

BEACHWOOD CITY COUNCIL MINUTES OF THE LEGAL AND PERSONNEL COMMITTEE MEETING HELD AT BEACHWOOD CITY HALL, CONFERENCE ROOM A, 25325 FAIRMOUNT BOULEVARD, ON MONDAY, AUGUST 13, 2018 AT 6:30 P.M.

The meeting was called to order at 6:30 p.m. by Chairman James Pasch.

ROLL CALL:	Present	J. Berns, J. Pasch, E. Synenberg
	Absent:	B. Linick
	Also Present:	Mayor Martin S. Horwitz, A. Isaacson. D. Calta, L. Heiser, K. Zipay, T. Turick

1. Mayor's Report.

None.

2. Discussion regarding Parental Leave Policy for City of Beachwood, Ohio employees.

Mr. Pasch introduced the first item for discussion. This is a continued discussion from a previous meeting.

Mr. Pasch summarized previous conversations that were held regarding this item.

Ms. Calta discussed the current City policy regarding parental leave.

Mr. Pasch referenced a memorandum that was sent to Council in advance of tonight's meeting. The memorandum is attached hereto for the official record

Mr. Pasch stated that he would like to see sample legislation on this issue outlining four weeks of paid parental leave that will run consecutively with FMLA and vacation and sick time.

3. Discussion regarding Supplier Diversity and Inclusion Policy.

Mr. Pasch introduced the next discussion item and referenced a memorandum that was sent to Council in advance of tonight's meeting. That memorandum is attached hereto for the official record.

Mr. Pasch mentioned that this issue was brought to Council's attention by Councilwoman Taylor.

This item was briefly discussed and Mr. Pasch stated that he would like to take a proactive step and would like to see legislation and policy implementation.

A Motion was made to recess the Legal and Personnel Committee Meeting.

Moved by J. Pasch, seconded by J. Berns, at 7:28 P.M. to recess the Legal and Personnel Committee Meeting.

ROLL CALL:	Yes:	J. Berns, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

Moved by E. Synenberg, seconded by J. Berns, at 7:34 P.M. to re-adjoin the Legal and Personnel Committee Meeting.

ROLL CALL:	Yes:	J. Berns, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

4. Discussion regarding City of Beachwood, Ohio Economic Development Department.

The next item for discussion was introduced by Mr. Pasch.

Mr. Pasch referenced a memorandum that was sent out to Council in advance of tonight's meeting. That memorandum is attached hereto for the official record.

Mayor Horwitz provided a brief history of the Economic Development Department and stated that he would like to make changes to Schedule D.

Those changes include the creation of an Economic Development Manager position, the creation of a Human Resources Manager position, and job consolidation/housekeeping changes.

Mr. Pasch stated that he would like to have further discussion on this item at a later date.

Mr. Pasch asked if there were any further questions and there were none.

5. Any other matters coming before the Legal and Personnel Committee.

None.

ADJOURNMENT

Moved by J. Berns, seconded by E. Synenberg, at 7:58 P.M. to adjourn the Legal and Personnel Committee Meeting.

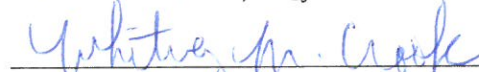
ROLL CALL:	Yes:	J. Berns, J. Pasch, E. Synenberg
	Abstain:	None.
	No:	None.
	Not Voting:	None.

MOTION ADOPTED

Approved:



Martin S. Horwitz, Mayor



Whitney M. Crook, Clerk of Council

Pursuant to Ordinance Number 2017-107 Council has determined that the official Minutes of its Body, its Committees, and those of the Planning and Zoning Commission shall consist of the Audio Recording of the meetings together with a written synopsis of all agenda items and votes.

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee Chair
From: Maggie Graham, Law Clerk
Cc: Diane Calta, Law Director
Date: August 3, 2018
RE: Proposed Parental Leave Policy

A. PAID PARENTAL LEAVE

1. **Purpose.** Under the Family Medical Leave Act (FMLA), employees are entitled to twelve (12) weeks of parental leave for the birth or adoption of a child. However, often times the leave under FMLA is unpaid, which can result in a new parent taking an inadequate amount of leave to care for the newborn or newly adopted child. Paid Parental Leave is intended to provide an opportunity for City of Beachwood employees to take up to a maximum of six (6) calendar weeks of continuous paid leave to provide necessary parental care immediately following the birth or adoption of a minor child.
2. **Eligibility.** To be eligible for benefits under Paid Parental Leave, an employee shall:
 - a. Have been employed by the City of Beachwood for at least twelve (12) months;
 - b. Have worked at least 1,250 hours over the previous twelve (12) months period immediately preceding the date when the requested leave would begin;
 - c. Be the biological parent of a newly born child or legal guardian of a newly adopted child;
 - d. Reside in the same residence as the newly born biological child or newly adopted child;
 - e. Be required to provide documentation of the date of birth or adoption, as well as documentation of the parentage or adoption of the child;
 - f. Submit the request to the appointing authority in the appropriate form at least thirty (30) days prior to the requested time off for foreseeable leave or as much notice as is practicable under the circumstances for unforeseeable leave.
 - g. Any employee who provides false or misleading information on the appropriate form under subsection (f), above, or who fails to submit the appropriate form under subsection (f), above, or the documentation under (d), above, or who otherwise provides false or misleading information as to subsections (c), or (d), above, shall be subject to discipline, up to and including termination.
3. **Duration of Leave.** An employee who is eligible for Paid Parental Leave pursuant to subsection (2), above, may take Paid Parental Leave for all hours of work during the six (6) calendar weeks commencing with, and immediately following, the effective date and triggering event, as set forth in subsection (4), below. Under no circumstances shall Paid Parental Leave be

taken beyond six (6) calendar weeks from the exact date of birth or placement of a child for adoption. The employee may elect to utilize intermittent Paid Parental Leave, provided, however, that the minimum amount of any portion of intermittent leave shall be one (1) full work day, and, in the event an employee elects to take intermittent Paid Parental Leave, the leave shall not extend beyond six (6) calendar weeks from the exact date of birth or placement of a child for adoption. Additionally, any employee utilizing intermittent Paid Parental Leave must submit the request for leave to the employee's supervisor prior to any work day where the leave will be utilized.

4. **Effective Date and Triggering Event.** Eligibility for taking Parental Leave shall begin on the exact date of birth of an employee's child or on the exact day on which custody is taken by the employee for an adoption placement. If an employee adopts multiple children, the Paid Parental Leave triggering event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee, so long as the children are adopted within six weeks of each other. If an employee is the parent of more than one child born at the same time, the Paid Parental Leave triggering event shall be considered a single qualifying event and will not serve to increase the length of leave for the employee.
5. **Other Employee Benefits.** Employees will remain eligible to receive all employee provided paid benefits and continue to accrue all other forms of paid leave. The employee will receive all forms of paid leave, regardless of the pay status during the period of Parental Leave.
6. **Overtime/Holiday Pay/Outside Employment.** Employees are ineligible for overtime pay during the period of time they are receiving Paid Parental Leave, and, in the event of intermittent use of Paid Parental Leave, during any week where Paid Parental Leave is utilized by the employee. An employee shall continue to receive their holiday pay, if they are receiving their full pay during the Paid Parental Leave period, and if they comply with all other policy or contractual provisions to receive holiday pay. Employees are ineligible to hold outside employment during the period of Paid Parental Leave. Any employee found to be holding outside employment during Paid Parental Leave shall be subject to discipline up to and including termination. Any holiday pay received by an employee for any work day during the six (6) week calendar week period of Paid Parental Leave shall constitute the sole pay for the employee for those hours worked and shall not be in addition to the employee's Paid Parental Leave. Additionally, the occurrence of any

holiday during the six (6) calendar weeks of Paid Parental Leave shall not extend the time period for Paid Parental Leave.

7. **FMLA/Paid Time Off.** Paid Parental Leave shall run concurrently with Family Medical Leave Act (FMLA) Leave, and employees using Paid Parental Leave who meet eligibility requirements of the FMLA shall have the entire non-working period of Parental Leave counted towards the employee's FMLA entitlement. Upon the exhaustion of the Paid Parental Leave Benefit, Section _ (portion of FMLA section that discusses use of paid time off) will take effect requiring accrued leave time be used. Paid Parental Leave does not supersede or replace an employee's rights under FMLA.
8. **Death of an Unborn or Newborn Child.** An employee who would otherwise be eligible for Paid Parental Leave pursuant to subsection (2), above, whose child is stillborn or dies during the third trimester of pregnancy is eligible for three (3) calendar weeks of Paid Parental Leave following the date of death of the unborn or stillborn child. In the event that a newly born or adopted child dies during the period of time that the employee is on Paid Parental Leave, the employee shall be entitled to the full extent of the Paid Parental Leave permitted under subsection (3), above, and the Paid Parental Leave shall not terminate due to the death of the child. All other provisions of subsection (Parental Leave Section #) shall apply to Paid Parental Leave granted pursuant to this subsection (8).

Law Department

Memorandum

To: Diane Calta, Law Director
From: Maggie Graham, Law Clerk
Date: July 31, 2018
Re: Short-Term Disability Insurance/Parental Leave

Short-Term Disability Insurance – Parental Leave

O.R.C. 124.136 Parental leave of absence and benefits for certain employees (Effective until Sept 13, 2018).

(D) Employees receiving disability leave benefits under section 124.385 of the Revised Code prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of their disabling condition or as otherwise provided under the disability leave benefits program. If an employee is receiving disability leave benefits because of pregnancy and these benefits expire prior to the expiration date of any benefits the employee would have been entitled to receive under this section, the employee shall receive parental leave for such additional time without being required to serve an additional waiting period.

Brown v. Ohio Dep't of Administrative Services, 70 Ohio App. 3d 72, 590 N.E.2d 404, 1990 Ohio App. LEXIS 4674

HNI Disability Benefits, Benefit Entitlements

Ohio Rev. Code Ann. § 124.385(A) provides, in part, that an employee is eligible for disability **leave** benefits under this section if he has completed one year of continuous state service and if either of the following applies: (1) he is a full-time employee and is eligible for sick **leave** credit pursuant to Ohio Rev. Code Ann. § 124.382(B)(1), (2), (3), or (6); (2) he is a full-time employee, is on disability **leave** or an approved medical **leave**, and would be eligible for sick **leave** credit pursuant to Ohio Rev. Code Ann. § 124.382 (B)(1), (2), (3), or (6) except that he is in no pay status.

O.R.C. 124.385 Disability leave benefits and program.

(A) An employee is eligible for disability leave benefits under this section if the employee has completed one year of continuous state service immediately prior to the date of the disability and if any of the following applies:

- (1) The employee is a full-time permanent employee and is eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code.
- (2) The employee is a part-time permanent employee who has worked at least fifteen hundred hours within the twelve-month period immediately preceding the date of

disability and is eligible for sick leave credit under division (B) of section 124.382 of the Revised Code.

(3) The employee is a full-time permanent or part-time permanent employee, is on disability leave or leave of absence for medical reasons, and would be eligible for sick leave credit pursuant to division (B) of section 124.382 of the Revised Code except that the employee is in no pay status due to the employee's medical condition.

(B) The director of administrative services, by rule adopted in accordance with Chapter 119. of the Revised Code, shall establish a disability leave program. The rule shall include, but shall not be limited to, the following:

- (1) Procedures to be followed for determining disability;
- (2) Provisions for the allowance of disability leave due to illness or injury;
- (3) Provisions for the continuation of service credit for employees granted disability leave, including service credit towards retirement, as provided by the applicable statute;
- (4) The establishment of a minimum level of benefit and of a waiting period before benefits begin;
- (5) Provisions setting a maximum length of benefit and requiring that employees eligible to apply for disability retirement shall do so prior to completing the first six months of their period of disability. The director's rules shall indicate those employees required to apply for disability retirement. If an employee is approved to receive disability retirement, the employee shall receive the retirement benefit and a supplement payment that equals a percentage of the employee's base rate of pay and that, when added to the retirement benefit, equals no more than the percentage of pay received by employees after the first six months of disability. This supplemental payment shall not be considered earnable salary, compensation, or salary, and is not subject to contributions, under Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code.
- (6) Provisions that allow employees to utilize available sick leave, personal leave, compensatory time, or vacation leave balances to supplement the benefits payable under this section. The balances used to supplement the benefits, plus any amount contributed by the state as provided in division (D) of this section, shall be paid at the employee's base rate of pay in an amount sufficient to give employees up to one hundred per cent of pay for time on disability.
- (7) Procedures for appealing denial of payment of a claim, including the following:
 - (a) A maximum of thirty days to file an appeal by the employee;

(b) A maximum of fifteen days for the parties to select a third-party opinion pursuant to division (F) of this section, unless an extension is agreed to by the parties;

(c) A maximum of thirty days for the third party to render an opinion.

(8) Provisions for approving leave of absence for medical reasons where an employee is in no pay status because the employee has used all the employee's sick leave, personal leave, vacation leave, and compensatory time;

(9) Provisions for precluding the payment of benefits if the injury for which the benefits are sought is covered by a workers' compensation plan;

(10) Provisions for precluding the payment of benefits in order to ensure that benefits are provided in a consistent manner.

(C) Except as provided in division (B)(6) of this section, time off for an employee granted disability leave is not chargeable to any other leave granted by other sections of the Revised Code.

(D) While an employee is on an approved disability leave, the employee shall be responsible for paying the employee's share of retirement contributions and the employer's share shall be paid by the state.

(E) The approval for disability leave shall be made by the director, upon recommendation by the appointing authority. The director may delegate to any appointing authority the authority to approve disability benefits for a standard recovery period.

(F) If a request for disability leave is denied based on a medical determination, the director shall obtain a medical opinion from a third party. The decision of the third party is binding.

(G) The rule adopted by the director under division (B) of this section shall not deny disability leave benefits for an illness or injury to an employee who is a veteran of the United States armed forces because the employee contracted the illness or received the injury in the course of or as a result of military service and the illness or injury is or may be covered by a compensation plan administered by the United States department of veterans affairs.

Ohio Childbirth/Disability Coverage

- The State of Ohio does not provide short-term disability benefits, unlike some other states. But Ohioans can apply for disability benefits through the Social Security Administration (SSA). The SSA provides two different programs for people that meet its definition of disabled: Social Security Disability Insurance (SSDA) and Supplemental Security Income (SSI). \

- While the federal government provides most of the funding for these programs, Ohio adds on an extra payment for some SSI recipients.
- The social security disability program only applies to long-term disabilities. Pregnancy is not considered a disability by the SSA.

Short-Term Group Disability Insurance Policies

- Short-term group insurance provides weekly benefits for employees who are totally or partially disabled by a covered injury, illness, pregnancy, or mental disorder.
- Typically short-term disability insurance is cost prohibitive to an individual. Therefore, an individual would be better off signing up for the short-term disability insurance through their employer.
- Short-term disability insurance may be purchased by full-time employees through a payroll deduction.
- City would sponsor a group Voluntary STD insurance policy.
- City employees working at least 30 hours per week can benefit from short-term disability coverage. Cities may contribute to the premium, or offer the program on an employee-paid basis as long as there is 100 percent employee participation.
- Cities can select from a number of benefit options and design a program that best meets the needs of the city and its employees.

