

# A Plain Language Guide to The Cuyahoga County Ethics Code



**Agency of Inspector General**

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# Introduction

This Guide has been prepared to help County employees, elected officials, board members, contractors, and lobbyists better understand and comply with the County Ethics Code. Please note that this Guide is not provided in lieu of the County Ethics Code, but rather as an enhancement of it.<sup>1</sup>

- **AIG Authority and Administration**

The Agency of Inspector General (“AIG”) was established by the County Executive and County Council to protect taxpayers’ interests by promoting honesty and accountability in County government. In furtherance of this mission, the AIG is granted broad authority to conduct investigations, inspections and audits relating to fraud, corruption, waste, abuse, misfeasance, malfeasance and nonfeasance in the operations of County government. In addition, the AIG is designated as the investigative officer for all issues arising under the County’s Ethics Ordinance. In this capacity, the AIG is entrusted with the responsibility of ensuring that County employees, elected officials, board members, contractors and lobbyists who do business with the County meet the highest ethical standards.

*Enabling Legislation*

[Cuyahoga County Code Title 5, Chapter 501 \(Contracts and Purchasing Procedures\)](#)

[Cuyahoga County Code Title 2, Chapter 204 \(Independent Entities\)](#)

[Cuyahoga County Code Title 4, Chapter 407 \(Inspector General\)](#)

[Cuyahoga County Code Title 5, Chapter 505 \(Debarment\)](#)

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<sup>1</sup> Pursuant to Section 407.01(M) of the Cuyahoga County (“County”) Code, the Agency of Inspector General (“AIG”) has prepared this comprehensive Plain Language Guide/Ethics Policy Manual (“Guide”), which includes, but is not limited to, the requirements of Title 4 of the County Ethics Code, Ohio Revised Code (“ORC”) Chapter 102, ORC 2921.42 and 2921.43. Any discrepancy that may exist between this Guide and the County Ethics Code will be resolved in favor of the County Ethics Code.

# Chapter 1

## Financial Disclosures (Section 403.07)

- **Senior County Employees File with the AIG**

**On or before April 15** of each year,<sup>2</sup> County employees listed below **must file an annual disclosure statement with the Inspector General** on the Financial Disclosure Statement form prescribed by the Ohio Ethics Commission.

1. All appointed officers and directors;
2. Chief of staff and/or First Assistant to the County Executive, County Council, and County Prosecutor;
3. Deputy Chiefs or similarly titled employees within Office of the County Executive to which any county officer or director reports;
4. Board of Revision hearing officers;
5. The Clerk of County Council.

If you have been **newly appointed or hired** to one of the above positions, you must file the financial disclosure with the Inspector General **within 30 days of appointment** to your new position. Any former employee who, within the prior calendar year, held one or more of the positions identified above, must apply file.

- **Elected Officials File With the OEC**

Elected Officials must file financial disclosure statements directly with the Ohio Ethics Commission or the appropriate filing agency by the deadline prescribed by the Ohio Ethics Commission. **Elected Officials are not, however, required to file disclosure statements with the Inspector General.**



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<sup>2</sup> If the filing deadline, April 15, falls on a non-business day, the filing deadline is extended to the next regular business day.

## Chapter 2

### Secondary and Future Employment (Sections 403.08 and 403.09)

- **Secondary Employment & Fiduciary Duties**

Any **compensated employment or private business activity** outside of an elected official or employee's primary status with the County that **results in gross income required to be reported to the Internal Revenue Service (IRS)**<sup>3</sup> must be disclosed through the electronic disclosure form found on the AIG website. Once completed the form is automatically transmitted to HR and the AIG.

Also, any **fiduciary interest**, whether compensated or uncompensated, **with an entity that receives funding from the County** must also be disclosed in the same manner. A fiduciary interest includes any relationship that requires one to act for the benefit of another. An entity's trustees, board members, or officers usually have a fiduciary interest in that entity. If you hold such a position in an organization you should report it to the AIG so the AIG can check to see whether the organization receives funding from the County.

If the AIG determines that the secondary employment violates an express prohibition or is a conflict of interest (and recusal prevents an employee from performing substantial portions of County job), the County employee must terminate his or her secondary employment or risk being terminated from their County job. Elected officials and employees holding secondary employment must recuse themselves in accordance with Section 403.04 of the County Ethics Code.

