

The Clinton County Board Of Developmental Disabilities

Personnel Policy Manual



**Originally Adopted:
November 20, 2012**

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IMPORTANT INFORMATION ABOUT THIS POLICY MANUAL

This Policy Manual was adopted by the Board of Developmental Disabilities effective on the date specified on the title page. Each employee shall read, understand and follow all policies stated herein, beginning specifically with the information presented below.

- ◆ The contents of this manual are presented as a matter of information to provide information pertaining to the terms, conditions and expectations of employment. While the Clinton County Board of Developmental Disabilities believes wholeheartedly in these policies, they do not, and are not intended to create any contractual obligations on the part of the Board or its agents.
- ◆ Although the Board may recognize achievements in employment, standard employment practices such as longevity recognition, promotions, raises and favorable reviews do not constitute a contractual guarantee of future employment security.
- ◆ These policies supersede all written and unwritten personnel related policies, memos and directives prior issued of the Board of DD, Superintendent and other management.
- ◆ In the event there is a conflict between the matters expressed in this manual and any other applicable law, requirement, or legal decision, the applicable law, decision or requirement shall prevail. The remainder of the policy and of other policies in this manual, not affected by the law, requirement or decision shall remain in full force and effect.
- ◆ Some policies within this manual may reference departmental operational policies, or more specific plans or documents, in which the specific policy, plan or document will prevail. Employees will be are expected to know, understand and follow their departmental policies and work rules, in addition to these general Board policies specified in this manual.
- ◆ Although each employee is expected to abide by these policies, the Board of DD may elect to revise these policies as permitted by law, in whole or in part, at any time, and with or without prior notice.
- ◆ Situations will arise that require interpretation of these policies. In so far as practicable, interpretation and application of policies will be made consistently based on the facts and circumstances of each policy question, keeping the intent of the policy in mind. At the discretion of the Superintendent, directives may be issued to clarify policy. Although normally policies will be applied as provided for herein, the Superintendent is delegated authority and reserves the right to waive application of a policy at his discretion, in consideration of the specific facts and circumstances.

General Expectations of All Board Employees

A. In accordance with its mission, the Clinton County Board has earned an excellent reputation within the community and industry. We're proud of our accomplishments but also recognize that we must continually seek improvement by consistently evaluating our operations, and seeking new and better ways to better serve the public. It's important that every employee share equally in this responsibility, by demonstrating the following standards and values in their work and personal lives, so to ensure that the proud tradition of the Board continues to build and grow.

- **Ethical Conduct and Trustworthiness:** The Board conducts its business activities with transparency, integrity, fairness, and in accordance with the highest ethical standards. Employees are obligated to continue to uphold these standards in every business activity and in their personal lives. Through their daily interactions and decisions, each employee is expected to demonstrate trusting working relationships with and between coworkers, management, clients, and members of our community.
- **Professionalism and Competency:** Although employees have different job responsibilities depending on job title and assignment, each has a common responsibility to perform work competently, and to convey professionalism in their conduct and relationships with others.
- **Work Environment:** The Board strives to create a friendly and relaxed work culture which encourages employees to work together constructively in a team environment. Being a team player is a valued core competency inherent in every job, and one which contributes to creating a comfortable and productive working environment.
- **Flexibility and Change:** The Board recognizes that change is a necessary part of public service and that constructive change will enable the Board to grow and adapt to changing economic and business conditions. Flexibility and the ability to adapt and embrace change is a valued expectation of every employee.
- **Open Door Policy and Communications:** The Board encourages open, constructive and respectful communications among and between employees, management and Board members, and encourages employees to seek constructive resolution to work problems in accordance with these policies. Employees should feel free to share concerns, seek information, and make suggestions for improving services and the working environment. Likewise, supervisors are expected to respectfully and sincerely listen to employee concerns, encourage input, and seek appropriate and timely resolution to work-related problems.

SECTION 1

MANUAL INTRODUCTION



- A.** The primary function and obligation of the Board is to provide quality and professional services to the citizens of Clinton County. This is a continuing obligation to which all other obligations are secondary. To that end, the Board has adopted these guidelines which lays a policy framework for employment with the Board, and that establishes a working environment which encourages the provision of professional services and operations.
- B.** Each employee is responsible for being thoroughly familiar with this manual's contents. Furthermore, all management is charged with interpreting and administering these policies in a systematic and impartial manner.
- C.** References to the male [or female] gender used throughout this Manual (e.g., his, him, he, she, her) shall mean both the male and female gender, and are not intended, nor shall they be construed, to be discriminatory in any manner.
- D.** Questions regarding the interpretation and application of these policies shall be directed to the employee's supervisor, with final authority vested to the Superintendent.
- E.** Violation of any of these policies can result in disciplinary action, up to and including discharge.
- F.** References are made to the Superintendent and his obligations and responsibilities under these policies. Notwithstanding, except as otherwise required by law, the Superintendent may choose, at his option, to delegate any of these obligations and responsibilities to any supervisor or other employee under his authority. Delegation of these obligations and responsibilities may be made either on a case-by-case basis or as a regular part of the employee's job duties. The Superintendent maintains ultimate authority and responsibility, however, for the proper and lawful disposition of all such delegated matters.

SCOPE OF COVERAGE

◆POLICY 1.02◆

- A.** These policies apply to all classified and unclassified employees of the Board, including administrators, professionals, management, service and other non-management staff. Policies pertaining specifically to classified or unclassified employees are so noted in this manual.
- B.** These policies are not applicable to members and officers of the Board of DD whose responsibilities, expectations and authority is specified by law.