169.22 LEAVES OF ABSENCE.**(a) Definitions.**

- (1) Absence. The failure of an employee to report for work when the employee is scheduled to work.
 - (2) Approved absence. Approved absences are listed below:
 - A. Approved sick leave.
 - B. Bereavement.
 - C. County Emergency.
 - D. Disciplinary Suspension.
 - E. Election Judge Leave.
 - F. Family Medical Leave Act ("FMLA")/Americans with Disabilities Act ("ADA") related qualified/approved absences.
 - G. Court Leave.
 - H. Unpaid leave of absence.
 - I. Military Leave.
 - J. Paid/Unpaid Administrative Leave.
 - K. Personal Leave.
 - L. Vacations and Holidays.
 - M. Work related injury/illness.
 - N. Paid Parental Leave.
 - (3) Unapproved absence. An Unapproved Absence, which is subject to disciplinary action, up to and including termination, is defined as all other absences not listed above in Section 169.22(a)(2).
Examples of unapproved absences:
 - A. Tardiness and leaving prior to the end of the employee's scheduled work day;
 - B. Unapproved sick leave; or
 - C. Periods of absence in excess of approved vacation leave.
 - (4) Excused absence. An Excused Absence occurs when all four of the following conditions are met:
 - A. The employee provides sufficient notice to his or her supervisor;
 - B. The reason is found credible or acceptable by his or her supervisor;
 - C. Such absence request is approved by his or her supervisor; and
 - D. The employee has sufficient accrued leave time to cover such absence. Employees must take earned leave time for every absence unless otherwise allowed by Chapter 169 of these County Ordinances (e.g. Leave of Absence, Election Judge, Court Leave, Family and Medical Leave Act, etc.).

If it is necessary for an employee to be absent or late for work because of illness or an emergency, the employee must notify their supervisor no later than thirty (30) minutes prior to the employee's scheduled starting time on that same day. Only when valid reasons make prompt calling impossible should employees have to call beyond the start of the work schedule.
 - (5) Unexcused absence. An Unexcused Absence occurs when one of the four conditions of an Excused Absence is not met.
 - (6) Excessive absences. The County uses a twelve (12)-month period, the period immediately preceding the last absence, when determining an excessive amount of Excused and/or Unexcused Absences. Excessive absences may result in disciplinary action up to and including termination.
- (b) Application for a Leave of Absence. All employees requesting a leave of absence shall be required to submit such request as set forth for each type of leave of absence.

(c) Sick Leave.

- (1) Crediting sick leave. All regular full-time employees, as defined in Section 169.05(1), shall be entitled to and credited with four and six-tenths (4.6) hours paid sick leave for each completed eighty (80) hours of service, and shall be permitted to accumulate this leave without limit. No additional sick leave accumulation shall be credited to an employee who works in excess of eighty (80) hours in any pay period. All regular part-time employees shall receive credit, prorated based on hours worked.

Sick Leave accumulation shall be calculated based on an employee's paid hours. Employees are expected to work or use accumulated paid leave for forty (40) hours per week. Any employee who does not meet the forty (40) hour threshold shall have their sick leave prorated based on the hours actually worked and/or paid leave used.

(2) Charging sick leave. When sick leave is used, it shall be deducted from an employee's credit, or charged for each time increment the employee is absent from previously scheduled work. Sick leave payment shall not exceed the normal scheduled work day or work week earnings. Sick leave can be used in minimum increments of one quarter (¼) hour.

(3) Uses of sick leave. Sick leave shall be granted to an employee only by approval of the appointing authority and for the following reasons:

- A. Illness or injury of the employee or a member of the employee's immediate family.
- B. Death of a member of an employee's immediate family. Sick leave usage for this purpose is limited to five (5) working days per occurrence.
- C. Medical, dental or optical examinations or treatments of an employee or a member of an employee's immediate family; or
- D. If an employee is afflicted with a contagious disease or a member of an employee's immediate family is afflicted with a contagious disease and requires the care of the employee, as certified by a licensed medical doctor, or when through exposure to a contagious disease the presence of the employee at work would jeopardize the health of other employees.

(4) Immediate family. "Immediate family" is defined separately for purposes of sick leave and bereavement leave.

A. Sick Leave. "Immediate family" for purposes of sick leave set forth in Section 169.22(c)(3)A. C. and D. includes:

- 1. Spouse
- 2. Domestic Partner
- 3. Child (Step)
- 4. Father (Step)
- 5. Mother (Step)
- 6. Brother (Step)
- 7. Sister (Step)
- 8. Grandparent
- 9. Grandchild
- 10. An individual over whom an employee has a power of attorney.
- 11. Covered service member as defined under FMLA Military Leave.
- 12. A legal guardian or an individual over whom an employee has a legal guardianship.

B. Bereavement Leave. "Immediate family" for purposes of bereavement leave set forth in Section 169.22(c)(3) includes:

- 1. Spouse
- 2. Domestic Partner
- 3. Child (Step)
- 4. Father (Step)
- 5. Mother (Step)
- 6. Grandparent
- 7. Grandchild
- 8. Sister (Step/Half)
- 9. Brother (Step/Half)
- 10. Aunt
- 11. Uncle
- 12. Niece
- 13. Nephew
- 14. Cousin
- 15. Any of the above mentioned individuals with relations to your spouse or your domestic partner.
- 16. An individual over whom an employee has a power of attorney.
- 17. Covered service member as defined under FMLA Military Leave.
- 18. A legal guardian or an individual over whom an employee has a legal guardianship.

C. Proof of guardianship, power of attorney, and/or military service must be provided to the employer when leave is requested.

(5) Notification by employee. When an employee anticipates being absent from work, the employee shall notify the appointing authority of the expected absence according to the procedures established by the appointing authority. If an employee has a prolonged illness or other reason for extended sick leave such as death or illness of the employee's immediate family, the appointing authority shall be made aware of this situation and the employee shall not be required to notify the appointing authority on a daily basis of such leave. If such notification is not made, the employee's absence may be deemed unapproved and the employee subject to discipline, up to and including, termination and/or the employee's sick leave may be denied.

(6) Evidence required for sick leave usage. The employee shall complete, sign and return the required application for leave form. If absence due to illness is three (3) consecutive working days, the employee shall be required to furnish a certificate from a licensed medical doctor stating that the employee was under said licensed medical doctor's care.

During prolonged periods of illness, the employee or the employee's family may be required to submit every pay period, a written signed statement to justify payment of sick leave. At the conclusion of prolonged periods of sick leave, the employee shall submit a certificate from a licensed medical doctor stating the employee is able to perform the essential functions of the employee's position.

A. The appointing authority may require a "fitness for duty" examination by a licensed medical doctor selected by the HRD before an employee returns to work from a prolonged illness. If such examination is ordered, the County of Summit will pay the cost of said examination.

B. Sick leave may be denied or revoked for the following reasons:

1. Continual requests for sick leave not evidenced by a bona fide licensed medical doctor's certificate;
2. Abuse or patterned usage of sick leave; and/or
3. Failure to provide subsequent licensed medical doctor's certifications for an approved sick leave for medical treatment.

C. The appointing authority may investigate to determine if an application for sick leave is for a bona fide illness. Requests may be denied or approved depending on results of such investigation.

(7) Overpayment. If an employee fails to submit a licensed medical doctor's certificate or a written, signed statement verifying illness, or if an application for sick leave is denied and as a result the employee has been overpaid, the employee will be responsible for the repayment of the overpayment.

(8) Abuse of sick leave. Any employee failing to comply with sick leave rules and regulations shall not be entitled to sick leave pay. Application for sick leave with intent to defraud may result in disciplinary action, up to and including termination.

(9) Transfer of accumulated sick leave from prior public employer. An employee, who has separated from another public employer and becomes employed with the County of Summit, shall be credited with the unused balance of accumulated sick leave up to the maximum of sick leave accumulation permitted by the County of Summit, provided that the employee has separated from the prior employment within the last ten (10) years.

(10) Sick leave conversion at retirement/death. Employees at the time of retirement from active service with the County or death shall be paid one-half (½) of the value of their accrued but unused sick leave credit; however, the maximum of such payment shall not exceed ninety (90) days. A retiring employee shall submit documentation from the Ohio Public Employee Retirement System ("OPERS") showing the retirement date of the employee with a request for payment. Legal beneficiaries of a deceased employee shall submit a death certificate with a request for payment.

To qualify for such payment, employees shall have had, prior to the date of retirement or death, ten (10) or more years of service with the County, the State or any of its political subdivisions and meet all requirement criteria as established by OPERS. Such payment shall be based on the employee's rate of pay at the time of retirement or death, and shall eliminate all sick leave credit accrued by the employee.

(d) Leave Donation Program.

(1) Purpose. The purpose of the leave donation program is to allow County of Summit employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extraordinary or severe illness or injury of the employee or the employee's spouse, Domestic Partner, child or parent. Spouse, child or parent shall be defined for the purposes of this Section as such terms are defined under the FMLA and Domestic Partner shall be defined for the purposes of this section as such term is defined in Section 169.02(m).

(2) Employees eligible to donate leave. County of Summit employees paid by warrant of the Fiscal Officer, except employees of judicial offices, General Health District, Board of Elections, Alcohol, Drug Addiction and

Mental Health Services Board, Board of Developmental Disabilities, Children Services Board, Metro Parks Serving Summit County, Development Finance Authority, or Veteran Services Commission, may donate accumulated sick leave to another employee who is also paid by warrant of the Fiscal Officer and (1) may donate accumulated sick leave pursuant to this section, (2) who is otherwise eligible to accrue and use sick leave, and (3) is eligible to receive donated leave.

A. Eligibility to receive donated leave. An employee may receive donated leave upon submission of a written request, supported by proper documentation, to the Commission, or depending on the circumstances, from an immediate family member or other person acceptable to the Commission. Following receipt of the request for leave donation by the Commission, an employee may receive donated sick leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive the donated leave meets all of the following conditions:

1. The employee has a critical need for the donated leave due to an extraordinary or severe illness or injury of the employee or the employee's spouse, Domestic Partner, child or parent, and such extraordinary or severe illness or injury is demonstrated with documentation certified by a licensed medical doctor;
2. The employee has no accrued paid leave or voluntary or mandatory furloughs;
3. The employee has applied for and exhausted any other paid leave, Worker's Compensation or benefits program for which the employee is eligible; and
4. The employee is not paid from a restricted fund, where legal restrictions would prevent an employee from receiving donated leave pursuant to the leave donation program.

B. 1. Extraordinary or severe illness or injury. For the purposes of the Leave Donation Program, the following conditions/situations qualify as an extraordinary or severe illness, or injury;

- (A) In-patient care in a hospital or residential care facility for ten (10) or more days, or
- (B) In-patient care in a hospital or residential medical facility with a prolonged recovery period, or
- (C) Multiple traumatic injuries with a prolonged recovery period, or
- (D) In-patient care in hospice, or
- (E) Out-patient surgery with a prolonged recovery period, or
- (F) Ongoing outpatient care for a life threatening condition such as cancer.

For the purpose of this Section, a prolonged recovery period means that it is medically necessary for the employee to be off work for a period of at least ten (10) working days.

2. Use of donated leave. Donated leave may be used for funeral leave due to the death of an employee's Spouse, Domestic Partner, child or parent. Such leave is limited to a total of five (5) days, and the employee must meet all other eligibility requirements.

(3) Eligibility to donate leave. An employee may donate sick leave if the donating employee meets all of the following conditions:

- A. The employee voluntarily elects to donate sick leave and does so with the understanding that donated leave will not be returned;
- B. The employee donates a minimum number of eight (8) hours of sick leave; and
- C. The employee retains a sick leave balance of at least eighty (80) hours.

(4) Status of employees on donated leave. Employees using donated sick leave shall be considered in Active Pay Status and shall accrue leave and shall be entitled to all benefits that they are normally entitled to receive. An employee must use all accrued sick leave and donated sick leave before additional donated sick leave may be received. Donated sick leave time shall not be counted toward the probationary period of an employee receiving the donated leave during their probationary period. Donated sick leave shall not be converted to cash as provided in Section 169.22(c)(10).

(5) Collective bargaining agreements. Members of a bargaining unit may donate or receive accumulated sick leave pursuant to this Leave Donation Program unless a collective bargaining agreement takes precedence.

(6) Transfer of leave.

A. The donated leave shall transfer in hours and shall not necessitate any transfer of funds. The hours shall be transferred on an hour- for-hour basis without regard for differences in hourly rate of pay. The donated leave shall be paid by the receiving employee's department at the employee's base rate of pay.

B. Maximum amount of leave an employee may donate or receive through the Leave Donation Program:

1. Donation. An employee may donate no more than 480 hours of his or her accumulated leave in each calendar year.

2. Receipt. An employee, who otherwise qualifies to receive donated leave pursuant to this Section, may receive no more than two-thousand eighty (2,080) hours of donated leave per qualifying condition. Once an employee has exhausted all donated leave, the employee is not eligible to receive additional donated leave for the same qualifying condition after the employee has been off work for an entire pay period with no paid leave.

(7) Use of Leave. Donated sick leave may be used intermittently only for documented treatment or follow-up care related to the original condition.

(8) Administration. The Commission shall administer the leave donation program in accordance with the procedure adopted by the Commission.

(e) Personal Leave. Each calendar year, all employees may elect to use up to three (3) days of accumulated sick leave as personal leave to cover any short-term absence of a personal nature. Personal days must be scheduled and pre-approved by the employee's supervisor and can be used in increments of one quarter (¼) hour. Unused personal leave shall revert back to accumulated sick leave; cannot be converted to a cash payment; and, does not carry-over to the following calendar year.

(f) Election Judge Leave. An employee who is granted leave by their appointing authority to serve as a judge on the day of a primary or general election shall be entitled to leave with pay, which shall not be charged against the employee's accrued vacation or personal leave. An employee shall only be eligible if they have combined accrued vacation and sick leave of at least forty (40) hours. An employee requesting leave to serve as an elections judge shall complete an application for leave and submit such with an acknowledgement from the Board of Elections that the employee will be serving as an elections judge. Requests to serve as an elections judge may be granted at the discretion of the appointing authority based upon seniority in a department, division or section. When multiple requests for leave have been submitted, the appointing authority shall have the discretion to deny leave when it would cause a manifest hardship on the appointing authority's operations, another employee or when the employee making the request has not discussed the request with their immediate supervisor or director or administrator if the supervisor is absent.

(g) Court Leave.

(1) Personal. When it is necessary for an employee to appear in court or attend a hearing that is of a personal nature during the employee's regular scheduled hours of work, vacation or personal leave may be used. Such instances would include, but are not limited to, criminal or civil cases, traffic court, divorce proceedings, custody, or appearing as directed as parent or guardian of juveniles.

(2) Non-personal. The appointing authority shall grant court leave with full pay to an employee who:

A. Is summoned for jury duty by a court of competent jurisdiction; or

B. Is subpoenaed to appear before any court, commission, board or other legally constituted body authorized by law to require the attendance of witnesses, where the employee is not a party to the action.

(3) Partial day. An employee released from jury duty or subpoena prior to the end of the scheduled work day, shall report to work for the remaining hours, unless otherwise specified by the appointing authority.

(h) Military Leave – Reservist.

(1) Length. All regular employees who are reserve members of the Ohio National Guard, defense corps, naval militia, or members of other reserve components of the armed forces of the United States, are entitled to military leave of absence from their County duties without loss of pay, for such time as they are in the military service on field training, active duty or emergency leave when so ordered by the Governor of the State of Ohio, for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours for each calendar year. The County of Summit may, by resolution, extend the leave without loss of pay.

