

EXHIBIT A

171A.01 CALCULATION AND ALLOCATION OF WORKERS COMPENSATION COSTS.

Commencing January 1, 2009, the County shall allocate the cost of workers compensation premiums among all funds which contribute to the County Workers Compensation Fund on a relative loss experience basis. Prior to submission of the annual County budget to Council, the Director of the Department of ~~Law, Insurance and Risk Management~~ of Finance and Budget shall determine the relative loss experience and corresponding charge rate for each fund, based upon the prior four-year period of experience, and shall notify each County appointing authority and agency of said determination. The Director of the Department of ~~Law, Insurance and Risk Management~~ Finance and Budget may group multiple funds with similar relative loss experience in determining the charge rate for those funds. Each fund that contributes to the County Workers Compensation Fund shall contribute to said Fund at the charge rate determined by the Director of the Department of Law, Insurance and Risk Management.

115.01 ADMINISTRATIVE ORGANIZATION.

The Administrative Services organization of Summit County shall be organized under the authority of the County Executive as follows:

- (a) Executive Department.
 - (1) Chief of Staff
 - (2) Assistant Chief of Staff
 - ~~(4)~~ (3) Assistants to the Executive.
- (b) Director, Department of Law, ~~Insurance~~ and Risk Management.
 - (1) Assistant Law Directors.
 - (2) Deputy Director, ~~Criminal Justice Affairs~~ Division of Public Safety
 - (3) Deputy Director, ~~Security~~ Office of Consumer Affairs
 - (4) Administrative Services.
 - A. Legal Counsel.
 - B. Criminal Justice Affairs.
 - ~~C. Security.~~
 - ~~D. C.~~ Emergency Operations.
 - D. Legislative
- (c) Director, Department of Communications.
 - (1) Administrative Services.
 - A. Media Relations.
 - B. Public Information.
 - ~~C. Legislative.~~
- (d) Director, Department of Finance and Budget.
 - (1) Deputy Director.
 - (2) Deputy Director, Purchasing.
 - (3) Deputy Director, Bureau of Office Services.
 - (4) Administrative Services.
 - A. Budget Management.
 - B. Purchasing.
 - C. Office Services.
- (e) Director, Department of Community and Economic Development.
 - (1) ~~Deputy~~ Assistant Director, Development.

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- (2) Deputy Director, Planning and Geographic Information Systems.
- ~~(3) Assistant Director, Building Standards.~~
- ~~(4)~~ (3) Administrative Services.
 - A. Community Development.
 - B. Economic Development.
 - C. Housing Resources Management.
 - D. Physical Planning.
 - E. Comprehensive Planning.
 - F. Geographic Information Systems.
 - ~~G. Building Standards.~~
- (f) Director, Department of Human Resources.
 - (1) Deputy Director, Personnel.
 - (2) Deputy Director, Labor Relations.
 - (3) Deputy Director, ~~Insurance Services~~ Employee Benefits.
 - (4) Administrative Services.
 - A. Personnel Management.
 - B. Labor Relations.
 - C. Equal Employment Opportunity Compliance.
 - D. ~~Youth Work Experience~~ Employee Benefits.
- (g) Director, Department of Administrative Services.
 - (1) Deputy Director, Facilities.
 - (2) Deputy Director, Capital Projects.
 - (3) Deputy Director, Community Services.
 - (4) Administrative Services.
 - A. Physical Plants/Facilities.
 - B. Capital Improvements/Construction.
 - C. ~~Community Services~~ Animal Control.
- (h) Director, Department of ~~Social Services~~/Job and Family Services
 - (1) Deputy Director.
 - (2) Deputy Director.
 - (3) Deputy Director.
 - (4) Administrative Services.
 - A. Fiscal Affairs.
 - B. Personnel.
 - C. IV-D Support.
 - D. Investigation.
 - E. Building Operations.
 - F. Supportive Services.
 - G. Training.
 - (5) Public Assistance.
 - A. Medicaid and Medical Assistance.
 - B. Primary Assistance.
 - C. Aid to Dependent Children Intake.
 - D. Aid to Dependent Children Ongoing.
 - E. Food Stamp Program.
 - F. Hearing Procedures.

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- (6) Social Services.
 - A. Service Management.
 - B. Direct Services.
 - C. Title XX Contracted Services.
- (i) Medical Examiner.
 - (1) Deputy Medical Examiner.
- (j) Director, Department of Sanitary Sewer Services.
 - (1) Assistant Director, Building Standards
 - ~~(4)~~ (2) Deputy Director, Engineering.
 - ~~(2)~~ (3) Deputy Director, Operations.
 - ~~(3)~~ (4) Administrative Services.
 - A. Design and Construction.
 - 1. Design.
 - 2. Planning.
 - 3. Drafting.
 - 4. Inspection.
 - B. Maintenance Operations.
 - 1. Sewer Maintenance.
 - 2. Water Maintenance.
 - 3. Garage.
 - C. Wastewater Operations.
 - 1. Plant Operations.
 - 2. Pump Station Operations.
 - 3. Quality Assurance Group.
 - D. Administration.
 - 1. Finance.
 - 2. Customer Services.
 - 3. General Administration.
 - 4. Building Standards.

CHAPTER 119

Sanitary Sewer Services Department Moral Claims Policy

119.01 Authority of County Executive.

119.02 Maximum settlement amount; reports required.

119.03 Policy criteria and amount to be certified.

119.04 Definitions; settlement procedure.

119.05 Executed release by claimant.

119.01 AUTHORITY OF COUNTY EXECUTIVE.

The County Executive is hereby authorized to adopt a moral claims policy and to establish procedures for settling such claims within the Department of Sanitary Sewer Services.

119.02 MAXIMUM SETTLEMENT AMOUNT; REPORTS REQUIRED.

The County Executive, with the approval of the ~~General Counsel~~ Director of the Department of Law and Risk Management and the Prosecuting Attorney, is hereby authorized to

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settle moral claims up to the amount of one thousand five hundred dollars (\$1,500) without Council approval. The County Executive shall make quarterly reports of all moral claims settled pursuant to this authorization. Council's approval is required for all moral claims of more than one thousand five hundred dollars (\$1,500).

119.03 POLICY CRITERIA AND AMOUNT TO BE CERTIFIED.

The County Prosecutor and Director of the Department of Law, ~~Insurance~~ and Risk Management shall certify in writing that a moral claim meets the criteria of the moral claims policy and shall also specify what amount should be paid only after the procedures outlined in Section 119.04 have been complied with.