**Employees must disclose any secondary employment to the Inspector General within 30 days of accepting it.** The Inspector General will then render an opinion as to whether the secondary employment is allowable and provide any relevant guidelines.

**Example:** You currently work for Cuyahoga County Children and Family Services as a social worker. You are interested in getting a second job as an associate at Home Depot. You must disclose this secondary employment to the AIG within 30 days of accepting the job.

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<sup>3</sup> Excluding interest income, dividends, corporate contributions, alimony, income from life insurance or endowment, income in respect of a lost loved one, retirement plans, pensions and annuities, and social security, PERS, or equivalent retirement benefits.

- **Future Employment**

No **present or former** elected official or employee, **either during their employment or 12 months after**, may represent or act in a representative capacity for any person or organization on any matter in which the employee or elected official personally participated during his or her County tenure.



### **Employment Offers & Ongoing Discussions**

Elected officials and employees should consult with the AIG if they take any action to inquire about the availability of a job, including responding to a job advertisement, or take any steps to further future employment with an organization that does business with the County.

**There are exceptions that apply.** Reach out to the AIG with your specific facts for guidance.

**Example:** You previously held a position as a Medical Examiner morgue technician with authority to order lab products. You negotiated and administered a contract between the Medical Examiner and Company X. Within the last three months you resigned from the County and started working for Company X. You may not represent Company X to the Medical Examiner's office (or any other public entity) regarding the contract between Company X and the Medical Examiner until 12 months after your employment with the County terminated.

## Chapter 3

### Misuse of County Resources and Official Position (Sections 403.02 & 403.03)

In general, elected officials, employees, and board members are not permitted to use their County positions or County resources<sup>4</sup> to further their own personal or political agendas, including by doing any of the following:

1. Printing, mailing, or sending electronic communications of political material;
2. Conducting non-county business using County resources;
3. Permitting the use of County resources for personal or private purposes (unless the use is (1) insignificant, (2) authorized by law or County policy, or (3) provided as part of official compensation);
4. Using official position or powers/duties to secure a financial or material benefit or the promise of financial or material benefit for themselves, a relative, or a private organization in which they have an interest;
5. Requesting (without offering just compensation), requiring, or coercing a subordinate employee to perform tasks outside the scope of their County employment (or requesting excessively even if just compensation is offered);
6. Directly or indirectly selling or agreeing to sell goods and services to the County (unless the AIG has determined that an exception to the law applies);
7. Benefiting from a public contract pursuant to Ohio Revised Code 2921.42 *et seq.*;
8. Misrepresenting their opinion to be the official position of the County (this prohibition does not apply to statements made in the course of fulfilling the responsibilities of, or running for, office);
9. Drawing a per diem or expense monies from the County to attend a seminar, convention, or conference, then fail to attend the program without acquiring prior approval or refunding unused monies to the County;
10. Knowingly suppressing a public record; or
11. Abusing authority in order to compel a subordinate to participate in sexual conduct or requiring/coercing a subordinate to accept sexual harassment or unwelcome

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<sup>4</sup> Pursuant to Section 403.02(A) of the County code, County resources include, but are not limited to, County personnel, money, procurement/credit cards, vehicles, equipment, materials, supplies, or other property.

advances as a condition of employment, equal treatment, approval, or advancement.

**Example:** You are organizing a bake sale at your child's school. You may not use County resources, such as your email, inter-office mail, printer, etc., to help raise awareness for the event.

**Example:** You want to post a fundraising flyer for an employee who is raising money for a wheelchair accessible van. Permission to post the flyer is something you should discuss with your Director and/or Human Resources, not the AIG. If your director or Human Resources permits you to post the flyer, ensure that you do not use County resources to print or distribute it.

**Example:** Your brother is the owner of a local gas station. You may not use your official position in Public Works to obtain a favorable and/or quick certification of the gas pumps there.



## Chapter 4

### Conflicts of Interest (Section 403.04)



Generally, a conflict of interest occurs when an elected official or employee's personal interests may affect an official County business decision. If an elected official, employee, or board member is called upon to exercise discretion over a matter that could result in a direct financial or material benefit to the individual, a relative, or a person or private organization connected to that

person, the individual must disclose the issue to the public in an open meeting or in writing to the Inspector General as soon as they learn of the conflict of interest.