(2) Compensation. Except as otherwise provided in subsection (h)(3) of this Section, any regular employee who is entitled to the leave provided under subsection (h)(1) of this Section, and who is called or ordered to the uniformed services, as defined in Section 5923.05 of the Ohio Revised Code, for longer than a month, for each calendar year in which the employee performed service in the uniformed services as amended, because of an executive order issued by the president of the United States, because of an act of congress, or because of an order to perform duty issued by the governor pursuant to section 5919.29 of the Ohio Revised Code is entitled, during the period designated in the order or act, to a leave of absence and to be paid, during each monthly pay period of that leave of absence, the lesser of the following:

A. The difference between the regular employee's gross monthly wage or salary as a regular employee and the sum of the regular employee's gross uniformed pay and allowances received that month;

B. Five hundred dollars.

(3) Limitation on compensation. No regular employee shall receive payments under Section (h)(2) if the sum of the employee's gross uniformed pay and allowances received in a pay period exceeds the employee's gross wage or salary as a regular employee for that period or if the regular employee is receiving pay under Section (h)(1).

(4) Request for leave. Employees are required to submit to their appointing authority and/or supervisor a published order authorizing the call or order to the uniformed services or statement from the appropriate military commander as evidence of military duty before military leave shall be granted. This evidence shall accompany the standard County leave request form.

(5) Health insurance. Employees, and their eligible dependents, will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee, and the employee's eligible dependents, were covered while employed, or, in the case of a dependent become eligible during the leave as a result of a qualifying event, for a period of up to twenty-four (24) months.

(6) Accrual of leave time. Employees on approved leave of absence for reserve military service for field training or active duty shall continue to accrue vacation and sick leave at their current rates for a period not to exceed twenty-two (22) eight-hour work days or one hundred seventy-six (176) hours within each calendar year. If leave is extended beyond one month, the employee will no longer accrue vacation and sick leave.

(7) Collective bargaining agreement. Any regular employee whose employment is governed by a collective bargaining agreement with provision for the performance of service in the uniformed services shall abide by the terms of that collective bargaining agreement with respect to the performance of that service, except that no collective bargaining agreement may afford fewer rights and benefits than are conferred under this section.

(i) Military Leave - Full-time Active Duty.

(1) Eligibility. All full-time employees, as defined in Section 169.05(1), who have held a position for at least ninety (90) days shall be granted a military leave of absence without pay to be inducted or otherwise enter full-time military duty and shall be considered as a separation from County service with reinstatement rights.

(2) Reinstatement. The terms and conditions of reinstatement are governed by the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. §§ 4301-4333, 5 U.S.C. 8432, as amended, and any other applicable Federal and State of Ohio law, as amended.

(3) Health insurance. Employees, and their eligible dependents, will continue to be covered during an approved leave by the County of Summit's health insurance, if the employee, and the employee's eligible dependents, were covered while employed or, in the case of a dependent become eligible during the leave as a result of a qualifying event, for a period of up to twenty-four (24) months.

(j) Family Medical Act Leave.

(1) Policy. It is the policy of the County of Summit to comply with the Family Medical Leave Act (5 U.S.C. §§ 6381-6387, 26 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654, as amended) ("FMLA"). In the event of any conflict between this Ordinance and the applicable law, employees will be afforded all rights required by law. This Ordinance is intended to be a summary of the rights and obligations of the employee and the County contained in the FMLA regulations. In any particular case, the precise rights and obligations of the employee and the County shall be governed by FMLA regulations themselves.

(2) Eligibility. To be eligible for benefits under the FMLA, an employee shall:

A. Have been employed by the County of Summit for at least twelve (12) months;

B. Have worked at least 1,250 hours over the previous twelve (12) months period immediately preceding the date when the requested leave would begin;

C. Submit the request to the appointing authority on the appropriate form at least thirty (30) days prior to the requested time off for foreseeable leave or as much notice as is practicable under the circumstances for unforeseeable leave; and

D. Submit the completed necessary certification forms to verify the need for leave.

(3) Calculation of the twelve weeks. An employee is entitled to twelve (12) weeks of FMLA leave within a twelve (12) month period during the year beginning on the first date FMLA leave is taken; the next twelve (12) month period would begin the first time FMLA leave is taken after the completion of any previous twelve (12) month period.

(4) Reasons for leave. An eligible employee shall be entitled to FMLA leave for one or more of the following reasons:

- A. Birth of the employee's child and care of the infant.
- B. Placement of a child with the employee and/or Domestic Partner for adoption or foster care. Leave taken for the purposes described in subsections (j)(4)A. and B. of this section must be taken within twelve (12) months of the birth or placement of the child. Intermittent leave after the birth or placement of a child may only be taken upon approval of the appointing authority.
- C. To care for a spouse, Domestic Partner, child or parent only with a serious health condition; or
- D. The employee's own serious health condition which makes the employee unable to perform the essential functions of his or her position.
- E. A qualifying exigency related to an employee's spouse, Domestic Partner, child or parent's call to active duty as a service member in the Armed Forces.
- F. To care for a covered service member with a serious injury or illness incurred in the line of duty. Under this provision, the employee is entitled to up to twenty-six (26) weeks of leave during a single twelve (12) month period.

(5) Health benefits. Employees granted FMLA leave shall continue to receive group health insurance coverage for the duration of the leave as long as the employee continues to make the employee's contribution to the plan. However, those persons who fail to return to work, for reasons other than a continued serious health condition, shall be required to reimburse the County for the cost to the County of the insurance premiums paid for the employee's health insurance coverage during the leave period.

(6) Reinstatement. Upon return from FMLA leave, the employee shall return to the employee's original or equivalent position with equivalent status, pay, benefits and other employment terms and conditions.

(7) Use of paid time off. FMLA leave shall run concurrently with any leave. If an employee has accrued leave, that time shall be counted as part of the twelve (12) weeks of FMLA leave. Employees are required to use all accumulated leave while the employee is on FMLA leave. Employees on FMLA leave shall be required to use paid leave in the following order: mandatory furlough, sick leave, compensatory leave, birthday, vacation, voluntary furlough.

(8) Worker's Compensation Leave. FMLA leave shall run concurrently with worker's compensation leave unless an employee's collective bargaining agreement specifically states otherwise.

(9) Spouses or domestic partners employed by the County. Spouses or domestic partners employed by the County who are eligible for FMLA are entitled only to a combined total of their FMLA leave for the birth of a child, adoption or placement of a child in foster care, to care for a parent with a serious health condition or to care for a covered service member.

(10) Fraudulently obtaining or using FMLA leave is prohibited. Any employee found to be in violation of this section shall be subject to discipline up to and including termination.

(11) Administration of FMLA leave. FMLA leave shall be administered by the Commission in accordance with the procedure adopted by the Commission.

(k) Unpaid Leave of Absence.

(1) An appointing authority can grant an unpaid leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee. Such a leave may not be renewed or extended beyond six months. When an employee requests a leave of absence, the appointing authority must ensure that such leave does not fall within existing leave policies and does not cause a hardship to the operations of the County.

(2) Leave may be granted for a maximum period of two (2) years for purposes of education, training, or specialized experience which would be of benefit to County service by improved performance at any level; or for voluntary service in any governmentally-sponsored program of public betterment.

(3) Except for emergencies, employees must submit all leave of absence requests in writing and no later than sixty (60) days prior to the commencement of the desired leave.

(4) The authorization of a leave of absence without pay is a matter of administrative discretion. The appointing authority will decide in each individual case if a leave of absence is to be granted.

(5) Upon completion of a leave of absence, the employee will be returned to the same or similar classification held prior to the leave of absence.

(6) The employee must give at least two (2) weeks' notice of his/her intention to return to work. If an employee fails to return to work or notify his/her supervisor in writing of his/her intentions within three (3) consecutive working days after the date the employee-requested leave expires or the employer-initiated leave is discontinued, he/she will be considered absent without official leave and subject to termination.

(7) An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by his or her appointing authority.

(8) Individuals who are hired on a temporary basis to fill a position vacated by an employee who has been granted a leave of absence, shall be notified in writing that the position reverts to the previous incumbent upon his/her return from leave. Copy of such notification shall be made a part of the employee's file.

(l) Administrative Leave. Administrative leave is a leave of absence (paid or unpaid) initiated to manage special circumstances where it is in the County's best interest to retain the employee relationship for a period of time to be determined by the County.

(1) Administrative leaves may be initiated by the County, pending the outcome of a pre-disciplinary conference and/or possibly disciplinary action, for special circumstances that may be, but are not limited to:

A. Necessity to remove an employee from the work place while an internal investigation/review ensues;

B. Emergency conditions where no other administrative option exists;

C. Best Interest of the County - The County, upon the review of the appointing authority, the HRD and/or the Department of Law, Insurance and Risk Management may place an employee on administrative leave when the employee's presence in the workplace may result in damage to property, or injury to the employee or others, or would seriously impair the operations of the County, its morale and/or delivery of services, or it has been determined that it is in the best interest of the County to do so. All disciplinary procedures may be circumvented in these situations to protect County personnel and citizens.

(2) The decision of whether an administrative leave initiated by the County shall be paid or unpaid rests with the appointing authority and depends on the circumstances surrounding the request. An employee shall retain benefits while on an Administrative Leave. In the event the employee's pay is not sufficient to cover the employee's portion of the premium cost, the employee must make direct payment to the County for their portion of the premium cost within thirty (30) calendar days.

(3) Administrative leave approval shall be at the appointing authority's discretion; and in collaboration with the Director of the HRD or designee.

(4) Administrative leave is not accrued.

(5) Administrative leaves do not qualify for the County leave donation program.

(6) An employee may be separated, if during the administrative leave, he/she accepts other employment without prior approval of the County, or files for unemployment compensation, or if, upon return from leave, he/she refuses a classification reassignment from the County.

(7) An administrative leave for investigative/review purposes shall not be given for a predetermined length of time, but shall be in effect long enough to conclude the investigation/review.

(8) Employees placed on administrative leave shall return all County property on or before the last work day, or when commencing administrative leave.

(9) Except when circumstances prevent an appointing authority from providing prior written notice, any appointing authority placing an employee on administrative leave shall first provide prior written notice of such action to the Fiscal Officer. Said notice shall include the name of the employee being placed on administrative leave, whether the leave is paid or unpaid and the effective date the employee will be placed on leave. In the event circumstances prevent the appointing authority from providing prior written notice, the appointing authority shall provide the notice to the Fiscal Officer as soon as practical, and, in addition to the information listed above, shall further state in the notice the circumstance preventing the transmission of the notice prior to placing the employee on administrative leave. Written notice shall be further provided by the appointing authority to the Fiscal Officer prior to removing an employee from administrative leave. The Fiscal Officer may promulgate a policy or policies to implement the provisions of this subsection that are not inconsistent with this subsection.

(m) County Emergency Leave. In the event that the County Executive declares that a state of emergency exists in the County, such as a pandemic, natural disaster, terrorist act or other emergency condition for which it

is necessary to close County offices, employees shall be entitled to leave with pay until such emergency condition has ended and County offices are reopened.

(n) Paid Parental Leave.

(1) Purpose. Under the Family Medical Leave Act (FMLA), employees are entitled to twelve (12) weeks of parental leave for the birth or adoption of a child. However, often times the leave under FMLA is unpaid, which can result in a new parent taking an inadequate amount of leave to care for the newborn or newly adopted child. Paid Parental Leave is intended to provide an opportunity for County of Summit employees to take up to a maximum of six (6) calendar weeks of continuous paid leave to provide necessary parental care immediately following the birth or adoption of a minor child.

(2) Eligibility. To be eligible for benefits under Paid Parental Leave, an employee shall:

- A. Have been employed by the County of Summit for at least twelve (12) months;
- B. Have worked at least 1,250 hours over the previous twelve (12) months period immediately preceding the date when the requested leave would begin;
- C. Be the biological parent of a newly born child or legal guardian of a newly adopted child;
- D. Reside in the same residence as the newly born biological child or adopted child;
- E. Be required to provide documentation of the date of birth or adoption, as well as documentation of the parentage or adoption of the child;
- F. Submit the request to the appointing authority on the appropriate form at least thirty (30) days prior to the requested time off for foreseeable leave or as much notice as is practicable under the circumstances for unforeseeable leave.

G. Any employee who provides false or misleading information on the appropriate form under subsection, F, above, or who fails to submit the appropriate form under subsection F, above, or the documentation under subsection D, above, or who otherwise provides false or misleading information as to subsections, C, or D, above, shall be subject to discipline, up to and including termination.

(3) Duration of Leave. An employee who is eligible for Paid Parental Leave pursuant to subsection (2), above, may take Paid Parental Leave for all hours of work during the six (6) calendar weeks commencing with, and immediately following, the effective date and triggering event, as set forth in subsection (4), below. Under no circumstances shall Paid Parental Leave be taken beyond six (6) calendar weeks from the exact date of birth or placement of a child for adoption. The employee may elect to utilize intermittent Paid Parental Leave, provided, however, that the minimum amount of any portion of intermittent leave shall be one (1) full work day, and, in the event an employee elects to take intermittent Paid Parental Leave, the leave shall not extend beyond six (6) calendar weeks from the exact date of birth or placement of a child for adoption. Additionally, any employee utilizing intermittent Paid Parental Leave must submit the request for leave to the employee's supervisor prior to any work day where the leave will be utilized.

(4) Effective Date and Triggering Event. Eligibility for taking Parental Leave shall begin on the exact date of the birth of an employee's child or on the exact day on which custody is taken by the employee for an adoption placement. If an employee adopts multiple children, the Paid Parental Leave triggering event shall be considered a single qualifying event, and will not serve to increase the length of leave for the employee, so long as the children are adopted within six weeks of each other. If an employee is the parent of more than one child born at the same time, the Paid Parental Leave triggering event shall be considered a single qualifying event and will not serve to increase the length of leave for the employee.

(5) Other Employee Benefits. Employees will remain eligible to receive all employee provided paid benefits and continue to accrue all other forms of paid leave. The employee will receive all forms of paid leave, regardless of the pay status during the period of Parental Leave.

(6) Overtime/Holiday Pay/Outside Employment. Employees are ineligible for overtime pay during the period of time they are receiving Paid Parental Leave, and, in the event of intermittent use of Paid Parental Leave, during any week where Paid Parental Leave is utilized by the employee. An employee shall continue to receive their holiday pay, if they are receiving their full pay during the Paid Parental Leave period, and if they comply with all other policy or contractual provisions to receive holiday pay. Employees are ineligible to hold outside employment during the period of Paid Parental Leave. Any employee found to be holding outside employment during Paid Parental Leave shall be subject to discipline up to and including termination. Any holiday pay received by an employee for any work day during the six (6) week calendar week period of Paid Parental Leave shall constitute the sole pay for the employee for those hours worked and shall not be in addition

to the employee's Paid Parental Leave. Additionally, the occurrence of any holiday during the six (6) calendar weeks of Paid Parental Leave shall not extend the time period for Paid Parental Leave.

(7) FMLA/Paid Time Off. Paid Parental Leave shall run concurrently with Family Medical Leave Act (FMLA) Leave, and employees using Paid Parental Leave who meet the eligibility requirements of the FMLA shall have the entire non-working period of Parental Leave counted towards the employee's FMLA entitlement. Upon the exhaustion of the Paid Parental Leave Benefit, Section 169.22(j)(7) will take effect requiring accrued leave time be used. Paid Parental Leave does not supersede or replace an employee's rights under FMLA.