119.04 DEFINITIONS; SETTLEMENT PROCEDURE.

(a) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "Claim" means a written demand for monetary redress from the County other than through the courts, and does not include lawsuits. Any claim on which suit is filed shall thereupon cease to be a claim and shall be settled according to law, as are lawsuits generally.

(2) "Moral claim" means a claim for which the County would have a legal liability but for the fact that it has immunity and in which the factual situation is such that good conscience and pure legal logic indicate that the claim should be paid. Approval shall be based on a finding that legal liability would exist but for the County's immunity and that additional facts exist which, in good conscience, compel payment.

(b) Moral Claims Procedure.

(1) All moral claims against the County arising from injury or damage to a claimant's real or personal property from alleged acts or omissions of the County shall be referred to the ~~DOES~~ Department of Sanitary Sewer Services ("DSSS") Customer Service Research Analyst.

(2) The Research Analyst shall perform an investigation of the claim affording a thorough examination of the facts and disclosure of evidence. The investigation shall afford an opportunity to all interested parties to present written evidence to ~~DOES~~ DSSS concerning the incident in which such alleged moral claim arose, together with documentation evidencing the amount of damages sustained.

(3) After the Research Analyst investigates each moral claim, he shall make a recommendation that the claim be denied, approved or approved in a modified amount.

(4) The Research Analyst shall then submit the moral claim in which the amount claimed is one thousand five hundred dollars (\$1,500) or less, together with supporting documentation and his recommendation thereon, to the ~~DOES~~ DSSS Director and legal counsel who may accept, reject or modify the recommendation. The Director shall make a final internal decision disposing of such claims and then forward his recommendation to the Prosecutor's Office for the final decision prior to submission of the moral claim to the County Executive's Office for authorization of payment.

(5) The Prosecutor's Office may, in its discretion, perform further investigation of the moral claim.

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(6) The Prosecutor's Office may accept, reject or modify the recommendation of the Director and shall make final written recommendation to the Director before submission to the County Executive for payment authorization.

(7) The Director shall submit an Executive Order to the County Executive's Office requesting authorization for payment to the claimant.

119.05 EXECUTED RELEASE BY CLAIMANT.

Prior to the payment of any moral claim to any claimant, the County shall receive a legally binding release executed by the claimant, fully discharging the County from any future claim or demand arising from the incident in which such moral claim arose.

CHAPTER 119A

Environmental Services Sewer Backup Cleaning and Sanitation Claims

119A.01 Definitions.

119A.02 Payment amounts; reports required.

119A.03 Payment procedures.

119A.04 Release.

119A.05 Right to set-off claim.

119A.01 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) "Flooded Basement" means a basement which is on property served by the Department of Sanitary Sewer Services and owned or controlled by a Customer which has been flooded due to a sanitary sewer backup unrelated to problems within the Customer's private sewer line, and not caused solely by storms and/or flooding from excessive rains and not caused by flooding from any source inside the basement (i.e. water tanks, washers, etc.)

(b) "Customer" means a person or legal entity who owns property that is provided sewer service by the Department of Sanitary Sewer Services.

119A.02 PAYMENT AMOUNTS; REPORTS REQUIRED.

The County Executive is hereby authorized to reimburse a Customer for out-of pocket costs and/or insurance deductibles paid by the Customer for cleanup and sanitation of Flooded Basements as qualified hereunder, without Council approval, in an amount not to exceed ten thousand dollars (\$10,000) per residence. The County Executive shall make quarterly reports of all payments made pursuant to this authorization. All payments for reimbursement exceeding ten thousand dollars (\$10,000) in the aggregate to any Customer for a Flooded Basement shall be approved by Council prior to payment.

119A.03 PAYMENT PROCEDURES.

(a) All claims for Flooded Basements must be submitted by the Customer in writing to the Department of Law, ~~Insurance~~ and Risk Management within thirty (30) days of the occurrence of the sanitary sewer backup. If the claim is not submitted within thirty (30) days of the occurrence of the sanitary sewer backup, the claim may be denied as untimely.

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(b) Following the receipt of any claim, as set forth above, the Director of Law, ~~Insurance~~ and Risk Management shall notify the Director of the Department of Sanitary Sewer Services ("DSSS") of receipt of said claim and shall forward a copy of the claim documents received to the Director.

(c) The Director of ~~DOES~~ DSSS shall designate an employee of ~~DOES~~ DSSS ("Analyst") to perform an investigation of the claim, affording a thorough examination of the facts and disclosure of evidence. The investigation shall afford an opportunity to all interested parties to present written evidence to ~~DOES~~ DSSS concerning the incident in which such alleged claim arose, together with documentation evidencing the amount of damages sustained.

(d) After the Analyst investigates the claim, he shall make a recommendation, accompanied by a copy of all documentation compiled during his/her investigation, to the Director of ~~DOES~~ DSSS that the claim be denied, approved or approved in a modified amount. The claim must meet the definition of Flooded Basement, and the payee of the claim must meet the definition of a Customer as defined in this section for approval.

(e) The Director of ~~DOES~~ DSSS shall review the Analyst's recommendation and shall make a written determination as to whether the claim should be paid or not, and the amount that should be paid. The Director of ~~DOES~~ DSSS shall then submit said written determination to the County Executive.

(f) Upon receipt of the Director of ~~DOES's~~ DSSS's written determination, the County Executive shall review the same and shall order that the claim be paid in full, partially paid, or denied, and shall notify both the Director of ~~DOES~~ DSSS and the Director of Law, ~~Insurance~~ and Risk Management accordingly. The County Executive may, in his or her discretion, perform additional investigation of the claim.

(g) Following receipt of the notice of the County Executive's order to pay any claim in full or in part, the Director of Law, ~~Insurance~~ and Risk Management shall request payment and make payment to the Customer from account number 50001 8510 60501, provided however that any payment exceeding ten thousand dollars (\$10,000) shall not be made without the approval of Council.

119A.04 RELEASE.

Prior to the payment of any claim to any Customer, the Department of Law, ~~Insurance~~ and Risk Management shall obtain a legally binding release executed by the Customer and any other person who may have an interest in the affected property, fully discharging the County from any future claim or demand for reimbursement of cleanup and/or sanitation costs arising from the Flooded Basement claim.

119A.05 RIGHT TO SET-OFF CLAIM.

The County may reduce or set-off any payment made hereunder by any amount owed by Customer to County for sewer service provided by ~~DOES~~ DSSS that is in excess of thirty (30) days delinquent and shall adjust Customer's account accordingly.