- A. Unless otherwise specified in this policy manual, the following definitions shall apply.
- ◆ **Absent Without Leave:** Failure to report for work without proper and timely notice or approval to be absent from the Superintendent or other authorized supervisor as required in these policies.
 - ◆ **Active Pay Status:** Except as otherwise defined in this manual, active pay status means conditions under which an employee is eligible to receive pay from the Board for time actually worked, or any time that the employee spends on authorized paid leave.
 - ◆ **Board:** the organization established and under the lawful authority of the Board of DD and of the Superintendent.
 - ◆ **Board of DD:** the Clinton County Board of DD. A seven-member board, appointed pursuant to 5126.02 ORC. Such Board is the controlling body of the Board, and associated services that are provided within Clinton County. The Board of DD appoints a Superintendent under a management contract pursuant to 5126.0219, establishes his compensation, and may remove, suspend or demote the Superintendent for cause, pursuant to section 5126.0219 and 5126.023 ORC.
 - ◆ **Classification:** a group of positions requiring similar job duties, responsibilities and qualifications, and which are designated by a job title, descriptive of job duties. A class may include only one position when no other position requires similar duties, responsibilities and qualifications.
 - ◆ **Classified Position:** All positions of the Board except those specifically designated as management or professional employees as defined in 5126.22 ORC. Employees serving in classified positions are covered under the benefits and protections of Ohio Civil Service specified in section 124 of the ORC and other applicable ORC sections.
 - ◆ **County:** the County of Clinton, State of Ohio. When the term “county” is not capitalized within a sentence, then it shall refer to a county within the State of Ohio in a generic sense.
 - ◆ **Day(s):** Unless otherwise specified as “workdays” within the context of a policy, “day(s)” shall mean calendar days.
 - ◆ **Director of ODDD:** The Director of Ohio Department of Developmental Disabilities.
 - ◆ **Employee:** a person who is appointed into a position with the Board who is responsible for fulfilling the job duties and responsibilities of that position as defined by the employee’s position description, and as otherwise assigned by the Superintendent or supervisor.
 - ◆ **Immediate Family:** [for sick leave and other purpose in this manual, excepting FMLA] means an employee’s spouse, children [including foster and step children], parent, legal guardian or other person that stands in the place of a parent, grandparents, siblings, grandchildren, brother and sister in-law, father and mother-in-law, aunt, and uncle.
 - ◆ **Limited Contract:** a contract offered to management and professional employees. Limited contracts are normally one year in duration, however, limited contracts can exceed one year with Board of DD approval up a maximum of five years. A limited contract can be less than one year when the employee is hired after the beginning of a program year. When hired after the beginning of a program year, a limited contract

shall expire at the end of the program year, except when the contract is approved by the Board of DD to extend longer than one year.

The Superintendent maintains authority to approve limited contracts of one year duration or less, while only the Board of DD is authorized to approve limited contracts that exceed one year.

An employee hired under a limited contract may have that contract renewed or it may not be renewed at the option of the Superintendent.

- ◆ **Management Employee:** a person employed by the Board in a position having supervisory or managerial responsibilities and duties. Management employees are hired under a limited contract. A manager's level of management or supervisory authority and scope is defined in the manager's position description.
 - **Management responsibilities:** includes, but is not limited to formulation of policy on behalf of the Board, the responsibility to direct implementation of policy, and delegation of a major role in personnel administration. Management typically includes all or most of supervisory responsibilities defined below.
 - **Supervisory responsibilities:** includes but is not limited to authorization to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, to responsibly direct them, to adjust their grievances, or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires use of independent judgment.
- ◆ **Position:** a funded "slot" on the table of organization with a group of job duties, responsibilities, authority and specifications assigned, and which are listed on a position description and are performed by an employee.
- ◆ **Professional Employee:** shall mean both of the following.
 - A person employed by the Board in a position for which a bachelor's degree from an accredited college or university, or a license or certificate issued under Title XLVII of the ORC is a minimum requirement.
 - A person employed by the Board as a conditional status service and support administrator, provided the person has at least an appropriate associates' degree, or the employee was employed by the Board in such position on June 30, 2006 and the person holds a high school diploma or a GED.
- ◆ **Service Employee:** a person employed by the Board in a position which may require evidence of registration under section 5126.25 of the ORC, but for which a bachelor's degree from an accredited college or university is not required.
- ◆ **Superintendent:** the person appointed by the Board of DD and charged with administering the work of the Board, subject to the Board of DD's rules, and having the power of appointment to or removal from positions. The Superintendent may delegate certain responsibilities to management or other staff, unless otherwise precluded from doing so by law [2.03 management rights].
- ◆ **Transfer:** The reassignment of an employee from one position to another, where there is no change in classification, level of responsibility, or salary

Dissemination and Access to the Manual

- A. Each employee shall be made aware of this manual and is responsible for reviewing and understanding its contents.
- B. The official version of the manual, with all updated and approved policies, is located and can be accessed on the World Wide Web. Management and employees should refer to the Web version of the manual for guiding their work actions and decisions since this is the only official version of the manual.
- C. With prior approval from the employee's supervisor, an employee may review any of these policies during working hours.

Policy Review and Understanding

- A. New employees are required to review and understand all manual contents, and each will be given the opportunity to ask questions and solicit additional information pertaining to the manual during the employee's orientation period. As a condition of continued employment, each new employee is required to sign a *Policy Review and Understanding* form that substantiates the employee's understanding of, and agreement to abide by these policies. Likewise, effective on the date of adoption of this manual, each current employee of the Board will be required to review and understand this manual, and will be required to sign a *Policy Review and Understanding* form.
- B. Signing of the *Policy Review and Understanding* form does not constitute a contract of employment, nor shall it be construed or interpreted as evidence of a contractual relationship between the employee and the Board.
- C. The signed *Policy Review and Understanding* form shall be retained in the employee's personnel file.

- A.** The Board of DD maintains authority to amend, revise, delete or add to these policies at any time, with or without prior notice. The Board of DD shall consider policy drafts suggested to them by the Superintendent, or will adopt policy through its own volition. Policy is adopted by a majority vote of a quorum of the Board of DD, in accordance with its by-laws.
- B.** The Superintendent may identify the need to initiate policy changes based upon changes in legislation or operations, and for other reasons. The Superintendent will draft a copy of the change, and will submit it to the Board of DD for review, discussion and consideration for adoption. Likewise, managers or other employees may recognize the need for policy changes, and are encouraged to recommend such changes to the Superintendent. The Superintendent will consider the merit of the policy change, and maintains authority to determine if it should be presented to the Board of DD for consideration for approval. All policy changes considered by staff must be submitted through the Superintendent, and not directly to the Board of DD.
- C.** When the Board of DD approves a policy change, the Superintendent will ensure that the new or revised policy is communicated to affected employees, prior to the policy change effective date if feasible. Policy revisions, additions, amendments or deletions may be sent via e-mail, posted on the bulletin board or other conspicuous places, submitted by memo, or otherwise communicated to affected employees in the manner deemed appropriate by the Superintendent. Explanatory memos may be attached to manual revisions to identify or explain the altered policy. The effective date of the new or revised policy shall be noted on the policy, and the policy will be posted on the Web.
- D.** Upon review and understanding of the new or revised policy, each employee shall be required to sign and date a copy of the revision, for inclusion in the employee's personnel file.