(8) Death of an Unborn or Newborn Child. An employee who would otherwise be eligible for Paid Parental Leave pursuant to subsection (2), above, whose child is stillborn or dies during the third trimester of pregnancy is eligible for three (3) calendar weeks of Paid Parental Leave following the date of death of the unborn or stillborn child. In the event that a newly born or adopted child dies during the period of time that the employee is on Paid Parental Leave, the employee shall be entitled to the full extent of the Paid Parental Leave permitted under subsection (3), above, and the Paid Parental Leave shall not terminate due to the death of the child. All other provisions of Subsection 169.22(n) shall apply to Paid Parental Leave granted pursuant to this subsection (8).

(Ord. 2004-596. Adopted 2-14-05; Ord. 2011-380. Adopted 11-7-11; Ord. 211-507. Adopted 12-2-11; Ord. 2013-133. Adopted 4-15-13; Ord. 2013-400. Adopted 9-16-13; Ord. 2015-269. Adopted 8-31-15; Ord. 2016-376. Adopted 10-17-16; Ord. 2016-464. Adopted 12-12-16.)

Document:ORC Ann. 124.136

ORC Ann. 124.136**Copy Citation**

Current with Legislation passed by the 132nd General Assembly and filed with the Secretary of State through file 85 (SB 299).

Page's Ohio Revised Code Annotated Title 1: State Government Chapter 124: Department of Administrative Services — Personnel State Personnel Board of Review

Notice

🚩 This section has more than one version with varying effective dates.

§ 124.136 Parental leave of absence and benefits for certain employees.
[Effective September 13, 2018]

(A)

(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2) or (4) of section 124.14 of the Revised Code who works thirty or more hours per week, and who meets the requirement of division (A)(2) of this section is eligible, upon the birth or adoption of a child, for a parental leave of absence and parental leave benefits under this section. Parental leave of absence shall begin on the day of the birth of a child or on the day on which custody of a child is taken for adoption placement by the prospective parents.

(2) To be eligible for leave and benefits under this section, an employee must be a parent, as listed on the birth certificate, of a newly born child or the legal guardian of and reside in the same household as a newly adopted child. Employees may elect to receive two thousand dollars for adoption expenses in lieu of receiving the paid leave benefit provided under this section. Such payment may be requested upon

placement of the child in the employee's home. If the child is already residing in the home, payment may be requested at the time the adoption is approved.

(3) The average number of regular hours worked, which shall include all hours of holiday pay and other types of paid leave, during the three-month period immediately preceding the day parental leave of absence begins shall be used to determine eligibility and benefits under this section for part-time employees, but such benefits shall not exceed forty hours per week. If an employee has not worked for a three-month period, the number of hours for which the employee has been scheduled to work per week during the employee's period of employment shall be used to determine eligibility and benefits under this section.

(B) Parental leave granted under this section shall not exceed six continuous weeks, which shall include four weeks or one hundred sixty hours of paid leave for permanent full-time employees and a prorated number of hours of paid leave for permanent part-time employees. All employees granted parental leave shall serve a waiting period of fourteen days that begins on the day parental leave begins and during which they shall not receive paid leave under this section. Employees may choose to work during the waiting period. During the remaining four weeks of the leave period, employees shall receive paid leave equal to seventy per cent of their base rate of pay. All of the following apply to employees granted parental leave:

(1) They remain eligible to receive all employer-paid benefits and continue to accrue all other forms of paid leave as if they were in active pay status.

(2) They are ineligible to receive overtime pay, and no portion of their parental leave shall be included in calculating their overtime pay.

(3) They are ineligible to receive holiday pay. A holiday occurring during the leave period shall be counted as one day of parental leave and be paid as such.

(C) Employees receiving parental leave may utilize available sick leave, personal leave, vacation leave, or compensatory time balances in order to be paid during the fourteen-day waiting period and to supplement the seventy per cent of their base rate of pay received during the remaining part of their parental leave period, in an amount sufficient to give them up to one hundred per cent of their pay for time on parental leave.

Use of parental leave does not affect an employee's eligibility for other forms of paid leave granted under this chapter and does not prohibit an employee from taking leave under the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 U.S.C.A. 2601, except that parental leave shall be included in any leave time provided under that act.

(D) Employees receiving disability leave benefits under section 124.385 of the Revised Code prior to becoming eligible for parental leave shall continue to receive disability leave benefits for the duration of their disabling condition or as otherwise provided under the disability leave benefits program. If an employee is receiving disability leave benefits because of pregnancy and these benefits expire prior to the expiration date of any benefits the employee would have been entitled to receive under this section, the employee shall receive parental leave for such additional time without being required to serve an additional waiting period.

History

145 v S 318 (Eff 6-20-94); 146 v S 99 (Eff 10-25-95); 147 v H 215. Eff 6-30-97; 2018 HB 292, § 1, effective Sep 13, 2018.

▼ Annotations

Opinion Notes

ATTORNEY GENERAL OPINIONS

R.C. 124.136, which provides for parental leave privileges for certain public employees, does not apply to employees of boards of library trustees established under R.C. 3375.06 (county free public library); R.C. 3375.10 (township free public library); R.C. 3375.12 (municipal free public library); R.C. 3375.15 (school district free public library); R.C. 3375.22 (county district free public library); or R.C. 3375.30 (regional district free public library): 1996 Ohio Op. Att'y Gen. No. 057 (1996).

Page's Ohio Revised Code Annotated

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CITY OF CINCINNATI
Human Resources Policies and Procedures

No. 4.7	Parental Leave Policy	No. of Pages: 5
Revision Date: 1-1-2016	Supersedes:	
City Manager <u>Harry Black</u>	HR Director <u>Georgetta Kelly</u>	

4.7 Parental Leave

A. Purpose

Effective January 1, 2016, it is the policy of the City of Cincinnati to provide Parental Leave for permanent, full-time employees of the City, for the birth of a newly-born child or for the adoption of a minor child. This procedure sets forth the guidelines and requirements for taking Parental Leave, and sets forth the processes involved with providing Parental Leave to employee. The Human Resources Department has oversight for enforcement of this policy and the Human Resources Director may review exceptional circumstances on a case-by-case basis.

B. Guidelines

Every permanent, full-time employee, working at least $\frac{3}{4}$ time, and who accrues vacation and sick leave, is eligible for six weeks of Parental Leave. The employee must be the biological parent of a newly-born child or the legal guardian/adoptive parent of a minor child and reside in the same household. Parental leave consists of a 14-calendar-day "waiting period" and 28 calendar days of paid Parental Leave in accordance with this policy.

If both parents are employees of the City of Cincinnati, they are each eligible for six weeks of Parental Leave. The parents may elect to take leave concurrently, or they may elect to take Parental Leave consecutively. In no instance shall the combined Parental Leave extend beyond twelve weeks after the biological child is born or the adopted minor child is placed.

C. Eligibility

In order to be eligible for Parental Leave the employee must be:

- 1) In a permanent, full-time status working at least $\frac{3}{4}$ time; and
- 2) The biological parent; or
- 3) The legal guardian/adoptive parent of a newly-adopted minor child who resides in the same household.

Employees electing to take parental leave must provide a birth certificate, adoption certificate, or other appropriate documentation within 90 days of the birth or placement. Failure to do so may result in the forfeiture of leave and the employee will be responsible for reimbursing the City the value of any benefits received under this policy.

Multiple births or adoptions within six weeks of each other shall be considered one qualifying event for purposes of determining eligibility for Parental Leave.



CITY OF CINCINNATI

Human Resources Policies and Procedures

D. Time Frame

This policy takes effect on January 1, 2016. Employees who adopt children or whose biological children are born before midnight on December 31, 2015, are not eligible for this benefit. After the birth or adoption of a child born on or after January 1, 2016, the employee's two-week waiting period may begin.

Except as otherwise provided in this chapter, as used in this policy:

- 1) Parental Leave consists of a 14-day Waiting Period, which immediately follows the birth or adoption of an eligible child, followed by the 28-day 70% Supplemental Leave Period.
- 2) The Waiting Period begins on the day a child is born or adopted.
- 3) The 70% Supplemental Leave Period may not exceed 28 calendar days and must immediately follow the end of the Waiting Period.
- 4) After the expiration of the Parental Leave, additional leave will be governed by City policy or the applicable collective bargaining agreement.

E. Waiting Period

Employees taking Parental Leave must serve a waiting period of 14 calendar days. The Waiting Period begins on the day the biological child is born or the adoptive child is placed.

During the Waiting Period, employees may elect to:

- Take two weeks of unpaid leave;
- Work their regular and assigned schedule; or
- Use accumulated, paid leave from employee's leave balances.

If the employee does not have enough sick leave to cover the entire Waiting Period, the employee may use vacation. If the employee does not have enough sick leave or vacation, the employee may be advanced sick leave, consistent with this procedure to cover the Waiting Period. Once the two week waiting period has elapsed, the employee will then be eligible for four weeks of paid Parental Leave.

All time off from work during the Waiting Period, including unpaid time, is to be charged against the employee's FMLA leave entitlement, to the extent the employee is entitled to FMLA leave.

F. 70% Supplemental Leave

Once the employee has completed the two week waiting period, the employee is then eligible for 28 calendar days of supplemental leave. The employee will be paid 70% of the average number of regular hours worked over the three month period preceding the Parental Leave, including paid leave other than donated time, but excluding any overtime hours. Benefits cannot exceed 40 hours per week and do not include overtime.

Employees may supplement the remaining 30% of regular hours with accumulated paid leave.



CITY OF CINCINNATI

Human Resources Policies and Procedures

1) Calculating the 70% Pay

At no time shall an employee receive paid Parental Leave of more than 70% of their regular wage, calculated for a 40-hour week, during any of the weeks of Parental Leave. To determine 70% of the employee's wage:

- i) Add the total hours worked over the immediately preceding three months;
- ii) Determine the average number of hours worked per calendar week;
- iii) If the average number of hours worked is over forty, use forty hours as the average;
- iv) Multiply the average number of hours by 70%. That number is the number of Paid Parental Leave hours to which the employee is entitled each week of the four week Parental Leave;
- v) Multiply the number of Paid Parental Leave hours by the employee's regular hourly wage. That number is the maximum dollar amount of paid parental leave the employee may take each week during the four weeks of Paid Parental Leave.

Example 1: An employee who averages 40 hours of work during the preceding three months will be eligible for 28 hours of regular pay per week, and may subsidize up to 12 hours per week in accumulated leave. Employees averaging more than 40 hours per week should use 40 as the average rather than the actual average number of hours worked.

Example 2: An employee who averages 30 hours of work during the preceding three months will be eligible for 21 hours of regular pay per week, and may subsidize up to 9 hours per week in accumulated leave.

Example 3: An employee who is a nonpaid status or is utilizing only donated time for the three months prior to the Waiting Period will be eligible for 0 hours of Parental Leave pay per week.

G. Supplementing Parental Leave with Sick Leave and Vacation

An employee may use sick leave in accordance with City policy to supplement Parental Leave. Sick leave hours taken to supplement Parental Leave must be taken concurrently with FMLA leave in accordance with City policy 4.3(6).

Employees who have exhausted sick leave may use vacation time, in accordance with City policy to supplement Parental Leave. The employee may take vacation leave to the extent the employee would be eligible to take vacation leave if the employee were not on Parental Leave. Represented employees should refer to the appropriate collective bargaining agreement for more information about using vacation.

Donated time may not be used to supplement Parental Leave.

H. Benefits during Parental Leave

Employees remain eligible for all employer-paid and employer-provided benefits and will continue to accrue other forms of paid leave while on Parental Leave.

1) Health Insurance

Employees on Parental Leave remain eligible for health insurance coverage. If the employee elects to be in non-paid status for the two week waiting period, the employee will



CITY OF CINCINNATI

Human Resources Policies and Procedures

be responsible for paying the employee portion of health insurance premiums. If the employee does not take paid leave during the waiting period, repayment of the premiums will be consistent with the City's policy for collecting premiums while an employee takes Leave Without Pay.

2) Holiday Pay

Employees are ineligible for holiday pay during the period of time they receive unpaid or partially paid Parental Leave. An employee is eligible to receive holiday pay, as applicable by City policy, if they receive full pay throughout the entire leave period and if they comply with all other policy and provisions in the applicable collective bargaining agreement.

Eligible employees will receive full holiday pay, instead of receiving 70% Parental Leave pay and using 30% supplemental pay, for holidays that occur during their Parental Leave.

Sworn police and fire personnel forfeit the equivalent holiday hours for any holiday that falls within any portion of the parental leave that the employee is ineligible to receive holiday pay.

In no instance will the occurrence of a holiday during an employee's Parental Leave justify an extension of any kind.

3) Overtime

Employees are not eligible for any overtime while on Parental Leave. Overtime hours are not included when calculating the average number of hours worked in the preceding three months.

4) Donated Time

Employees electing Parental Leave are not eligible to receive donated time for any part of the six week Parental Leave. This includes the waiting period and the supplemental leave.

5) Advanced Leave

Employees who do not have sufficient sick leave balances to cover the Waiting Period may receive an advance on sick leave to cover the time period the employee is eligible to take sick leave. The advance will be entered as a negative balance and will remain negative until the employee has accrued sufficient leave to offset the sick time advanced.

No more than 80 hours (for an employee working 40 hours) may be advanced for the 14-day Waiting Period. Employees working at least $\frac{3}{4}$ time, but less than 40 hours, can receive advanced leave on a prorated amount.

Any employee who has a negative sick leave balance at the end of the Parental Leave, after returning to work, may elect to receive an additional advance of five sick days to be used within twelve months. This time can only be used for instances that qualify for sick leave. It is the responsibility of the supervisor of the employee to monitor and ensure that the employee does not exceed the five additional days within the following twelve month period.



CITY OF CINCINNATI

Human Resources Policies and Procedures

Donated time may not be used to bring a negative leave balance back to zero.

6) Reimbursement of Advanced Sick Leave

With the exception of taking the five days potentially advanced to the employee at the end of Parental Leave, employees who are advanced sick leave will be ineligible to take sick leave until the employee has accrued the equivalent hours of sick leave that was advanced.

7) Reimbursement of Unearned Advanced Sick Leave

Employees leaving City service prior to earning back advanced sick leave will owe the City for the value of the paid sick days that were not earned back. The City reserves the right to withhold the amount owed from the employee's last paycheck, any retirement contributions withdrawn, or any leave balances paid out.

ORDINANCE RECORD

VILLAGE OF NEWBURGH HEIGHTS, OHIO

ORDINANCE NO. 2016-28

INTRODUCED BY: Mayor Elkins

AN ORDINANCE AMENDING THE VILLAGE OF NEWBURGH HEIGHTS PERSONNEL POLICY MANUAL BY AMENDING SECTION 709 ENTITLED "PAID PARENTAL LEAVE POLICY," FOR THE PURPOSE OF CREATING PAID MATERNITY LEAVE AND PATERNITY LEAVE FOR FULL-TIME EMPLOYEES, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of Newburgh Heights wishes to provide full-time employees who become parents through childbirth or adoption with additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations;

WHEREAS, the Village of Newburgh Heights wishes to promote policies that are conducive to wellness, and that promote a work-life balance; and

WHEREAS, the Village of Newburgh Heights has the authority to amend and revise its Personnel Policy Manual from time to time in its sole and absolute discretion;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF NEWBURGH HEIGHTS, CUYAHOGA COUNTY, OHIO, that:

Section 1. The Village hereby enacts Section 709 of the Personnel Policy Manual to read in its entirety as follows:

709 PAID PARENTAL LEAVE POLICY

STATEMENT OF PAID PARENTAL LEAVE POLICY

It is the policy of the Village of Newburgh Heights to provide Paid Parental Leave to benefits-eligible employees, due to the birth of an employee's child or the placement within an employee's home of an adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, in cases where an employee is eligible for FMLA leave.

