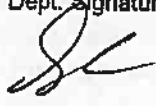
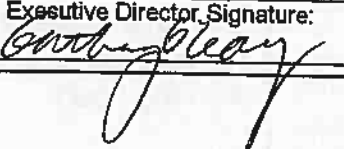


# AKRON METROPOLITAN POLICY AND PROCEDURE

	POLICY <b>Sexual Harassment</b>		EFFECTIVE DATE	Dept. Signature: 
	DEPARTMENT Human Resources	ISSUE DATE 04-01-06	REVISED DATE	Executive Director Signature: 

## ORIENTATION

### 1. Purpose

AMHA does not tolerate workplace sexual harassment. Sexual harassment violates an individual's fundamental rights and personal dignity. Sexual harassment also undermines AMHA's deep commitment to the primacy of a reward system based purely on merit, intellectual excellence, and job performance. AMHA considers sexual harassment in all its forms to be a serious offense.

The purpose of this policy is to define sexual harassment, provide procedures for the investigation of sexual harassment claims, and ensure that violations are remedied fully.

### 2. Sexual Harassment Defined

Sexual harassment is unwanted sexual attention of a persistent or offensive nature made by a person who knows, or reasonably should know, that such attention is unwanted. Sexual harassment includes sexually oriented conduct that is sufficiently pervasive or severe to unreasonably interfere with an employee's job performance or create an intimidating, hostile, or offensive working environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- promising, directly or indirectly, an employee a reward, if the employee complies with a sexually oriented request;
- threatening, directly or indirectly, to retaliate against an employee, if the employee refuses to comply with a sexually oriented request;
- denying, directly or indirectly, an employee an employment-related opportunity, if the employee refuses to comply with a sexually oriented request;
- engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome;
- displaying, storing, or transmitting pornographic or sexually oriented materials using AMHA equipment or facilities;
- engaging in indecent exposure; or
- making sexual or romantic advances toward an employee and persisting despite the employee's rejection of the advances.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on AMHA premises and whether or not the incidents occur during working hours.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. In a few cases, third parties, such as customers or suppliers, have been involved in sexual harassment.

Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged if one employee has supervisory authority over the other employee.

### **3. Responsibilities**

#### **a. Employees**

If employees believe that they have been subject to sexual harassment or any unwanted sexual attention, they should:

- make their unease and/or disapproval directly and immediately known to the harasser;
- make a written record of the date, time, and nature of the incident(s) and the names of any witnesses; and
- report the incident to the AMHA's EEO Officer, a human resource representative, or their supervisor.

All incidents of sexual harassment or inappropriate sexual conduct must be reported, regardless of their seriousness. Publicizing information about alleged harassment without following the reporting procedures or filing a formal complaint might be considered evidence of a vexatious intent on part of the accuser.

#### **b. Supervisors**

Supervisors must deal expeditiously and fairly with allegations of sexual harassment within their departments whether or not there has been a written or formal complaint. Supervisors must:

- act promptly to investigate sexual harassment or inappropriate sexually oriented conduct;
- ensure that harassment or inappropriate sexually oriented conduct is reported to AMHA's EEO Officer; and
- take corrective action to prevent prohibited conduct from reoccurring.

Supervisors who knowingly allow or tolerate sexual harassment are in violation of this policy and subject to discipline.

c. Equal Employment Officer

The EEO Officer is responsible for:

- ensuring that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a sexual harassment complaint;
- explaining AMHA's sexual harassment policy and investigation procedures to the complainant and the respondent;
- exploring informal means of resolving sexual harassment complaints;
- referring the complainant and/or the respondent to AMHA's Employee Assistance Program for counseling and referral services, if appropriate;
- notifying the police if criminal activities are alleged; and
- arranging for an investigation of the alleged harassment and the preparation of a written report and recommendation to be submitted to a decision-making panel (see Section 7).

**4. Informal Resolution Procedures**

Employees often can stop or prevent sexual harassment by immediately and directly expressing their disapproval of an individual's sexually oriented attention or conduct. In any case, employees should report all incidents of sexual harassment or inappropriate sexually oriented conduct to the EEO officer, a human resource representative, or their supervisor. In many cases, a supervisor's informal warning to an alleged harasser, combined with appropriate follow-up supervision and monitoring of the employee's behavior might be sufficient to prevent or stop sexual harassment.

Some complaints can be resolved through informal mediation between the two parties. The EEO Officer arranges for or facilitates mediation between the parties and coordinates other informal problem resolution measures.

If mediation is successful, a written settlement agreement must be prepared. Generally, the mediation agreement includes:

- a pledge by the respondent not to engage in any behavior that could be construed as in violation of this policy
- a promise by the respondent not to retaliate against the complainant;
- the restoration of any employment terms, conditions, or opportunities the complainant lost or was denied because of the harassment and for any other relief necessary to remedy the situation; and
- procedures for monitoring compliance with the agreement.

The settlement agreement must be in writing, signed by both parties, and approved by the EEO Officer and the Human Resource Director.

If the complaint cannot be resolved informally, the EEO Officer assists the complainant in filing a written sexual harassment complaint.

#### **5. Formal Resolution Procedures**

All incidents of sexual harassment or inappropriate sexually oriented conduct should be reported as provided in Section 3a. To initiate a formal investigation into an alleged violation of this policy, employees also must file a sexual harassment complaint with the AMHA's EEO Officer, a human resource representative, or their supervisor.

Complaints should be filed as soon as possible after an incident of alleged sexual harassment. The EEO Officer or other person designated to receive complaints assists the complainant in completing a Sexual Harassment Complaint Form. To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as is possible:

- the name, department, and position of the person or persons allegedly causing the harassment;
- a description of the incident(s), including the date(s), location(s), and the presence of any witnesses;
- the alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, or other terms or conditions of employment;
- the names of other employees who might have been subject to the same or similar harassment;
- the steps the complainant has taken to try to stop the harassment; and
- any other information the complainant believes to be relevant to the harassment complaint.

## **6. Investigation**

The EEO Officer is responsible for ensuring that an impartial investigation begins within 10 working days after a complaint has been filed. AMHA attempts to complete investigations within 15 working days. Except in the most unusual circumstances, investigations must be completed within 30 working days.

In most cases, the EEO Officer conducts the investigation. However, the EEO Officer might appoint a qualified human resource representative or an independent outside investigator to lead the investigation, if necessary to expedite the resolution of a complaint or resolve any potential conflict of interest. In any case, a second person—usually a human resource representative—should accompany the primary investigator during all interviews with the complainant, respondent, and witnesses so that information obtained during the interviews can be corroborated.

The investigator contacts the respondent, gives him or her a copy of the complaint, solicits the respondent's account of the alleged incidents, informs the respondent that a recommendation and report will be prepared, and advises the respondent of his or her right to be represented by legal counsel.

## **7. Report and Recommendation**

The EEO Officer or designated investigator prepares a written report and recommendation immediately following the completion of the investigation. Except in the most unusual circumstances, the report must be completed within 15 working days after the completion of the investigation.

The report and recommendation must include:

- a summary of the complaint;
- a summary of the response by the individual charged with harassment;
- a summary of the statements and evidence obtained during the investigation;  
and
- a finding of whether a violation of this policy occurred and an explanation supporting the finding.
- a statement about the severity of the violation if a violation was found to have occurred.

**NOTE:** Policy violations can include prohibited sexual harassment as well as a reckless, frivolous, or vexatious filing of a sexual harassment complaint.

- a summary of prior settlements or substantiated complaints against the respondent;
- a recommendation of a sanction, if appropriate;
  
- a recommendation as to the restoration of any employment terms, conditions, or opportunities the complainant might have lost as a result of sexual harassment; and
  
- an appendix containing the complaint, statements of the complainant and the respondent, witness statements, and other tangible evidence obtained during the investigation.

A copy of the report and recommendation must be sent to members of a decision-making panel consisting of the Human Resource Director, the General Counsel, and the respondent's immediate superior. After consideration of the report, the panel must agree to one of the following:

- Sustain the complaint, order the harassment to stop, impose appropriate sanctions on the harasser, recommend the restoration of any employment benefits the complainant lost because of the harassment, and provide any other relief necessary to remedy the situation.
  
- Order further investigation, for a period not to exceed 10 working days, and require a supplementary report and recommendation.
  
- Dismiss the complaint, if it is found to be without merit. The decision-making panel must impose discipline against the complainant if it agrees with the investigation's findings that the complaint was reckless, frivolous, or vexatious.

Once the recommendation and report have been approved, copies are provided to both the complainant and the respondent. The EEO Officer meets with the complainant to explain the decision. The EEO Officer and the respondent's supervisor meet with the respondent to explain the decision and implement any corrective action or discipline. Either party can respond in writing to the report and decision within 10 working days to begin an appeal under AMHA's appeals process.

## **8. Monitoring Compliance**

The supervisor of an individual found to have violated this policy is responsible for monitoring the individual's compliance with any mediation agreement or recommendation approved by the decision-making panel. The supervisor must ensure that the harassment does not reoccur and that the complainant is not subjected to retaliation.

## **9. Discipline**

Employees who violate this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of employment. Persons who violate this policy also are subject to civil damages or criminal penalties.

## **10. Confidentiality**

All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis.

Information contained in a formal complaint is kept confidential. However, the identity of the complainant usually is revealed to the respondent and witnesses. The EEO Officer takes adequate steps to ensure that the complainant is protected from retaliation during the period of the investigation.

A copy of the investigation report and the final decision is included in the personnel file of the respondent only if the investigation and decision-making panel conclude that the individual engaged in prohibited conduct.

No record of a complaint is kept in the complainant's personnel file, unless the investigation concludes that the complaint was reckless, frivolous, or vexatious.

All information pertaining to a sexual harassment complaint or investigation is maintained by the EEO officer in secure files.

The EEO Officer explains the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

## **11. Other Available Procedures**

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under state or federal law.

## **AMHA Employee Business Travel Policy**

In order to stay in compliance with AMHA's Employee Business Travel Policy, Accounts Payable must receive a copy of the "Conference and Travel Request Form" approved by the Executive Director or designee for all business travel. The approval document must be attached to the A/P Check Request or JP Morgan Chase Bank statement for all registration fees. The employee's immediate supervisor will then be responsible for approving any subsequent travel expenses (airfare, lodging etc.).