In addition, individuals must recuse themselves from the matter. This includes withdrawing not only from deciding or voting on the matter, but also from discussing or deliberating on the matter.

**Example:** A County employee's brother owns a company that submits a proposal in response to a County RFP. The employee may not participate in the RFP process in any way, including participating in discussions about it, making any sort of recommendation, or formally or informally lobbying for any aspect of such a matter.

There are exceptions, such as if the matter involves the adoption of the County's biennial budget as a whole, but employees are encouraged to reach out to the AIG to ensure an exception applies.

In addition, no elected official, employee, or board member may receive compensation from or knowingly obtain a financial interest in any non-County entity in exchange for service rendered or to be rendered by them personally in any case, proceeding, application or other matter before the County.

**Example:** A County employee has a second job as a consultant. The employee's client is interested in obtaining a County contract with a different County department than the one where the employee works. Even though it's for a different department, the employee cannot help the client draft the proposal for the contract.

Elected officials, employees, commissions, boards, or bodies are not permitted to appoint any individual who worked for the County within the preceding 12 months to any board, commission, or other governmental entity if the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* states that the appointment and the appointee's County position are incompatible.

Reference the Ohio Attorney General's *Index of Compatibility of Public Offices and Positions* for possible incompatibilities. If the index does not address the conflict, an opinion request can be made to the AIG.

**Example:** A person serving as County Auditor cannot simultaneously be appointed to serve on the board of an entity subject to audit by the Department of Internal Audit, as one of the positions is a check upon the other, creating an incompatibility of positions.

## Chapter 5

### Nepotism (Section 403.05)

County employees, elected officials, and board members are not permitted to hire, appoint, promote, discipline, or discharge any relative.



County employees, elected officials, and board members are also not permitted to supervise a relative's performance of official responsibilities.

Finally, County employees and officials are not permitted to secure a public contract in which they, any of their relatives, or any of their business associates has an interest.

All County employees and elected officials are required to submit a Nepotism and Conflict of Interest Disclosure to the AIG, which can be found on the AIG's website.<sup>5</sup>

**Example:** You work as a Lieutenant in the County Sheriff's Department. Your nephew works as a police officer in a nearby suburban area. A position that you would supervise becomes available. You are not allowed to supervise a relative, therefore your nephew cannot be hired for the position.

The County Code includes the following family members as relatives for nepotism purposes:

An individual's spouse, domestic partner, parent, grandparent, step-parent, sibling, step-sibling, sibling's spouse, child, grandchild, step-child, uncle, aunt, nephew, niece, first cousin, or household member, and persons having any of these relationships to the spouse or domestic partner of said individual.

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<sup>5</sup> <https://www.cuyahogacounty.gov/inspector-general/forms-and-disclosures/nepotism-conflict-of-interest-statement>

## Chapter 6

### Discrimination (Section 403.10)

No elected official, employee, or board member is permitted to discriminate on the basis of race, religion, national origin, age, sex, gender, ethnicity, sexual orientation, gender identity and expression, disability, or genetic information.



**Example:** You are a hearing officer for the Board of Revision. You announced to the entire department that you do not like to serve women because they are “too indecisive.” There have been several complaints from women who have been before your BOR panel regarding your attitude toward women during the hearing. The women complainants also believe you are unjustifiably devaluing their properties. These remarks and this behavior are not appropriate. You are not permitted to discriminate against any BOR participants based on sex or gender.

## Chapter 7

### Gifts (Section 403.06 and 407.01(J))

#### The Ohio Revised Code's Improper and Substantial Test

Elected officials, employees, and board members are required to comply with the requirements and prohibitions found in Ohio Revised Code 102.03. Specifically, no elected official, employee, or board member is permitted to solicit or accept anything of value that may have a substantial and improper influence on the elected official, employee, or board member with respect to that person's duties. The Ohio Ethics Commission ("OEC") has held that the application of R.C. 102.03 is dependent on the facts and circumstances of each individual situation.

"Anything of value" includes but is not limited to dinners, receptions, retreats, cash, gift cards, tickets to sports or entertainment events, and trips. Consider the value of the item to determine how substantial it is, and look to the source of the item to determine whether it is considered improper.

If an item is of substantial value, then deciding whether it is likely to have a "substantial and improper influence" on a County employee depends on whether the thing of value is provided to the official or employee by a party that is an "improper source." The source of a gift is improper if it is one that is:

- Interested in matters before the County;
- Regulated by the County;
- Doing business with the County; or
- Seeking to do business with the County.