REASON FOR POLICY

The purpose of the Paid Parental Leave policy is to give parents additional flexibility and time to bond with their new child, adjust to their new family situation, and balance their professional obligations.

DEFINITIONS

For purposes of this Paid Parental Leave policy, the following words or terms shall have the following meanings.

“Eligible Employee” shall mean a full-time employee who has been employed by the Village for at least one continuous year (12 months).

“Family and Medical Leave Act” or “FMLA” shall mean The Family and Medical Leave Act of 1993, 29 U.S.C. Section 2611 et seq.

“Parent” shall mean a male or female employee who is a birth mother; a father of the birth child; a same-sex domestic partner of the birth mother; a same-sex domestic partner of the birth father; an adoptive mother or father; a same-sex domestic partner of an adoptive mother or father.

“Paid Parental Leave” shall mean a period of paid leave of absence (that does not reduce an Eligible Employee’s balance of any other paid leave provided to the Eligible Employee by the Village, such as vacation or sick pay or holidays) for the purpose of recovery from the birth of a child; and/or to bond with a newborn or with a newly adopted child under the age of 18.

EXCLUSIONS

Elected officials are not eligible for Paid Parental Leave.

Employees who have been employed by the Village in an eligible position for less than one continuous year (12 months) are not eligible for Paid Parental Leave.

Part-time employees are not eligible for Paid Parental Leave.

Surrogate mothers and sperm donors are not eligible for Paid Parental Leave.

PROCEDURES

General Provisions

The Village will provide Paid Parental Leave to an Eligible Employee during the first twelve months following birth or adoption.

Paid Parental Leave is a benefit of full-time employment and its use will not be considered as a negative factor in employment actions, such as hiring, promotion, disciplinary actions or attendance policies.

Workload issues should be dealt with proactively so that unreasonable or excessive work demands are not placed on other employees within the department of the Eligible Employee.

Departments should be flexible in managing Paid Parental Leave requests to allow Eligible Employees to handle work and family responsibilities effectively and efficiently.

Leave Provisions

Paid Parental Leave will be paid at 100% of an Eligible Employee's straight-time, regular pay for the specified amount of time outlined in this policy.

The fact that a multiple birth or adoption occurs (for example, the birth or adoption of twins) does not increase the length of Paid Parental Leave granted for that event.

An Eligible Employee who is the birth or adoptive parent of a newborn or newly adopted child may receive up to 6 months (1040 hours) of Paid Parental Leave for recovery from childbirth and/or to bond with the newborn or newly adopted child.

If both parents are employed by the Village and both parents are Eligible Employees, those parents will receive an aggregate Paid Parental Leave of up to 6 months (1040 hours), which may be allocated as the parents deem fit, subject to approval of the applicable Department Heads and the Mayor.

The Paid Parental Leave will generally commence immediately following the birth or adoption of a child. However, Paid Parental Leave may occur prior to an adoption when deemed necessary to fulfill the legal requirements for an adoption.

Intermittent and Reduced Leave

Paid Parental Leave may be taken during the first twelve months following the birth or adoption and is available on a continuous, intermittent (separate blocks of time), or reduced schedule (reduction in number of work hours per day or per week) basis. However, intermittent or reduced schedule Paid Parental Leave requires approval from the Eligible Employee's Department Head and the Mayor. An Eligible Employee must consult with his or her Department Head and the Mayor and make a reasonable effort to schedule intermittent or reduced schedule Paid Parental Leave so as not to unduly disrupt the Village's operations. Intermittent or reduced schedule leave may not be taken in increments of less than four (4) hours.

Concurrent with FMLA Leave

Paid Parental Leave will run concurrently with FMLA leave, if the Eligible Employee meets the eligibility requirements of the FMLA. The concurrent use of Paid Parental Leave and FMLA leave will decrease, in whole or in part, the amount of FMLA leave available to an Eligible Employee.

Notice

An Eligible Employee shall, initially, verbally notify his or her Department Head of the desire to take Paid Parental Leave under this policy, and the anticipated timing and duration of the Paid Parental Leave. If the need for Paid Parental Leave is foreseeable, an Eligible Employee must give his or her Department Head at least thirty (30) calendar days advance notice of the desire to take leave, if practicable. If the need for Paid Parental Leave is not foreseeable, an Eligible Employee or his or her representative must give notice of the need for leave to the Eligible Employee's Department Head as soon as practicable. An Eligible Employee shall follow-up the verbal request for Paid Parental Leave with a written

request within a reasonable amount of time, not to exceed thirty (30) days, following approval of such Paid Parental Leave. Nothing herein shall be construed to alter any notice requirements under the FMLA.

Holidays

If an official Village holiday occurs during an Eligible Employee's Paid Parental Leave, the Eligible Employee will receive holiday pay in lieu of a paid parental leave day; provided, however, that the Eligible Employee must be in pay status the day before the holiday and the day after the later of the official Village holiday or the end of the Paid Parental Leave period.

Group Health Insurance

The Village will continue to pay its share of the cost of an Eligible Employee's group health insurance premium during a Paid Parental Leave. The Eligible Employee's share of the premium will be deducted from the Eligible Employee's pay in accordance with the Village's normal and customary payroll practices.

Medical Documentation

An Eligible Employee will be required to furnish appropriate medical documentation for the birth of a child. If the Eligible Employee is eligible for FMLA leave, the medical certification requirements of the FMLA will govern. The appropriate medical documentation must be completed and signed by the individual's health care provider.

Adoption Documentation

An Eligible Employee will be required to furnish appropriate adoption documentation, such as a letter from an adoption agency, or a letter from their attorney in the case of a private adoption.

Return-to-Work Statement

If Paid Parental Leave is due to the birth of a child, the birth mother must obtain a return-to-work statement from her health care provider and present it to her Department

Head upon returning to work. The statement must specify whether the Eligible Employee is able to work and any physical or other restrictions on the Eligible Employee's ability to work. Reinstatement may be delayed until the Eligible Employee submits the statement.

Reinstatement

Except as provided in the following paragraph, an Eligible Employee will be reinstated to the same position he or she held when that Eligible Employee's Paid Parental Leave began, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, provided the Eligible Employee can perform the essential functions of the position.

The Village's obligation to restore the Eligible Employee to the same or an equivalent position ceases if and when: (i) the employment relationship would have terminated if the Eligible Employee had not taken Paid Parental Leave; (ii) the Eligible Employee informs the Village of his or her intent not to return to work at the expiration of the Paid Parental Leave; and (iii) the Eligible Employee fails to return to work at the expiration of the Paid Parental Leave and/or FMLA leave, as applicable.

Confidentiality

All medical information relating to Paid Parental Leaves, whether verbal or written, including FMLA medical documentation, shall be kept confidential to the maximum extent possible. All medical documents, including, but not limited to, medical statements and FMLA medical certifications, will be held by the Village in an employee medical file separate and apart from the employee's personnel file.

Section 2. The Personnel Policy Manual as revised will be provided to employees and all employees shall be obligated to sign acknowledgment forms indicating that they have been provided with notice of the amendments to the Personnel Policy Manual and copies of any such amendments, revisions and additions.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in such

formal action occurred in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village and for the further reason that the Village wishes to provide this benefit to full-time employees as soon as possible so that full-time employees are able to take the leave contemplated by the Paid Parental Leave Policy to foster and strengthen their families; wherefore, this resolution shall be in full force and effect from and immediately after its adoption and approval by the Mayor.

PASSED: _____, 2016

Approved at to Form

Trevor Elkins, Mayor
Village of Newburgh Heights, Ohio

Solicitor

Angel Meriwether, Fiscal Officer
Village of Newburgh Heights, Ohio

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: August 9, 2018

Re: Supplier Diversity and Inclusion Policies

Below are various diversity and inclusion policies implemented by comparable suburbs.

University Heights

212.01 ADVERTISING REQUIREMENTS; BIDS

(a) Contracts or agreements which involve the expenditure of fifteen thousand dollars (\$15,000) or less, as provided in Section 212.02, may be made without published notice and without competitive bidding. However, contracts in excess of five thousand dollars (\$5,000) shall require approval of a majority of Council by motion or ordinance.

(b) (1) Except as provided by Section 212.02, in all cases where the expenditure exceeds fifteen thousand dollars (\$15,000), the contract shall be let only to the lowest and best bidder after advertising not less than two consecutive weeks on the City's website and in a newspaper of general circulation in the City, or except if there are no qualified bids received after advertising or re-advertising.

(2) Minority Business Enterprises (MBE), Female/Woman Business Enterprises (F/WBE), Disadvantaged Business Enterprises (DBE) and Small Business Enterprises (SBE) are encouraged to participate and bid on City projects.

(c) The City of University Heights supports diversity and inclusion in its procurement awards, and encourages the utilization of Minority Business Enterprises, Female/Woman Business Enterprises, Disadvantaged Business Enterprises and Small Business Enterprises as prime and subcontractors, and the utilization of women and minority workers on construction projects. In the absence of any other definition, such enterprises shall be defined according to applicable County of Cuyahoga, State of Ohio and/or U.S. guidelines, rules, regulations or laws.

(d) Any party awarded a procurement contract under this section shall be required, prior to final payment by the City under said contract, to report to Council in writing, on forms approved by the City, information relating to the actual participation of any Minority Business Enterprise, Female/Woman Business Enterprise, and/or Disadvantaged Business Enterprise in the performance of any work on the procurement project that was the subject of the bid.

(e) All bids received pursuant to such advertisements shall be opened publicly at the City Hall at the time stated in the advertisement.

(Ord. 2017-04. Passed 2-6-2017.)

Shaker Heights

141.11 Minority Business/Women's Business Enterprise Policy

(a) The Mayor and the Director of Finance are hereby authorized and directed to establish and maintain a list of minority business enterprises and women's business enterprises which shall be provided to each City director.

(b) Where practicable, minority and women's business enterprises shall be contacted relative to participating, through formal or informal **bid** procedures as authorized by City ordinance, in public contracts and the provision of goods and services to the City.

(c) The Mayor and the Director of Finance are hereby directed to develop procedures for the documenting of minority business and women's business enterprise participation in the aforementioned **bidding** process, including the number of minority and women's business enterprises which have **bid** on public contracts or for the provision of goods and services to the City, and the number of such businesses which have been awarded such contracts or which are providing goods and services to the City.

(d) The Mayor and the Director of Finance are hereby further directed to prepare and provide to Council quarterly written reports relative to the City's minority business enterprise outreach efforts.

(Ord. 91-136. Enacted 11-25-91.)

Youngstown, OH

547.20 CONTRACT AWARDING PROCEDURE.

In determining which is the lowest and best **bid**, the Board of Control may give consideration to the Affirmative Action Program submitted in accordance with Section 547.23 and Ordinance 80-744 with particular attention to the probable effectiveness of such program in insuring minority group representation in all trades and all phases of the bidder's operation. The Board may further give consideration to whether the bidder is a minority-owned firm and the number of minority persons such bidder employs.

(Ord. 86-142. Passed 5-28-86.)

Warren, OH

Chapter 160 MINORITY BUSINESS ENTERPRISE PROGRAM

160.05 GOALS.

(a) Goals shall be established for MBE participation in contracts awarded by the City in the following areas:

MBE participation in contracts funded by HUD.

MBE participation in contracts funded by the State of Ohio.

MBE participation in contracts financed with City funds.

When a project is wholly financed with City funds, MBE participation goals may be satisfied either by meeting the MBE percentage referred to previously in this chapter or by the general contractor employing a same or greater percentage of minority workers on the project.

When a project has state or federal funding, a pre-set minority requirement included in an applicable grant agreement shall supersede the City's goal.

Each goal shall be set on a percentage basis and the percentage basis shall be determined as follows:

Fifteen percent (15%) MBE participation in construction contracts;

Fifteen percent (15%) MBE participation in procurement of supplies, equipment, services and concession contracts.

These goals shall be reviewed and adjusted annually by the Minority Contracting Committee which is hereby established and which shall, and does, consist of the following:

- (1) Mayor
- (2) Director of Public Service and Safety
- (3) Equal Employment Coordinator
- (4) Executive Director of Community Development and Urban Renewal Department
- (5) Director of Engineering, Planning and Building
- (6) Director of Service Operations
- (7) One member from City Council, who shall be the chairperson of Council's City and Community Development Committee.

The Minority Contracting Committee shall consider the known availability of qualified MBE's in establishing each goal.

(b) Each contractor who is awarded a contract shall use its best good faith efforts to meet the goal established by the City for the contract awarded.

(c) Each contractor shall, at a minimum, seek MBE's in the Trumbull County area. If the contractor cannot meet the goals using MBE's from this geographic area, the contractor, as part

of its efforts to meet the goal, can expand its search to a reasonable wider geographic area, or under City-funded dollars the workforce approach can be used.

(d) Each contractor shall make good faith efforts to replace an MBE subcontractor, that is unable to perform successfully, with another MBE.

(e) Requests for bids published by the City shall inform potential bidders of the information which must be submitted to demonstrate their ability to comply with MBE requirements of the City.

(f) The EEC shall decide whether each contractor has exercised its best, good faith efforts to meet its MBE contract goal. In deciding whether a contractor has exercised its best good faith efforts, the EEC shall consider each of the following:

- (1) If a pre-solicitation and/or pre-bid meeting was held, whether the contractor attended any meetings that were scheduled to inform MBE's of contracting and subcontracting opportunities.
- (2) Whether the contractor advertised in general circulation, trade association, and minority-focus media, as available, concerning the subcontracting opportunities.
- (3) Whether the contractor provided written notice to a reasonable number of specific MBE's enabling the MBE's to participate effectively.
- (4) Whether the contractor followed up initial solicitations of interest by contacting MBE's to determine, with certainty, whether the MBE's were interested.
- (5) Whether the contractor selected portions of the work to be performed by MBE's in order to increase the likelihood of meeting the MBE goals (including, where appropriate, breaking down contracts into economically feasible units to facilitate MBE participation).
- (6) Whether the contractor provided interested MBE's with adequate information about the plans, specifications and requirements of the contract.
- (7) Whether the contractor negotiated in good faith with interested MBE's, not rejecting MBE's as unqualified without sound reasons based on a thorough investigation of their capabilities.
- (8) Whether the contractor effectively used the services of available minority community organizations, minority contractors groups, local, state and federal minority business assistance offices, and other organizations that provide assistance in the recruitment and placement of MBE's.
- (9) Whether the contractor has provided documents and information which the EEC has requested the contractor to provide to the City.

The general contractor has an obligation to contract with qualifying minority contractors and vendors in the Trumbull County area. In the event no minority contractors or vendors are available in its scope of work or services, and the general contractor has documented that they have exhausted all means possible to contact qualified MBE's in the Trumbull County area, depending on the funding, the general contractor then may request a waiver from the EEC.

(g) If the EEC decides that a contract awardee has not exercised its best, good faith efforts to meet the contractor's individual contract goal, the EEC shall recommend to the City Board of Control that the award of contract to such contractor be revoked or otherwise nullified.

(Ord. 10710/94. Passed 9-28-94.)

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair
From: Maggie Graham, Law Clerk
Date: July 23, 2018
Re: Supplier Diversity and Inclusion Policies – Sample Policies

CITY OF CLEVELAND

Minority-Owned, Female-Owned and Small Business Open Houses

Equal Opportunity Information: 216.664.4152
Open House Information: 216.664.2620

On the first Tuesday of every month from 10:00 am to 12:00 pm the City of Cleveland's Division of Purchasing and Supplies hosts open houses for minority owned, female owned and Cleveland small businesses. The purpose of these open houses is to educate attendees on how to compete for City business. Participants receive a tour of the Bid Room and meet one-on-one with City Buyers assigned to purchase their type of products.