130.02 COMPROMISE OF SMALL CLAIMS.

(a) The County Executive, with the approval of the Director of the Department of Law, ~~Insurance~~ and Risk Management and the Prosecuting Attorney, is hereby authorized to settle casualty claims up to the amount of three thousand dollars (\$3,000) without Council approval.

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The County Executive shall make quarterly reports of all claims settled pursuant to this authorization.

(b) Prior to payment on any legal claim to any claimant, the County shall receive a legally binding release executed by the claimant, fully discharging the County from any future claim or demand of the claimant arising from the incident in which such claim arose.

CHAPTER 131

Director, Department of Law, ~~Insurance~~ and Risk Management

131.01 Legal representative of County Executive.

131.01 LEGAL REPRESENTATIVE OF COUNTY EXECUTIVE.

(a) The ~~General Counsel~~ Department of Law and Risk Management is hereby authorized to represent the County Executive, and all departments under the authority of the County Executive, in all courts of law and equity, both state and federal, and to prosecute and defend all suits in which the County Executive, or any department under the authority of the County Executive, is a party.

(b) The ~~General Counsel~~ Department of Law and Risk Management is hereby authorized, without consultation with the County Prosecutor, to recommend to the County Council, in accordance with the provisions of the Summit County Ordinances concerning professional contracts, that outside legal counsel be retained to represent the Summit County Executive, or any department under the authority of the County Executive, in a particular suit or proceeding, whether state or federal.

761.03 CONSUMER AFFAIRS PERSONNEL.

The Deputy Director of Consumer Affairs, under the Direction of the County Executive and the Director of Law, ~~Insurance~~ and Risk Management, shall supervise such personnel as are needed to ensure the successful administration of this Code.

169.03 ETHICS OF PUBLIC EMPLOYMENT.

(a) Ohio Revised Code. The ethical requirements for elected officials and public employees are set forth in Chapter 102 of the Ohio Revised Code.

(b) Filing of Disclosure Statements.

(1) "Compensation" means money, thing of value, or financial benefit.

(2) Duty to File Disclosure Statement with Human Resource Commission.

All unclassified employees and any other employee as designated by the Human Resource Commission ("HRC") and recommended to Council shall file an annual financial disclosure statement with the HRC on a form prescribed by the HRC.

(3) Contents of Disclosure Statement. The annual financial disclosure statement shall contain:

A. The name of the person filing the statement and the name of members of the reporting party's immediate family and all names under which such persons or members of his/her family conduct business.

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B. Identification of every source of income received by the reporting person during the preceding calendar year and a description of the nature of the services rendered. Such statement shall disclose the identity of any person and/or firm from whom the reporting person received income. This section is not intended to cause the disclosure of information made confidential by a recognized code of ethics applicable to the profession of the reporting party or the reporting party's spouse.

C. The names of all persons residing or transacting business in the State to whom the reporting party owes more than ten thousand dollars (\$10,000), excluding debts relating to personal residence, vehicles, student loans, VISA, Master Card, American Express, Discover or major retail store credit.

D. The source of each gift of more than two hundred dollars (\$200.00) in value received during the preceding calendar year, excluding gifts from a spouse, parent, grandparent, child, grandchild, sibling, niece, nephew, aunt, uncle or in-law.

(4) Filing.

A. The disclosure statements required under this section shall be filed by April 15 of each calendar year, beginning April 15, 2000.

B. No person required to file a disclosure statement shall purposely fail to file a statement or purposely fail to disclose information required to be disclosed.

(5) Penalties.

A. If a financial disclosure statement required under this section is not timely filed, the Human Resource Commission may, following notice and a hearing, assess a late fee as follows:

1. For employees who are in substantial compliance with this section and/or the Rules of the Human Resource Commission, up to five dollars (\$5.00) per day for each calendar day on which the report was not timely filed.

2. For employees who are not in substantial compliance with this section and/or the Rules of the Human Resource Commission, up to twenty-five dollars (\$25.00) per day for each calendar day on which the report was not timely filed.

B. Violation of this section shall subject the official or employee to disciplinary action up to and including termination as determined by the Human Resource Commission.

(6) A. The Human Resource Commission shall examine each disclosure statement to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interest of the person, as indicated by the disclosure statement, interferes with the public interest the person is required to service in the exercise of the person's office or position with the County. If the Human Resource Commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall arrange for a formal hearing at the next scheduled Human Resource Commission meeting unless that meeting has been scheduled to occur less than two weeks from the date of notice. If the notice is provided less than two weeks prior to the scheduled meeting, then

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the hearing will take place at the following scheduled Human Resource Commission meeting. If it is determined at the hearing that a conflict of interest exists, the Human Resource Commission shall notify the appointing authority and refer the matter to the Ohio Ethics Commission.

B. The officials or employees filing a Disclosure Statement shall provide any additional information and/or clarification on their Disclosure Statement to any reasonable request made by the Human Resource Commission. Failure to submit the required information within ten calendar days shall subject the official or employee to a fine of five dollars (\$5.00) per day for each calendar day that the information is not submitted to the Human Resource Commission.

C. The disclosure of financial disclosure statements to the public shall be governed by Section 149.43 of the Ohio Revised Code, as amended.

(7) Rules.

A. The Human Resource Commission shall deposit all funds collected pursuant to this section into the General Fund of the County.

B. The Human Resource Commission shall make all rules necessary to carry out this section.

(c) Prohibition of Outside Employment for Certain Officials/Employees.

(1) Definitions.

A. "Outside employment" means work outside an official's or employee's employment with the County of Summit government, whether it be as an employee, independent contractor, consultant or owner, for which compensation is paid.

B. "Compensation" means money, thing of value or financial benefit. Compensation does not include reimbursement for the actual or necessary expenses incurred as a volunteer.

C. "Designated County official or employee", as used in this section shall refer to the following positions with the County:

1. Chief of Staff, Executive.

~~2.~~ 3. Assistant Chief of Staff, Executive.

~~2.~~ 3. Director, Department of Law, ~~Insurance~~ and Risk Management.

~~3.~~ 4. Director, Department of Sanitary Sewer Services.

~~4.~~ 5. Director, Department of Finance and Budget.

~~5.~~ 6. Director, Department of Job and Family Services.

~~6.~~ 7. Assistant Director, Department of Job and Family Services.

~~7.~~ 8. Director, Department of Communications.

~~8.~~ 9. Medical Examiner.

~~9.~~ 10. Director, Department of Community and Economic Development.

~~10.~~ 11. Director, Department of Human Resources.