If a thing of substantial value is offered by one of these "improper sources," a County employee or official cannot accept it.

Some things are unlikely to have a "substantial" influence on public officials or employees:

- A meal of a routine character provided to a public official or employee, and not provided in return for the performance of public duties, and
- A tee-shirt or other kind of nominal promotional item provided by a vendor or potential vendor.

On the other hand, some items are clearly of a substantial value. For instance:

- Golf outings at an exclusive venue;
- Season of tickets for the games of a professional sports team;

- The combination of travel, meals, and lodging;<sup>6</sup>
- Expensive jewelry; and
- Discounts on furniture and major appliances.<sup>7</sup>

**Elected Officials, Employees and Board Members are Not Permitted to Solicit and Accept Gifts Intended to Influence or Reward**

No elected official, employee, or board member is permitted to **solicit or accept** any gift<sup>8</sup> intended to:

1. **Influence** the elected official, employee, or board member in the performance or non-performance of their official powers and duties; or
2. **Reward** the elected official, employee, or board member for any official action.

The following gifts are not permitted unless there is an applicable exception:

1. A gift or multiple gifts from a contractor, within the same calendar year, that have a total face value over \$75.00.
2. A gift from a private person or organization that **seeks** County action that involves decision-making by the elected official, employee, or board member.
3. A gift from a private person or organization that **has obtained** County action (**within the last 12 months**) that involves decision-making by the elected official, employee, or board member.

**Example:** You are on the selection committee for an upcoming County contract. The president of one of the companies that submitted a proposal wants to take you out to lunch. You are not allowed to accept the offer – even if the value of the lunch would not be substantial – because the giver of the gift is seeking County action that involves a decision you have to make.

<sup>6</sup> See Ohio Ethics Commission Advisory Ops. Nos. 89-014 (travel, meals, and lodging), 95-001 (season tickets), and 2001-03 (golf outings).

<sup>7</sup> See Ohio Ethics Commission Advisory Ops. Nos. 92-015, 2001-04, and 2001-08.

<sup>8</sup> Section 402.01(G) of the County Code states a gift is any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having greater than *de minimis* monetary value including, but not limited to, cash, food and drink, travel, or lodging.



**Example:** A vendor your department worked with over a year ago brings you a pen and a t-shirt with the company's logo on it as a complimentary gift. You may accept this gift as the cumulative value of the two items is likely less than \$75, the vendor is not seeking County action involving your discretion, and it is not a reward for an action undertaken within the last year.

### Exceptions:

- Gifts that are given to the County, rather than an individual, can oftentimes be used by the County if they meet certain criteria (ask the AIG!).
- Gifts that are commonly given for special occasions such as a marriage, illness, or retirement do not carry a presumption of influence as long as the gifts are reasonable and customary.
- Meals and refreshments are acceptable when an elected official, employee, or board member is a speaker or participant (in his or her professional capacity) at a job-related conference or program, and the meals and refreshments are provided or made available to everyone in attendance.
- Invitations to charitable functions or community events are also acceptable, so long as they include basic entertainment and food.
- Anything (including tickets) for which an elected official, employee, or board member pays face value, or at a discount available to the public; in some cases, discounts available to all County employees are also okay (ask the AIG!).
- Any campaign contribution that is otherwise lawfully received and reported under the County Ethics Code and general law.

**Example:** A current County contractor gives you a ticket to an upcoming Cleveland Guardians game. The face value of the ticket is \$100. The contractor would be considered an improper source and the value of the ticket would be considered substantial. Accordingly, the only way you could take the ticket would be if you paid the contractor the \$100 face value.

## Chapter 8

### Political Contributions and Activity (Sections 403.11 and 403.13)

- **Political Contributions**

Elected officials are not permitted to knowingly solicit or accept any campaign contribution from a County employee over whom he or she has appointing or confirmation authority. The elected official also may not knowingly solicit or accept any campaign contributions from an employee whose County confirmation is pending.

Employees are not allowed to make a campaign contribution to, or solicit funds for, a campaign for elected office conducted by or for their own elected employer or confirming authority. However, employees are not prohibited from making voluntary contributions to political parties or candidates for any other elected office.