Mayor's Office of Equal Opportunity – Cleveland Area Business Code – Notice to Bidders & OEO Schedules; Chapter 187

8. MBE and FBE Contract Participation

The City of Cleveland is firmly committed to assisting Minority Business Enterprises (MBEs) and Female Business Enterprises (FBEs) through its contracting activities, and the City intends to Contract with firms that shares that commitment. Under this policy, each Contracting Department will use its best efforts to promote the participation of MBEs and FBEs as both prime contractors and subcontractors in all City Contracts. In turn, Bidders and Proposers shall make every effort to use MBEs and FBEs as subcontractors where available and practical.

Some City contracts will have specific MBE and/or FBE subcontractor participation goals. **These goals will be expressly stated in the Invitation to Bid (ITB) or Request for Proposal (RFP) in each contract where the goals are applicable.** When specific MBE and/or FBE goals are set forth in the ITB or RFP, the Bidder or Proposer shall make a good faith effort to meet them.

When there are specific MBE and/or FBE goals on a City contract, those goals will be considered in lieu of an equivalent portion of the CSB goals for the contract. Please review the bid or proposal documents for the final MBE, FBE and/or CSB subcontracting goals for the project.

City of Cleveland Ordinance 123.08 Office of Equal Opportunity

(a) There is established in the Office of the Mayor, the Office of Equal Opportunity to be administered and controlled by an Executive Assistant to the Mayor appointed by the Mayor to be the Director of Equal Opportunity. The Director shall appoint, under the civil service provisions of the Charter, employees required to perform the duties of the office, and shall be responsible for their supervision.

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

(b) According to the City's desire to encourage equal employment opportunity of minorities and women by contractors, and to promote use in all City Contracts, as defined in Section 187.01, of minority business enterprises (MBEs), female business enterprises (FBEs) and Cleveland Area Small Businesses (CSBs), all as defined in Section 187.01, when appropriate under Chapter 187(collectively, the "Targeted Businesses"), the Director of Equal Opportunity shall:

(1) Supervise, coordinate, monitor, and enforce for all City contracts affirmative action programs and the CSB, MBE and FBE programs in the manner described in Chapter 187;

(2) Supervise, coordinate, monitor, and enforce for all City contracts, compliance with the City's equal employment opportunity requirements, including but not limited to procedures, affirmative action programs, employment goals, and other means to implement CSB, MBE and FBE participation goals, when and as specifically applicable, in the manner described in Chapter 187. All compliance functions of the various contracting, departments shall be performed in or under the direction of the Office of Equal Opportunity. The Director of Equal Opportunity shall be responsible for securing compliance by all contractors and subcontractors with the provisions of Chapter 187, as appropriate, and any implementing rules or regulations. Contracting departments shall comply with the provisions of Chapter 187 and any implementing rules or regulations of the Director of Equal Opportunity. Contracting departments shall cooperate with the Director of Equal Opportunity and shall furnish such information and assistance as the Director of Equal Opportunity may require;

(3) Provide appropriate management, technical assistance, and information to and programs for Targeted Businesses to maximize their participation in City contracts, with the assistance to include:

A. Providing assistance with the establishment, expansion, and overall development of Targeted Businesses;

B. Assisting in the arrangement of business associations among individuals, the Targeted Businesses, and other businesses; and

C. Planning and participating in training seminars to inform potential bidders of applicable programs, and business opportunities available.

(4) Serve as liaison with economic development organizations and agencies which support the development of Targeted Businesses in the community;

(5) Coordinate any City-sponsored economic development programs for Targeted Businesses;

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

(6) Promulgate, and revise as necessary, regulations implementing the Cleveland Area Business Program under Chapter 187.

(c) It shall also be the duty of the Director of Equal Opportunity to ensure that the City's contractors comply with applicable prevailing wage laws.

(d) By February 15 of each year, the Mayor shall file the following written reports with the Clerk of Council, and a copy shall be provided to each member of the Council:

(1) A report stating, for each City department and for the City as a whole, the percentage and total value of contracts and subcontracts performed by CSBs, MBEs and FBEs during the preceding year;

(2) Such other information related to the Cleveland Area Business Program under Chapter 187 as may be useful in evaluating the success of the program.

(Ord. No. 77-08. Passed 2-4-08, eff. 3-15-08)

187.04 CSB Goals of Contracting Departments

(a) Consistent with the City's goal of increasing the level of CSB participation in Contracts, each Contracting Department shall use its best efforts to utilize CSBs as Contractors and subcontractors for all contracts in excess of fifty thousand dollars (\$50,000.00). The annual City-wide goal for CSB participation in Public Improvement Contracts shall be thirty percent (30%), in Professional Services Contracts shall be ten percent (10%), and in all other Contracts shall be twenty percent (20%) or such other goal fixed by the Director for a particular Contract.

(b) To meet the goals fixed under division (a) of this section, Contracting Departments, in consultation with the Director, shall consider use of Bid Discounts under division (b) and (d) of Section 187.03 when recommending a bid as lowest and best or lowest responsible or recommending a proposal as best. Each Contracting Department shall be responsible for ensuring that invitations to bid or requests for proposal issued by or for that department comply with all provisions and procedures set forth in this chapter.

(c) In determining the CSB participation that shall be applied toward meeting the goals fixed under division (a) of this section, the Director shall credit:

(1) Expenditures to CSBs that perform Commercially Useful Functions in implementation or performance of a Contract;

(2) Expenditures to CSB manufacturers (i.e. Suppliers that produce goods from raw materials or the product of raw materials and add value by substantially altering them before resale);

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

(3) Sixty percent (60%) of expenditures to CSB Suppliers that are not manufacturers, provided that the CSB Supplier performs a Commercially Useful Function in the supply process;

(4) Should a CSB subcontractor further subcontract its participation in a Contract to a non-CSB subcontractor, only the work or supplies actually performed or furnished by the CSB subcontractor shall be applied towards meeting the goals fixed under division (a) of this section;

(5) No credit shall apply for a Contractor's or a subcontractor's contract(s) for the purchase of materials, equipment, services, or supplies that are incident to the performance of services under the Contract or for the general operation of its business and not attributable exclusively to the particular subcontract; and

(6) A percentage of the total dollar value of the Contract with a CSB Joint Venture equal to the percentage of CSB participation in the Joint Venture shall be counted towards meeting the goals fixed under division (a) of this section. If the CSB is responsible for performance of a clearly defined portion of the work to be performed, equal in proportion to its share in the ownership, control, management, responsibility, risk, and profits of the Joint Venture.

(d) To fulfill the purposes of the goals fixed under division (a) of this section, Contractors shall use CSBs to perform a Commercially Useful Function during the implementation or performance of the Contract. Failure to do so will be a material breach of the Contract, and may subject the Contractor to criminal prosecution, decertification, and other sanctions.

(e) The Director shall not apply credit toward the CSB subcontractor participation goals fixed in division (a) of this section for participation under any Contract in a calendar year by any CSB subcontractor that has contracted under a City contract more than a maximum annual dollar amount per year fixed by the Director in the Regulations from time to time, except that the Director may apply credit toward the CSB subcontractor participation goals upon written request of a Bidder or Contractor attesting that no other certified CSBs are available to perform the work or supply the materials required for the Contract under which the CSB is a subcontractor, or in an emergency, or for such other reasons that the Director determines require use of that CSB. Nothing in the foregoing shall be deemed to prohibit a Contractor from subcontracting to that CSB, or that CSB from performing work or supplying materials under any Contract without participation credit.

(Ord. No. 532-13. Passed 5-13-13, eff. 5-16-13)

187.06 MBE/FBE Goals of Contracting Departments

(a) Consistent with the City's goal of increasing the level of MBE and FBE participation in City Contracts when past or present discrimination against such type of MBEs or FBEs or

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

category of contract has been evidenced as provided in Section 187.28, each Contracting Department shall use its best efforts to utilize certified MBEs and FBEs as Contractors or subcontractors for all contracts in excess of fifty thousand dollars (\$50,000.00) where applicable. The Director may determine the appropriate annual City-wide goals for MBE and FBE participation for each type of Contract, including, but not limited to, Construction, non-professional and professional services, supplies, and concessions, and for each type of work to be performed under a particular Contract, based on the availability of certified MBEs and FBEs as to which past or present discrimination has been demonstrated as provided in Section 187.28. The Director shall cause the goals to be published in the Regulations.

The Director shall fix the goals for MBE and FBE participation in a particular Contract in consultation with the Contracting Department based upon the annual City-wide goals for each type of Contract and for each type of work to be performed in the Contract and the availability of certified MBEs and FBEs. The Director may fix the goals for a particular Contract at a level exceeding the annual City-wide goals to assist a Contracting Department in meeting the annual City-wide goal for the particular type of Contract to be awarded.

(b) Contracting Departments shall consider use of certified MBEs and FBEs when recommending a lowest and best or lowest responsible bid to meet the specified annual goals and may apply a Bid Discount for Bid Comparison under division (c) of Section 187.05. However, these goals are not intended as quotas. Each Contracting Department shall ensure that bids or proposals emanating from that department comply with the procedures and provisions in this chapter and the Regulations.

(c) In evaluating the MBE and FBE participation that shall apply toward a Contracting Department's annual goals, the Director shall credit:

(1) Expenditures to certified MBEs and FBEs that perform Commercially Useful Functions in implementation or performance of a Contract;

(2) Expenditures to certified MBE and FBE manufacturers (i.e. Suppliers that produce goods from raw materials or the product of raw materials and add value by substantially altering them before resale);

(3) Sixty percent (60%) of expenditures to certified MBE and FBE Suppliers that are not manufacturers, provided that the MBE and FBE Supplier performs a Commercially Useful Function in the supply process;

(4) Should a MBE or FBE subcontractor further subcontract its participation in a Contract to a non-MBE or non-FBE only the work actually performed by the MBE or FBE subcontractor shall apply towards the Contracting Department's annual MBE or FBE participation goals;

Law Department

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To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

(5) No credit shall apply to a Contractor's or a subcontractor's contract(s) for the purchase of materials, equipment, services, or supplies that are incident to the performance of services under the Contract or for the general operation of its business and not attributable exclusively to the particular subcontract;

(6) A Contractor or subcontractor that qualifies as both a MBE and FBE may obtain certification as both a MBE and FBE. The total dollar value of a particular Contract with such Contractor or subcontractor may count only toward the MBE or FBE goal, but not toward both. The Contractor must choose the category to which the Contract value should be applied; and

(7) A portion of the total dollar value of the Contract with a CSB, MBE, or FBE Joint Venture equal to the percentage of certified CSB, MBE, or FBE participation in the Joint Venture may count toward meeting MBE and FBE goals. The CSB, MBE, or FBE must be responsible for performance of a clearly defined, distinct portion of the Contract work of equal proportion to its share in the ownership, control, management, responsibility, risk, and profits of the Joint Venture.

(d) To fulfill the purposes of the MBE and FBE goals, Contractors shall use MBEs and FBEs to perform a Commercially Useful Function in implementation or performance of the Contract. Failure to do so will not only be considered a material breach of the Contract, but may also subject the Contractor to criminal prosecution for fraudulent misrepresentation, decertification, and to other sanctions.

(e) The Director shall not apply credit toward the MBE and FBE subcontractor participation goals fixed under division (a) of this section for participation under any Contract in a calendar year by any one (1) MBE or FBE subcontractor that has contracted under a City contract more than a maximum annual dollar amount per MBE or FBE per year fixed by the Director in the Regulations from time to time, except that the Director may apply credit toward the MBE or FBE subcontractor participation goals upon written request of a Bidder or Contractor attesting that no other certified MBEs or FBEs are available to perform the work or supply the materials required for the Contract under which the MBE or FBE is a subcontractor, or in an emergency, or for such other reasons that the Director determines require use of that MBE or FBE. Nothing in the foregoing shall be deemed to prohibit a Contractor from subcontracting to that MBE or FBE, or that MBE or FBE from performing work or supplying materials under any Contract without participation credit.

(f) This section shall apply, as remedial action, only to the specified types and categories of Contracts and the contracting for those types and categories of Contracts, for which the City has developed or obtained, by disparity study or otherwise, a legally sufficient basis in evidence to demonstrate past or present discrimination as to participation of Minority Persons, Females, MBEs, or FBEs.

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

(Ord. No. 532-13. Passed 5-13-13, eff. 5-16-13)

CITY OF COLUMBUS

3902.01 - Office of Diversity and Inclusion ("ODI").

There is hereby created the Office of Diversity and Inclusion ("ODI"). ODI is dedicated to creating and implementing programs, policies and procedures that will deliver and capture value through supplier and workforce diversity. Additionally, the office will assist underserved, under-utilized and economically disadvantaged businesses with gaining greater access to procurement opportunities and resources to build viable and sustainable businesses.

ODI shall have the following duties, responsibilities and authority:

- (A) Administration and enforcement of compliance with this Code;
- (B) Establishment of written policy and procedures to execute this Code;
- (C) Development and refinement of workforce policy and procedures;
- (D) Development, refinement and coordination of supplier diversity and procurement activities such as outreach, solicitation for small contracts, bid specification review and prompt payment/contract dispute resolution procedures;
- (E) Development, refinement and coordination of assistance programs such as financing, bonding/insurance and technical assistance;
- (F) Development and coordination of mentor/protégé and on-the-job training demonstration projects;
- (G) Development and refinement of M/WBE certification procedures (including such activities as classification and graduation) and coordination of such procedures with the Purchasing vendor registration system;
- (H) Consideration of price preference and sheltered market solicitation, based upon criteria set forth in the applicable sections of this Code;

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

- (I) Investigation of alleged violations of this Code;
- (J) Analysis and review of programs on an annual, bi-annual or quarterly basis, and in accordance with the review and reporting requirements contained in this code;
- (K) Analysis, review and recommendation for adjustments to the city's annual participation goals;
- (L) Establish and review of all applicable specific contract participation goals;
- (M) Establishment of committees and advisors to further the goals of Title 39;
- (N) Recommendations to the mayor and city council regarding additional efforts necessary to ensure the effective operation of this office pursuant to periodic review and reporting requirements contained in this code.

ODI may hire staff or contract with outside firms or organizations to perform these and other duties as necessary to expand the role of ODI.

3903.02 - Solicitation for small contracts.

ODI may provide for enhanced solicitation efforts to encourage M/WBES to bid for small contracts. A "Solicitation for Small Contracts" process may be developed and coordinated by the ODI to provide for the following:

- (A) ODI shall be responsible for providing an on-line listing of certified businesses. This listing is to be segmented or sorted into specific trades or lines of business (for each type of goods, services and construction purchased or contracted by the city) in accordance with this code.
- (B) The city shall provide for enhanced solicitation efforts to encourage M/WBES to bid for contracts under \$20,000. A "Solicitation for Contracts Under \$20,000" process may be developed and coordinated by ODI and the procurement office in the department of finance and management.

3903.07 - Business Opportunity Assessment Program.

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

As an enhancement to the certification process, ODI may offer a business opportunity assessment for businesses to determine what financial, technical or equity assistance or support services may be needed by them to enhance their ability to build capacity and better compete for business opportunities with the City of Columbus. A "Business Opportunity Assessment Program" shall be established and administered by the ODI. ODI will either provide or refer support service through the Business Opportunity Assessment Program as a part of the process of certifying with the City of Columbus as an M/WBE.

