removal, the management representative will complete a request for Pre-Disciplinary Conference (PDC).

The purpose of the PDC is to provide the employee with a final opportunity to present their side of the case and to provide any additional information or documentation that the employee desires to be considered. Human Resources will coordinate the PDC and will provide written notice to the employee and supervisor regarding the date, time, and location of the PDC. Employees shall be provided with the option of waiving the PDC. Employees shall have the right to take an audio or video recording of their PDC.

Depending on the nature of the discipline that is ultimately issued, employees will be notified of discipline by their supervisor or Human Resources.

All disciplinary actions that are imposed shall be filed with Human Resources. Disciplinary actions will remain active for two (2) years for purposes of progressive discipline. The two (2) year period shall be measured backward from the date of the subsequent offense to the date the prior discipline was imposed.

Levels of Disciplinary Action

The County reserves the right to skip one or more levels of progressive discipline depending on the circumstances and/or severity of the offense.

- **Verbal Reprimand:** A verbal reprimand is an articulation of the problem by the supervisor to the employee. A verbal reprimand shall note the date and nature of the problem, as well as specifically state the employee is receiving a verbal reprimand.
- **Written Reprimand:** A written reprimand is formal, written notice by the supervisor to the employee that their conduct is inappropriate, what actions are necessary to correct the misconduct, and the consequences of continued misconduct.
- **Working Suspension:** A working suspension results when an employee is required to report to work to serve a suspension. An employee serving a working suspension shall be compensated at their regular rate of pay for hours worked. The working suspension shall be recorded in the employee's personnel file and has the same effect as a suspension for the purposes of progressive discipline.
- **Suspension:** A suspension is a forced, unpaid leave of absence from employment for one (1) or more days.
- **Demotion:** A demotion is a forced transfer of the employee from one classification or job to another classification or job in a lower pay grade.
- **Removal:** A removal is a forced separation of employment.

A record of any disciplinary action must be made using a form prescribed by Human Resources and will be placed in the employee's personnel file.

At the sole discretion of the Director of Human Resources or designee, an employee may be temporarily placed on paid administrative leave. This may be necessary because the employee's actions indicate that remaining on the job or returning to the job may be detrimental to the employee, co-workers, customers or the County. Employees who are placed on paid administrative leave shall be prepared to return to work each day and may be subject to other requirements determined by Human Resources.

Prohibited Conduct

The County considers the following to be a non-exhaustive list of unsatisfactory conduct that may be considered grounds for progressive disciplinary action **or removal without progressive discipline when appropriate:**

- Absence from duty without reasonable cause
- Absence without leave

- Being away from assigned work area without permission of supervisor
- Conduct that might endanger the safety of others
- Conduct unbecoming an employee of the County
- Creating a hostile, intimidating or offensive work environment based upon a protected characteristic
- Excessive absenteeism
- Excessive tardiness
- Failure to comply with safety regulations, procedures and/or guidelines
- Failure to cooperate in a workplace investigation
- Failure to follow call in procedures
- Failure to follow the orders of a supervisor
- Failure to properly report work status
- Failure to report known safety hazards
- Failure to wear required safety equipment
- Falsification
- Fighting
- Harassment, discrimination or retaliation against another
- Insubordination
- Intimidation or threats
- Misfeasance, malfeasance or nonfeasance
- Neglect of duty
- Offensive language or conduct toward another
- Poor job performance
- Possession of weapons on County premises without authorization
- Reckless operation and/or misuse of County vehicles and equipment
- Reporting for or being on duty in an unfit condition to work
- Reporting to work under the influence of alcohol and/or drugs
- Sleeping while on duty
- Theft
- Use of or possession of alcohol and/or drugs on County property
- Destruction of County property
- Violation of policies, procedures, rules, regulations, or guidelines...

Evaluation of Inappropriate Conduct

All inappropriate conduct shall be evaluated on a case by case basis, considering the following factors:

- Level of disruption to County business.
- Level of harm to the County's interests.
- Level of damage to the public's trust and confidence in Cuyahoga County government.

- The employee’s position and the degree of responsibility inherent in that position (i.e., supervisory vs. non-supervisory positions). Employees who occupy a supervisory or management position are held to a higher standard of conduct commensurate with the level of leadership required of them.
- Whether the employee’s conduct is part of a continuing problem.
- Whether the employee’s conduct put a co-worker, vendor or customer’s safety and/or security at risk.
- Whether the employee’s truthfulness brought into question because of his or her conduct.
- Whether there are extenuating or mitigating circumstances.