Activities that justify reimbursement of travel expenses include: attendance at business meetings, conventions, seminars or other education incurred by employees related to his/her job. Prior approval of such travel, however, must be obtained from the Executive Director.

For questions regarding this procedure, please contact Accounts Payable.

**Contact Person:** Accounting Manager

Revision Date: 04/23/15



# AKRON METROPOLITAN HOUSING AUTHORITY

## PROCEDURES FOR SUBMISSION OF EMPLOYEE TRAVEL EXPENSES

### Mileage (Automobile)

The rate paid to employees using their own automobiles for company business is 57.5 cents per mile, effective January 1, 2015 until further notice.

When two or more AMHA employees are attending the same authorized function, every effort should be made to make use of an AMHA automobile or to coordinate riders by sharing an automobile. Anyone wishing to drive his/her own automobile when another ride is available should receive prior authorization for mileage reimbursement.

### Transportation

All transportation expenses (bus, limo, taxi, tollway, subway, etc.) will be covered; however, employees are expected to utilize the least expensive mode of convenient transportation.

*Example:* From Newark Airport to downtown New York, an airport bus is far less expensive than a taxi or limousine.

### Meals

Calculations of meal allowances are based upon the rates listed below, effective November 1, 2013 until further notice:

<b>In-State Rates:</b>	Breakfast	\$ 9.00	<b>Out of State Rates:</b>	Breakfast	\$12.00
	Lunch	\$13.00		Lunch	\$18.00
	Dinner	\$29.00		Dinner	\$36.00
	<b>Total</b>	<b>\$51.00</b>		<b>Total</b>	<b>\$66.00</b>

The meal allowance may be spent for meals in any combination the employee desires. Receipts for meals need not be submitted; only submit receipts for other expenses (e.g., bus, taxi, parking, tolls, etc.).

### Reporting

- Attach all supporting receipts (e.g., bus, taxi, parking, tolls, etc.).
- Record mileage on the travel expense voucher provided.
- All expense vouchers must be approved by the employee's immediate supervisor and either the Chief Administrative Officer or the Executive Director.
- Any balance remaining from a cash advance is to be returned to the Accounting Manager by the employee on the first working day subsequent to travel in the form of a check made payable to AMHA. (Cash will not be accepted.)
- Forward the completed authorized voucher with all receipts to the person in your department who is responsible for seminar and travel arrangements.



Akron Metropolitan Housing Authority

## Conference and Travel Request Form

### EMPLOYEE INFORMATION

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Department / Division: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Name of Supervisor: \_\_\_\_\_

### REGISTRATION

Title of Seminar / Conference: \_\_\_\_\_

Location: \_\_\_\_\_

Date(s): \_\_\_\_\_

Registration Fee: \$ \_\_\_\_\_

NOT APPLICABLE

### HOTEL ACCOMMODATIONS

Name of Hotel: \_\_\_\_\_ Room Rate: \$ \_\_\_\_\_

Arrival Date: \_\_\_\_\_ a.m.  / p.m.       Departure Date: \_\_\_\_\_ a.m.  / p.m.

Smoking       Non-Smoking

NOT APPLICABLE

### FLIGHT ARRANGEMENTS

Preferred Departure Date: \_\_\_\_\_      Approximate Time: \_\_\_\_\_ a.m.  / p.m.

Preferred Return Date: \_\_\_\_\_      Approximate Time: \_\_\_\_\_ a.m.  / p.m.

Window Seat       Aisle Seat       No Preference

NOT APPLICABLE

**MEAL ALLOWANCE**

Meal allowances are not provided when meals are included as part of registration: Please provide a meal allowance for the following date(s):

Date 1	Date 2	Date 3	Date 4	Date 5
<input type="checkbox"/> Breakfast	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Breakfast	<input type="checkbox"/> Breakfast
<input type="checkbox"/> Lunch	<input type="checkbox"/> Lunch	<input type="checkbox"/> Lunch	<input type="checkbox"/> Lunch	<input type="checkbox"/> Lunch
<input type="checkbox"/> Dinner	<input type="checkbox"/> Dinner	<input type="checkbox"/> Dinner	<input type="checkbox"/> Dinner	<input type="checkbox"/> Dinner

NOT APPLICABLE

**GROUND TRAVEL**

Check applicable:

Agency Vehicle       Taxi Fare       Shuttle Fare       Employee Vehicle

**COMMENTS:** *Employees who are approved to travel for business purposes are representing AMHA at all times during the business trip.* This includes but is not limited to attire, conduct and adherence to AMHA rules and guidelines.

Please sign below to indicate review and understanding of the following:

- Employee Handbook, Business Travel & Meal Reimbursement
- Employee Handbook, Ethical Conduct
- Procedures for Submission of Employee Travel Expenses (Word document on drive S:\Agency Policy and Procedures\AMHA Procedures\Finance\Submission of Employee Travel Expenses)

**Employee Signature**

_____	<input type="checkbox"/> Approved	Date: _____
Department Director's Signature	<input type="checkbox"/> Disapproved	

**Once completed, please forward this form and all related registration and hotel information to the Executive Director's Office.**

_____	<input type="checkbox"/> Approved	Date: _____
Director's or Chief Administrative Officer's Signature	<input type="checkbox"/> Disapproved	

Account Code: \_\_\_\_\_

**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

Benefit	Coverage	Eligibility	Cost																																										
<p><b>Medical Mutual EPO</b></p>	<p>Annual deductible: \$200 Single/\$400 Family Office visit - \$10 copay in network; not covered out of network. Coinsurance out of pocket maximum (excluding deductible) - \$350 Single/ \$700 Family. Claims paid – 10% employee/90% insurance in network; not covered out of network. <b>Prescription Benefit:</b></p> <table border="1" data-bbox="402 688 841 970"> <thead> <tr> <th>Benefit</th> <th>Copay</th> <th>Day Supply</th> </tr> </thead> <tbody> <tr> <td colspan="3"><b>Formulary Retail Program with Oral Contraceptive Coverage</b></td> </tr> <tr> <td>Generic Copayment</td> <td>\$10</td> <td>34</td> </tr> <tr> <td>Formulary Copayment</td> <td>\$30</td> <td>34</td> </tr> <tr> <td>Non-Formulary Copayment</td> <td>\$50</td> <td>34</td> </tr> <tr> <td colspan="3"><b>Formulary Mail Order Program with Oral Contraceptive Coverage</b></td> </tr> <tr> <td>Generic Copayment</td> <td>\$15</td> <td>90</td> </tr> <tr> <td>Formulary Copayment</td> <td>\$45</td> <td>90</td> </tr> <tr> <td>Non-Formulary Copayment</td> <td>\$75</td> <td>90</td> </tr> </tbody> </table>	Benefit	Copay	Day Supply	<b>Formulary Retail Program with Oral Contraceptive Coverage</b>			Generic Copayment	\$10	34	Formulary Copayment	\$30	34	Non-Formulary Copayment	\$50	34	<b>Formulary Mail Order Program with Oral Contraceptive Coverage</b>			Generic Copayment	\$15	90	Formulary Copayment	\$45	90	Non-Formulary Copayment	\$75	90	<p>On 31<sup>st</sup> day of employment.</p> <p>Regular full-time bargaining unit employees working 40 hours per week, non-bargaining unit employees working 30 hours per week &amp; part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.</p>	<p><b>Employee Monthly Cost</b></p> <table border="1" data-bbox="1156 352 1472 697"> <thead> <tr> <th>Coverage</th> <th>Healthy Fit Qualified Cost</th> <th>Healthy Fit Non Qualified Cost</th> </tr> </thead> <tbody> <tr> <td>Single</td> <td>\$48.76</td> <td>\$83.60</td> </tr> <tr> <td>Employee + Spouse</td> <td>\$102.06</td> <td>\$174.96</td> </tr> <tr> <td>Employee + Child(ren)</td> <td>\$93.02</td> <td>\$159.46</td> </tr> <tr> <td>Family (Employee + Spouse + Child(ren))</td> <td>\$130.60</td> <td>\$217.66</td> </tr> </tbody> </table>	Coverage	Healthy Fit Qualified Cost	Healthy Fit Non Qualified Cost	Single	\$48.76	\$83.60	Employee + Spouse	\$102.06	\$174.96	Employee + Child(ren)	\$93.02	\$159.46	Family (Employee + Spouse + Child(ren))	\$130.60	\$217.66
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For additional or more detailed information, please review your Employee Handbook and/or Union Contract or contact the Human Resources Office.

**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

Benefit	Coverage	Eligibility	Cost
<b>Medical Mutual Vision (EyeMed) Non-Bargaining Unit</b>	Full vision/optical services. Routine eye exams including lens and prescriptions for eyeglasses. Additional discounts provided by Managed Vision Care Providers.	On 31 <sup>st</sup> day of employment.  Non-bargaining unit employees working 30 hours per week & part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.	Included in employee cost for health insurance.
<b>Ohio AFSCME Care Plans - Dental &amp; Vision Clerical/Technical &amp; Maintenance Bargaining Units</b>	Full vision/optical services. Routine eye exams including lens and prescriptions for eyeglasses.  Full dental services. Routine oral exams including orthodontics, x-rays, and other dental procedures. Additional discounts provided by Dentemax Providers.	1 <sup>st</sup> day of the month after successful completion of new hire probationary period.  Regular full-time employees & part-time bargaining unit employees.	No cost to employee.
<b>Medical Mutual Dental Non-Bargaining Unit</b>	Full vision/optical services. Routine eye exams including lens and prescriptions for eyeglasses.  Full dental services. Routine oral exams including orthodontics, x-rays, and other dental procedures. Additional discounts provided by Dentemax Providers	On 31 <sup>st</sup> day of employment.  Regular full-time bargaining unit employees working 40 hours per week, non-bargaining unit employees working 30 hours per week & part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.	No cost to employee.
<b>Ohio AFSCME Care Plan – Life Insurance Clerical/Technical &amp; Maintenance Bargaining Units Ohio AFSCME Care Plan – Life Insurance</b>	Based upon hourly rate of employee at time of death: <u>Employee Life:</u> Class 1 \$14,000 - \$ 7.99 or less per hour Class 2 \$16,000 - \$ 8.00 to \$ 8.99 per hour Class 3 \$18,000 - \$ 9.00 to \$ 9.99 per hour Class 4 \$20,000 - \$10.00 to \$10.99 per hour Class 5 \$22,000 - \$11.00 to \$11.99 per hour Class 6 \$24,000 - \$12.00 to \$12.99 per hour Class 7 \$26,000 - \$13.00 to \$13.99 per hour Class 8 \$28,000 - \$14.00 to \$14.99 per hour Class 9 \$30,000 - \$15.00 or more per hour AD&D benefit; Dependent Life: Spouse coverage - \$2,000; Dependent coverage (14 days to 19 years) -	1 <sup>st</sup> day of the month after successful completion of new hire probationary period.  Regular full-time employees & part-time bargaining unit	No cost to employee.