(Ord. No. 3025-2016, § 4, 12-12-2016)

3903.09 - Joint ventures.

The ODI, in conjunction with the contracting department/agency, may encourage, where economically feasible, the establishment of "joint ventures" to ensure prime contracting opportunities for certified M/WBEs on eligible projects or contracts. A joint venture shall mean an association of two (2) or more business enterprises to constitute a single business enterprise for which purpose they combine their property, capital, efforts, skills and knowledge. The ODI may adopt criteria for evaluating M/WBEs participation under joint venture agreements that includes, but is not limited to:

(A)

The initial capital investment of each venture partner;

(B)

The proportional allocation of profits and losses to each venture partner;

(C)

The sharing of the right to control the ownership and management of the joint venture;

(D)

Actual participation of the venture partners in the performance of the contract;

(E)

The method of and responsibility for accounting;

(F)

The methods by which disputes are resolved; and

(G)

Other pertinent factors of the joint venture.

(Ord. No. 3025-2016, § 4, 12-12-2016)

3904.01 - Good Faith Efforts.

Good Faith Efforts are voluntary steps taken to demonstrate the bidder/proposer's willingness to fulfill the city's diversity and inclusion opportunity objective when bidding on a contract. In

Law Department

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To: James Pasch, Legal & Personnel Committee – Committee Chair

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Re: Supplier Diversity and Inclusion Policies – Sample Policies

making a determination that the bidder has made a good faith effort, ODI may consider specific documentation concerning the steps taken to obtain M/WBE participation, in accordance with the following factors:

(A)

Attended any pre-bid or pre-proposal meetings scheduled by the City department;

(B)

Followed up with M/WBEs that attended the pre-bid or pre-proposal meetings to discuss subcontracting and supplier opportunities and contacted M/WBEs listed in the City's certification directory;

(C)

Conducted outreach with M/WBE focused organizations and associations far in advance of solicitation due date (no less than 10 business days);

(D)

Identified and designated portions of the work to be performed by M/WBEs to increase the likelihood of participation (including where appropriate breaking down the contract into reasonably sized subcontracts to ensure participation);

(E)

Advertising subcontracting opportunities in news media focused towards minority and women-owned business persons far in advance of solicitation due date;

(F)

Provided M/WBEs with a point of contact that was knowledgeable about the project and possessed decision-making authority to answer questions from interested M/WBEs;

(G)

Provided a reasonable number of M/WBEs with timely written notices via email, mail, and/or fax and/or with documented contact regarding the subcontracting/supplier opportunities. A "reasonable number" shall be based on the number of M/WBEs available in the ODI certification directory;

(H)

Solicited the M/WBEs within a reasonable amount of time (no less than seven business days) before bid submission, as well as followed up with the M/WBEs solicited to determine if they were interested in submitting a bid or proposal or participating on a team;

(I)

Provided interested M/WBEs certified to perform the solicited work with prompt access to the plans, specifications, scope of work and requirements of the contract;

(J)

Negotiated in good faith with interested M/WBEs;

(K)

Entered into a formal contract, or signing enforceable letters of intent with M/WBEs;

(L)

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

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Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

Provided an explanation to any M/WBEs whose bid or price quotation is rejected, unless another M/WBEs is accepted for the same work;

(M)

Made efforts to assist interested M/WBEs in obtaining bonding, lines of credit, insurance required for the contract, and documenting M/WBE denied by bona fide surety agents;

(N)

Ensured that the conditions and requirements for subcontracts are commensurate with industry standards and would not cause an economic hardship on M/WBEs, such as unnecessary insurance or coupling bid bonds with retainage;

(O)

Incorporated efforts not attempted earlier or on previous bids that appear more likely to lead to attaining participation. Past performance on similar contracts with similar scopes will also be taken in consideration when determining Good Faith Efforts;

(P)

The ODI Director may encourage a bidder to make additional efforts to utilize M/WBE subcontractors prior to contract award. These efforts could include but are not limited to contacting the ODI office for advice and guidance regarding "Good Faith Efforts."

(Ord. No. 3025-2016, § 5, 12-12-2016)

FEDERAL RESERVE BANK POLICY

The Board is committed to ensuring, to the maximum extent possible, the fair inclusion and utilization of minority-owned and women-owned vendors in all Board contracts. This policy reflects the Board's commitment as well as the goals related to diversity and inclusion in business activities expressed in section 342 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Pub. L. No. 111–203, 124 Stat. 1376). It sets forth the guidelines and standards that the Procurement Function (Procurement) within the Division of Financial Management and the Office of Diversity and Inclusion (OD&I) will use to promote consideration of minority-owned and women-owned vendors in the Board's acquisition process and to ensure, to the maximum extent possible, that the Board's contractors have a similar commitment toward diversity and inclusion of minorities, women, minority-owned vendors, and women-owned vendors in the contractors' own workforce and subcontracting activities.

General Provisions

Outreach and Education

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

The Procurement Function's supplier diversity program specialist will work in conjunction with OD&I to promote the participation of minority-owned and women-owned vendors in the Board's acquisition process. Such coordinated activities include, but are not limited to

- conducting and/or attending vendor fairs that encourage minority-owned and/or women-owned vendors to participate in the Board's acquisition process;
- educating and providing technical support to minority-owned and/or women-owned vendors about the Board's acquisition process and opportunities for obtaining contracts with the Board;
- promoting consideration of minority-owned and women-owned vendors in the Board's acquisition process, including educating relevant Board staff about the importance of having a diverse contractor community and conducting market research and outreach to increase the pool of potential offerors to include minority-owned and women-owned vendors;
- reviewing bidders' lists for selected procurements and providing input on how such lists could be augmented to include qualified minority-owned and/or women-owned vendors;
- reviewing selected Statements of Work and providing input on how the scope or substance of the work described therein could be revised to encourage participation of minority-owned and/or women-owned vendors in the Board's acquisition process; and
- making recommendations to the chief acquisition officer about how to increase contracting opportunities for minority-owned and women-owned vendors.

Contractor Commitment to Diversity and Inclusion

All Board contracts will contain a written statement by the vendor confirming its commitment to equal opportunity in employment and contracting and the fair inclusion of minorities and women in its workforce. Board contracts whose annual value is expected to exceed \$100,000 will contain a written statement whereby the contractor confirms its commitment to equal opportunity in employment and contracting and the fair inclusion of minorities and women in its workforce, agrees to provide documentation of the good faith effort it has made in support of this commitment, and agrees to include the Board's model language in major subcontracts.

Consistent with section 342 of the Dodd-Frank Act, the OD&I, in consultation with Procurement and the Board's Legal Division (Legal), has adopted a model written statement (model statement) regarding these matters to be included in purchase orders and contracts. Nonsubstantive variations of the model statement, and substantive changes to the model language that are requested by a prospective contractor that has fewer than 50 employees, may be negotiated without further review or consultation from the OD&I. All other substantive changes proposed by a subject contractor must be reviewed by the OD&I in consultation with

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

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Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

Procurement and Legal prior to contract award. In cases where substantive revisions to the model language are permitted, the OD&I will document the reasons for the authorization.

Acquisitions must not be intentionally or artificially divided to avoid inclusion of the model statement in the contract. In the event that a contract does not initially meet the threshold for inclusion of the model statement, but is later amended to exceed \$100,000 annually, the maximum possible effort will be made to include the model statement upon or after such amendment. If, for legitimate business reasons, a vendor holds several contracts with the Board that do not individually exceed \$100,000 annually, but that do so when taken in the aggregate, the OD&I will request the contractor's affirmation of the substance of the model statement.

Good Faith Review of Subject Contractors

The OD&I, with input from Procurement and Legal, may review the activities of any contractor that holds a Board contract whose annual value exceeds \$100,000 (a subject contractor) to determine whether the subject contractor has made a good faith effort to include minorities and women in its workforce, and in the selection and workforce of its subcontractors, as applicable. To facilitate such good faith review, all subject contractors may be required to submit certain information concerning their outreach efforts, diversity policies, and subcontracting activities.

In making its determination of good faith efforts, the OD&I will review the contractor's activities and information as they relate to the following:

- a commitment from the contractor's leadership to diversity in the workforce and, where applicable, the workforce(s) of its subcontractor(s)
- integration of diversity/equal employment opportunity methodologies into the contractor's business strategy
- outreach and recruitment activities that promote diversity and inclusion
- policies, practices, and procedures that ensure fair and equitable treatment in hiring, promotion, career development, and resolution of workplace disputes
- the contractor's self-described efforts to include, to the maximum extent possible, minority-owned and women-owned businesses in its subcontracting

The OD&I may engage in periodic review of a subject contractor's good faith efforts; however, unless the OD&I has made a determination that good faith efforts are lacking, a subject contractor ordinarily will not be subject to more than one review per year.

Program Director's Determination of Lack of Good Faith Efforts

Law Department

Memorandum

To: James Pasch, Legal & Personnel Committee – Committee Chair

From: Maggie Graham, Law Clerk

Date: July 23, 2018

Re: Supplier Diversity and Inclusion Policies – Sample Policies

If upon review of the subject contractor's activities and information, the program director of the OD&I, with input from Procurement and Legal, concludes that the subject contractor has not made a good faith effort to include minorities and women in its workforce and/or in its subcontracting activities, or if the subject contractor does not provide the requested information or otherwise fails to cooperate with the OD&I's review of the subject contractor's good faith efforts, the program director of the OD&I may take one or more of the following actions:

- obtain the subject contractor's cooperation in implementing a plan to remediate the deficiencies in its good faith efforts
- make a recommendation to the Board's chief operating officer that the contract be terminated for default or that the Board exercise any other rights available under the contract to remedy the contractor's material breach
- take any other appropriate action consistent with applicable law

Responsibility

The Division of Financial Management and the Office of Diversity and Inclusion jointly administer and interpret this policy and will review and update it as necessary.

ODOT POLICY

Disadvantaged Business Enterprise Program

Background

The U.S. Department of Transportation's Disadvantaged Business Enterprise (DBE) Program has its origins with Title VI of the Civil Rights Act of 1964, which states that "No person in the United States shall, on the grounds of race, color or national origin, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Predecessors to the DBE program came into existence in the 1970s. With the Surface Transportation Assistance Act, signed into law on January 6, 1983, Congress enacted the first DBE statutory provision. Congress has reauthorized and amended DOT's program many times since then. As Congress made clear in the **Fixing America's Surface Transportation Act (FAST Act), Public Law 114-94**, approved December 4, 2015:

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant

Law Department

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To: James Pasch, Legal & Personnel Committee – Committee Chair

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Re: Supplier Diversity and Inclusion Policies – Sample Policies

obstacles for minority- and women-owned businesses seeking to do business in federally assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the [U.S. Department of Transportation's] disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

DOT's DBE regulations are set out in the Code of Federal Regulations, Title 49, Part 26 (titled "Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs"). The objectives of DOT's DBE regulations are:

(a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the [U.S.] Department [of Transportation]'s highway, transit, and airport financial assistance programs;

(b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;

(c) To ensure that the [U.S.] Department [of Transportation]'s DBE program is narrowly tailored in accordance with applicable law;

(d) To ensure that only firms that fully meet [49 CFR Part 26's] eligibility standards are permitted to participate as DBEs;

(e) To help remove barriers to the participation of DBEs in DOT-assisted contracts;

Law Department

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Re: Supplier Diversity and Inclusion Policies – Sample Policies

(f) To promote the use of DBEs in all types of federally-assisted contracts and procurement activities conducted by recipients;

(g) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

(h) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

As a recipient of federal-aid highway and federal transit funds authorized under numerous acts (most recently the FAST Act), **ODOT is required to comply with DOT's DBE regulations**. As a Federal Highway Administration (FHWA) primary recipient and a Federal Transit Administration (FTA) recipient receiving more than \$250,000 in FTA funds in a federal fiscal year, ODOT must also have a DBE program, a signed and dated DBE policy statement, a DBE liaison officer, and prompt payment mechanisms, among other requirements. ODOT's DBE program objectives mirror those of the U.S. Department of Transportation. **ODOT's DBE policy statement** is available at the beginning of its **DBE Program Plan**, which sets out the mechanisms ODOT uses to ensure compliance with DOT's DBE regulations.

ODOT's DBE activities are centered in its Disadvantaged Business Enterprise Program in the Office of Small & Disadvantaged Business Enterprise, but many other ODOT divisions and offices share responsibility for various aspects of DBE compliance.

CITY OF *Beachwood*

INTEROFFICE MEMORANDUM

TO: Legal and Personnel Committee
James Pasch, Chair and Council Vice President
Justin Berns, Member
Brian Linick, Member and President of City Council
Eric Synenberg, Member

FROM: Tina M. Turick, Assistant Administrative Officer 

DATE: August 9, 2018

SUBJECT: Proposed Amendments to Schedule D of the Administrative Salary Ordinance

In preparation of the meeting the Mayor requested for Monday evening relative to his recommended changes to Schedule D of the Administrative Salary Ordinance, please find the following information:

- Administrative Salary Ordinance – Schedule D
 - Current Schedule D adopted by City Council March 5, 2018 – Ordinance #2018-53 (Exhibit A)
 - Proposed Amendments to Schedule D (Exhibit B) - Changes are outlined as follows
 - Creation of an Economic Development Manager
 - Proposed Job Description is attached (Exhibit C)
 - Creation of a Human Resources Manager as created by Council at the last Council Meeting
 - The job description for the position of HR Manager is currently being drafted by HR
 - Consolidations/Clean up Changes
 - Departments are listed only once and to the far left of the document
 - 5 Superintendents each having their own line item have been consolidated into one line allowing for all 5 positions

- Deletion of the Facilities Systems Coordinator as this position has not been filled for a number of years and the duties have been assigned to IT

The Mayor will provide Council with an overview of the proposed changes at the August 13th meeting. In the interim if you have any questions please feel free to contact Mayor Horwitz. All information and documents have been reviewed by the Mayor, Finance Department and HR before finalization. In addition, the changes outlined in the Service Department have been reviewed and approved by the Service Director.

T.M.T.