Appeals

The Cuyahoga County Charter provides classified non-bargaining employees an appeals process for certain disciplinary action through the Personnel Review Commission (PRC). Details are available on the website of the PRC. Bargaining employees should review their CBA regarding appeals.

9.07 Exempt Employees: Exchange/Straight Time

Exchange Time

Exempt employees can earn exchange time (a form of paid leave) when they work more than forty (40) hours in a workweek, or work on a County holiday provided the following:

- there is a compelling reason for the exempt employee to be required to work beyond normal working hours –working beyond regular work hours to finish up normal assignments does not qualify.
- there is a “meeting of the minds” between the exempt employee and the supervisor - the employee must either be authorized or required by the supervisor to work the extra time.

Supervisors have discretion to make judgements regarding the application of the above criteria but are expected to do so in a way that supports the operations of the County without adversely affecting long-term staffing needs.

Usage of paid leave (i.e., sick, vacation, exchange time, etc.), does not count towards the forty (40) hours work requirement. However, paid time off on County recognized holidays does count.

~~Exchange time is accrued in increments of one minute after the first 30 minutes over 40 hours.~~
Exchange time earned in lieu of holiday premium pay is not subject to the forty (40) hour requirement.

~~In order to qualify for Exchange time employees must designate the hours~~ **must be designated** as exchange time in the County’s payroll system. The County will not recognize exchange time beyond an accrual of 40 hours except as otherwise set forth below.

An employee who has requested paid leave using exchange time shall be permitted to use it within a reasonable time after the request, so long as it does not unduly disrupt their department's operations. However, there is no guarantee that exchange time can be used if it is not possible to accommodate its usage within a six (6) months of the time that the exchange time is accrued.

Exchange time not used within six (6) months of accrual shall expire. If a critical or extraordinary operational need exists, the Director of Human Resources may authorize an employee to accrue up to two hundred (200) hours of exchange time and may extend the expiration timeframe up to one (1) year. At no time shall exchange time be paid out to the employee.

11.01 Paid Vacation Leave

To receive service credit, employees must provide Human Resources with a signed letter from the former employer(s), on each employer's letterhead, with qualifying start and end dates of employment, number of days worked if any of the service was less than a full year, number of hours worked if any of the service was less than full-time, and verification of any unused accumulated sick leave. Employees must provide the required documentation within sixty (60) days of their date of hire. Forms received after sixty (60) days will be accepted; however, any service accrual granted will start from the beginning of the pay period in which the form is received. An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio shall not have prior service **that was completed prior to retirement** considered for the purpose of computing vacation leave.

11.02 Paid Holidays

~~Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay.~~

Eligible employees **who are not required to** work on a County-recognized holiday **that falls on their regularly scheduled workday** and are in a paid status on the regular workday immediately preceding and following a holiday are entitled to ~~holiday~~ regular pay for their regularly scheduled work hours. Employees who are in an unpaid status on the regular workday immediately preceding or following the holiday are not eligible for holiday pay. If the employee's work schedule is other than Monday through Friday, and the holiday falls on the employee's day off, the employee is entitled to a floating day off, to be used within ninety (90) calendar days and with prior approval.

An employee in a non-exempt position who is required to work on a County holiday shall be entitled to regular pay in addition to holiday premium pay at one and one-half (1.5) times for each hour worked. Exempt employees who are required to work on a County holiday will receive regular pay in addition to holiday premium pay at their regular rates for each hour worked, or exchange time. Normally, the County will credit the employee with exchange time. A department director may request, based on compelling or extraordinary operational needs, that

the Director of Human Resources approve holiday premium pay for an employee or group of employees in lieu of exchange time, subject to the conditions in Section 9.07 of this handbook.

11.03 Paid Sick Leave

Sick Leave Credit

Employees who have a balance of sick leave earned while employed by another political subdivision of the State of Ohio within the past ten (10) years may have the unused sick leave balance credited to their current sick leave balance with the County. To receive sick leave balance credit, employees must provide Human Resources with a signed letter from the most recent qualifying former employer, on the employer's letterhead, with qualifying start and end dates of employment and verification of any unused accumulated sick leave. **An employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio shall not have sick leave balance that was accrued prior to that retirement credited to their County sick leave balance.**

11.04 Paid Bereavement Leave

All full-time employees who experience the loss of a spouse, mother, father, step-parent, child, step-child, or persons to whom they stand in loco parentis or who stood in loco parentis to them, will be granted up to five (5) days of paid bereavement leave.

