

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0002

Sponsored by: Councilmembers Conwell, Jones, Stephens, Baker, Miller, Sweeney, Tuma, Gallagher, Schron, Brown, and Simon	An Ordinance providing for modifications to and adoption of the Cuyahoga County Human Resources Personnel Policies and Procedures Manual to be applicable to all County employees; and declaring the necessity that this Ordinance become immediately effective.
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WHEREAS, the County Council has reviewed the current Personnel Policies and Procedures Manual and, in consultation with the Cuyahoga County Department of Law, has 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 Personnel Policies and Procedure Manual, 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 Human Resources Personnel Policies and Procedures Manual: Council hereby adopts the amended version of the County's Human Resources Personnel Policies and Procedures Manual as set forth in Exhibit A attached hereto, effective for all County employees, and shall remain in full force and effect and shall be followed by County employees under the authority of the County Council and the County Executive. The Department of Human Resources shall disseminate the amended manual to all employees subject to the manual 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 Ms. Brown, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Brown, Stephens, Simon, Baker, Miller, Sweeney, Tuma, Gallagher, Schron Conwell and Jones

Nays: None

4/13/2021

County Council President

Date

4/13/2021

County Executive

Date

4/13/2021

Clerk of Council

Date

First Reading/Referred to Committee: February 23, 2021

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

Committee Report/Second Reading: March 23, 2021

Journal CC042

April 13, 2021

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]

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EXHIBIT - A

7.06 Notification of Criminal Arrest or Conviction

~~Any County employee that is arrested, charged and/or convicted for any crime, other than a minor traffic violation, must immediately report the incident to Human Resources. Examples of crimes that must be reported include, but are not limited to:~~

- ~~● Felonies (or being arrested for a crime punishable as a felony)~~
- ~~● A crime involving dishonesty, fraud, or theft (e.g., forgery, burglary, robbery, credit card fraud, perjury, bribery, tax evasion)~~
- ~~● Crimes of moral turpitude (e.g., sex offenses, pandering, prostitution, importuning, public indecency)~~
- ~~● Crimes involving physical violence (e.g., assault, patient abuse or neglect)~~
- ~~● Drug-related crimes (e.g., trafficking offenses, drug possession)~~

~~Criminal activity or an undisclosed criminal arrests or convictions may constitute cause for discipline. Determination of such action will be based on an analysis of the responsibilities of the position and the nature and time frame of the conviction.~~

7.06(A) Notification of Criminal Arrest, Charge, Indictment, or Conviction of a County Employee

The provisions detailed in this section apply to all employees, whether classified or unclassified, of Cuyahoga County. Any County employee who is arrested, charged, indicted, and/or convicted of any crime that is not a minor traffic violation or citation, must immediately report the matter to the Department of Human Resources. Any employee who has questions about whether or not a matter is a "minor traffic violation or citation" should seek guidance from the Department of Human Resources as soon as possible. An employee's failure to provide prompt notice of an arrest, criminal charge, indictment, and/or conviction may be cause for discipline separate and apart from any discipline resulting from the criminal matter and from the application of the provisions set forth in Section 7.06(B).

7.06(B) County's Duties after Receiving Notice of Criminal Arrest, Charge, Indictment, or Conviction of a County Employee

The County recognizes that it must respect an employee's presumption of innocence under the law while facing criminal charges. The County's Director of Human Resources will engage in a case-by-case analysis to determine what actions, if any, are required when an employee has been arrested, charged with, and/or convicted of a crime.

In accordance with applicable law, if the circumstances of a pending criminal charge could adversely affect the health or safety of an employee or any county property entrusted to the employee, and the pending charge is not punishable as a felony, the Director of Human Resources may place an employee on administrative leave with pay while the charge is pending. If an employee has been charged with a crime that is punishable as a felony, the Director of Human Resources may place the employee, whether classified or unclassified, on unpaid administrative leave for up to two months (and administrative leave

with pay thereafter) while the charge is pending. If the employee does not plead guilty to or is found not guilty of a felony for which the employee was charged or any other felony, the employee will be paid for the period of unpaid administrative leave at the employee's base rate of pay, plus interest.

At the conclusion of the employee's criminal case, the Human Resources Director shall make a final determination as to whether the employee may return to work and what modifications to the employee's duties, if any, need to be made. This determination shall include an analysis of all relevant factors, including, but not limited to, the duties performed by the employee and the nature of the criminal charges. The analysis shall be undertaken on a case-by-case basis. Should the Director of Human Resources determine that an employee may not return to his or her previous employment, the County is under no obligation to place the employee in another position. The Director of Human Resources may also decide, in accordance with applicable law and the Employee Handbook, to terminate the employee.