**Note:** This does not apply to employees or officials who no longer work with the County. Also, an elected official or employee may request an opinion from the Inspector General prior to accepting, soliciting, or making a campaign contribution. The Inspector General will make a decision within 14 days of receiving the request.

**Example:** You work in an executive agency department and are interested in soliciting campaign contributions on behalf of the County Executive. You are not permitted to do this because he is your elected employer.



- **Political Activity**



Different rules apply to the various election-related activities of classified versus unclassified County employees. As explained more fully below, so as to avoid any suggestion that government resources are being improperly used to assist candidates for public office, both classified and unclassified employees must avoid engaging in election-related activity on County time, on County property, or using County equipment (including conference rooms, computers, printers, office supplies, e-mail systems, telephones, copiers, fax machines, or any other County property or equipment). In addition, County employees may not engage in any election-related activities which interfere with, or pose a conflict of interest with respect to, their County duties and responsibilities.

I. **Classified employees** are significantly limited, by law, in their ability to engage in various partisan political activities. Examples of both permissible and impermissible activities for classified employees are explained below.

1. **Permissible election-related activities for classified employees.** The following are examples of activities employees in the classified service may participate in **on their own time**:<sup>9</sup>

- Registration and voting;
- Making voluntary financial contributions to political candidates (except for to their own elected employer, see above) or organizations;
- Attending political rallies;
- Wearing political buttons or badges, or displaying political sticker on private vehicles;
- Signing nominating petitions in support of individuals;
- Expressing opinions orally or in writing;
- Displaying political materials at home or on personal property;
- Circulating nonpartisan petitions that do not identify with any particular party;
- Running for nonpartisan office for which the candidates are not selected by political parties;
- Serving as a precinct election official in accordance with the applicable poll worker leave policy.

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<sup>9</sup> See O.A.C. § 123 *et seq.*

2. **Prohibited election-related activities for classified employees.** The following are examples of activities in which employees in the classified service may not, by law, participate, **even on their own time:**<sup>10</sup>

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

II. **Unclassified employees** may, **on their own time**, engage in election-related and partisan activities. More specifically, employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, may, on their own time, engage in partisan and election-related activities, unless otherwise specifically precluded by federal or state law.

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<sup>10</sup> See O.A.C. § 123 *et seq.*

## Chapter 9

### Whistleblower Protection (Sections 403.12, 406.01 and 406.02)

A whistleblower is someone who reports any violation of a County, state, or federal law, rule, or regulation, or any allegation of fraud, corruption, waste, abuse, misfeasance and/or malfeasance. Any County employee, elected official, or board member who has actual knowledge of a violation of the County Ethics Code **must** make a whistleblower complaint unless that person knows that the violation has already been reported. Any person with a “reasonable belief” that a violation occurred or will occur may also report. A whistleblower complaint can be made confidentially or anonymously. No one shall knowingly make a false report or submit a report in bad faith or with reckless disregard for the truth.



Any supervisor who receives a whistleblower complaint must notify the AIG or HR via a **written report within five days of receiving the complaint**. HR must also notify the AIG of any whistleblower complaint it receives **within five days of receiving the complaint**.

The County Code protects good faith whistleblowers from acts of retaliation. If an individual makes a whistleblower complaint, no disciplinary action can be taken against them because of their report. Prohibited acts of retaliation include threat, coercion, harassment, abuse of authority, or adverse employment action.

If final disciplinary action is taken by the appointing authority or HR, the official or employee may file a **written** appeal within the Personnel Review Commission (“PRC”). The PRC decision is appealable to the Court of Common Pleas.

**Example:** You know that your boss requires one of his subordinates to perform non-County tasks for the boss’s fraternal organization. You are required to report the conduct to either the AIG, HR, or another supervisor. Your boss is prohibited from retaliating against you.

## Chapter 10

### Contractors (Sections 404.01 and 501.19)

Every contractor whose annual aggregate amount of contracting with the County exceeds \$10,000 must register with the Inspector General prior to doing business with the County unless an applicable exemption exists. Registration must take place prior to entering any contract that would bring a Contractor's annual aggregate amount above \$10,000. Contractors are responsible for keeping track of their annual aggregate amount of contracting with the County. Contractors must re-register every 4 calendar years. Each contractor must disclose the contractor's corporate name, federal tax identification number, address, names of the contractor's principals, and any other information as may be required by the Inspector General.