For additional or more detailed information, please review your Employee Handbook and/or Union Contract or contact the Human Resources Office.

**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN -- January 1, 2015**

Benefit	Coverage	Eligibility	Cost
<i>Clerical/Technical &amp; Maintenance Bargaining Units (Cont'd)</i>	\$2,000.	employees.	
<b>Ohio AFSCME Care Plan – Hearing &amp; Legal Plans</b> <i>Maintenance Bargaining Unit</i>	Hearing aid examination, hearing aide and earmold coverage.  Legal – employees may consult with an attorney as many times as necessary, on virtually any subject except excluded matters. (Excluded matters include any matter involving employment or labor relations.)	1 <sup>st</sup> day of the month after successful completion of new hire probationary period.  Regular full-time employees & part-time bargaining unit employees.	No cost to employee.
<b>Standard Life Insurance</b> <i>Non-Bargaining Unit</i>	Employee life amount and AD&D principal sum is one x base annual salary, rounded to the next higher multiple of \$1,000, to a maximum of \$150,000.. Spouse coverage \$5,000. Child(ren) coverage \$1,500.  Basic Life & AD&D benefits reduce by 35% of the original amount at age 65.	On 31 <sup>st</sup> day of employment.  Regular full-time bargaining unit employees working 40 hours per week, non-bargaining unit employees working 30 hours per week & part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.	No cost to employee.
<b>Life insurance (Standard Life Insurance)</b> <i>Clerical/Technical &amp; Maintenance Bargaining Units</i>	Life amount and AD&D principal sum for <i>Clerical/Technical &amp; Maintenance Bargaining Units</i> is one x base annual salary, rounded to the next higher multiple of \$1,000, to a maximum of \$75,000. Spouse coverage \$5,000. Child(ren) coverage \$1,500. Basic Life & AD&D benefits reduce by 35% of the original amount at age 65.	On 31 <sup>st</sup> day of employment.  Regular full-time employees working 40 hours.	No cost to employee.

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**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

Benefit	Coverage	Eligibility	Cost
<p><b>Short Term Disability Insurance (Standard Life)</b></p>	<p>66-2/3% of basic weekly earnings to a maximum of \$1,500.</p> <p>Benefits begin on the 31<sup>st</sup> day for accident or sickness, and are payable for up to 22 weeks.</p>	<p>On 31<sup>st</sup> day of employment.</p> <p>Regular full-time bargaining unit employees working 40 hours per week, non-bargaining employees working 30 hours per week &amp; part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.</p> <p>Benefits begin on the 31<sup>st</sup> day for accident or sickness and are payable for up to 22 weeks</p>	<p>No cost to employee.</p>
<p><b>Voluntary Life Insurance (Standard Life)</b></p>	<p>Employee &amp; spouse may choose up to \$500,000 of term life insurance in \$10,000 increments, subject to guaranteed issue limits. Children may be insured for \$5,000 or \$10,000.</p> <p>Insured employees may choose AD&amp;D benefit amounts from \$10,000 to \$500,000 in \$10,000 increments. Family plan allows employee to insure their spouse and/or dependent children.</p>	<p>On 31<sup>st</sup> day of employment.</p> <p>Regular full-time bargaining unit employees working 40 hours per week, non-bargaining employees working 30 hours per week &amp; part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.</p>	<p>Employee paid.</p>

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**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

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<p><b>Voluntary Life Insurance (Standard Life) (Cont'd)</b></p>	<table border="1"> <thead> <tr> <th colspan="2">Voluntary Life Employee/Spouse Monthly Rates per \$1,000</th> </tr> <tr> <th>Age</th> <th>Rates</th> </tr> </thead> <tbody> <tr><td>0-19</td><td>\$0.08</td></tr> <tr><td>20-24</td><td>\$0.08</td></tr> <tr><td>25 - 29</td><td>\$0.08</td></tr> <tr><td>30 - 34</td><td>\$0.08</td></tr> <tr><td>35 - 39</td><td>\$0.12</td></tr> <tr><td>40 - 44</td><td>\$0.20</td></tr> <tr><td>45 - 49</td><td>\$0.28</td></tr> <tr><td>50 - 54</td><td>\$0.48</td></tr> <tr><td>55 - 59</td><td>\$0.82</td></tr> <tr><td>60 - 64</td><td>\$1.29</td></tr> <tr><td>65 - 69</td><td>\$2.03</td></tr> <tr><td>70 - 74</td><td>\$3.24</td></tr> <tr><td>75 - 79</td><td>\$5.74</td></tr> <tr><td>80 - 84</td><td>\$5.74</td></tr> <tr><td>85 - 89</td><td>\$5.74</td></tr> <tr><td>90 - 94</td><td>\$5.74</td></tr> <tr><td>95 - 99</td><td>\$5.74</td></tr> </tbody> </table> <p style="text-align: center;">Voluntary AD&amp;D Monthly Rates for Employee per \$1,000 \$0.05/\$1,000</p>	Voluntary Life Employee/Spouse Monthly Rates per \$1,000		Age	Rates	0-19	\$0.08	20-24	\$0.08	25 - 29	\$0.08	30 - 34	\$0.08	35 - 39	\$0.12	40 - 44	\$0.20	45 - 49	\$0.28	50 - 54	\$0.48	55 - 59	\$0.82	60 - 64	\$1.29	65 - 69	\$2.03	70 - 74	\$3.24	75 - 79	\$5.74	80 - 84	\$5.74	85 - 89	\$5.74	90 - 94	\$5.74	95 - 99	\$5.74		
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<p><b>Employee Assistance Program (Ease at Work)</b></p>	<p>Aids employees and their family members in resolving personal difficulties that are affecting their lives. Includes 6 sessions per episode at absolutely no out-of-pocket cost to the employee. Referral issues may include but are not limited to: anger control problems, career problems, childhood development problems, crime victims, depression, domestic violence, drug/alcohol abuse, family problems, marital problems, sexual abuse, sexual dysfunction, stress, anxiety.</p> <p style="text-align: center;"><i>To contact Ease at Work EAP call:</i></p> <p style="text-align: center;"><b>216-241-3273</b> <i>Or</i> <b>(Toll Free) 800-521-3273</b></p>	<p>No waiting period.</p>	<p>No cost to employee.</p>																																						
<p><b>AFLAC Insurance</b></p>	<p>Voluntary plans offered. Employees can choose from the following plans.</p>	<p>No waiting period.</p>	<p>Employee paid.</p>																																						

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**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