~~11.~~ 12. Director, Department of Administrative Services.

~~12.~~ 13. Director, Human Resource Commission.

~~13.~~ ~~Director of Consumer Affairs.~~

14. Chief of Staff, Council.

15. Chief of Staff, Fiscal Office.

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16. Deputy Fiscal Officer, Finance.
17. Software Engineering Administrator.
18. Chief of Staff, Clerk of Courts.
19. Chief Deputies, Clerk of Courts.
20. Chief Counsel, Civil Division, Prosecutor's Office.
21. Chief Counsel, Criminal Division, Prosecutor's Office.
22. Director of the Child Support Enforcement Agency.
23. Assistant Sheriffs.
24. Chief Deputy Fiscal Officer, Fiscal Office.
25. Chief Deputies, Engineer.
26. General Counsel for Engineer.
27. Director of Internal Auditing.
28. Assistant Director of the Department of Internal Auditing
29. Deputy Director of the Department of Internal Auditing.
30. HRC Administrator.
31. Chief Information Officer.

(d) Prohibition Against Outside Employment. No designated County official or employee as defined in this section may hold outside employment if either of the following applies:

(1) The employment is with or for a person or entity which has a contract with or does Business with the County; or

(2) The employment is with or for a person or entity that is funded in whole or in part with County funds.

(3) (e) Penalties. Violation of this section shall subject the official or employee to disciplinary action up to and including termination, as determined by the Human Resource Commission.

169.12 EMPLOYEE ACCIDENTS.

(a) Accident Report Form. All accidents shall be reported immediately to the immediate supervisor. Accident report forms shall be available to all employees.

(b) Completion by Employee. Employees injured or involved in an accident at work must complete an accident report form immediately. If this cannot be done immediately because of the nature of the injury, employees are to complete the accident report form as soon as possible after sustaining the injury or having the accident. All completed forms shall be returned to the employee's immediate supervisor and to the Department of Law, ~~Insurance~~ and Risk Management and the Department of Human Resources. Any employee involved in an accident while on duty may be required to undergo drug and/or alcohol testing. Failure to comply with any of the provisions of this section may subject the employee to discipline, up to and including, termination.

(c) Completion by Supervisor. The employee's immediate supervisor shall promptly investigate the circumstances surrounding the injury and complete the accident report form(s). All completed forms are to be promptly returned to the appointing authority with a copy to the Department of Law, ~~Insurance~~ and Risk Management and the Department of Human Resources. Failure by the Supervisor to process timely or other actions that violate the express written terms of this chapter will result in discipline of the Supervisor, up to and including termination.

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(d) Workers' Compensation Form. After completing the accident report form, employees injured at work may obtain an application for Workers' Compensation benefits by requesting the same in person from the appointing authority or from the Department of Law, ~~Insurance~~ and Risk Management. All applications for Workers' Compensation benefits shall be submitted by the employee to the Department of ~~Law, Insurance and Risk Management~~ Human Resources.

(e) Falsification. An employee who falsifies, misrepresents or makes fraudulent statements on an accident report form or application for Workers' Compensation benefits shall be subject to discipline, up to and including termination.

(f) Medical Examination. The Department of ~~Law, Insurance and Risk Management~~ Human Resources may require an employee to undergo a medical examination, conducted by a licensed physician selected by the Department of ~~Law, Insurance and Risk Management~~ Human Resources to determine the employee's capability to perform the duties of the employee's position. The cost of such an examination shall be borne by the County.

169.15 BENEFIT COVERAGE.

(a) Eligibility. All regular full-time employees, as defined by Section 169.05, shall receive health benefits on the first day of the next month following the start of their employment. Elected officials shall be eligible to receive health benefits effective on the first day of the term of office. Commencing with health benefits offered for calendar year 2014, except where already offered under the County's benefit plans, Spouses, Domestic Partners and Dependents of regular full-time employees may also be included in the employee's health benefits depending on the employee's benefit election.

(1) To be eligible to receive health benefits for a Domestic Partner, the employee and the Domestic Partner shall submit an affidavit prior to enrollment for benefits swearing under oath that the relationship entered into between the employee and the Domestic Partner is one that meets the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances.

(2) Dependents are defined for purposes of health benefits as natural and adopted children, step-children, or a child for whom the employee is the court appointed guardian or legal custodian, or a child of a Domestic Partner.

(b) Termination of Eligibility. If any of the changes set forth below occurs any time during the year for an employee enrolled in the County's health benefits, the employee shall notify the employer as set forth below. (1) Spouses. In the case of a divorce or dissolution of marriage, the employee must notify the Department of ~~Law, Insurance and Risk Management~~ Human Resources, Division of Employee Benefits within thirty (30) days of the date of the final decree of divorce or dissolution by providing a copy of the final decree.

(2) Domestic Partners. Upon the occurrence at any time that one or more of the elements set forth in the definition of Domestic Partner contained in Section 169.02 of these Codified Ordinances is no longer true, the employee shall notify the Department of ~~Law, Insurance and Risk Management~~ Human Resources, Division of Employee Benefits in writing within thirty (30) days, at which time the health benefits for the Domestic Partner shall terminate.

(3) Dependents. In the case of a child, step-child, a child for whom the employee is the court appointed guardian, or legal custodian, should the employee receive a court order or notice from a court of law or the authorized placement agency,

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that the employee is no longer responsible for that child or for the child's health care, the employee shall notify the Department of ~~Law, Insurance and Risk Management~~ Human Resources, Division of Employee Benefits within thirty (30) days of receiving written confirmation of the action terminating that responsibility. Failure to provide notice as set forth above may result in discipline of the employee up to and including termination.

(c) Cost. All regular full-time employees shall pay the employee's portion of the premium costs of such health benefits as established by either a collective bargaining agreement or the County Council. The County Fiscal Officer shall deduct from the bi-weekly pay of all employees an amount representing the employee's portion of the premium cost of health benefits. 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.

(d) Benefit Continuation.

(1) Family and Medical Leave Act Leave. Employees granted leave under the Family and Medical Leave Act (5 U.S.C. §§ 6381-6387, 26 U.S.C. §§ 2601, 2611-2619, 2631-2636, 2651-2654, as amended) shall continue to receive health benefits for the duration of the approved leave. The employee shall be responsible for the employee's portion of the premium cost for the duration of the leave. An employee who fails to return to work, for reasons other than a continued serious health condition, shall be required to reimburse the County for the employee and employer's portion of the insurance premiums.