SECTION 2

ORGANIZATIONAL STRUCTURE & AUTHORITY



POSITION DESCRIPTIONS

◆POLICY 2.01◆

- A. The Board of DD has position descriptions that list the essential duties and other position requirements of each position. Positions with substantially similar essential position requirements are grouped under common position titles called classifications. Official classification titles shall be used in all personnel and payroll matters.
- B. Regardless of an employee's classification or position assignment, the employee is required to perform any task specified in the employee's position description, as well as any related task required by the employee's supervisor.
- C. Positions and their classifications are shown on the table of organization that reflects the organizational structure, chain of command, and reporting relationships between positions.
- D. Each employee, who is hired into, or promoted to a position, is assigned to a classification. Each employee will be notified, in writing, of his classification assignment, and shall be required to review and become familiar with his position description, classification specification and the table of organization prior to, and as a condition of appointment. Information pertaining to job requirements shall be initially conveyed to new employees during his orientation period, and thereafter, the employee will be informed of his classification assignment as the employee is promoted or other personnel actions occur.
- E. The Superintendent will continually monitor the accuracy of position descriptions, classification assignments and the table of organization, and maintains authority to restructure the table of organization and position descriptions, in accordance with applicable law, business need and budgetary constraints. Changes to position descriptions or the table of organization shall be communicated to affected employees in writing.
- F. An employee may request that his position be audited for a change in classification by submitting a completed and signed *Job Audit Request* form to the Superintendent. The employee shall include information that documents the additional or changed work assignment or responsibilities that the employee is actually performing, and for which the employee feels justifies the audit. The Superintendent shall review the request, and using professionally accepted job analysis methods, decide whether the position description should be updated, and/or the employee reclassified. The employee shall be notified, in writing, of the Superintendent's decision, and a copy shall be retained in the employee's personnel file.

CERTIFICATION REQUIREMENTS

◆POLICY 2.02◆

- A. The Board follows rules set forth by the Director of ODDD that governs certification, licensure and registration, specifically 5123:2-5 of the Ohio Administrative Code.
- B. As a condition of continued employment, it is the responsibility of all employees to possess and maintain each certificate or license required of the employee's position. Accordingly, employees are responsible for meeting the professional, educational, continuing education, and/or experience requirements to hold and maintain any required certification, license or registration.
- C. No person shall be employed in a position for which certification or registration is required without the certification, license or registration that is required for the position. That person shall not be employed or continued to be employed if the required certification, license, or registration is denied, revoked or not renewed. A person subject to a denial, suspension or revocation of certification or registration may appeal the decision, as provided for rules promulgated under 5126.25 ORC.
- D. The Superintendent shall take all actions regarding certification and registration of employees, other than for the position of Superintendent or investigative agent. Actions that may be taken by the Superintendent including issuing, renewing, denying, suspending, and revoking certification and registration. All actions are taken in accordance with rules adopted under section 5126.25 ORC.
- E. The Board will maintain records of the current licenses, registrations and certifications that are required for employees to perform their job responsibilities, and shall monitor to ensure that all licensing requirements are met. Notwithstanding, the Board holds each individual employee responsible and accountable for ensuring that their required license, certification or registration remains valid and current for the duration that the employee is employed by the Board. Upon qualifying, the Superintendent will issue to the employee the license, certification or registration.
- F. The fees for certification applications, renewals, and college coursework related to certification and licensing are the sole responsibility of the employee.

Evidence of Certificate, Registration or License Required for Employment

- A. Each employee is required to provide appropriate documentation of certifiability or copies of the certificates or licenses to the Business Manager, prior to and as a condition of employment. The employee will not be hired, permitted to work, or compensated if the employee does not hold the certificate, evidence of registration, or license required for the position, as is specified in the rules of ODDD or the Department of Education.
- B. Notwithstanding the above, the Superintendent may employ and the Board of DD may compensate an employee pending issuance of an initial certificate of registration, if all of the following apply.
 1. By the employee's education and experience, the employee meets the requirements for certification or registration.
 2. The employee has applied for the certificate or registration to the appropriate licensing or certifying authority.
 3. The application has not been denied.

- C. An employee's employment with the Board will be terminated if a required license, certificate or registration is denied, permanently revoked, or not renewed.

Contracted Entities

- A. The Board requires all contracted entities to hold licenses, certifications and registrations required for their operations and for their employees to perform job responsibilities.
- B. The Board shall monitor the current status of each contracted entities' licenses, registrations and certifications, and shall ensure that they remain current. The Board may charge a fee for such services in the amount determined by the Board.

- A.** The Superintendent and Board of DD maintain authority and right to manage the program and workforce as specified by law, including but not limited to chapters 5126, 124 and 4117 ORC.
- B.** The Board of DD shall:
 - a.** determine the vision and mission of the Board.
 - b.** appoint the Superintendent under a management contract pursuant to 5126.0219.
 - c.** prescribe the duties of its Superintendent and review the Superintendent's performance.
 - d.** fix the Superintendent's compensation and reimburse the Superintendent for actual and necessary expenses.
 - e.** Direct and evaluate the work of the Superintendent, and remove, suspend or demote the Superintendent for cause pursuant to ORC 5126.23.
 - f.** establish, adopt and approve the annual budget
 - g.** authorize all positions for employment and the organizational structure
 - h.** approve compensation ranges and employee fringe benefits with authority delegated to the personnel committee, as well as enter into contracts for employee benefits.
 - i.** Approve and renew limited management and professional contracts for management and professional employees that exceed one year.
 - j.** establish services to be provided by the Board, and service standards within applicable law and regulation.
 - k.** approve Board policies
 - l.** establish ethical standards in accordance with Ohio ethics laws and other applicable regulations.
 - m.** establish and adopt by-laws for the operation of the Board of DD in accordance with 5126 ORC and other applicable laws and regulations.
 - n.** take lawful and proper actions which the Board of DD determines to be in the best interests of the Board.
- C.** The Superintendent maintains authority and responsibility to:
 - a.** administer and supervise the day-to-day operations and programs of the Board, including services for which the Board has contracted or may contract.
 - b.** recommend to the Board of DD changes necessary to increase the effectiveness of programs and services offered pursuant to Chapters 3323 and 5126 of the ORC
 - c.** employ or promote staff for all positions authorized by the Board of DD, approve management and professional contracts of employment for management and professional staff that are for a term of one year or less, and approve personnel actions that involve staff in the classified civil service as may be necessary for the work of the Board.
 - d.** effectively manage the workforce including, but not limited to, granting of overtime in accordance with budgetary constraints, establishment of work methods and procedures, assignment of job duties and tasks, setting job performance standards and conducting performance reviews