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<p><b>AFLAC Insurance (Cont'd)</b></p>	<p>Rates shown are semi-monthly rates.</p> <p><b>Accident (On or Off the Job):</b> Individual \$12.05; husband &amp; wife \$16.15; 1-parent family \$17.55; 2-parent family \$21.65</p> <p><b>Personal Sickness (Level 1):</b></p> <table border="1"> <thead> <tr> <th>Ages</th> <th>Individual</th> <th>Hus &amp; Wife</th> <th>1-Parent Family</th> <th>2-Parent Family</th> </tr> </thead> <tbody> <tr> <td>18-39</td> <td>\$ 9.95</td> <td>\$18.15</td> <td>\$16.15</td> <td>\$19.95</td> </tr> <tr> <td>40-49</td> <td>\$11.30</td> <td>\$19.70</td> <td>\$16.90</td> <td>\$22.05</td> </tr> <tr> <td>50-59</td> <td>\$14.05</td> <td>\$24.80</td> <td>\$18.95</td> <td>\$26.90</td> </tr> <tr> <td>60-70</td> <td>\$19.55</td> <td>\$33.95</td> <td>\$23.05</td> <td>\$35.05</td> </tr> </tbody> </table> <p><b>Cancer:</b></p> <table border="1"> <thead> <tr> <th>Ages</th> <th>Individual/ 1-Parent Family</th> <th>Hus &amp; Wife/ 2-Parent Family</th> </tr> </thead> <tbody> <tr> <td>18-35</td> <td>\$ 8.06</td> <td>\$14.95</td> </tr> <tr> <td>36-45</td> <td>\$11.70</td> <td>\$21.06</td> </tr> <tr> <td>46-55</td> <td>\$16.51</td> <td>\$30.88</td> </tr> <tr> <td>56-70</td> <td>\$21.78</td> <td>\$42.84</td> </tr> </tbody> </table> <p><b>Specified Health Event Protection – Plan 1:</b></p> <table border="1"> <thead> <tr> <th>Ages</th> <th>Individual</th> <th>Hus &amp; Wife</th> <th>1-Parent Family</th> <th>2-Parent Family</th> </tr> </thead> <tbody> <tr> <td>18-35</td> <td>\$ 4.55</td> <td>\$ 6.50</td> <td>\$ 5.07</td> <td>\$ 7.54</td> </tr> <tr> <td>36-45</td> <td>\$ 7.09</td> <td>\$10.86</td> <td>\$ 7.35</td> <td>\$11.96</td> </tr> <tr> <td>46-55</td> <td>\$ 9.82</td> <td>\$16.25</td> <td>\$10.14</td> <td>\$17.68</td> </tr> <tr> <td>56-70</td> <td>\$13.26</td> <td>\$23.86</td> <td>\$13.59</td> <td>\$25.48</td> </tr> </tbody> </table> <p><b>Hospital Indemnity (Covers injury or sickness):</b></p> <table border="1"> <thead> <tr> <th>Ages</th> <th>Individual</th> <th>Hus &amp; Wife</th> <th>1-Parent Family</th> <th>2-Parent Family</th> </tr> </thead> <tbody> <tr> <td>18-39</td> <td>\$19.83</td> <td>\$36.14</td> <td>\$27.89</td> <td>\$41.60</td> </tr> <tr> <td>40-49</td> <td>\$24.96</td> <td>\$41.73</td> <td>\$31.46</td> <td>\$45.70</td> </tr> <tr> <td>50-59</td> <td>\$31.59</td> <td>\$53.43</td> <td>\$37.05</td> <td>\$57.92</td> </tr> <tr> <td>60-70</td> <td>\$37.70</td> <td>\$62.66</td> <td>\$46.28</td> <td>\$69.16</td> </tr> </tbody> </table>	Ages	Individual	Hus & Wife	1-Parent Family	2-Parent Family	18-39	\$ 9.95	\$18.15	\$16.15	\$19.95	40-49	\$11.30	\$19.70	\$16.90	\$22.05	50-59	\$14.05	\$24.80	\$18.95	\$26.90	60-70	\$19.55	\$33.95	\$23.05	\$35.05	Ages	Individual/ 1-Parent Family	Hus & Wife/ 2-Parent Family	18-35	\$ 8.06	\$14.95	36-45	\$11.70	\$21.06	46-55	\$16.51	\$30.88	56-70	\$21.78	\$42.84	Ages	Individual	Hus & Wife	1-Parent Family	2-Parent Family	18-35	\$ 4.55	\$ 6.50	\$ 5.07	\$ 7.54	36-45	\$ 7.09	\$10.86	\$ 7.35	\$11.96	46-55	\$ 9.82	\$16.25	\$10.14	\$17.68	56-70	\$13.26	\$23.86	\$13.59	\$25.48	Ages	Individual	Hus & Wife	1-Parent Family	2-Parent Family	18-39	\$19.83	\$36.14	\$27.89	\$41.60	40-49	\$24.96	\$41.73	\$31.46	\$45.70	50-59	\$31.59	\$53.43	\$37.05	\$57.92	60-70	\$37.70	\$62.66	\$46.28	\$69.16		
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<p><b>Section 125 Plan</b></p>	<p>A cafeteria plan which allows eligible employees to choose medical plan coverage for themselves and their eligible dependents and to pay the required employee contribution for coverage with pre-tax dollars.</p>	<p>Must be eligible for health insurance coverage</p>	<p>Employee paid</p>																																																																																										
<p><b>Retirement Options</b></p>	<p>Ohio Public Employees Retirement System (OPERS) contributions</p>	<p>All employees.</p>	<p><b>2015 Contribution Rates</b></p> <table border="1"> <tbody> <tr> <td>AMHA pays</td> <td>14.00%</td> </tr> <tr> <td>Employee pays</td> <td>10.00%</td> </tr> </tbody> </table>	AMHA pays	14.00%	Employee pays	10.00%																																																																																						
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<p><b>OPERS Pick-Up</b></p>	<p>AMHA pays both the AMHA share (14.00%) and the Employee's share (10.00%) of the retirement contribution</p>	<p>Regular full time employees after one year of employment. Part-time employees must work the</p>	<p>No cost to employee.</p>																																																																																										

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**EMPLOYEE BENEFITS SUMMARY**

**2015 YEAR PLAN – January 1, 2015**

Benefit	Coverage	Eligibility	Cost
<p><b>Eligible 457B Deferred Compensation Plan</b></p> <p><b>(1) Ohio Public Employees Deferred Compensation</b></p> <p><b>(2) ING</b></p>	<p>A supplemental retirement plan that provides for tax-deferred contributions above and beyond those assessed with the Ohio Public Employees Retirement System. Provides a diverse spectrum of investment options. The amount you choose to contribute will depend on your specific situation. You may contribute 100% of your includible income up to a maximum of \$18,000 for the year 2015. The minimum contribution amount is \$15 per pay period. If you are approaching retirement, the Catch-up provision may allow you to contribute two times the normal limit (\$36,000) during the three years prior to Normal Retirement Age. If you are age 50+, the Catch-up provision may allow you to contribute up to a maximum of \$24,000.</p>	<p>equivalent of one year (2080 hours) to receive the pick-up.</p> <p>All employees.</p>	<p>Employee paid.</p>
<p><b>Holidays</b></p>	<p>AMHA observes the following 13 holidays per year:</p> <ul style="list-style-type: none"> <li>◆ New Year's Day</li> <li>◆ Martin Luther King Day</li> <li>◆ Presidents Day</li> <li>◆ Good Friday</li> <li>◆ Memorial Day</li> <li>◆ Independence Day</li> <li>◆ Labor Day</li> <li>◆ Columbus Day</li> <li>◆ Veterans Day</li> <li>◆ Thanksgiving Day</li> <li>◆ Thanksgiving Related Day</li> <li>◆ Christmas Day</li> <li>◆ Christmas Related Day</li> </ul>	<p>All employees</p>	
<p><b>Sick Leave</b></p> <p><b>Sick Leave (Cont'd)</b></p>	<p>Accumulates up to 4.6 hours of paid sick leave per pay period or 119.6 hours per year.</p> <p>Part-time non-bargaining unit employees will be pro-rated at 50% the amount for regular full-time non-</p>	<p>Regular full-time bargaining unit employees working 40 hours per week, non-bargaining unit employees working 30 hours per week &amp; part-time non-bargaining unit employees working less than 30 hours per week but</p>	

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<p><b>Vacation Leave</b></p> <p><b>Vacation Leave (Cont'd)</b></p>	<p>bargaining unit employees.</p> <p>Based on years of service. *Prorated based upon start date.</p> <p><b>Non-Bargaining &amp; Clerical/Technical Bargaining Units*</b></p> <table border="1" data-bbox="402 478 841 850"> <thead> <tr> <th rowspan="2">Years of Service</th> <th colspan="3">Length of Vacation</th> </tr> <tr> <th>Days</th> <th>Hours</th> <th>Per</th> </tr> </thead> <tbody> <tr> <td>1 month-11 months</td> <td>0 – 5</td> <td>3.33*</td> <td>month</td> </tr> <tr> <td>12 months</td> <td>0 – 5</td> <td>3.37*</td> <td>month</td> </tr> <tr> <td>13 months to end of the 1<sup>st</sup> calendar year</td> <td>5-11</td> <td>8*</td> <td>month</td> </tr> <tr> <td>Years 2 – 5</td> <td>12</td> <td>96</td> <td>year</td> </tr> <tr> <td>Years 6 – 10</td> <td>15</td> <td>120</td> <td>year</td> </tr> <tr> <td>Years 11 - 15</td> <td>18</td> <td>144</td> <td>year</td> </tr> <tr> <td>Years 16 – 20</td> <td>21</td> <td>168</td> <td>year</td> </tr> <tr> <td>Years 21 – 25</td> <td>24</td> <td>192</td> <td>year</td> </tr> <tr> <td>Years 26 – 30</td> <td>25</td> <td>200</td> <td>year</td> </tr> <tr> <td>Years 31 and over</td> <td>28</td> <td>224</td> <td>year</td> </tr> </tbody> </table> <p><b>Maintenance Bargaining Unit**</b></p> <table border="1" data-bbox="402 907 841 1150"> <thead> <tr> <th rowspan="2">Years of Service</th> <th colspan="3">Length of Vacation</th> </tr> <tr> <th>Days</th> <th>Hours</th> <th>Per</th> </tr> </thead> <tbody> <tr> <td>Years 1 – 5</td> <td>12</td> <td>96</td> <td>year</td> </tr> <tr> <td>Years 6 – 10</td> <td>15</td> <td>120</td> <td>year</td> </tr> <tr> <td>Years 11 - 15</td> <td>18</td> <td>144</td> <td>year</td> </tr> <tr> <td>Years 16 – 20</td> <td>21</td> <td>168</td> <td>year</td> </tr> <tr> <td>Years 21 – 24</td> <td>24</td> <td>192</td> <td>year</td> </tr> <tr> <td>Years 25 or more</td> <td>25</td> <td>200</td> <td>year</td> </tr> <tr> <td>Years 31 and over</td> <td>28</td> <td>224</td> <td>year</td> </tr> </tbody> </table>	Years of Service	Length of Vacation			Days	Hours	Per	1 month-11 months	0 – 5	3.33*	month	12 months	0 – 5	3.37*	month	13 months to end of the 1 <sup>st</sup> calendar year	5-11	8*	month	Years 2 – 5	12	96	year	Years 6 – 10	15	120	year	Years 11 - 15	18	144	year	Years 16 – 20	21	168	year	Years 21 – 25	24	192	year	Years 26 – 30	25	200	year	Years 31 and over	28	224	year	Years of Service	Length of Vacation			Days	Hours	Per	Years 1 – 5	12	96	year	Years 6 – 10	15	120	year	Years 11 - 15	18	144	year	Years 16 – 20	21	168	year	Years 21 – 24	24	192	year	Years 25 or more	25	200	year	Years 31 and over	28	224	year	<p>at least 20 hours per week.</p> <p>Regular full-time bargaining unit employees working 40 hours per week, non-bargaining unit employees working 30 hours per week &amp; part-time non-bargaining unit employees working less than 30 hours per week but at least 20 hours per week.</p> <p>Part-time non-bargaining unit employees will be prorated at 50% the amount for regular full-time non-bargaining unit employees.</p> <p>*New Clerical/Technical Unit employees may not use vacation until after the probationary period is successfully completed.</p> <p>**New Maintenance Unit employees, upon completion of 1 full year of service, shall have earned and will be due upon the attainment of the anniversary date of such first full year of employment vacation leave.</p>	
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<p><b>Unrestricted (Personal) Days</b></p>	<p>Three days per calendar year. During the 1<sup>st</sup> year of employment days are prorated according to month of hire: January-April = 3 days May-August = 2 days September-December = 1 day</p>	<p>Non-Bargaining Unit exempt employees only</p>																																																																																			
<p><b>Health Insurance Waivers</b></p> <p><b>Health Insurance</b></p>	<p>Employees who elect medical insurance coverage for themselves or for any of their eligible dependents from another non-AMHA health insurance plan and therefore waive the coverage available through the AMHA are eligible to receive payment. The payments will be made in one lump sum at the end of the benefit year if the applicable employee and/or dependents remain</p>	<p>All employees eligible for health care coverage</p>																																																																																			