(2) Workers Compensation. Employees who sustain a work-related injury while employed with the County and are removed from Active Pay Status as a result of the work-related injury, shall continue to receive health benefits for a period not to exceed six (6) months. The employee shall be responsible for the employee's portion of the premium cost for the six (6) month period.

(3) Separation From Employment. The Consolidated Omnibus Reconciliation Act (7 U.S.C. §§ 1314g, 1314h, 1445-3, 10 U.S.C. § 1095, 15 U.S.C. §§ 687k, 6871, 697a, 697b, 1530, 19 U.S.C. § 58c, 29 U.S.C. §§ 1001b, 1085a, 1143a, 1161-1168, 1369, 1370, 33 U.S.C. § 883j, 38 U.S.C. § 1703, 42 U.S.C. §§ 238m, 300bb-1 to 300bb-8, 677, 1396r-3, 1395dd, 1395w-1, 1396v, 8287, 8287a-8287c, 47 U.S.C. § 158, as amended) ("COBRA") governs continuation of health benefits after separation from employment. Additionally, an employee is eligible for COBRA while on unpaid leave.

(4) Unpaid Leave of Absence. Employees on an unpaid leave of absence as defined in Section 169.22 (l) who purchase county health benefits through payroll deduction and go on unpaid leave status shall retain their benefits for thirty (30) consecutive calendar days (retention period) provided that the employee pays their applicable premiums. The retention period begins from the first day unpaid leave approved by the Appointing Authority or their designee is taken by the employee. This can be granted only one (1) time per rolling twelve (12) month calendar year. Benefits shall terminate at the next unpaid leave status or when the approved retention period has been completed if the employee is unable or unwilling to return to work. The Appointing Authority shall provide written notice to the Department of Human Resources ~~and Department of Law, Insurance and Risk Management~~ within one (1) working day of granting such leave.

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(5) Disability Retirement. If an employee separates employment due to a pending OPERS Disability retirement, benefits will continue for an employee who continues to pay their share of the applicable premiums, until a determination from OPERS regarding Disability Retirement is made or six (6) months ~~which ever~~ whichever is less. An employee shall provide the appointing authority with a copy of their application for disability benefits upon separation.

(6) Disciplinary Suspension. An employee shall retain benefits while on a disciplinary suspension. 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.

(e) Cafeteria Plan. A "cafeteria plan" shall be established pursuant to Section 125 of the Internal Revenue Code (26 U.S.C. § 125) to provide for various employee benefits. The County Executive shall act as administrator of the plan.

(f) Incentive Payment. An incentive payment shall be offered to each County employee eligible for health benefits who has proof of other health benefits and elects to have no County coverage. This incentive payment shall be available to all County employees, except those married to other County employees. The amount of the incentive shall be established by the County Council and shall not exceed the limits as established by the Ohio Revised Code.

(g) Prescription Coverage. The prescription drug benefit co-pay amounts shall be determined by the prescription drug plan document.

~~(g)~~ (h) Life Insurance. Employees shall receive life insurance coverage paid by the County of Summit as determined by the life insurance plan document.

~~(h)~~ (i) Termination. Voluntarily or involuntarily terminated employees' benefits shall be cancelled on their last day of employment.

169.22 LEAVES OF ABSENCE.

(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 predisciplinary 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.

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(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.

169.25 OPERATION OF A VEHICLE FOR COUNTY OF SUMMIT BUSINESS.

(a) Applicants. An applicant being considered for employment in a position that requires the operation of a vehicle for County of Summit business shall be required to produce an appropriate valid State of Ohio driver's license. An applicant who has accumulated four (4) or more penalty points, as reported by the Ohio Department of Public Safety- Bureau of Motor Vehicles ("BMV"), for motor vehicle operation violations within the preceding twelve (12) months shall not be considered for the position.

(b) Condition of Employment. If operation of a vehicle for County of Summit business is required by the employee's position description, failure of the employee to maintain an applicable, valid State of Ohio driver's license may result in discipline, up to and including

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termination. The County of Summit makes no provision for "light duty" due to lack of proper licensure or the County determining the employee to be an unacceptable risk as defined by subsection (j) of this Section.

(c) Operation of a Vehicle. During the course of employment, an employee may be required or have occasion to operate a County of Summit vehicle or the employee's personal vehicle for County of Summit business. To operate a vehicle for County of Summit business, an employee shall:

- (1) Have a valid State of Ohio driver's license or a valid State of Ohio commercial driver's license as required by the employee's position;
- (2) Have approval from the appointing authority;
- (3) Maintain liability insurance in accordance with Section 4509.01 of the Ohio Revised Code, as amended, if operating a personal vehicle for County of Summit business; and
- (4) Submit information in accordance with Section 169.25(i).

(d) Authorized Operation of a County of Summit Vehicle. No employee shall operate a County of Summit vehicle for any use other than official County of Summit business. No person shall operate a County of Summit vehicle before or after an employee's regular working hours unless authorized by the appointing authority. Any employee who violates this section shall be subject to discipline, up to and including, termination.

(e) Designated Personnel. Each appointing authority shall provide to the Department of Law, Insurance and Risk Management, annually on January 31, a list of employees of whom the appointing authority anticipates will be operating a motor vehicle for County of Summit business. Such list shall be updated periodically as needed.

(f) Designated Personnel for County of Summit Vehicles.

(1) Employees whose positions regularly require travel for County of Summit business before or after their standard work hours may be assigned a County of Summit vehicle. Such vehicle may be used to travel between the employee's home and work assignment when necessary for the efficient, economical discharge of the employee's official duties. Such travel shall not be reimbursable. Individuals taking their designated or pool car home will be charged \$1.50 each way to comply with Internal Revenue Service publication 15B, commuting rules. Personal use of such vehicles is prohibited and shall result in discipline, up to and including, termination.

(2) The County Executive shall designate, by Executive Order, personnel assigned to County of Summit vehicles.

(3) Designated employees shall complete a usage log for the vehicle and submit logs to their appointing authority's designee to be entered into the Department of Law, Insurance and Risk Management's database on or before the following dates for the preceding three months: January 1st, April 1st, July 1st, and October 1st. Any employee performing confidential or investigative work, as certified by the appointing authority, shall be exempt from completing the usage log.

(g) County of Summit Pool Vehicles. The County of Summit may provide vehicles for use as pool vehicles. The County Executive shall determine the necessity and number of such vehicles for each office. Employees who are required to operate a vehicle for County of Summit business may be authorized by the appointing authority to operate a County of Summit vehicle. Any employee operating a pool vehicle must comply with Section 169.25(c). Any employee who uses a pool vehicle shall complete a usage log for the vehicle. Logs shall be

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maintained by the appointing authority's designee. Information from the logs for each vehicle shall be entered into the Department of Law,~~Insurance~~ and Risk Management's database on or before the following dates for the preceding three months: January 1st, April 1st, July 1st, and October 1st.

