

VILLAGE OF YELLOW SPRINGS, OHIO

RESOLUTION 2024-69

ADOPTING A POLICY TO ALLOW USE OF AN "EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY" COVERAGE DOCUMENT, IN LIEU OF SURETY BOND FOR ELIGIBLE EMPLOYEES

WHEREAS, The Village of Yellow Springs, Greene County, Ohio, is a member of the Public Entities Pool (PEP), a political subdivision risk pool established pursuant to Ohio Revised Code hereinafter "ORC,"2744.081; and

WHEREAS, House Bill 291 which was signed into law on December 20, 2018 and became effective March 20, 2019 authorizes the use of an, "employee dishonesty and faithful performance of duty policy," instead of individual surety bonds for trustees, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties; and

WHEREAS, in accordance with ORC 3.061, the "political subdivision", (meaning counties, townships and "municipal corporations," including villages and cities) may adopt a policy by resolution to allow the use of an "employee dishonesty and faithful performance of duty" coverage document, rather than a surety bond, to cover loss by fraudulent or dishonest actions of employees and failure of employees to faithfully perform duties; the following shall apply to the policy:

1. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without acquiring a bond, on the date the oath of office is taken, certified, and filed as required by law.
2. An officer, employee, or appointee otherwise required by law to maintain an individual surety bond to continue being entitled to discharge the duties of the office or employment may, during the individual's term or employment, become covered under an employee dishonesty and faithful performance of duty policy.
3. An officer, employee, or appointee may have the employee dishonesty and faithful performance of duty policy in effect before the individual's term of office or employment in lieu of a surety bond and the officer, employee or appointee shall not commence the discharge of duties until coverage is documented.
4. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.
5. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law; and.

WHEREAS, The Village of Yellow Springs, Greene County, Ohio's, "employee dishonesty and faithful performance of duty policy" through the PEP coverage document complies with ORC 3.061,

NOW THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO, HEREBY RESOLVES THAT:

Section 1. Council hereby authorizes the public entity to purchase and use "employee dishonesty and faithful performance of duty policy" through PEP in lieu of individual surety bonds for officers, employees, and appointees who are otherwise required by law to acquire a bond before entering upon the discharge of duties.

Kevin Stokes, President of Council

Passed: 11-4-2024

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Kevin Stokes __Y__ Brian Housh _Y__ Trish Gustafson __Y__
Carmen Brown __Y__ Gavin DeVore Leonard __Y__