- e. determine work schedules, and establish hours and status of employment
- f. approve personnel actions involving employees in the classified service, including the administration of layoffs, discipline, promotions, transfers, and discharging of classified employees.
- g. approve compensation for staff within the limits set by the salary schedule and budget set by the Board of DD and ensure that all staff and consultants are properly reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursable expenses shall include all necessary expenses incurred in the performance of official duties or for other Board-related expenses which are incurred by an employee of the Board, and which are approved by either the Superintendent or designee.
- h. negotiate the terms of, act as liaison officer for, and execute all contracts the Board may enter with another board of another county or with a public or non-profit agency or other organizations to provide programs and services authorized in Sections 5123 and 3323 of the ORC.
- i. receive and track all federal, state, and local funds and deposit them into appropriate funds.
- j. review and authorize payment of vouchers to the County Auditor to fulfill obligations of the Board, in accordance with the budget approved by the County Board of DD, and handle the details of and expend the proper funds for the operation of its program as well as for services for which the Board has contracted.
- k. provide consultation to public agencies as defined in ORC 102.01 (C), including other county boards of developmental disabilities, and to individuals, agencies, or organizations providing services supported by the board.
- l. conform the programs and activities of the Board to the law and to the rules, regulations and standards of the ODDD, the Department of Education and all other State agencies which may have appropriate jurisdiction, and exercise such powers and duties as the ODDD may prescribe.
- m. act within the policies and procedures of the Board as stated in this personnel manual and other operating policy and procedure manuals, and the statutes, rules and regulations pertaining to individuals with developmental disabilities.
- n. recommend to the Board of DD policy changes, and implement Board approved policy, and establish and implement work rules and procedures consistent with policy.
- o. provide reports on policy and other matters as may be requested by the Board of DD or required by regulation.
- p. determine the utilization of technology within budgetary constraints.
- q. ensure compliance with expected standards of ethical conduct.
- r. submit the annual report of the Board's programs/services and expenditures to the Ohio Department of Developmental Disabilities (DODD) and the Clinton County Board of County Commissioners at the close of the fiscal year if requested and at such other times as may be requested.
- s. cooperate with school districts in Clinton County for the purpose of providing services to eligible children placed in Board programs by their respective school districts.
- t. carry out all reasonably necessary negotiations with the DODD, the Ohio Department of Education, the Department of Administrative Services, and the

Clinton County Board of Commissioners and other agencies, to effectively carry out the provisions of the law, and the intent of any contract the Board has made or may make with any other public or non-profit agency or other organizations.

- u.** prepare a current administrative report for presentation to the Board of DD at its regular meetings.
 - v.** be empowered to sign all official documents necessary for the operation of the Board in accordance with all pertinent sections of the ORC.
 - w.** perform any other lawful directive and responsibility as delegated by the Board of DD, and assume authority to take lawful action necessary to carry out the mission of the organization, subject to Board of DD directives and guidance.
- D.** Other management staff assumes responsibilities and authority for management of the organization, as delegated by the Superintendent. Such responsibilities include, but are not limited to recommending policy, procedures and work rules, adhering to approved budgetary constraints within departments, and other areas of authority, managing their assigned workforce, assigning job duties and tasks, recommending selection of new hires and appointments to promotional positions, and recommending or carrying out disciplinary actions subject to the approval of the Superintendent.

SECTION 3

SELECTION AND EMPLOYMENT



EQUAL EMPLOYMENT OPPORTUNITY

- A. The Board is an equal employment opportunity employer and accordingly complies with Title VII of the Civil Rights Act, Americans with Disabilities Act, GINA, Ohio Fair Employment Practices, and other applicable employment laws and regulations.
- B. In accordance with the spirit and intent of these laws, and the Board's philosophy of non-discrimination, all personnel decisions are made based solely upon merit, fitness and other bona fide occupational qualifications, and without regard to an individual's race, color, religion, gender, national origin, age, veteran's status, qualified mental or physical disability [except to the extent that physical ability to perform the job is a bona fide occupational qualification], or genetic information. Genetic information includes information regarding genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members. The Board will not discriminate in any aspect of employment including, but not limited to:

Recruitment & Selection	Layoff and recall
Promotions & transfers	Disciplinary actions & discharges
Work assignments	Performance Reviews
Training and development	Social and recreational programs
Testing	Benefits and compensation

- C. The Board is part of the County which maintains an affirmative action plan in accordance with section 5126.07, and which describes the status, goals and strategies for providing equal employment opportunities for all applicants and employees. A copy of the affirmative action plan is available in the Administrative Office and County Commissioner's Office.
- D. In accordance with its non-discrimination philosophy, the Board will not discriminate against any person intending to become a citizen, insofar as that person has completed a declaration stating that he intends to declare US citizenship within six (6) months of eligibility for naturalization as required by the Immigration Reform and Control Act and amendments.
- E. The Board will provide reasonable accommodations to otherwise qualified applicants and for employees with ADA disabilities for which the Superintendent is made aware, and which does not create an undue hardship on the Board. If an employee [or applicant] seeks an accommodation, that person shall so notify the ADA Coordinator [the Business Manager] who, in conjunction with the Superintendent, shall consider the nature of the disability and determine an appropriate reasonable accommodation, if any.
- F. The Superintendent and each manager maintain ultimate responsibility for ensuring that actions of the Board are consistent with this equal employment opportunity policy, and all applicable laws and regulations. Likewise, each employee has personal responsibility for following the spirit and intent of these policies, and for conducting himself in accordance with the Board's philosophy of non-discrimination.
- G. If an employee or applicant feels that he has been discriminated against contrary to the intent of this equal employment opportunity policy, that person may seek consideration through the EEO complaint procedure specified herein. If a supervisor, manager or other

employee is found after an investigation to have engaged in any unlawful discrimination or policy infraction, such person shall be subject to appropriate disciplinary action, up to and including discharge from employment.

- H. Any individual, agency, company, or service provider who enters into a contract with the Board is required to conduct its business and operations in accordance with all applicable equal employment laws and regulations, and to provide its services in a non-discriminatory manner without regard to the recipient's race, color, religion, gender, age, physical or mental disability, veteran's status or genetic information. Failure to do so will result in termination of the contract between the Board and the contracted provider. The provisions of this policy of non-discrimination shall be made a part of all contracts that are entered into by and between the Board and other individual, agency, company or service provider.

Equal Employment Opportunity Complaint Procedure

- A. Either an employee of the Board or job applicant [hereinafter known as the complainant] may file a complaint under this procedure when the complainant believes to have been discriminated against on the basis of race, color, religion, gender, national origin, age, disability, veteran's status or genetic information.
- B. Complaints shall be submitted to the Business Manager who serves as the Board's EEO Coordinator. Complaints shall be filed on the complaint form which is available from the Business Manager, or may be copied from this manual. Complaints may also be initially filed verbally with the Business Manager, but with the complaint subsequently reduced to writing.
- C. The complaint must be filed within 30 calendar days of the alleged discriminatory action. The Business Manager may reject a complaint which was not timely filed, except in exceptional cases where the time limit may be extended upon request of the complainant and approval of the Business Manager.
- D. At any time during the course of this procedure, either the complainant or the Board may be accompanied, represented, and advised by a representative. Costs of representation services shall be borne by the party requesting representation.
- E. Upon receipt of a complaint, the Business Manager will conduct an investigation, or at the option of the Superintendent, the investigation may be conducted by a Board designee or an objective outside party.
- F. Where information supplied by the complainant is insufficient to conduct an investigation, the Business Manager will submit a written request for additional information from the complainant. Failure to provide sufficient information needed to conduct an investigation is grounds for rejecting and closing the complaint without further investigation or resolution.
- G. The complaint may be rejected, prior to investigation, when the basis for the complaint does not constitute alleged discrimination on the basis of race, color, religion, gender, national origin, age, disability or genetic information. A complaint may also be rejected when the complaint is substantially identical to a previous complaint filed by the same complainant, and which is currently pending decision under this procedure.
- H. The decision to reject a complaint and reasons therefore shall be communicated to the complainant, in writing, within 10 calendar days of the date that the complaint was filed in writing.