**Note:** All contractors must comply with the above registration requirements in addition to completion of ethics training and disclosure requirements. The fees collected for registration support the Inspector General's cost of administering the contractor and lobbyist registries.

**Example:** You are a contractor working with the County. Currently, your contracting amount is at \$8,000 and you are poised to accept an additional contract for \$3,000. Before you finalize the \$3,000 contract, you must register with the Inspector General because your aggregate contracting amount will be above \$10,000. You will not have to register for another 4 years.

# Chapter 11

## Lobbyists (Section 405.01)

A lobbyist must register with the Inspector General within 30 days after the start of lobbying activity on behalf of his or her client. Lobbyists must re-register every 4 years. The effective date of registration is set upon the completion and filing of the registration form, payment of the registration fee, and completion of ethics training.



Registrants must make all required disclosures listed below on or before the date of registration. Subsequently, each registered lobbyist must also make the disclosures listed below on or before January 1 of each year.

1. The name, phone number, and address of the registered lobbyist and all of its employees or agents who engage in lobbying activities;
2. A list of all clients, including names, phone numbers, addresses, and nature of business, from whom the registered lobbyist receives compensation for engaging in lobbying activities;
3. A statement of all matters on which the registered lobbyist has lobbied for each client in the past year, or on which the registered lobbyist is contracted to lobby in the future;
4. A list of any past positions held by the registered lobbyist or any of its employees or agents as an elected official, employee, or board member of a city, county or state, and the period of time during which each individual held such position; and
5. Any other information as may be required by the Inspector General.

**Note:** The registry application fee is \$100.00. The fees collected for registration support the Inspector General's cost of administering the contractor and lobbyist registries.

## Chapter 12

### Training Requirements (Section 403.01)

Every elected official, employee, and board member must complete an ethics training program approved by the Inspector General within 30 days of starting County employment.



Elected officials and employees must complete ethics training annually for every year of service with the County thereafter.

Upon completion of the training, elected officials, employees, and board members must acknowledge, electronically or in writing, that they

have read, understood, and agree to abide by the County ethics policy.

**Note:** This training is currently provided by the Department of Human Resources.

## Chapter 13

### Public Contract Law (Revised Code 2921.42)

Revised Code Section 2921.42 prohibits public officials and employees from having certain relationships to the County's public contracts.

- A **public contract** exists whenever the County buys or acquires goods or services, regardless of whether there is a written contract. Examples include grants, property, or goods such as office supplies, vehicle purchases, or even construction on public buildings. The purchase or acquisition of services include examples such as consulting services or insurance. There is no minimum purchase amount required.

A County employee cannot **authorize** a public contract in which the **employee**, a **family member**, or a **business associate** has an **interest**. A public official has "authorized" a contract if he or she has taken any action to secure the contract. For example, a County employee has authorized a contract if he or she:

1. Voted to award the contract;
2. Signed the contract;
3. Recommended the contract to other officials or employees; or
4. Took any other official action on the contract.

This rule includes not just new contracts, but also renewals, modifications, or terminations of existing contracts.

**Example:** A County employee co-owns a bookstore with a person who also separately owns a social media business. Even though the employee is not involved with the social media business, the employee can't take any action in his or her County position to help the business associate's social media business procure a contract with the County. Furthermore, if the employee is the only person authorized to take a necessary step to procure the contract – for instance, signing it – the social media business cannot obtain the contract with the County at all.

A County employee also cannot receive a **financial benefit** from any County contract he or she **authorized**. Furthermore, the employee cannot receive a financial benefit from any County contract authorized by any board or commission on which that employee serves, *even if the employee withdraws from the process*.

- This restriction applies to the employee during public service and for one year after leaving public service.

If a County employee has secondary employment with an entity that has a contract with the County, the employee cannot keep both his or her County job and the secondary employment if:

1. The entity depends on the contract;
2. The employee receives compensation, fees, or other direct benefit from the contract; or
3. The employee's job would not exist without the contract.

Finally, a County **employee** is prohibited from having an **interest** in a contract entered into by the **County**.

1. Usually, a County employee cannot sell goods or services to the County.
2. A prohibited interest can be **either financial or fiduciary** in nature. You usually have a fiduciary interest in an organization if you sit on its board.
3. You can still violate this law even if you are not directly involved in either side of the public contract in question.