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**2015 YEAR PLAN – January 1, 2015**

Benefit	Coverage	Eligibility	Cost										
<b>Waivers (Cont'd)</b>	off the AMHA benefit plan for the full 12 months. <b>2010 Waiver Amounts</b> <table border="1" data-bbox="402 411 841 548"> <thead> <tr> <th>Coverage Waived For</th> <th>Payment</th> </tr> </thead> <tbody> <tr> <td>Employee only</td> <td>\$500</td> </tr> <tr> <td>Spouse only</td> <td>\$300</td> </tr> <tr> <td>Eligible child(ren) only</td> <td>\$300</td> </tr> <tr> <td>Employee, spouse, child(ren)</td> <td>\$1100</td> </tr> </tbody> </table>	Coverage Waived For	Payment	Employee only	\$500	Spouse only	\$300	Eligible child(ren) only	\$300	Employee, spouse, child(ren)	\$1100		
Coverage Waived For	Payment												
Employee only	\$500												
Spouse only	\$300												
Eligible child(ren) only	\$300												
Employee, spouse, child(ren)	\$1100												

Additional benefits:

- Court Appearances (See Employee Handbook for additional information)
- Military Leave (See Employee Handbook for additional information)
- Direct Deposit
- Free Parking
- Health & Wellness Programs
- Buckeye State Credit Union

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For additional or more detailed information, please review your Employee Handbook and/or Union Contract or contact the Human Resources Office.

# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO



**This is only a summary.** If you want more detail about your coverage and costs, you can get the complete terms in the policy or plan document at [MedMutual.com/SBC](http://MedMutual.com/SBC) or by calling 800.228.6472.

Important Questions	Answers	Why This Matters:
What is the overall deductible?	\$200/single, \$400/family Network \$200/single, \$400/family Non-Network Doesn't apply to coinsurance, copays and network preventive care	You must pay all the costs up to the <b>deductible</b> amount before this plan begins to pay for covered services you use. Check your policy or plan document to see when the <b>deductible</b> starts over (usually, but not always, January 1st). See the chart starting on page 2 for how much you pay for covered services after you meet the <b>deductible</b> .
Are there other deductibles for specific services?	No	You don't have to meet <b>deductibles</b> for specific services, but see the chart starting on page 2 for other costs for services this plan covers.
Is there an out-of-pocket limit on my expenses?	Yes, <b>\$350/single, \$700/family Network</b> <b>\$1,500/single,</b> <b>\$3,000/family Non-Network</b>	The <b>out-of-pocket limit</b> is the most you could pay during a coverage period (usually one year) for your share of the cost of covered services. This limit helps you plan for health care expenses.
What is <u>not</u> included in the out-of-pocket limit?	Copays, deductibles, premiums, balance-billed charges and health care this plan doesn't cover.	Even though you pay these expenses, they don't count toward the <b>out-of-pocket limit</b> .
Is there an overall annual limit on what the insurer pays?	No	The chart starting on page 2 describes any limits on what the plan will pay for <b>specific</b> covered services, such as office visits.
Does this plan use a <u>network</u> of providers?	Yes, See <a href="http://MedMutual.com/SBC">MedMutual.com/SBC</a> or call 800.228.6472 for a list of participating providers.	If you use an in-network doctor or other health care <b>provider</b> , this plan will pay some or all of the costs of covered services. Be aware, your in-network doctor or hospital may use an out-of-network <b>provider</b> for some services. Plans use the term in-network, <b>preferred</b> , or participating for <b>providers</b> in their <b>network</b> . See the chart starting on page 2 for how this plan pays different kinds of <b>providers</b> .
Do I need a referral to see a <u>specialist</u> ?	No	You can see the <b>specialist</b> you choose without permission from this plan.
Are there services this plan doesn't cover?	Yes	Some of the services this plan doesn't cover are listed on page 5. See your policy or plan document for additional information about <b>excluded services</b> .

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC).  
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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage Period: 01/01/2014 - 12/31/2014

Coverage for: Single or Family | Plan Type: PPO



- **Copayments** are fixed dollar amounts (for example, \$15) you pay for covered health care, usually when you receive the service.
- **Coinsurance** is your share of the costs of a covered service, calculated as a percent of the **allowed amount** for the service. For example, if the plan's **allowed amount** for an overnight hospital stay is \$1,000, your **coinsurance** payment of 20% would be \$200. This may change if you haven't met your **deductible**.
- The amount the plan pays for covered services is based on the **allowed amount**. If an out-of-network **provider** charges more than the **allowed amount**, you may have to pay the difference. For example, if an out-of-network hospital charges \$1,500 for an overnight stay and the **allowed amount** is \$1,000, you may have to pay the \$500 difference. (This is called **balance billing**.)
- This plan may encourage you to use Network **providers** by charging you lower **deductibles, copayments** and **coinsurance** amounts.

Common Medical Event	Services You May Need	Your Cost If You Use a		Limitations and Exceptions
		Network Provider	Non-Network Provider	
If you visit a health care provider's office or clinic	Primary care visit to treat an injury or illness	\$20 copay/visit	\$20 copay/visit, 30% coinsurance	none
	Specialist visit	\$20 copay/visit	\$20 copay/visit, 30% coinsurance	none
	Other practitioner office visit (Chiropractic)	\$20 copay/visit, 10% coinsurance	\$20 copay/visit, 30% coinsurance	(20 visits per benefit period, then Medical Review, combined with Physical Therapy)
	Other practitioner office visit (Acupuncture)	Not Covered		Excluded Service
	Preventive care/ screening/ immunization	No charge		none
If you have a test	Diagnostic test (X-ray)	10% coinsurance	30% coinsurance	none
	Imaging (CT/PET scans, MRIs)	10% coinsurance	30% coinsurance	none

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What It Costs

Coverage for: Single or Family | Plan Type: PPO

Common Medical Event	Services You May Need	Your Cost If You Use a		Limitations and Exceptions
		Network Provider	Non-Network Provider	
If you need drugs to treat your illness or condition	Generic copay - retail /Rx	\$10	Does Not Apply	Covers up to a 30-day supply
	Generic copay - home delivery /Rx	\$15	Does Not Apply	Covers up to a 90-day supply
	Formulary copay - retail /Rx	\$30	Does Not Apply	Covers up to a 30-day supply
	Formulary copay - home delivery /Rx	\$45	Does Not Apply	Covers up to a 90-day supply
	Non-Formulary copay - retail /Rx	\$50	Does Not Apply	Covers up to a 30-day supply
More information about prescription drug coverage is available at <a href="http://MedMutual.com/SBC">MedMutual.com/SBC</a>	Non-Formulary copay - home delivery /Rx	\$75	Does Not Apply	Covers up to a 90-day supply
If you have outpatient surgery	Facility fee (e.g., ambulatory surgery center)	10% coinsurance	30% coinsurance	none
	Physician/surgeon fees (Outpatient)	10% coinsurance	30% coinsurance	none
	Emergency room services	\$100 copay/visit, deductible, 10% coinsurance	30% coinsurance	none
	Emergency medical transportation	\$25 copay/visit	\$25 copay/visit, 30% coinsurance	none
	Urgent care	\$20 copay/visit	30% coinsurance	none
If you have a hospital stay	Facility fee (e.g., hospital room)	10% coinsurance	30% coinsurance	none
	Physician/ surgeon fee (inpatient)	10% coinsurance	30% coinsurance	none
	Mental/Behavioral health outpatient services	Benefits paid based on corresponding medical benefits		none
	Mental/Behavioral health inpatient services	Benefits paid based on corresponding medical benefits		none
	Substance use disorder outpatient services (alcoholism)	Benefits paid based on corresponding medical benefits		none
If you have mental health, behavioral health, or substance abuse needs	Substance use disorder outpatient services (drug use)	Benefits paid based on corresponding medical benefits		none
	Substance use disorder inpatient services (alcoholism)	Benefits paid based on corresponding medical benefits		none
	Substance use disorder inpatient services (drug use)	Benefits paid based on corresponding medical benefits		none

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO

Common Medical Event	Services You May Need	Your Cost If You Use a		Limitations and Exceptions
		Network Provider	Non-Network Provider	
If you need help recovering or have other special health needs	Prenatal and postnatal care	10% coinsurance	30% coinsurance	none
	Delivery and all inpatient services	10% coinsurance	30% coinsurance	none
	Home health care	10% coinsurance	Not Covered	none
	Rehabilitation services (Physical Therapy)	10% coinsurance	\$20 copay/visit, 30% coinsurance	none
	Habilitation services (Occupational Therapy)	10% coinsurance	30% coinsurance	(10 visits, then Medical Review - Professional; unlimited - Institutional)
	Habilitation services (Speech Therapy)	10% coinsurance	30% coinsurance	(10 visits, then Medical Review - Professional; unlimited - Institutional)
	Skilled nursing care	10% coinsurance	30% coinsurance	(100 days per benefit period)
	Durable medical equipment	10% coinsurance	30% coinsurance	none
	Hospice service	10% coinsurance	Not Covered	none
	If your child needs dental or eye care	Eye exam (Child)	No charge	Not Covered
Glasses		Not Covered	Not Covered	Excluded Service
Dental check-up (Child)		Not Covered	Not Covered	Excluded Service

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What It Costs

Coverage for: Single or Family | Plan Type: PPO

### Excluded Services & Other Covered Services:

#### Services Your Plan Does NOT Cover (This isn't a complete list. Check your policy or plan document for other excluded services.)

- Acupuncture
- Cosmetic Surgery
- Dental check-up (Child)
- Dental Care (Adult)
- Glasses
- Hearing Aids
- Infertility Treatment
- Long-Term Care
- Non-emergency care when traveling outside the U.S.
- Routine Eye Care (Adult)
- Routine Foot Care
- Weight Loss Programs

#### Other Covered Services (This isn't a complete list. Check your policy or plan document for other covered services and your costs for these services.)

