

2022-310
EXHIBIT A

169.05 TYPES OF EMPLOYMENT.

Employee Status. All employees of the County of Summit shall be categorized as either full-time or part-time and either temporary or regular as defined below:

(1) "Full-time employee" means an employee who works thirty-five (35) to forty (40) hours per week or averages seventy to eighty (70-80) hours per pay period on a regularly scheduled basis.

(2) "Part-time employee" means an employee who works less than thirty-five (35) hours per week or averages less than seventy (70) hours per pay period.

(3) "Temporary employee" means an employee who works for a period not to exceed six (6) months within a one (1) year period or who works equal to or less than one thousand two hundred and forty-eight (1,248) hours within a one (1) year period.

(4) "Regular employee" means an employee who is not temporary. (Ord. 2004-596. Adopted 2-14-05; Ord. 2011-380. Adopted 11-7-11.)

169.15 BENEFIT COVERAGE.

(a) Eligibility. All regular ~~full-time~~ employees, as defined by Section 169.05, who work thirty to forty (30-40) hours per week or average sixty to eighty (60-80) hours per pay period on a regularly scheduled basis 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 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 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, that the employee is no longer responsible for that child or for the child's health care, the employee shall notify the Department of Human Resources, Division of Employee Benefits within thirty (30) days of receiving written confirmation of the action terminating that responsibility.

Adding an ineligible person or maintaining an ineligible person on any of the County's health insurance plans with knowledge of that ineligibility is fraud per Section 169.20(c) of these Codified Ordinances. Purposely failing to provide the notice set forth above with knowledge that a Spouse, Domestic Partner, or Dependent has become ineligible shall result in discipline of the employee up to and including termination. Inadvertently maintaining an ineligible person on any of the County's health insurance plans or inadvertently failing to provide the notices set forth above may result in discipline of the employee up to and including termination. Under either circumstance, any claims paid for ineligible persons or persons who are not properly removed from a County health insurance plan shall be repaid to the County by the employee within thirty (30) days notice to the employee that such amounts are due.

(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 (1) 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 within one (1) working day of granting such leave.

(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 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.

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

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

(j) Employee Benefits Training. Every County employee shall attend an employee benefits training session presented by the Department of Human Resources, Division of Employee Benefits in calendar year 2018 and every three years thereafter unless the County Executive issues an Executive Order requiring training on a more frequent basis. Violation of this subsection shall subject the employee to disciplinary action up to and including termination.

(Ord. 2004-596. Adopted 2-14-05; Ord. 2011-380. Adopted 11-7-11; Ord. 2013-133. Adopted 4-15-13; Ord. 2013-400. Adopted 9-16-13; Ord. 2018-236. Adopted 6-18-18; Ord. 2018-279. Adopted 8-20-18; Ord. 2020-001. Adopted 1-27-20.)

169.23 VACATION.

(a) Accrual. Full-time, non-bargaining employees, as defined in Section 169.05(a)(1), shall earn vacation leave each bi-weekly pay period while in active pay status, except as provided in Section 169.23(c). Vacation, for full-time non-bargaining employees, is accrued as follows:

Total <u>Active Pay</u> Service	Accumulation Pay Period <u>for 40</u> <u>Hour Work Week</u> (when 26 pays periods per year)	Annual Credit	Eligible to Use Vacation
Payment Upon Separation**			
Less Than:			
One Year <u>180 Days</u>	-0-	-0-	No*
Completion of:			
One Year <u>180 Days</u>	-0-	80 <u>40</u> hours	Yes <u>No</u> *
More Than:			
One Year	3.1 hours	80 hours	Yes
Five Years	4.6 hours	120 hours	Yes
Ten Years	6.2 hours	160 hours	Yes
Fifteen Years	7.7 hours	200 hours	Yes

* See 169.23(a)(3)

** See 169.23(d)

Vacation Leave accumulation shall be calculated based on an Full-time employee's paid hours. Employees are expected to work or use accumulated paid leave for ~~forty (40)~~ the amount of hours the employee works per week. Any employee who does not ~~meet the forty (40) hour threshold~~ work or use accumulated paid leave, as stated in the preceding sentence, shall have their vacation leave prorated based on the hours actually worked and/or paid leave used.

(1) Prior service. Prior full-time service with the County of Summit, the State of Ohio, any political subdivision of the State of Ohio, or the Summit County Land Reutilization Corporation shall be used in determining service credit for purposes of vacation accumulation. However, no prior service credit shall be given to an employee who has retired in accordance with the provisions of any retirement plan offered by the State of Ohio for the purpose of computing vacation leave.