- I. Upon receipt of the written complaint, the Board will have 21 calendar days to investigate and attempt to resolve the complaint informally. This timeframe shall be extended should a holiday, vacation, or illness occur during the 21 calendar day period, or should a principal involved in the investigation be otherwise unavailable for participation in the investigation.
- J. If informal resolution is achieved, the terms of the resolution shall be set forth in writing, made part of the complaint, and a copy shall be provided to the complainant for signature by both parties to substantiate and outline terms of the agreement.
- K. If informal resolution of the complaint is not achieved, the complainant will be notified, in writing, that the complainant may submit the complaint to the Superintendent for a conference within 15 calendar days of receipt of the notice. The notice may be hand-delivered to the complainant who will be requested to sign it, substantiating receipt. Alternatively, the notice may be mailed certified mail to the complainant. Within 15 calendar days of receipt of the notice, the complainant must notify the Superintendent, in writing, of the complainant's request for hearing.
- L. Upon receipt of the complainant's request for hearing, the Superintendent will either conduct the conference personally within 30 calendar days, or will appoint a hearing officer who will have 30 calendar days in which to conduct the hearing.
- M. The Business Manager will transmit to the hearing officer the original written complaint, and all statements and other materials concerning the complaint that was compiled during the investigation and attempted informal resolution. The hearing officer may, at his option, determine that further investigation is warranted, and may appoint the original investigator to follow-up to collect additional information, or may appoint another investigator, different from the original, to further investigate the complaint.
- N. The hearing officer shall render a decision within 10 calendar days of the conclusion of the hearing. The decision will be in writing, and shall contain a statement that specifies reasons for the decision. Copies of the decision shall be provided to the Superintendent, Business Manager, the complainant, and complainant's representative, if any.
- O. This procedure will be included in this manual, and will also be posted in a public and conspicuous place where it may be viewed, read and referenced by job applicants and the general public.

- A.** The Board does not discriminate against any employee or applicant who has a qualifying ADA disability. When an employee becomes physically or mentally unable to perform the essential duties of his position, and except for an ADA covered disability, is otherwise qualified to perform essential job duties, the employee may request a reasonable accommodation to assist in performing essential job duties, or to otherwise enjoy all the benefits and privileges of employment provided to all employees, including but not limited to Board sponsored social events, training programs, transportation, and communications.
- B.** An employee is required, as a condition of employment, to be able to perform all essential duties of his/her position to the expected performance standard, either with or without a reasonable accommodation. Therefore, an employee who is unable to perform any of the essential duties due to a disability will be subject to a disability separation from employment.
- C.** However, prior to disability separating an employee with an ADA qualifying disability, the Board will make a reasonable accommodation if one is available, and in so far as the accommodation does not create an undue hardship on the Board. Employees may request a reasonable accommodation in accordance with the process below.
- D.** Requests for ADA accommodations shall be submitted to the Superintendent in writing. The request should specify which essential job duty needs accommodation, and suggested accommodation[s]. If the request is not made in writing, a written record will be created to document the request. Should an employee be observed having difficulty performing essential job duties, the subject may be broached by the Superintendent with the employee, if aware of an ADA disability.
- E.** The employee will be requested, and is required to provide information pertaining to the disability and accommodation that will enable the Superintendent to assess the disability and determine if a reasonable accommodation is needed.
- F.** The Superintendent may require that a qualified medical practitioner provide documentation regarding the disability and prognosis to determine the scope and type of reasonable accommodation needed to enable the employee to perform essential job functions. Such request for medical documentation will be limited to medical information that substantiates the disability, and the need and scope of accommodation. Requests will not be made regarding disabilities or other medical conditions that do not need accommodation.
- G.** When considering an accommodation the Superintendent will initially make a determination as to whether or not the disability is covered under the ADA. If the disability is not covered under the ADA, the Board assumes no obligation for making reasonable accommodations. For purposes of this policy, a disability under the ADA is a physical or mental impairment that substantially limits one or more of a person's major life activities; a record or history of such impairment; or the state of being regarded by others as having such impairment. [The Board is not required and does not make accommodations for a person who is "regarded" as having impairment].
- H.** If the disability is covered under the ADA, the Superintendent will consider an accommodation by evaluating:

 - whether an accommodation is needed to perform essential job duties.

- if needed, would the accommodation be effective?
 - if effective, would the accommodation create an undue hardship, either financially or upon the operations or services of the Board?
- I. When making a determination, the Superintendent may engage in an informational, interactive process with the employee needing the accommodation to determine that employee's accommodation needs and restrictions.
 - J. When a doctor's statement substantiates that an employee is unable to perform essential job duties due to the ADA disability, the doctor's medical statement will be used as a consideration for determining if a reasonable accommodation exists and can be made without an undue hardship on the Board.
 - K. If a reasonable accommodation is made, the Business Manager will document all information pertaining to the disability and accommodation, including but not limited to the essential job duty accommodated, what accommodations were proposed and considered, and the accommodation provided.

Employee Cooperation

- A. Upon making a request, or when a need for an accommodation is obvious and the disability is known, an employee is expected to cooperate in the investigating of facts about the disability, and in exploring possible reasonable accommodations.
- B. If an employee refuses to cooperate, including if the employee refuses to authorize release of, or provide the requested medical documentation, the Board may refuse to provide an accommodation.
- C. If the employee provides insufficient information to determine if a disability exists, the employee will be provided opportunity to provide the missing information. However, requests for additional information shall not be made if both the disability and need for accommodation are obvious, and the employee has already provided sufficient information to demonstrate that he has a disability and needs accommodation.

Types of Reasonable Accommodations

- A. Accommodations are made on a case-by-case basis, depending upon relevant facts and circumstances. Accommodations made do not create any precedent, and are not considered a past practice, or expectation of a benefit of employment as it relates to other employees who are not disabled. Accommodations may include adjustment to work processes or equipment, paid or unpaid leave, or other forms of accommodating the job. No job will be created as a form of accommodation.
- B. Although the employee's preferences for an accommodation will be considered, the decision as to the appropriate accommodation, or whether to accommodate, shall be at the sole discretion of the Superintendent, and within the requirements of the law. The Superintendent maintains authority to determine when an accommodation would create an *undue hardship*.
- C. Factors considered include, but are not limited to when the accommodation would create a significant financial impact on the Board, when an accommodation would significantly disrupt Board operations and services, when the accommodation affects ability of other employees to perform their jobs, job safety of the employee and coworkers, consistency and quality of programming for consumers, and other lawful reasons.