- Bariatric Surgery
- Chiropractic Care
- Private-Duty Nursing

### Your Rights to Continue Coverage:

If you lose coverage under the plan, then, depending upon the circumstances, Federal and State laws may provide protections that allow you to keep health coverage. Any such rights may be limited in duration and will require you to pay a **premium**, which may be significantly higher than the premium you pay while covered under the plan. Other limitations on your rights to continue coverage may also apply.

For more information on your rights to continue coverage, contact the plan at 800.228.6472. You may also contact your state insurance department, the U.S. Department of Labor, Employee Benefits Security Administration at 866.444.3272 or [www.dol.gov/ebsa](http://www.dol.gov/ebsa), or the U.S. Department of Health and Human Services at 877.267.2323 X61565 or [www.cms.gov](http://www.cms.gov).

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC). If you aren't clear about any of the underlined terms used in this form, see the Glossary. You can view the Glossary at [MedMutual.com/SBC](http://MedMutual.com/SBC) or call 800.228.6472 to request a copy.

# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO

### Your Grievance and Appeals Rights:

If you have a complaint or are dissatisfied with a denial of coverage for claims under your plan, you may be able to appeal or file a grievance. For questions about your rights, this notice, or assistance, you can contact the plan at 800.228.6472.

### Does this Coverage Provide Minimum Essential Coverage?

The Affordable Care Act requires most people to have health care coverage that qualifies as "minimum essential coverage." This plan or policy does provide minimum essential coverage.

### Does this Coverage Meet the Minimum Value Standard?

The Affordable Care Act establishes a minimum value standard of benefits of a health plan. The minimum value standard is 60% (actuarial value). This health coverage does meet the minimum value standard for the benefits it provides.

----- To see examples of how this plan might cover costs for sample medical situations, see the next page -----

**Questions:** Call 800.228.6472 or visit us at MedMutual.com/SBC.

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 1

## Coverage Examples

Coverage Period: 01/01/2014 - 12/31/2014

Coverage for: Single or Family | Plan Type: PPO

### About these Coverage Examples:

These examples show how this plan might cover medical care in given situations. Use these examples to see, in general, how much financial protection a sample patient might get if they are covered under different plans.

#### Having a baby (normal delivery)

- Amount owed to providers: \$7,540
- Plan Pays \$6,220
- Patient Pays \$1,320

#### Sample care costs:

Hospital charges (mother)	\$2,700
Routine obstetric care	\$2,100
Hospital charges (baby)	\$900
Anesthesia	\$900
Laboratory tests	\$500
Prescriptions	\$200
Radiology	\$200
Vaccines, other preventive	\$40
<b>Total</b>	<b>\$7,540</b>

**This is not a cost estimator.**

Don't use these examples to estimate your actual costs under this plan. The actual care you receive will be different from these examples, and the cost of that care will also be different.

See the next page for important information about these examples.

#### Managing Type 2 diabetes (routine maintenance of a well-controlled condition)

- Amount owed to providers: \$5,400
- Plan Pays \$4,700
- Patient Pays \$700

#### Sample care cost:

Prescriptions	\$2,900
Medical Equipment and Supplies	\$1,300
Office Visits and Procedure	\$700
Education	\$300
Laboratory tests	\$100
Vaccines, other preventive	\$100
<b>Total</b>	<b>\$5,400</b>

<b>Patient Pays:</b>	
Deductibles	\$0
Copays	\$500
Coinsurance	\$0
Limits or exclusions	\$200
<b>Total</b>	<b>\$700</b>

Note: These numbers assume the patient is participating in our diabetes wellness program. If you have diabetes and do not participate in the wellness program, your costs may be higher. For more information about the diabetes wellness program, please contact: 800.228.6472.

These numbers assume that the patient does not use an HRA or FSA. If you participate in an HRA or FSA and use it to pay for out-of-pocket expenses, then your costs may be lower. For more information about your HRA or FSA, please contact your employer group.

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC). If you aren't clear about any of the underlined terms used in this form, see the Glossary. You can view the Glossary at [MedMutual.com/SBC](http://MedMutual.com/SBC) or call 800.228.6472 to request a copy.

## Questions and answers about Coverage Examples:

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### What are some of the assumptions behind the Coverage Examples?

- Costs don't include premiums.
- Sample care costs are based on national averages supplied by the U.S. Department of Health and Human Services, and aren't specific to a particular geographic area or health plan.
- Patient's condition was not an excluded or preexisting condition.
- All services and treatments started and ended in the same coverage period.
- There are no other medical expenses for any member covered under this plan.
- Out-of-pocket expenses are based only on treating the condition in the example.
- The patient received all care from in-network providers. If the patient had received care from out-of-network providers, costs would have been higher.

### What does a Coverage Example show?

For each treatment situation, the Coverage Example helps you see how deductibles, copayments, and coinsurance can add up. It also helps you see what expenses might be left up to you to pay because the service or treatment isn't covered or payment is limited.

### Does the Coverage Example predict my own care needs?

✗ **No.** Treatments shown are just examples. The care you would receive for this condition could be different, based on your doctor's advice, your age, how serious your condition is, and many other factors.

### Does the Coverage Example predict my future expenses?

✗ **No.** Coverage Examples are not cost estimators. You can't use the examples to estimate costs for an actual condition. They are for comparative purposes only. Your own costs will be different depending on the care you receive, the prices your providers charge, and the reimbursement your health plan allows.

### Can I use Coverage Examples to compare plans?

✓ **Yes.** When you look at the Summaries of Benefits and Coverage for other plans, you'll find the same Coverage Examples. When you compare plans, check the "Patient Pays" box on each example. The smaller that number, the more coverage the plan provides.

### Are there other costs I should consider when comparing plans?

✓ **Yes.** An important cost is the premium you pay. Generally, the lower your premium, the more you'll pay in out-of-pocket costs, such as copayments, deductibles, and coinsurance. You should also consider contributions to accounts such as health savings accounts (HSAs), flexible spending arrangements (FSAs) or health reimbursement accounts (HRAs) that help you pay out-of-pocket expenses.

**Questions:** Call 800.228.6472 or visit us at MedMutual.com/SBC.

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO



**This is only a summary.** If you want more detail about your coverage and costs, you can get the complete terms in the policy or plan document at [MedMutual.com/SBC](http://MedMutual.com/SBC) or by calling 800.228.6472.

Important Questions	Answers	Why This Matters:
What is the overall deductible?	<b>\$200/single, \$400/family</b> Network <b>\$200/single, \$400/family</b> Non-Network Doesn't apply to coinsurance, copays and network preventive care	You must pay all the costs up to the <b>deductible</b> amount before this plan begins to pay for covered services you use. Check your policy or plan document to see when the <b>deductible</b> starts over (usually, but not always, January 1st). See the chart starting on page 2 for how much you pay for covered services after you meet the <b>deductible</b> .
Are there other deductibles for specific services?	No	You don't have to meet <b>deductibles</b> for specific services, but see the chart starting on page 2 for other costs for services this plan covers.
Is there an out-of-pocket limit on my expenses?	<b>Yes, \$350/single, \$700/family</b> Network N/A/single, N/A/family Non-Network	The <b>out-of-pocket limit</b> is the most you could pay during a coverage period (usually one year) for your share of the cost of covered services. This limit helps you plan for health care expenses.
What is <u>not included</u> in the out-of-pocket limit?	Copays, deductibles, premiums, balance-billed charges and health care this plan doesn't cover.	Even though you pay these expenses, they don't count toward the <b>out-of-pocket limit</b> .
Is there an overall annual limit on what the insurer pays?	No	The chart starting on page 2 describes any limits on what the plan will pay for <b>specific</b> covered services, such as office visits.
Does this plan use a <u>network of providers</u> ?	Yes. See <a href="http://MedMutual.com/SBC">MedMutual.com/SBC</a> or call 800.228.6472 for a list of participating providers.	If you use an in-network doctor or other health care <b>provider</b> , this plan will pay some or all of the costs of covered services. Be aware, your in-network doctor or hospital may use an out-of-network <b>provider</b> for some services. Plans use the term in-network, <b>preferred</b> , or participating for <b>providers</b> in their <b>network</b> . See the chart starting on page 2 for how this plan pays different kinds of <b>providers</b> .
Do I need a referral to see a <u>specialist</u> ?	No	You can see the <b>specialist</b> you choose without permission from this plan.
Are there services this plan doesn't cover?	Yes	Some of the services this plan doesn't cover are listed on page 5. See your policy or plan document for additional information about <b>excluded services</b> .

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC).  
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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO



- **Copayments** are fixed dollar amounts (for example, \$15) you pay for covered health care, usually when you receive the service.
- **Coinsurance** is your share of the costs of a covered service, calculated as a percent of the **allowed amount** for the service. For example, if the plan's **allowed amount** for an overnight hospital stay is \$1,000, your **coinsurance** payment of 20% would be \$200. This may change if you haven't met your **deductible**.
- The amount the plan pays for covered services is based on the **allowed amount**. If an out-of-network **provider** charges more than the **allowed amount**, you may have to pay the difference. For example, if an out-of-network hospital charges \$1,500 for an overnight stay and the **allowed amount** is \$1,000, you may have to pay the \$500 difference. (This is called **balance billing**.)
- This plan may encourage you to use **Network providers** by charging you lower **deductibles, copayments** and **coinsurance** amounts.