\*Limited **exceptions** to the public contract laws exist! If you believe public contract law may apply to your situation, please contact the AIG.



## Chapter 14

### Supplemental Compensation (Revised Code 2921.43)

**Your County salary and County benefits are the only compensation you should receive for your County work.**

- You cannot accept any rewards or gifts for the performance of your County duties from any source other than the County.
- You can never accept a gift as a “thank you” for performing your public service, whether the gift is of significant value or not.

**Example:** It’s December, and a County supervisor feels like her team had a great year. She cannot take her team out to lunch to thank them for their hard work. She can, however, take them out to lunch for other reasons, such as to celebrate the end of the year.

All “thank you” gifts are prohibited, whether it’s to compensate a County employee for a specific action or decision, or just for the general performance of the employee’s job duties. The County Ethics Code presumes that a gift is intended as a reward for official action when the gift is from a private person or organization that has obtained County action that involved your participation within the preceding year.

- For example, an employee cannot accept a gift from a developer whose loan he or she just helped finalize, nor can an employee accept a gift from a member of the public as a thank you for public service.

County employees also can’t solicit or accept anything of value to affect material aspects of their public employment.

**Example:** A firefighter who is next on a promotion list cannot offer to pay a person who currently holds the position as an incentive to retire before the promotion list expires.

# Appendix A

## Definitions (Chapter 402.01)

1. **“Appointing Authority”** means the County officer, director, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or other authority of the County.
2. **“Board Member”** includes members of any board, agency, commission, or authority as is or may hereafter be established by or pursuant to the Charter or County Code who are appointed or confirmed by elected officials or County officers or directors.
3. **“Business Associate”** means any individual, company, or organization with which an individual is acting together to pursue a common business purpose, including but not limited to, partners in a partnership, co-owners of a business, an outside employer or employee, or co-members of a Limited Liability Corporation.
4. **“Contractor”** means any person or entity that is a party to an Agreement with the County, providing goods and/or services to the County, as defined in Section 102.01(A) of the Code.
5. **“Elected Official”** includes any person holding elective office specified in, or established pursuant to, the Charter. Such Elected Officials include, without limitation, the County Executive, the Prosecuting Attorney, and members of County Council.
6. **“Employee”** means any employee of Cuyahoga County including, but not limited to, any person employed, full or part time in a temporary or permanent capacity, by the County Executive, the Prosecuting Attorney, the County Council, the Personnel Review Commission, the Board of Revision, the Inspector General, and any other County agency hereafter established by or pursuant to the charter.
7. **“Gift”** includes any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having greater than minimal monetary value including, but not limited to, cash, food and drink, travel, or lodging.
8. **“Inspector General”** means the Cuyahoga County Inspector General as established in Section 204.01 of the County Code.
9. **“Interest”** means a direct financial or material benefit, other than those available to all tax payers of the County. An individual is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or owns or controls more than 5% of an organization’s outstanding stock; provided however, that an individual appointed or otherwise authorized to serve on a private organization, and who solely acts on behalf of the County in his or her capacity for the private organization, will not be deemed to have an interest in such private organization.

10. **“Lobbyist”** means any individual employed or retained by a client to contact via private written or oral communication any County elected official, employee, or board member to influence the award of County contracts, the appointment or confirmation of any individual, or the formulation, modification, or adoption of any County legislation, regulation, or policy. A Lobbyist does not include any individual who spends less than five percent (5%) of his or her compensated time lobbying governmental entities on behalf a specific client. “Lobbyist” does not include anyone who performs any of the actions described in this paragraph without compensation, whose performance of such action consists solely of testimony provided at public meetings, or whose performance of such actions are an incidental and insignificant portion of one’s duties.
11. **“Presumption of Influence”** refers to a gift made to an elected official, employee, or board member that constitutes a resulting substantial and improper influence. Evidence may be provided to show that there was no improper influence.
12. **“Relative”** means an individual’s spouse, domestic partner, parent, grandparent, step-parent, sibling, step-sibling, sibling’s spouse, child, grandchild, step-child, uncle, aunt, nephew, niece, first cousin, or household member, and persons having any of these relationships to the spouse or domestic partner of said individual.

## **Additional References and More Information**

For more information on the Cuyahoga County Ethics Code or to report a concern please visit the Cuyahoga County Agency of Inspector General website:

<https://cuyahogacounty.gov/inspector-general>

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