(h) Applicable Law. Employees who operate vehicles during the course of their employment are subject to all traffic laws of the State of Ohio, County of Summit and municipalities. If an employee is required to drive out of State for County of Summit business, the employee is subject to the traffic laws of those states, counties and/or municipalities.

(i) Traffic Violations.

(1) Notice. Employees shall notify their supervisor, ~~and~~ the Department of Law,~~Insurance~~ and Risk Management and the Department of Human Resources, within twenty-four (24) hours, after receiving a moving traffic citation related to a County owned vehicle. Failure to provide proper notice shall result in discipline, up to and including, termination. Employees shall notify their immediate supervisor of any tickets and/or citations resulting from the operation of any vehicle regardless of whether that vehicle is being operated for the purpose of County business as soon as practicable but no more than five (5) work days from the date of incident, provided that driving is an essential function of the employee's position with the County of Summit. The supervisor shall immediately notify the Department of Law,~~Insurance~~ and Risk Management. Failure to provide proper notice shall result in discipline, up to and including termination.

(2) Official warnings. Employees shall notify their supervisor and the Department of Law,~~Insurance~~ and Risk Management, within twenty-four (24) hours, after receiving a written warning from the BMV related to a County owned vehicle. Failure to provide proper notice shall result in discipline, up to and including, termination.

(3) Penalty points. No employee shall operate a vehicle for County of Summit business if they have eight (8) or more penalty points, as reported by the BMV. Employees who drive a vehicle for County of Summit business, regardless of whether such vehicle is owned by the County of Summit or is the employee's personal vehicle, must report all penalty points accumulated to their supervisor and the Department of Law,~~Insurance~~ and Risk Management as soon as practicable. Failure to report penalty points shall result in discipline, up to and including, termination. If operation of a vehicle is required by the employee's position description and the employee accumulates six (6) penalty points, such employee shall be required to complete driver education and/or safety course approved by the Department of Law,~~Insurance~~ and Risk Management at the employee's cost. Failure to complete any such required course shall result in discipline, up to and including, termination. If operation of a vehicle is required by the employee's position and the employee accumulates eight (8) or more penalty points, as reported by the BMV, such employee shall be subject to discipline, up to and including, termination. Upon employee's completion of the required drivers education and/or safety course, employee shall be permitted to operate a vehicle for County of Summit business and shall no longer be in violation of this subsection for purposes of subsection (j) of this Section, provided employee does not have ten or more points, as reported by the BMV.

(4) Suspension of license. If operation of a vehicle is required by the employee's position and such employee's license is suspended for any reason such employee may be reassigned to a position that does not require operation of a motor

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vehicle or disciplined, up to and including termination. If an employee however, is not in violation of subsection (i)(3) of this Section but has a suspended license, that employee may be permitted to drive for work if a court grants driving privileges "for work purposes." If a court however, grants driving privileges limited strictly "to and from" work, the employee shall be deemed to be unable to meet a requirement of operation of a vehicle regardless of the reason for the license suspension.

(5) Operating a motor vehicle while under the influence. If the employee pleads guilty to or is convicted of the offense of operating a motor vehicle while under the influence, the employee shall be subject to disciplinary action, up to and including termination.

(6) Payment of tickets, fines and penalties. Any tickets, fines or penalties received by an employee while operating a County vehicle are solely the responsibility of the employee and shall be paid immediately. An employee who fails to pay a ticket, fine or penalty shall be subject to discipline, up to and including termination.

(j) Unacceptable Risk. If operation of a vehicle is required by the employee's position description, and the employee is in violation of subsection (i)(3) of this Section, unless stricter restrictions are required by the County's insurance policy/carrier, the employee shall be deemed an unacceptable risk. Any employee deemed an unacceptable risk under this Section shall not be permitted to operate a vehicle for County of Summit business and such employee shall be subject to disciplinary action, up to and including termination.

(k) Accidents. An employee operating a vehicle for County of Summit business shall submit a written report regarding any accident or unusual incident, such as a mechanical malfunction involving the operation of a vehicle or destruction of equipment, to the employee's supervisor and the Department of Law, ~~Insurance~~ and Risk Management within twenty-four (24) hours of the occurrence. Failure to report such accident or incident shall result in discipline, up to and including, termination. Any employee involved in an accident may be required to complete a driver education and/or safety course approved by the Department of Law, ~~Insurance~~ and Risk Management. Failure to complete any such required course shall result in discipline, up to and including, termination. Any employee involved in an accident may also be required to undergo post-accident drug testing as provided in Section 169.28(h)(3)B. Any employee who has had more than one accident within a one-year period may be subject to discipline, up to and including, termination.

(l) Seat and Shoulder Belts. Employees who operate a vehicle for County of Summit business are required to use the complete occupant restraint system provided in such vehicle.

(m) An employee who operates a personal vehicle for County of Summit business shall be entitled to mileage reimbursement if prior approval from the appointing authority has been obtained and upon submission of appropriate documentation. The rate of reimbursement shall be the standard mileage rate established by Section 169.30(e)(1).

(n) Use of County Fuel Card. Fuel cards may be assigned to a specific vehicle or employee for usage. Fuel cards are not to be used for personal use. Failure to comply shall result in disciplinary action, up to and including termination.

169.32 FITNESS FOR DUTY.

(a) Psychological Examination. The County of Summit has the right to require an employment related physical or psychological examination in order to:

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- (1) Determine an employees' ability to perform the essential functions of the position;
- (2) Identify limitations or restrictions;
- (3) Provide a reasonable accommodation, and/or
- (4) Determine if an employee poses a significant health or safety risk to the employee or others.

(b) Administrative Leave. An employee required to obtain a fitness for duty examination shall remain off duty until such time as it has been determined that the employee is fit for duty. The employee shall be placed on paid administrative leave pending the outcome of the examination. The cost of the examination shall be the responsibility of the County. If the employee is determined to be unfit for duty, the paid leave status shall terminate.