Common Medical Event	Services You May Need		Your Cost If You Use a	Your Cost If You Use a	Limitations and Exceptions
	Network Provider	Non-Network Provider	Network Provider	Non-Network Provider	
If you visit a health care provider's office or clinic	Primary care visit to treat an injury or illness	\$10 copay/visit	Not Covered	Not Covered	none
	Specialist visit	\$10 copay/visit	Not Covered	Not Covered	none
	Other practitioner office visit (Chiropractic)	10% coinsurance	Not Covered	Not Covered	(30 visits per benefit period, combined with Physical and Occupational Therapies)
	Other practitioner office visit (Acupuncture)	Not Covered	Not Covered	Not Covered	Excluded Service
If you have a test	Preventive care/ screening/ immunization	No charge	No charge	No charge	none
	Diagnostic test (x-ray)	10% coinsurance	10% coinsurance	10% coinsurance	none
	Diagnostic test (blood work)	10% coinsurance	10% coinsurance	10% coinsurance	none
	Imaging (CT/PET scans, MRIs)	10% coinsurance	10% coinsurance	Not Covered	none

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO

Common Medical Event	Services You May Need		Your Cost If You Use a Network Provider		Your Cost If You Use a Non-Network Provider		Limitations and Exceptions
If you need drugs to treat your illness or condition  More information about prescription drug coverage is available at <a href="http://MedMutual.com/SBC">MedMutual.com/SBC</a>	Generic copay - retail /Rx		\$10		Does Not Apply		Covers up to a 30-day supply
	Generic copay - home delivery /Rx		\$15		Does Not Apply		Covers up to a 90-day supply
	Formulary copay - retail /Rx		\$30		Does Not Apply		Covers up to a 30-day supply
	Formulary copay - home delivery /Rx		\$45		Does Not Apply		Covers up to a 90-day supply
	Non-Formulary copay - retail /Rx		\$50		Does Not Apply		Covers up to a 30-day supply
	Non-Formulary copay - home delivery /Rx		\$75		Does Not Apply		Covers up to a 90-day supply
If you have outpatient surgery	Facility fee (e.g., ambulatory surgery center)		10% coinsurance		Not Covered		none
	Physician/surgeon fees (Outpatient)		10% coinsurance		Not Covered		none
	Emergency room services			\$100 copay/visit			none
	Emergency medical transportation		10% coinsurance		Not Covered		none
	Urgent care		\$10 copay/visit		Not Covered		none
If you need immediate medical attention	Facility fee (e.g., hospital room)		10% coinsurance		Not Covered		none
	Physician/ surgeon fee (inpatient)		10% coinsurance		Not Covered		none
	Mental/Behavioral health outpatient services		Benefits paid based on corresponding medical benefits				none
	Mental/Behavioral health inpatient services		Benefits paid based on corresponding medical benefits				none
	Substance use disorder outpatient services (alcoholism)		Benefits paid based on corresponding medical benefits				none
If you have a hospital stay	Substance use disorder outpatient services (drug use)		Benefits paid based on corresponding medical benefits				none
	Substance use disorder inpatient services (alcoholism)		Benefits paid based on corresponding medical benefits				none
	Substance use disorder inpatient services (drug use)		Benefits paid based on corresponding medical benefits				none
	Substance use disorder inpatient services (alcoholism)		Benefits paid based on corresponding medical benefits				none
	Substance use disorder inpatient services (drug use)		Benefits paid based on corresponding medical benefits				none

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What It Costs

Coverage for: Single or Family | Plan Type: PPO

Common Medical Event	Services You May Need	Your Cost If You Use a Network Provider	Your Cost If You Use a Non-Network Provider	Limitations and Exceptions
If you are pregnant	Prenatal and postnatal care	10% coinsurance	Not Covered	-----none-----
	Delivery and all inpatient services	10% coinsurance	Not Covered	-----none-----
If you need help recovering or have other special health needs	Home health care	10% coinsurance	Not Covered	(30 days per benefit period)
	Rehabilitation services (Physical Therapy)	10% coinsurance	Not Covered	(30 visits per benefit period, combined with Occupational Therapy and Chiropractic)
	Habilitation services (Occupational Therapy)	10% coinsurance	Not Covered	(30 visits per benefit period, combined with Physical Therapy and Chiropractic)
	Habilitation services (Speech Therapy)	10% coinsurance	Not Covered	(30 visits per benefit period)
	Skilled nursing care	10% coinsurance	Not Covered	(100 days per benefit period)
	Durable medical equipment	10% coinsurance	Not Covered	-----none-----
If your child needs dental or eye care	Hospice service	10% coinsurance	Not Covered	-----none-----
	Eye exam (Child)		No charge	-----none-----
	Glasses		Not Covered	Excluded Service
	Dental check-up (Child)		Not Covered	Excluded Service

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO

### Excluded Services & Other Covered Services:

Services Your Plan Does NOT Cover (This isn't a complete list. Check your policy or plan document for other excluded services.)

- Acupuncture
- Cosmetic Surgery
- Dental check-up (Child)
- Dental Care (Adult)
- Glasses
- Hearing Aids
- Infertility Treatment
- Long-Term Care
- Non-emergency care when travelling outside the U.S.
- Routine Foot Care
- Weight Loss Programs

Other Covered Services (This isn't a complete list. Check your policy or plan document for other covered services and your costs for these services.)

- Bariatric Surgery
- Chiropractic Care
- Private-Duty Nursing
- Routine Eye Care (Adult)

### Your Rights to Continue Coverage:

If you lose coverage under the plan, then, depending upon the circumstances, Federal and State laws may provide protections that allow you to keep health coverage. Any such rights may be limited in duration and will require you to pay a **premium**, which may be significantly higher than the premium you pay while covered under the plan. Other limitations on your rights to continue coverage may also apply.

For more information on your rights to continue coverage, contact the plan at 800.228.6472. You may also contact your state insurance department, the U.S. Department of Labor, Employee Benefits Security Administration at 866.444.3272 or [www.dol.gov/ebsa](http://www.dol.gov/ebsa), or the U.S. Department of Health and Human Services at 877.267.2323 X61565 or [www.cms.gov](http://www.cms.gov).

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC).

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

Coverage Period: 01/01/2014 - 12/31/2014

## Summary of Benefits and Coverage: What This Plan Covers & What it Costs

Coverage for: Single or Family | Plan Type: PPO

### Your Grievance and Appeals Rights:

If you have a complaint or are dissatisfied with a denial of coverage for claims under your plan, you may be able to appeal or file a grievance. For questions about your rights, this notice, or assistance, you can contact the plan at 800.228.6472.

### Does this Coverage Provide Minimum Essential Coverage?

The Affordable Care Act requires most people to have health care coverage that qualifies as "minimum essential coverage." This plan or policy **does provide minimum essential coverage.**

### Does this Coverage Meet the Minimum Value Standard?

The Affordable Care Act establishes a minimum value standard of benefits of a health plan. The minimum value standard is 60% (actuarial value). This health coverage **does meet the minimum value standard for the benefits it provides.**

-----To see examples of how this plan might cover costs for sample medical situations, see the next page-----

**Questions:** Call 800.228.6472 or visit us at MedMutual.com/SBC.

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

## Coverage Examples

Coverage Period: 01/01/2014 - 12/31/2014

Coverage for: Single or Family | Plan Type: PPO

### About these Coverage Examples:

These examples show how this plan might cover medical care in given situations. Use these examples to see, in general, how much financial protection a sample patient might get if they are covered under different plans.

#### Having a baby (normal delivery)

- Amount owed to providers: **\$7,540**
- Plan Pays **\$6,720**
- Patient Pays **\$820**

#### Sample care costs:

Hospital charges (mother)	\$2,700
Routine obstetric care	\$2,100
Hospital charges (baby)	\$900
Anesthesia	\$900
Laboratory tests	\$500
Prescriptions	\$200
Radiology	\$200
Vaccines, other preventive	\$40
<b>Total</b>	<b>\$7,540</b>

Don't use these examples to estimate your actual costs under this plan. The actual care you receive will be different from these examples, and the cost of that care will also be different.



**This is not a cost estimator.**

See the next page for important information about these examples.

#### Managing Type 2 diabetes (routine maintenance of a well-controlled condition)

- Amount owed to providers: **\$5,400**
- Plan Pays **\$4,760**
- Patient Pays **\$640**

#### Sample care cost:

Prescriptions	\$2,900
Medical Equipment and Supplies	\$1,300
Office Visits and Procedure	\$700
Education	\$300
Laboratory tests	\$100
Vaccines, other preventive	\$100
<b>Total</b>	<b>\$5,400</b>

<b>Patient Pays:</b>	
Deductibles	\$100
Copays	\$500
Coinsurance	\$0
Limits or exclusions	\$40
<b>Total</b>	<b>\$640</b>

Note: These numbers assume the patient is participating in our diabetes wellness program. If you have diabetes and do not participate in the wellness program, your costs may be higher. For more information about the diabetes wellness program, please contact: 800.228.6472.

These numbers assume that the patient does not use an HRA or FSA. If you participate in an HRA or FSA and use it to pay for out-of-pocket expenses, then your costs may be lower. For more information about your HRA or FSA, please contact your employer group.

**Questions:** Call 800.228.6472 or visit us at [MedMutual.com/SBC](http://MedMutual.com/SBC).

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# AKRON METROPOLITAN HOUSING AUTHORITY : Plan 2

## Coverage Examples

Coverage Period: 01/01/2014 - 12/31/2014

Coverage for: Single or Family | Plan Type: PPO

### Questions and answers about Coverage Examples:

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What are some of the assumptions behind the Coverage Examples?

- Costs don't include **premiums**.
- Sample care costs are based on national averages supplied by the U.S. Department of Health and Human Services, and aren't specific to a particular geographic area or health plan.
- Patient's condition was not an excluded or preexisting condition.
- All services and treatments started and ended in the same coverage period.
- There are no other medical expenses for any member covered under this plan.
- Out-of-pocket expenses are based only on treating the condition in the example.
- The patient received all care from in-network **providers**. If the patient had received care from out-of-network **providers**, costs would have been higher.

What does a Coverage Example show?

For each treatment situation, the Coverage Example helps you see how **deductibles**, **copayments**, and **coinsurance** can add up. It also helps you see what expenses might be left up to you to pay because the service or treatment isn't covered or payment is limited.

Does the Coverage Example predict my own care needs?

✗ **No.** Treatments shown are just examples. The care you would receive for this condition could be different, based on your doctor's advice, your age, how serious your condition is, and many other factors.

Does the Coverage Example predict my future expenses?

✗ **No.** Coverage Examples are **not** cost estimators. You can't use the examples to estimate costs for an actual condition. They are for comparative purposes only. Your own costs will be different depending on the care you receive, the prices your **providers** charge, and the reimbursement your health plan allows.

Can I use Coverage Examples to compare plans?

✓ **Yes.** When you look at the Summaries of Benefits and Coverage for other plans, you'll find the same Coverage Examples. When you compare plans, check the "Patient Pays" box on each example. The smaller that number, the more coverage the plan provides.