Full-time employees are entitled to up to three (3) days of paid bereavement leave for the loss of a brother, sister, half-brother, half-sister, step-brother, step-sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, grandchild, uncle, aunt, ~~first cousin, niece or nephew~~, or any relative residing with the employee (proof of residency required).

11.07 Family Medical Leave

The Family and Medical Leave Act (FMLA) and its amendments provide employees with the right to take job-protected unpaid time off for various identified reasons.

Employees with at least one (1) year of service who have worked at least 1,250 hours in the previous year are eligible, and can request up to twelve (12) workweeks (480 hours) of Family Medical Leave (FML), during a 12-month period, for one of the following reasons:

- For incapacity due to pregnancy, prenatal medical care or childbirth
- The birth or placement of a child for adoption or foster care
- To care for an immediate family member (as defined by this procedure to only include spouse, child or parent) with a serious health condition
- To take medical leave when employees are unable to work because of their own serious health condition

Employees may take up to twelve (12) weeks of approved leave within a ~~rolling~~ twelve (12) month period. **During** the twelve (12) month period ~~is~~ measured backward from the commencement date of FML, ~~during this time~~ the employee must have worked 1,250 hours. If two married employees both work for the County and each wants to take leave for the birth of a child, adoption or placement with the employee of a child in foster care, or to care for a parent with a serious health condition, the employees may take only a combined total of twelve (12) weeks of leave...

Status and Benefits While on FML

While on paid FML, the County will continue employees' benefit coverage at the same level and under the same conditions as if they had continued to work. All available paid leave must be used and charged against the employee's FML before unpaid FML will be initiated. The employee's accrued time must be used in the following order: Sick, ~~Compensatory/Exchange~~, Vacation, **Compensatory/Exchange**. Sick and vacation leave will accrue during the employee's paid FML as it normally would. Available time accrued during paid FML must be used in the same order as above. All usual payroll deductions will be taken during the employee's paid FML.

Leave Donation

Any eligible employees may donate accrued sick or vacation leave to a fellow employee who has a serious health condition as defined under the FMLA and **are-is** in critical need of time off due to the condition. Donation of leave time is strictly voluntary. FML leave will run concurrently with the donated leave time.

An employee may receive donated leave provided that the employee:

- is first approved for FML leave that removes them from the workplace for fifteen (15) consecutive workdays for their own serious health condition. Donated leave may be applied retroactively to whenever the donee exhausts his or her paid leave balance. Employees on intermittent FML leave do not qualify to participate in the program. Any unused donated leave will be returned to the donating employee
- has exhausted all sick leave, vacation leave and compensatory/exchange time
- has not had any discipline for attendance within the previous year...

12.02 Recording of Conversations Voice and Video

The County has established the following guidelines for ~~the recording of conversations~~ **voice or video concerning** County business. This policy shall not apply to public meetings or any other meeting or forum involving the discussion of County business that is open to members of the public, including, but not limited to, public hearings. Any violation of this policy could result in disciplinary action **as well as exclusion of the recording from consideration as evidence in proceedings such as workplace investigations, administrative appeals, and grievance arbitrations.**

County employees shall not record any ~~conversations~~ **voice or video** involving the discussion of County business unless at least one of the following applies:

- The Director of Law or designee authorizes in writing an employee to record ~~a conversation~~ such voice or video;
- **In the case of an in-person meeting**, all parties first consent in writing;
- **In the case of a virtual meeting, training or presentation (“virtual activity”), recording is only permitted using the recording function available through the virtual activity’s host platform; only the County host in charge of the meeting is permitted to initiate and end recording; an employee participant is responsible for determining whether the virtual activity is being recorded; and an employee’s participation in the virtual activity constitutes acknowledgement that the virtual activity is being recorded; or**
- The department director, with the approval of the Director of Law, authorizes recording as a standard course of business in the interest of the public (e.g., ~~all~~ telephone calls to the 696-KIDS hotline, ~~and~~ 911 calls, **and calls to-and-from inmates are recorded**).

12.07 Electronic Equipment and Communications Policy

The County’s Electronic Equipment and Communications Policy defines the acceptable use of electronic equipment and the responsibilities of all users. Employees may access the Electronic Equipment and Communications Policy electronically ~~from the MyHR system~~ or may request a copy from Human Resources

12.08 Travel Policy

Employees may access the County’s Travel Policy **electronically** ~~on the MyHR system~~ or may request a copy from Human Resources.

Employees are expected to know and comply with the Travel Policy. Employees may be subject to disciplinary action for failure to comply with this policy.