(c) Determination of Necessity of Fitness for Duty Examination. The Director of HRD with consultation with the EAP provider if necessary, shall determine when a fitness for duty examination is warranted, and shall schedule all fitness for duty examinations with the appropriate certified medical professional. The Director of HRD shall notify the employee in writing that a fitness for duty examination is required and provide the date and time of the examination and the name and address of the medical provider. Absent extenuating circumstances, failure to attend the medical examination as scheduled will result in disciplinary action up to and including termination. The findings of the examination shall be sent directly to the Director and will be maintained in a confidential medical file.

(d) Findings; Further Review. In the event the employee disagrees with the conclusion of the Employer's licensed medical doctor, the employee may, at their own expense, submit to an examination by a licensed medical doctor of their choice in the same field of specialization as the Employer's licensed medical doctor. Within fourteen (14) calendar days of being notified that the employee has been determined to be unfit for duty, the employee must notify the Director of HRD of the intent to submit to an examination by a licensed medical doctor of their choice. The examination must take place within thirty (30) calendar days of the employee's notification to the Director of HRD. If the Employer's and the employee's licensed medical doctors agree, their decision shall be final. If the Employer's and the employee's licensed medical doctors disagree, the dispute may be referred to a neutral licensed medical doctor agreed upon by the Employer and the employee. The neutral licensed medical doctor shall be in the same field of specialization as the previous licensed medical doctors, but shall not be affiliated with either licensed medical doctor. The cost will be divided equally between the Employer and the employee. The opinion of the neutral licensed medical doctor shall be final. The employee may use sick leave or vacation during this period.

169.33 REPORT OF VIOLATION OF STATUTES OR RULES BY EMPLOYEE.

(a) If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the State of Ohio's office of internal audit created under Section 126.45 of the Ohio Revised

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Code or file a complaint with the State Auditor's fraud-reporting system under Section 117.103 of the Ohio Revised Code.

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the State of Ohio office of internal audit, or the State Auditor's fraud-reporting system, may report it to the County Prosecutor, the Director of the Department of Law, Insurance and Risk Management or to a peace officer, as defined in Section 2935.01 of the Ohio Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102 of the Ohio Revised Code or Section 2921.42 or Section 2921.43 of the Ohio Revised Code, the employee may report it to the Ohio Ethics Commission.

(b) Except as otherwise provided in division (c) of this Section, no County officer or County employee in the classified or unclassified civil service shall take any disciplinary action against a County employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by subsection (a) of this Section, including, without limitation, doing any of the following:

- (1) Removing or suspending the employee from employment;
- (2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;
- (3) Transferring or reassigning the employee;
- (4) Denying the employee promotion that otherwise would have been received;
- (5) Reducing the employee in pay or position.

(c) A County employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported under subsections (a) or (b) of this Section. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information under subsection (a) of this Section.

(d) If a County appointing authority takes any disciplinary or retaliatory action against a classified or unclassified County employee as a result of the employee's having filed a report or complaint under subsection (a) of this Section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the County of Summit Human

Resource Commission within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the Commission shall immediately notify the employee's appointing authority and shall hear the appeal. The Commission may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the Commission is appealable in accordance with the Human Resource Commission's Rules.

(e) As used in this section:

- (1) "Purposely," "knowingly," and "recklessly" have the same meanings as in Section 2901.22 of the Ohio Revised Code.
- (2) "Ohio Ethics Commission" has the same meaning as in Chapter 102 of the Ohio Revised Code.

198.03 EXPENSES.

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(a) Permitted expenses. Cardholders may use procurement cards to procure the following necessary goods and services for the Program Participant:

- (1) subscriptions, publications and bulletins;
- (2) office supplies;
- (3) computer supplies, software, hardware;
- (4) materials and supplies;
- (5) equipment purchase and rental;
- (6) licenses, permits and fees;
- (7) memberships for work purposes;
- (8) shipping, freight and postage;
- (9) airline tickets for approved travel;
- (10) hotel reservations for approved travel;
- (11) training expenses for approved training;
- (12) conference and seminar fees;
- (13) utilities
- (14) fuel purchases under the Fiscal Office's Fuel Testing Program;
- (15) hospitality items as defined under Section 177.24 of the Codified Ordinances of the County of Summit;
- (16) contract and professional services.
- (17) food purchases made by the Executive's Department of Law, ~~Insurance~~ and Risk Management, Division of Public Safety - Emergency Management Agency solely during an activation of the Emergency Management Agency for an emergency event, ~~and~~ or the Court of Common Pleas solely for food for sequestered jurors or the Executive's Department of Human Resources for a County-sponsored Health Fair.

(b) Prohibited expenses. Cardholders shall not use procurement cards to pay for any personal expenses, including those expenditures not pre-approved for county travel. Cardholders shall not use procurement cards to pay for any expenditure not listed in Section 198.03(a). Examples of prohibited expenditures include:

- (1) entertainment;
- (2) alcoholic beverages;
- (3) food, except as set forth in the subsection (a) above;
- (4) fuel;
- (5) tuition reimbursement;
- (6) personal and incidental travel expenses;
- (7) interest, late charges, debt service, judgments or settlements.

201.02 OFFICE OF CONSUMER AFFAIRS.

(a) There is hereby created an Office of Consumer Affairs, which shall serve under the direction of the County Executive, and perform the functions set forth herein. Said Office shall be organized as a Division of the Executive's Department of Law, ~~Insurance~~ and Risk Management.

(b) The Office of Consumer Affairs shall be supervised by the Deputy Director of Consumer Affairs, who shall report to the County Executive through the Executive's Director of Law, ~~Insurance~~ and Risk Management. The Deputy Director shall have thorough knowledge of local, county, state and federal consumer protection laws. In addition to the Deputy Director of

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Consumer Affairs, the Executive may employ such other individuals as he or she determines necessary to perform the duties and functions of the office, including, but not limited to:

(1) Outreach Specialist who shall respond to consumer inquiries and complaints, work cooperatively with consumer agencies, schools, media, and community organizations to educate consumers and businesses about consumer issues and predatory lending and who shall provide consumers with information and referral services to appropriate agencies on consumer related issues. For the purpose of educating consumers and businesses about predatory lending practices,

indicators of predatory lending may include: failure to appropriately disclose required information, terms under which the outstanding principal balance will increase, financing excessive fees into loans, refinancing low interest mortgages at higher interest rates, loan flipping, charging higher interest rates than a borrower's credit warrants, loans made without regard to a borrower's ability to repay, prepayment penalties, falsely promising to provide additional financing in the future or to refinance at a lower rate, preying on the emotional needs of the borrower, property flipping, shifting unsecured debt into mortgages, balloon payments, and yield spread premiums.