Confidentiality of Medical Information

- A. The Board will retain employee medical records and condition, and circumstances surrounding the need for an accommodation in a confidential manner, and will be shared with employees and other persons only on a business need-to-know basis. Accordingly, requests made by other employees surrounding the accommodation will be responded to generally, without divulging confidential information, and with respect to the disabled employee's privacy.

Denial of a Request for Accommodation

- A. In the event that a reasonable accommodation is not available or cannot be made without undue hardship, consideration may be given to other vacant positions for which the employee is qualified. If the employee is not qualified, or if a vacant position is not available, the employee may be eligible to take Family & Medical leave, an unpaid leave of absence, or may be placed on voluntary or involuntary disability separation in accordance with the provisions specified in these policies.
- B. When placed on disability separation, a classified employee may be reinstated to the same or similar position for a period of 3 years following the employee's initial date of unpaid leave. If eligible, the employee may also be placed on Disability Retirement under Ohio public retirement system rules and regulations.
- C. When a request for an accommodation is denied, the Superintendent will document all information pertaining to the decision, including but not limited to, what accommodation was proposed and why the accommodation was denied.
- D. In the event that a request for an accommodation is denied, the employee may file a grievance through the EEO Complaint Procedure for reconsideration.

Philosophy

- A. The Board believes that it employs the best trained and caring staff available. As such, when positions become available within the organization, especially of a promotional nature, the most natural fit often comes from our talented pool of current employees. As a result, it is important to the Board to develop a culture that fosters development and growth of our employees.

Promotional Practices

- A. In accordance with the Board's promotional philosophy, employees will continually be encouraged to participate in on-going training to increase their skill sets. In addition, the Board encourages educational advancement, as evidenced by the tuition reimbursement program. Finally, cross-training and mentoring is implemented in departments to ensure that all core duties, including administrative, are covered in the case of long term absences/leaves or unexpected resignations. Naturally, those individuals cross-trained to perform higher level tasks, duties, and responsibilities often times are a logical option when meeting the open position when their performance, conduct, and qualifications meet expectations. Salary ranges, as well as applicable policy, are designed to ensure that promoted employees are fairly compensated at a rate higher than their current pay.

Hiring Authority

- A. The Superintendent maintains sole authority to make appointments to vacant positions, but may consider recommendations from supervisors.
- B. During the hiring process and any time during the course of employment, no employee is authorized to enter into any verbal contract of employment with an applicant or employee, and shall make no statement which promises or guarantees employment or any benefit of employment, except as is specified under civil service requirements, or as specifically written into an approved employment contract of a management employee. Accordingly, no applicant or employee should construe any statement made to him to mean or imply any promise of guaranteed employment or employment benefit.

Recruitment

- A. Positions that are currently vacant, or will become vacant, are normally posted internally. At the option of the Superintendent, the job may be simultaneously advertised to recruit external applicants. The Superintendent will determine the manner and means of advertising, including but not limited to local newspaper, Internet, trade journals, and word-of-mouth. Entry-level jobs are normally filled only through external advertising and recruitment.
- B. Job postings that announce the opportunity shall be internally advertised for five consecutive work days. Each job posting shall specify: the vacant position's classification title; a summary of essential job duties, required qualifications, salary range based on experience; work shift and hours; and the deadline, method and place of application.
- C. Prior to the end of the posting period, any qualified employee, who is interested in applying, shall submit a resume and letter of interest in accordance with the job posting instructions and requirements. The Superintendent or designee is not obligated to consider any resume submitted past the posted deadline, or contrary to the posting instructions or requirements.

- D. Job advertisements shall specify that the external applicant is required to complete a job application to be considered for employment. Job applications are posted online. Although resumes are accepted, they must be accompanied by a completed and signed job application form.
- E. Online job applications will be submitted directly to the Superintendent or designee for initial screening.
- F. Internal applicants, who have a current employment application on file with the Board, are not required to complete another employment application. If no current employment application is on file with the Board, the employee will be required to complete and sign an application prior to being interviewed. If the employee has acquired training or experience relevant to the job vacancy which is not recorded on the application form currently on file, the employee may include the additional information on the employee's resume submitted to indicate interest in applying for the position.
- G. Self-Identification Form: When completing a job application, external applicants will also be given an opportunity to voluntarily complete an EEO Self-Identification form that identifies the applicant's race, ethnicity and gender. Completing this form is voluntary, and the applicant does not have to provide their name on the form. The Self-Identification form shall be used solely for EEO tracking and statistical purposes. Whether or not an applicant completes the EEO Self-Identification form has no bearing on the hiring of, or on the consideration of candidate's qualifications and suitability for employment.
- H. Content provided on the form by the applicant shall not be known or considered during the selection process by persons with hiring authority. Accordingly, completed EEO Self-Identification forms are sent directly to an employee designated by the Superintendent who does not have hiring authority, and who has responsibility to record the data for EEO tracking and statistical purposes.

Initial Screening

- A. The Superintendent or designee will review and screen all employment applications submitted by external applicants, and resumes submitted by internal applicants, based upon the applicant's education, experience, licenses or certifications, work history and other job-related information that indicates an applicant's qualifications and suitability for the job.
- B. Based on this screening review, the Superintendent or designee will select the top external candidates who may be asked to participate in a telephone interview. In the absence of a telephone interview, candidates will be selected for the first in-person interview based on assessment of the employment applications and resumes.
- C. The number of external applicants selected for a job interview will be determined on a case-by-case basis in consideration of the number and quality of the applicants and other relevant factors. The number selected for interview during any selection process does not create a precedent or past practice.
- D. Top internal applicants who pass this initial screening are not subject to the telephone interview screening process, if given, and will be eligible for the first in-person interview.

Telephone Interviews [Optional]

- A.** The Superintendent or designee shall select the top external applicants who may be required to participate in a telephone interview with the Board's hiring authority to further assess and screen external job applicants according to their qualifications and suitability for the job.
- B.** Whether a telephone interview is conducted or not during the hiring process is at the sole discretion of the hiring authority. However, when telephone interviews are conducted, they shall be conducted for all persons selected as top external applicants as identified through assessment of the application forms and resumes in the prior during the initial screening.
- C.** When a telephone interview is conducted, a record of each telephone interview shall be completed by the hiring authority who conducted the interview with the job applicant.