A. Documentation. An employee claiming prior service from the County of Summit, the State of Ohio, a political subdivision of the State of Ohio, or the Summit County Land Reutilization Corporation shall provide a signed document from prior employer(s) setting forth the dates of service, the hours worked and whether such service was part-time, full-time, seasonal or as an elected official. Retirement statements are not acceptable forms of documentation.

B. Part-Time Employment. Prior part-time service with the County of Summit, the State of Ohio, any political subdivision of the State of Ohio, or the Summit County Land Reutilization

Corporation shall be used in determining service credit for purposes of vacation accumulation. Such prior service credit shall be prorated for all years in which the employee worked.

C. Calculation of Adjusted Service Date.

1. Employees with elected or full-time prior service or who were paid on a salary basis will have their adjusted service date calculated as their current hire date minus the total prior years, months and days of prior service.

2. Employees with part-time prior service will have their adjusted service date calculated as the total number of hours to equal the total days of prior service credit to which the employee is eligible. The adjusted service date will be calculated by counting back week days starting with the week day immediately prior to starting employment with the County of Summit.

(2) New employee. An employee with no prior service with the County of Summit, the State of Ohio, a political subdivision of the State of Ohio, or the Summit County Land Reutilization Corporation shall not be entitled to vacation leave until the completion of one (1) year of service. After the completion of one (1) year of service, such employee may use vacation as it is accrued.

(3) Prior service employee. An employee with approved and accepted prior service with the County of Summit, a political subdivision of the State of Ohio, or the Summit County Land Reutilization Corporation shall be entitled to use accrued vacation leave immediately upon full-time employment with the County of Summit.

(b) Use Of Vacation.

(1) Scheduling.

A. Vacation leave for more than five (5) consecutive working days shall be scheduled a minimum of fourteen (14) calendar days in advance.

B. Vacation leave for less than five (5) consecutive working days shall be scheduled a minimum of seven (7) calendar days in advance of the start of the vacation leave.

C. An employee may request non-scheduled vacation leave. Non-scheduled leave may be approved at the sole discretion of the appointing authority.

(2) Scheduling Conflicts. If a conflict occurs during the scheduling process, vacation shall be scheduled based upon seniority within the appointing authority's jurisdiction.

(3) Charging vacation leave. When vacation leave is used it shall be deducted from an employee's credit. Vacation leave can be used in minimum increments of one quarter hour.

(c) Maximum Accumulation. Vacation leave should be used during the year in which it is accrued. However, employees may carry over accrued vacation leave into the next year subject to the following:

(1) The maximum amount of vacation leave an employee may accumulate is three (3) times an employee's annual accrual rate.

(2) Employees forfeit their right to take or to be paid upon separation, for any vacation leave which is greater than the accrual for three (3) years.

Complete Years of Service	Maximum Accumulation
1 but less than 5	240
5 but less than 10	360
10 but less than 15	480

(3) Effective April 4, 2005, employees who have reached the maximum accumulation set forth in Section 169.23(c)(1) shall be ineligible to carry over additional accrued vacation hours from one County fiscal year to the next as long as they are at the maximum accumulation. Employees who have reached the maximum accumulation shall however, continue to accrue additional vacation hours during the County fiscal year. An employee shall use all hours in excess of the maximum accumulation by December 31 of each year. On December 31 of each year, any remaining hours shall be forfeited.

(d) Payment Upon Separation. Upon separation from employment, an employee shall be paid for any accrued but unused vacation leave not in excess of the maximum accrual allowed. No payment shall be made to any employee having less than one (1) year of service at the time of separation.

(e) Vacation Cancellation. In the event of operational or emergency need, it may be necessary to cancel scheduled vacation leave. Such notice shall be given to the affected employee(s) as soon as practicable. Cancellation of vacation leave shall take place only when it would result in a manifest hardship on the department or another employee.

(f) Vacation/Sick Leave. If an employee, while on vacation leave, becomes otherwise eligible for sick leave, such employee shall, upon showing of proper evidence and approval of the appointing authority, be permitted to change such leave to sick leave.

(Ord. 2004-596. Adopted 2-14-05; Ord. 2011-380. Adopted 11-7-11; Ord. 2017-529. Adopted 12-12-17.)