(2) Investigator who shall investigate complaints to determine violations of consumer laws, conciliate matters between conflicting parties, and refer irreconcilable matters to the Deputy Director; and

(3) Administrative Secretary who shall respond to complaints, perform complex secretarial functions, and relieve the Office of routine administrative tasks;

The Office of Consumer Affairs shall be subject to the County's Classification and Compensation Plan and the requirements and provisions of Chapter 169 of these Codified Ordinances as they exist and may be amended in the future.

(c) The Office of Consumer Affairs shall be responsible for performing the following duties and functions:

(1) Promoting the enforcement of all laws, rules, and regulations pertaining to consumer affairs and predatory lending as provided in the Codified Ordinances of the County of Summit, the Ohio Revised Code, and other applicable consumer law;

(2) Referring to appropriate governmental or regulatory agencies, either public or private, having jurisdiction over consumer protection matters, any information concerning an apparent or potential violation of any consumer protection laws.

(3) Undertaking activities to encourage local business and industry to maintain high standards of honesty, fair consumer sales practices and public responsibility in the production, promotion and sale of merchandise, goods and services and the extension of credit;

(4) Investigating and mediating complaints referred from the Investigator and referring to the County Prosecutor, Ohio Attorney General, Federal Trade Commission or other appropriate person for suitable action if necessary;

(5) Receiving moneys and issuing vouchers for the disbursement of moneys in accordance with the terms of any stipulated assurance of voluntary compliance or settlement agreement made pursuant to Section 201.05(c);

(6) Holding hearings, compelling the attendance of witnesses, administering oaths, taking the testimony of any person under oath and, in connection therewith, requiring the production of any evidence relating to any matter under investigation by the

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office. At any hearing, a witness has the right to be advised by counsel present during the hearing;

(7) Issuing summons to compel the attendance of witnesses and the production of documents, papers, books, records, and other evidence;

(8) Issuing cease and desist orders with respect to consumer violations which violate the consumer law in the Codified Ordinances of the County of Summit;

(9) Establishing programs to inform consumers of practices and problems and representing the interest of consumers before administrative and regulatory agencies;

(10) Working with other city, county, state, and federal governmental agencies, professional associations and private consumer groups to insure the protection of consumers;

(11) Contracting with other agencies for mediation if necessary;

(12) Maintaining a consumer complaint database of cases filed within Summit County;

(13) Making an annual report enumerating the activities and recommendations of the Office of Consumer Affairs to County Council.

(14) Partnering with other county-based agencies and non-profit agencies for swift resolution of consumer-related problems;

(15) Enforcing such other ordinances as adopted by County Council and codified in the Codified Ordinances of the County of Summit, whereby County Council confers upon the Office of Consumer Affairs the authority to enforce said ordinances.

201.05 PROCEDURES AND ENFORCEMENT.

(a) After receiving a complaint under Section 201.04, the Office shall investigate the facts and issues. If the Office finds reasonable grounds to believe an unfair, deceptive, or unconscionable consumer sales practice has occurred, the Office must attempt to mediate the matter with all interested parties and any representatives the parties choose to assist them. If the Office has reason to believe an act of predatory lending has occurred, the Deputy Director may then refer the matter to the Ohio Attorney General's Office, the Ohio Department of Commerce, the Federal Trade Commission or other appropriate person for suitable action if necessary.

(b) If the Office is unable to reconcile the parties' differences concerning any complaint of unfair, deceptive, or unconscionable consumer sales practice, the Deputy Director may then mediate and use the authority granted in Section 201.02 and assist the parties in coming to a settlement agreement. Whenever appropriate, the Deputy Director may refer a complaint to an appropriate person including but not limited to the following: the Consumer Protection Division of the Ohio Attorney General's Office, the Ohio Department of Commerce, the Federal Trade Commission, or the Summit County Prosecutor.

(c) The terms of mediation agreed to by the parties must be reduced to writing and incorporated into a written assurance of voluntary compliance or settlement agreement to be signed by the parties. A written assurance of voluntary compliance or settlement agreement must be signed by the Deputy Director of Consumer Affairs, the Director of Law, ~~Insurance~~ and Risk Management and the County Executive.

(d) If the Deputy Director is unable to mediate a complaint, does not affect an assurance of voluntary compliance or settlement agreement, or finds that a complaint is not susceptible of mediation, the Deputy Director may transmit the matter to the County Prosecutor,

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or other appropriate person for suitable action. In addition to recovery of fines, as provided by the Codified

Ordinances of the County of Summit and the Ohio Revised Code, actions may be brought for injunctive relief in any court of competent jurisdiction to restrain a person from violating applicable law and to restrain a person from engaging in unfair, deceptive, or unconscionable consumer sales practices.

(e) If the Deputy Director finds that a complaint lacks reasonable grounds upon which to base a violation, the Deputy Director may dismiss the complaint or order further investigation.

(f) Nothing in this Section prevents any person from exercising any right or seeking any remedy to which the person might otherwise be entitled, or from filing any complaint with any other person, agency or court.

761.04 ENFORCEMENT ACTIONS AND CONSUMER REMEDIES.

(a) All legal actions initiated to enforce this Code shall be brought in accordance with the language contained in County Ordinance 2004-386, section 4, upon written request by the County Executive, upon the recommendation of the Deputy Director of Consumer Affairs and the

Director of Law, ~~Insurance~~ and Risk Management. In addition to recovery of fines as provided by

this Code, actions may be brought for injunctive relief in any court of competent jurisdiction to restrain a person from violating this Code and to restrain a merchant from engaging in unfair, deceptive, fraudulent, or unconscionable practices with consumers. To establish a cause of action

under this Code, it need not be shown that consumers are being or were actually damaged.

(b) The County or any person aggrieved by a violation of Title 5, Consumer Protection Code, may at any time within two years from the date of the alleged violation or within a reasonable time after the consumer discovers or should have discovered the violation, whichever is later, may apply to any court of competent jurisdiction for appropriate relief, including but not limited to:

(1) Injunctive relief or an order otherwise compelling compliance with this Code;

(2) Compensatory damages which may be trebled if the act, omission, or practice, violates Sections 759.03 or 759.04 and/or punitive damages.

(3) Such other or further relief as is appropriate for the enforcement of this Code and elimination and prevention of violations thereof.

(c) The court may award to the County or the complainant reasonable attorneys' fees and costs of litigation, and the County shall recover its reasonable costs of investigation.

1102.03 SPECIFIC TERMS.

(a) The following specific terms are defines as follows:

(21) County Department of Law. The Department of Law, ~~Insurance~~ and Risk Management for the County Executive.

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