First In-Person Interview

- A.** External applicants selected for interview, and each selected internal job applicant will participate in an initial job interview to further assess the applicants, and to narrow the applicant field.
- B.** When arriving for the first in-person interview, each external job candidate shall review and sign the following authorizations. Authorization for the Board to:
 - a.** conduct reference checks of prior employers.
 - b.** acknowledgement that the candidate will be responsible for having college transcripts sent directly to the Board as a condition of employment, and authorization for the Board, at its discretion, to substantiate or collect additional information pertaining to the candidate's education.
 - c.** confirm any job required licenses or certifications required to perform the job.
 - d.** conduct a conditional offer driving record check [for jobs where operating a motor vehicle is an essential duty of the position]
 - e.** conduct a criminal background check in accordance with the policy specified in this manual.
 - f.** conduct a conditional offer drug and alcohol test
 - g.** conduct a conditional offer tuberculin test as required.
- C.** When the position sought requires special license or certificate, each applicant must submit the license or certificate at the time of application. Temporary certificates will be accepted, but with the express written agreement by the applicant that all required conditions will be accomplished, and the certification or license awarded within a specified time frame established by the Superintendent. Failure to meet the terms of the agreement shall result in the employee being discharged from employment.
- D.** A record of each first in-person interview shall be completed by the hiring authority who conducted the interview with the job applicant.

Reference Checks

- A.** The Business manager will check the professional references of external job applicants who were selected for a first in-person interview, or a second interview at the discretion of the Business Manager. Reference checks for internal applicants normally are not made.
- B.** The Business Manager shall retain a record that documents the results of each Reference Check.

- C. In the event that the reference check reveals information that disqualifies an external applicant, the applicant will be disqualified from participating in the second interview.

Second and Subsequent Job Interviews

- A. The Superintendent or designee will consider the results of the first interview, job references of external applicants, internal applicant work records, and other employment criteria and shall invite the top candidates to participate in a second interview.
- B. At the second interview, each applicant shall be required to submit the following completed and signed forms.
- Employment Verification Letter [Applicant signs a form for each previous employer]
 - Affidavit [notarized and signed]
 - Application Addendum
 - Proof of Residency Form
- C. Following the second interview, subsequent job interviews may also be scheduled as needed to additionally assess and select the top candidate.
- D. A record of each second and subsequent interview shall be completed by the hiring authority who conducted the interviews with the job applicants.

Conditional Offer of Employment

- A. Following a complete and thorough assessment of the candidates, the Superintendent or designee will select the top candidate and shall make a conditional offer of employment.
- B. The written conditional offer will include relevant information such as the effective date of appointment to the position, the beginning job title and starting hourly rate or bi-weekly salary, and a reminder that the letter of appointment and Board policies does not constitute a contract of employment. The conditional offer shall also specify that the offer is conditional based upon the following.
- the employee accepting the terms, conditions, rate of pay, and benefits of employment with the Board;
 - successfully passing a tuberculin test [new hires only];
 - successfully passing a drug test [new hires only];
 - receipt of acceptable criminal background checks;
 - receipt of an acceptable driving check if required;
 - providing proof of required motor vehicle operator's license, and the employee being eligible for insurance coverage [for jobs that require driving as an essential job duty];
 - receipt of confirmation of the conditionally hired candidate's educational level and degree earned if required for the job;
 - receipt of confirmation of the conditionally hired candidate's professional license or certification held if required for the job;
 - the availability of any necessary reasonable ADA accommodations that do not create an undue hardship;
 - review and signing of the State Fraud Reporting Form [new hires only];
 - the successful fulfilling of Immigration Reform and Control Act requirements [new hires only].
- B. Tests and confirmations required as part of the conditional offer shall be coordinated by the Business Manager and paid for by the Board.

- C. Except as otherwise specified in this paragraph, a conditional offer of employment will be rescinded when the employee does not accept the terms, conditions, rates of pay or benefits of employment, fails any of the conditions of employment, or when Board subsequently discovers that any of the disqualifying standards set forth in these policies apply.

Rejection Notices

- A. Internal job applicants determined to be not qualified or suitable for the position, as well as external applicants who may have participated in a telephone interview but were not selected for an in-person interview will be so notified to maintain good public and employee relations.

Re-Employment

- A. An application for re-employment, submitted by a former employee, who is not a candidate for reinstatement from layoff or from an authorized unpaid leave, may be considered, but only if the former employee's personnel record substantiates eligibility for rehire. If eligible for rehire, the former employee will be considered on the same qualifying criteria as other applicants for the position in determining fitness to perform the job as compared to other job applicants.

Scheduling of Interview Times for Current Employees

- A. When a current employee submits a resume to be considered for a posted position, the employee may be relieved from duty with the supervisor's prior approval to participate in the selection interview.
- B. Time spent in the job interview or other selection process will be paid time when it occurs during the employee's normal work schedule. If workload or scheduling precludes approval, the interview will be scheduled at a mutually agreeable time, external of the employee's work hours. In such case, the employee will not be compensated for time spent during the interview or other selection processes.

Accommodations

- A. A disabled applicant, who because of an ADA disability cannot fulfill the requirements of the job posting, or complete the application, may request a "reasonable accommodation" to assist in fulfilling posting requirements, completing and submitting the application, or otherwise complying with selection processes required of all applicants.
- B. If the selected employee is unable to perform any of the essential job duties because of an ADA disability, the Board will make a "reasonable accommodation that enables the newly appointed employee to perform essential job duties, in so far as the accommodation does not create an undue hardship on the Board.

Records Retention

- A. Employment applications are kept in an active file for a period of one year following submission, and are retained in accordance with the records retention schedule.

Temporary Appointments

- A. As necessary, the Superintendent may authorize a temporary appointment to a position in the classified civil service, without regard to these posting and advertising procedures. However, temporary appointments shall only extend for a maximum of 120 days, and in no case, may a temporary appointment be made successively. Notwithstanding, a temporary appointment made necessary by reason of an employee's sickness, disability or other approved leave of absence, may continue during the period of sickness, disability or other approved leave of absence.

Reclassifications

- A. In the event that a current employee's position has evolved to an increased level of responsibility, the incumbent employee may be promoted to a higher-level position, without submitting to the advertising, posting and selection requirements specified in this policy.
- B. In such case, the employee's position will be evaluated, using professionally accepted job analysis methods, and as appropriate, the position may warrant reclassification to a higher-level classification. This type of promotion does not involve the replacement or hiring of any additional personnel.