Are there other costs I should consider when comparing plans?

✓ **Yes.** An important cost is the **premium** you pay. Generally, the lower your **premium**, the more you'll pay in out-of-pocket costs, such as **copayments**, **deductibles**, and **coinsurance**. You should also consider contributions to accounts such as health savings accounts (HSAs), flexible spending arrangements (FSAs) or health reimbursement accounts (HRAs) that help you pay out-of-pocket expenses.

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**ACKNOWLEDGEMENT**

I \_\_\_\_\_ acknowledge that I have received the:  
(Employee's name-please print)

**Ohio Ethics Law and Related Statutes**

\_\_\_\_\_  
Employee's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date

# OHIO ETHICS COMMISSION

Sarah M. Brown, *Chairman*  
Robert Browning, *Vice Chairman*



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David E. Freel, *Executive Director*

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## ACCEPTING GIFTS, MEALS, ENTERTAINMENT, OR OTHER THINGS OF VALUE: Ethics Commission Information Sheet # 7

### **I. Introduction**

The Ohio Ethics Law and related statutes are found in Ohio Revised Code (R.C.) Chapter 102. and Sections 2921.42 and 2921.43. These laws generally prohibit public officials and employees from misusing their official positions for their own personal benefit or the benefit of their family members or business associates.

The Ethics Law applies to all people who serve as officials and employees for public agencies in Ohio. "Public agencies" include state departments, boards, and commissions, counties, cities, villages, townships, school districts, public colleges and universities, public libraries, port authorities, and all other public entities.

The Ohio Ethics Commission was created to administer, interpret, and assist in the enforcement of the Ethics Law for all officials in the state, except members and employees of the General Assembly and judicial officers and employees.<sup>1</sup> In this information sheet, the word "official" includes any person who serves a public agency, whether elected, appointed, or employed.

### **II. Purpose of this Information Sheet**

The Commission prepared this information sheet to explain how the Law applies when an official is offered a gift, meal, entertainment, and other things of value.

### **III. General Guidance**

Generally, the Ethics Commission advises that officials should not solicit or accept things of value from those parties they regulate or with whom they do business.

### **IV. Summary of the Law**

The Ohio Ethics Law and related statutes prohibit an official from:

- Soliciting, accepting, or using the authority of his public position to secure a gift, meal, entertainment, or other thing of value if it is of a substantial nature and is provided by someone that is regulated by, interested in matters before, or doing or seeking to do business with the agency he serves; and
- Accepting anything, regardless of its value, if the item is provided to the official as compensation for the performance of his public duties.

## V. Accepting Gifts

An official cannot solicit, accept, or use the authority of his public position to secure anything of value, including a gift, meal, or entertainment, that could have a "substantial" and "improper" influence upon him in the performance of his duties.<sup>2</sup>

The facts and circumstances of each situation determine whether a gift, meal, entertainment, and other thing of value could have a "substantial" and "improper" influence upon an official in the performance of his duties.

Some things of value—because of their source—could have an "improper" influence upon an official in the performance of his duties.<sup>3</sup> A person, company, or other private or public entity or association that is regulated by, interested in matters before, or doing or seeking to do business with, a public agency is an improper source of gifts, meals, entertainment activities, and other things of value offered to the officials of that agency.<sup>4</sup>

Some things of value—because of their nature—could have a "substantial" influence upon an official in the performance of his duties.<sup>5</sup> Gifts, meals at expensive restaurants, entertainment activities, such as exclusive golf outings and season tickets to the games of a professional sports team, are of a substantial value.<sup>6</sup> Jewelry, discounts on major consumer items, and travel, meal, and lodging expenses are also of substantial value.<sup>7</sup>

Therefore, an official cannot solicit, accept, or use the authority of his public position to secure a gift, entertainment, meal, or any other thing of value if it is of a

substantial nature and is provided by an improper source.

Small gifts, such as a book, a meal at a family restaurant, a promotional item, an inexpensive entertainment activity, and other things of nominal value, even if they are provided by an improper source, will not have a substantial influence on an official. An official is not prohibited from accepting these kinds of items.<sup>8</sup>

However, an official could be influenced in the performance of his duties by accepting multiple items of minimal value from the same source if the value of these items, added together, is substantial.<sup>9</sup> In some circumstances, accepting items of minimal value may create an appearance of impropriety, even if it is not illegal.

As noted above, the Ethics Commission generally advises that officials should not solicit or accept any things of value from parties they regulate or with whom they do business.

## VI. Supplemental Compensation

A public servant cannot accept anything of value, from any source other than his public employer, as compensation for the performance of his public duties.<sup>10</sup>

A "public servant" is any person who is elected, appointed, or employed by any governmental entity, and any person performing a governmental function—such as a juror, a member of a temporary commission, an arbitrator, an advisor, or a consultant.<sup>11</sup> "Compensation" includes anything of value, such as wages, gifts, and travel expenses, provided to a public servant in exchange for a service.<sup>12</sup>

A public servant cannot accept anything of value from any person, company, or other entity or association, other than the public agency he serves, if it is given with the intent to compensate him for some action, inaction, or decisions of the official in the performance of his public duties.<sup>13</sup>

In addition to the criminal penalties discussed below, if a person is convicted of accepting supplemental compensation, the person is prohibited from holding public office, public employment, or any position of public trust for seven years after the conviction.

#### **VII. Financial Disclosure**

Some officials are required to file annual financial disclosure statements with the Ethics Commission. These officials are required to disclose, among other items, the sources of gifts provided to them.

There are two value thresholds for disclosure of gifts. Most filers are required to disclose sources of gifts valued over \$75.00. A small number of filers are required to disclose sources of gifts valued over \$500.00. Some filers are also required to disclose sources of meals and travel provided in connection with public duties.

Any official who is required to file a financial disclosure statement should keep complete records of any gifts, and of any meals, food, or beverages, or travel expenses provided in connection with public duties, including source and amount of the items provided, for later disclosure purposes.

#### **VIII. Other Considerations**

Any official who is offered a gift, meal, entertainment, or other item should ask his supervisor or legal counsel for the public agency whether the agency has any additional policies or rules about accepting such items. (A public agency cannot create a policy or rule that is less restrictive than the prohibitions described above. However, an agency may have a policy or rule that is more restrictive than the Ethics Law.)

#### **IX. Penalties**

The Ethics Law and related statutes are criminal laws. If a person is convicted of violating an ethics law, that person may receive a jail sentence and/or have a fine levied against him.

The ethics laws discussed in this information sheet are first-degree misdemeanors with a maximum penalty of six months in prison and/or a \$1000 fine. However, as noted above, there is an additional penalty for accepting supplemental compensation.

#### **X. Conclusion**

Please contact the Commission if you have questions about this information sheet or the Ohio Ethics Laws. This information sheet is not an advisory opinion, and is not intended to provide advice on specific facts. Copies of the Commission's formal advisory opinions can be obtained from: Ohio Ethics Commission, 8 East Long Street, 10<sup>th</sup> Floor, Columbus Ohio, 43215-2940; telephone (614) 466-7090, and on the Commission's Web site: [www.ethics.ohio.gov](http://www.ethics.ohio.gov).



# Ohio Ethics Law and Related Statutes



## The Ohio Ethics Commission

Merom Brachman, Chair  
Sarah M. Brown, Vice Chair  
Prof. Josiah Blackmore  
Dr. Robert Browning  
Prof. Ann Marie Tracey

David E. Freel, Executive Director

May 2005

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preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the

Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a

county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Except for disclosure statements filed by members of the board of trustees and the executive director of the tobacco use prevention and control foundation and members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential 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 interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of forty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education.....	\$65
For office of member of general assembly.....	\$40
For county office.....	\$40
For city office.....	\$25
For office of member of the state board of education.....	\$25
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board.....	\$20
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center.....	\$20'

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee

of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

### Sec. 102.021

(A)(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment, and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of

the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

#### Sec. 102.022

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code, and each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require



the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

### Section 102.03

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343, or 3734, of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted

because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in

public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c) (3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

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#### Sec. 102.031

(A) As used in this section:

(1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

- (1) An employee;
- (2) A business associate;
- (3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

#### Section 102.04

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

#### Section 102.05

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

#### Section 102.06

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved, and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement

## THE OHIO ETHICS LAW: CHAPTER 102. OF THE REVISED CODE

Section 102.01 As used in this chapter:

(A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official's or employee's office or position of employment.

(I) "Employer" means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) "Executive agency decision," "executive agency lobbyist," and "executive agency lobbying activity" have the same meanings as in section 121.60 of the Revised Code.

(K) "Legislation," "legislative agent," "financial transaction," and "actively advocate" have the same meanings as in section 101.70 of the Revised Code.

(L) "Expenditure" has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

## Section 102.02

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

(1) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(2)(a) Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the



board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission shall also report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's

discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

#### **Section 102.07**

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

#### **Section 102.08\***

\* *See also following version of this section and explanation after that version.*

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, "appropriate ethics commission" does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a

violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

**Section 102.08\***

\* *See also preceding version of this section and explanation below.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonable rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

\* R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.

#### Section 102.09

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

#### Section 102.99

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

### CHAPTER 2921.

Section 2921.01 As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) "Public official" means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) "Public servant" means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person's name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

(C) "Party official" means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) "Official proceeding" means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) "Detention" means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, "detention" includes time spent at an assigned work site and going to and from the work site.

(F) "Detention facility" means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) "Valuable thing or valuable benefit" includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September 17, 1986.

(H) "Campaign committee," "contribution," "political action committee," "legislative campaign fund," "political party," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(I) "Provider agreement" and "medical assistance program" have the same meanings as in section 2913.40 of the Revised Code.

## Section 2921.42

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest;

(2) Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of his family, or any of his business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of his office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(F\*) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of his business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year.

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of his family, or his business associate.

(G) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

- (b) A contract for the design, construction, alteration, repair, or maintenance of any public property.
- (2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

\* Division (F) appears twice as a result of the harmonization of Am. Sub. H.B. 285 and Sub. H.B. 150.

#### Sec. 2921.421

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

#### Section 2921.43

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act

or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

*6 months*

**FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW, PLEASE CONTACT:**

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