Cc: Martin S. Horwitz, Mayor
Diane Calta, Law Director
Larry Heiser, Finance Director
William Griswold, Building Commissioner
Dana Canzone, Human Resources Coordinator
Whitney Crook, Clerk of Council

Enclosures: Exhibit A – Current Schedule D of the Administrative Salary Ordinance

Exhibit B – Proposed Amendments to Schedule D of the Administrative Salary Ordinance

Exhibit C – Proposed Job Description for the Economic Development Manager

SCHEDULE D
CITY OF BEACHWOOD - SCHEMATIC LIST OF PAY GRADES

<u>Department Name</u>	<u>Position Title</u>	<u>Grade</u>	<u>Exempt</u>	<u>Number</u>	<u>Type</u>
Audit	Audit Director	18	Yes	1	Full Time
Audit	Administrative Coordinator	6	No	1	Full Time
Building Department	Building Commissioner	19	Yes	1	Full Time
Building Department	Assistant Building Commissioner	14	Yes	1	Full Time
Building Department	Program Coordinator	9	Yes	1	Full Time
Building Department	Administrative Assistant 2	4	No	2	Full Time
Building Department	Admin. Assistant/Secretary/Clerk	*	No	1	Part Time
Community Services Department	Director, Community Services	20	Yes	1	Full Time
Community Services Department	Recreation Supervisor	12	Yes	1	Full Time
Community Services Department	Assistant Recreation Supervisor	10	Yes	1	Full Time
Community Services Department	Program Coordinator	9	Yes	3	Full Time
Community Services Department	Graphic Designer	9	Yes	1	Full Time
Community Services Department	Administrative Assistant 2	4	No	1	Full Time
Community Services Department	Community Center Maintenance Coord.	4	No	1	Full Time
Community Services Department	Van Driver/Scheduler	2	No	1	Full Time
Community Services Department	Van Driver	1	No	1	Full Time
Community Services Department	Van Driver	*	No	4	Part Time
Community Services Department	Program Building Supervisor	*	No	N/A	Part Time
Economic Development Dept.	Economic Development Director	19	Yes	1	Full Time
Economic Development Dept.	Assistant to the Director (ED)	10	Yes	1	Full Time
Finance Department	Finance Director	21	Yes	1	Full Time
Finance Department	Information Technology Manager	18	Yes	1	Full Time
Finance Department	Assistant Finance Director	15	Yes	1	Full Time
Finance Department	Information Technology Asst. Manager	14	Yes	1	Full Time
Finance Department	Human Resources Administrator	13	Yes	1	Full Time
Finance Department	Accounting Supervisor/Tax Administrator	12	Yes	1	Full Time
Finance Department	Purchasing Supervisor	11	Yes	1	Full Time
Finance Department	Information Systems Technician	7	No	1	Full Time
Finance Department	Staff Accountant	9	No	1	Full Time
Finance Department	Human Resource Coordinator	8	No	1	Full Time
Finance Department	Administrative Coordinator	6	No	1	Full Time
Finance Department	Administrative Assistant 2	4	No	1	Full Time
Fire Department	Fire Chief	21	Yes	1	Full Time
Fire Department	Assistant Fire Chief	17	Yes	1	Full Time
Fire Department	Fire Prevention Officer	10	Yes	1	Full Time
Fire Department	Fire Inspector	9	No	2	Full Time
Fire Department	Fire Inspector	*	No	1	Part Time
Fire Department	Administrative Coordinator	6	No	1	Full Time
Fire Department	Administrative Assistant 2	4	No	1	Full Time
Law Department	Law Director	21	Yes	1	Full Time
Law Department	Assistant Law Director	18	Yes	1	Full Time
Law Department	Clerk of Council/Legal Assistant	10	Yes	1	Full Time
Law Department	Administrative Coordinator	6	No	1	Full Time

EXHIBIT A

SCHEDULE D
CITY OF BEACHWOOD - SCHEMATIC LIST OF PAY GRADES

<u>Department Name</u>	<u>Position Title</u>	<u>Grade</u>	<u>Exempt</u>	<u>Number</u>	<u>Type</u>
Mayor's Office	Assistant Administrative Officer	15	Yes	1	Full Time
Mayor's Office	Communications Coordinator	11	Yes	1	Full Time
Mayor's Office	Mayor's Executive Secretary	10	Yes	1	Full Time
Police Department	Police Chief	21	Yes	1	Full Time
Police Department	Clerk of Court	9	Yes	1	Full Time
Police Department	Assistant Jail Administrator	6	No	1	Full Time
Police Department	Assistant Clerk of Court	5	No	1	Full Time
Police Department	Administrative Assistant 3	5	No	2	Full Time
Police Department	Police Captain	*	N/A	N/A	Spec 1
Police Department	Dispatch Supervisor	*	N/A	N/A	Spec 1
Police Department	Patrol Officers	*	No	N/A	Part Time
Police Department	Corrections Officer	*	No	N/A	Part Time
Police Department	Crossing Guard	*	No	N/A	Part Time
Public Service Department	Public Service Director	21	Yes	1	Full Time
Public Service Department	Assistant Public Service Director	15	Yes	1	Full Time
Public Service Department	Staff Engineer	15	Yes	1	Full Time
Public Service Department	Environmental Manager	11	Yes	1	Full Time
Public Service Department	Superintendent - Vehicle Maintenance	11	Yes	1	Full Time
Public Service Department	Superintendent - Field Operations	11	Yes	1	Full Time
Public Service Department	Superintendent - Streets and Utilities	11	Yes	1	Full Time
Public Service Department	Superintendent - Public Parks and Ground	11	Yes	1	Full Time
Public Service Department	Superintendent - Building Maintenance	11	Yes	1	Full Time
Public Service Department	Facilities Systems Coordinator	11	Yes	1	Full Time
Public Service Department	Administrative Assistant 2	4	No	2	Full Time
Public Service Department	Shipping and Receiving Clerk	4	No	2	Full Time
Public Service Department	Intermittent/Temporary Laborer	*	No	N/A	N/A
Public Service Department	Laborer/Janitor	*	No	N/A	Part Time
Public Service Department	Messenger	*	No	1	Part Time
Administration	Administrative Assistant/Secretary/Clerk	*	No	N/A	Part Time
Administration	Intermittent/Temporary Staff	*	No	N/A	N/A

Note 1: (*) These positions are not within a pay grade, they are identified separately at the end of Schedule B as a not to exceed dollar figure or hourly rate.

The compensation and benefits for each position shall be set by the appointing authority.

Base salary (excluding longevity, overtime and leave payoffs) for each position shall not exceed the hourly rates or annual limits as defined in Schedule B.

The appointing authority cannot exceed the quantity of positions as defined in this schedule. Positions denoted as overtime exempt are ineligible for overtime or compensatory time payments or earnings.

Note 2: Spec 1 - Supplement is in addition to Lieutenant or Dispatcher pay and is not subject to overtime - position is not included in total personnel count - positions are counted under Collective Bargaining.

Note 3: Administrative staff may be employed in other administrative positions defined in this or other schedules of this Ordinance.

SCHEDULE D
CITY OF BEACHWOOD - SCHEMATIC LIST OF PAY GRADES

<u>DEPARTMENT NAME</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>EXEMPT</u>	<u>NUMBER</u>	<u>TYPE</u>
AUDIT DEPARTMENT					
	Audit Director	18	Yes	1	Full Time
	Administrative Coordinator	6	No	1	Full Time
BUILDING DEPARTMENT					
	Building Commissioner	19	Yes	1	Full Time
	Assistant Building Commissioner	14	Yes	1	Full Time
	Program Coordinator	9	Yes	1	Full Time
	Administrative Assistant 2	4	No	2	Full Time
	Admin. Assistant/Secretary/Clerk	*	No	1	Part Time
COMMUNITY SERVICES DEPARTMENT					
	Director, Community Services	20	Yes	1	Full Time
	Recreation Supervisor	12	Yes	1	Full Time
	Assistant Recreation Supervisor	10	Yes	1	Full Time
	Program Coordinator	9	Yes	3	Full Time
	Graphic Designer	9	Yes	1	Full Time
	Administrative Assistant 2	4	No	1	Full Time
	Community Center Maintenance Coord.	4	No	1	Full Time
	Van Driver/Scheduler	2	No	1	Full Time
	Van Driver	1	No	1	Full Time
	Van Driver	*	No	4	Part Time
	Program Building Supervisor	*	No	N/A	Part Time
ECONOMIC DEVELOPMENT DEPARTMENT					
	Economic Development Director	19	Yes	1	Full Time
	Economic Development Manager	13	Yes	1	Full Time
	Assistant to the Director (ED)	10	Yes	1	Full Time
FINANCE DEPARTMENT					
	Finance Director	21	Yes	1	Full Time
	Information Technology Manager	18	Yes	1	Full Time
	Assistant Finance Director	15	Yes	1	Full Time
	Information Technology Asst. Manager	14	Yes	1	Full Time
	Accounting Supervisor/Tax Administrator	12	Yes	1	Full Time
	Purchasing Supervisor	11	Yes	1	Full Time
	Information Systems Technician	7	No	1	Full Time
	Staff Accountant	9	No	1	Full Time
	Administrative Coordinator	6	No	1	Full Time
	Administrative Assistant 2	4	No	1	Full Time
FIRE DEPARTMENT					
	Fire Chief	21	Yes	1	Full Time
	Assistant Fire Chief	17	Yes	1	Full Time
	Fire Prevention Officer	10	Yes	1	Full Time
	Fire Inspector	9	No	2	Full Time
	Administrative Coordinator	6	No	1	Full Time
	Administrative Assistant 2	4	No	1	Full Time
HUMAN RESOURCES DEPARTMENT					
	Human Resources Manager	13	Yes	1	Full Time
	Human Resources Administrator	13	Yes	1	Full Time
	Human Resource Coordinator	8	No	1	Full Time

SCHEDULE D
CITY OF BEACHWOOD - SCHEMATIC LIST OF PAY GRADES

<u>DEPARTMENT NAME</u>	<u>POSITION TITLE</u>	<u>GRADE</u>	<u>EXEMPT</u>	<u>NUMBER</u>	<u>TYPE</u>
LAW DEPARTMENT					
	Law Director	21	Yes	1	Full Time
	Assistant Law Director	18	Yes	1	Full Time
	Clerk of Council/Legal Assistant	10	Yes	1	Full Time
	Administrative Coordinator	6	No	1	Full Time
OFFICE OF THE MAYOR					
	Assistant Administrative Officer	15	Yes	1	Full Time
	Communications Coordinator	11	Yes	1	Full Time
	Mayor's Executive Secretary	10	Yes	1	Full Time
POLICE DEPARTMENT					
	Police Chief	21	Yes	1	Full Time
	Assistant Police Chief	17	Yes	1	Full Time
	Clerk of Court	9	Yes	1	Full Time
	Assistant Jail Administrator	6	No	1	Full Time
	Assistant Clerk of Court	5	No	1	Full Time
	Administrative Assistant 3	5	No	2	Full Time
	Police Captain	*	N/A	N/A	Spec 1
	Dispatch Supervisor	*	N/A	N/A	Spec 1
	Patrol Officers	*	No	N/A	Part Time
	Corrections Officer	*	No	N/A	Part Time
	Crossing Guard	*	No	N/A	Part Time
PUBLIC SERVICE DEPARTMENT					
	Public Service Director	21	Yes	1	Full Time
	Assistant Public Service Director	15	Yes	1	Full Time
	Staff Engineer	15	Yes	1	Full Time
	Environmental Manager	11	Yes	1	Full Time
	Superintendent – Vehicle Maintenance	11	Yes	4	Full Time
	Superintendent – Field Operations	11	Yes	4	Full Time
	Superintendent – Streets and Utilities	11	Yes	4	Full Time
	Superintendent – Public Parks and Grounds	11	Yes	4	Full Time
	Superintendent – Building Maintenance	11	Yes	4	Full Time
	Superintendents	11	Yes	5	Full Time
	Facilities Systems Coordinator	11	Yes	4	Full Time
	Administrative Assistant 2	4	No	2	Full Time
	Shipping and Receiving Clerk	4	No	2	Full Time
	Intermittent/Temporary Laborer	*	No	N/A	N/A
	Laborer/Janitor	*	No	N/A	Part Time
	Messenger	*	No	1	Part Time
Administration	Administrative Assistant/Secretary/Clerk	*	No	N/A	Part Time
Administration	Intermittent/Temporary Staff	*	No	N/A	N/A

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SCHEDULE D
CITY OF BEACHWOOD - SCHEMATIC LIST OF PAY GRADES

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POSITION DESCRIPTION
CITY OF BEACHWOOD
An Equal Opportunity Employer

Position Title: Economic Development Manager

Department: Economic Development

Date: August 2018

Pay Grade: 13

Exempt/Non-exempt: Exempt

Exempt Category: Administrative

General Purpose for Job: This position is primarily responsible for performing retention and expansion visitations with Beachwood companies as instructed and will build and maintain a comprehensive database of companies. The Economic Development Manager will work with the Mayor and Building Commissioner to create and implement the City of Beachwood's Economic Development strategies and efforts. The Economic Development Manager provides a variety of complex and routine administrative, technical, and professional tasks in preparation for the implementation of economic development materials, programs and services.

Reporting Structure

Department Director
First level Supervisor
Work Coordinator:

Mayor

Coordinates work of:
Supervises: N/A

Temporary Staff/Interns

DUTIES *(The duties listed below are illustrative of the work performed by this classification. All duties are essential functions of the job unless otherwise noted with an asterisk. The percentage of time allocated to each group of duties is approximate.)*

Business Retention and Expansion

70%

- Develop strategies for business attraction, retention and development efforts
- Develop, implement and oversee incentive programs that make the City competitive in economic development
- Develop and maintain a current, accurate and up-to-date database for the City, including available sites and buildings, demographic and population information, workforce data, and incentives
- Maintain accurate and timely information on development prospects for the City, both from existing businesses and those considering investing in the City
- Serve to enhance business opportunities for local business; attract and encourage new business; and offer specialized programs
- Interface with business development entities and merchant associations to encourage new and increased business development within the City
- Directly and through support from others, meet with existing businesses within the City, and work toward maintaining and expanding their operations
- Gather strategic information about existing Beachwood companies and report current activities and plans to the Mayor.
- Suggest, implement and maintain programs designed to address economic development issues.
- Prepare grant proposals for federal, state, and county assistance programs in the area of economic development with particular emphasis on business retention and expansion programs
- Serve as City liaison with businesses located within the City, and businesses seeking to relocate to the City, in addition to being a liaison with the Beachwood Chamber of Commerce and other professional organizations and governmental agencies

Administration

30%

- Manage the economic development operations to achieve the City's short and long-term goals and objectives within available resources
- Develop, implement and oversee adherence to City policies and procedures
- Work cooperatively with other City departments to meet goals and objectives
- Develop and maintain relationships with other economic development entities serving the City
- Conduct and/or attend and actively participate in meetings as needed or required
- Process, analyze and summarize information in order to prepare reports and correspondence relative to economic development activities
- Develop short and long-range economic development plans; gather, interpret and prepare data or studies, reports and recommendations for drafting or revising local legislation, and projecting trends
- Monitor local, state, and federal legislation and regulations relating to economic development
- Prepare reports and make presentations to City Council, the business community, civic groups, prospective businesses, students and/or the general public
- Assist with the creation of a variety of department publications, such as newsletters, brochures, and more
- Hiring and supervision of temporary (interns) support staff

Minimum Education and Experience

Education: Bachelor's Degree in Business Administration, Urban Planning, Marketing or related field

Experience: Minimum four years' experience working in an economic or community development environment; experience with business retention and expansion outreach preferred

Knowledge, Skills and Abilities

Knowledge of:

- Economic development programs and processes
- Business and management principles involved in strategic planning, budget development, resource allocation and marketing
- Department and City policies and operating procedures
- Meeting protocol
- Computer and Internet
- Correct use of grammar, punctuation and spelling
- Basic arithmetic and bookkeeping

Skills and Abilities:

- Integrity, sense of responsibility, independent judgment
- Ability to persuade, negotiate and resolve conflicts
- Use logic and reasoning to identify the strengths and weaknesses of alternative solutions, conclusions or approaches to problems
- Communicate effectively with others both verbally and in writing
- Develop and maintain effective working relationships with supervisor, co-workers and the general public
- Plan, schedule and organize multiple activities
- Organize work in a logical manner
- Work on multiple tasks simultaneously
- Compose routine and complex correspondence
- Produce reports accurately
- Follow departmental or operational procedures and practices
- Maintain confidentiality
- Work within budgetary, procedural and/or policy guidelines and constraints

License or Certification Required: None

Physical Demands: Frequent bending, standing, walking, climbing stairs, lifting and pushing light to moderate weight (2-19 pounds). Somewhat frequent lifting moderate to heavy weight (6-20+ pounds). Occasional working in awkward or confined positions, lifting heavy weight, and pushing moderate to heavy weight (6-20+ pounds)