Additional Provisions for Vacancies of Superintendent and Management Positions

- A. When a Superintendent or Management position becomes vacant, the Board [i.e., either the Superintendent or the Board of DD as applicable] shall first consider entering into an agreement with another county board of DD for the purpose of sharing of an employee to fill the vacancy. However, if the Board determines that there are no significant efficiencies or that it is impractical to share the services of an employee, the Board may elect to fill the position in accordance with the law and the selection policies specified in this personnel policy manual.
- B. The Board shall record and document that first consideration was given to the sharing of employees.
- C. In the event that the Board determines that a sharing arrangement may be practical, efficient and cost effective, the employee considered for hire will be subject to each of the hiring procedures and standards specified in this personnel policy manual, including background checks, drug testing and all other hiring procedures and standards expected of other employees.
- D. Employment with the Clinton County Board and the board in which a sharing arrangement is agreed to shall be distinct and separate from each other. Therefore, in the event that the employee is selected for hire with the Clinton County Board, the employee will be required to work under the Clinton County Board's personnel policies, the Board's operational policies, and its compensation structure, benefits and other terms and conditions of employment as are negotiated in an employment contract between the Board and employee. In addition, the employee will be expected to meet the performance and conduct standards of employment with the Board, regardless of the terms, conditions, and standards of employment of the board from which the employee is shared.
- E. The provisions of this policy apply only to vacancies that occur within management positions or a Superintendent position. Therefore, the requirement to first consider sharing of employees does not apply to any other positions, however, the Board may enter into sharing arrangements with other Boards at its discretion.
- F. Nothing in this policy shall be construed to require or obligate the Board of DD or Superintendent to enter into a sharing agreement with another Board.

DISQUALIFICATION OF APPLICANTS

◆POLICY 3.04◆

- A.** Filling a position is based solely on the applicant's fitness to perform the job, including knowledge, skills, abilities, work history and record, work ethic, and job-related qualifications.
- B.** An applicant will be eliminated from consideration during the selection process or following a conditional offer of employment if the applicant:
 - a.** does not possess the knowledge, skills and abilities necessary to perform essential duties of the vacant position to expected performance standards
 - b.** fails to successfully pass any valid and reliable pre-employment testing process including but not limited to job interviews, cognitive or skill tests, or other selection processes required for the classification
 - c.** does not possess, or is unable to obtain, any state or federally mandated license, certification or educational or experience requirement mandated to perform the job
 - d.** fails to timely submit to, or participate in any of the required steps of selection process
 - e.** has unfavorable professional references, demonstrates an unsatisfactory work record with former employers, or has an unsatisfactory work record with the Board.
 - f.** has a spotty work record such as job hopping or gaps in employment
 - g.** fails a job-related conditional offer criminal background check
 - h.** fails a conditional offer drug test
 - i.** fails a required driving record check
 - j.** fails to give authorization, or a failure to cooperate in a required criminal background check, reference check, driving record check, or drug test.
 - k.** Is found to have made a false statement, or committed [or attempted to commit] a fraudulent act of material fact on a resume, application form or at any time during the selection process
 - l.** is an alien without authorization to work in the United States
 - m.** fails to meet job requirements for any other reasonable and lawful grounds.
- C.** If an applicant is hired, and it is subsequently discovered that any disqualifying criteria apply, the employee may be discharged for dishonesty, incompetence, nonfeasance, or malfeasance.

Job Applicant Criminal Records Check Requirement

- A. The Board will request the Bureau of Criminal Identification and Investigation [BCII] to conduct a criminal records check with respect to any applicant who has applied to the Board for employment in any position, and who is under final consideration for employment.
- B. An applicant will be immediately disqualified from employment for the specified timeframe if the criminal records check indicates that the applicant has been convicted of, or pled guilty to the violations listed in the section of this policy titled “Passing Background Check - A Condition of Employment”.
- C. For purposes of this policy, an applicant means any of the following:
 - a person who is under final consideration for appointment to, or employment with the Board.
 - a person who is being transferred to the Board.
 - an employee who is being recalled to, or reemployed by the Board following layoff.
 - a person under final consideration for a direct services position with a provider or subcontractor.
- D. For purposes of this policy, an applicant is not a person who is:
 - employed in a position for which a criminal records check is required by this policy and either is being considered for a different position with the Board or is returning after a leave of absence or seasonal break in employment, unless the Board has reason to believe that the person has committed a disqualifying offense;
 - to provide only respite care under a family support services program established under section 5126.11 of the Revised Code of a family member of the individual with mental retardation or a developmental disability who is to receive the respite care selects the person.

Background Check Procedure

- A. Each applicant for employment shall be required to complete and sign an employment application, which, among other required information, requires the names and addresses of the applicant’s present and former employers.
- B. During the selection process, the Business Manager will attempt to obtain references for the applicant’s present and former employers, and will maintain written evidence that reference checks were attempted and/or completed. Job reference checks will only be conducted for applicants who are under final consideration for employment.
- C. The Business Manager shall check each of the following databases to determine if an applicant, who is under final consideration for employment, is included. The Board will not employ an applicant if the applicant is included in one or more of the first five databases listed below. If an applicant is listed in the 6th listed data base [The database of Incarcerated and Supervised Offenders], the Board will not automatically disqualify the applicant, but will investigate the offense for which the applicant was incarcerated or

supervised, and will not hire any applicant when the applicant was convicted for a disqualifying offense listed under the section titled "Tiers of Convictions".

1. The list of excluded persons and entities maintained by the office of Inspector General in the U.S. Department of Health and Human Services:
<http://exclusions.oig.hhs.gov/>
2. The abuser registry: https://its.prodapps.dodd.ohio.gov/abr_default.aspx
3. The nurse aide registry:
https://odhgateway.odh.ohio.gov/nar/nar_registry_search.aspx
4. The sex offender and child-victim offender database:
<http://www.icrimewatch.net/index.php?AgencyID=55149&disc=>
5. The United States General Services Administration System for Award Management Database: <https://www.sam.gov/>
6. The Database of Incarcerated and Supervised Offenders:
<http://www.drc.ohio.gov/OffenderSearch/Search.aspx>

- D. The Business Manager shall verify that an applicant under final consideration possesses a current and valid motor vehicle operator's license. The Business Manager will request and obtain a driving record from the Bureau of Motor Vehicles if the duties of the position for which the applicant has applied require the applicant to transport individuals, or to operate the Board's or a personal vehicle on Board business.

An applicant will not be hired when the applicant's driving record is determined by the Superintendent to be unsatisfactory. In all cases, an applicant having six or more points on his or her driving record will not be hired if the applicant's job entails transporting individuals. Applicants with a satisfactory driving record at the time of employment will be required to maintain a satisfactory driving record throughout the course of employment when assigned to a position where driving is an essential job requirement.

- E. Prior to employing an applicant, the Business Manager will require the applicant to:
- submit a statement with the applicant's signature attesting that he or she has not been convicted of or pleaded guilty or have been found eligible for intervention in lieu of a conviction to a disqualifying offense. An applicant is required to disclose to the Board a conviction for any offense that has been sealed.
 - sign an agreement under which the applicant agrees to notify the Superintendent within 14 calendar days if, while employed, the applicant is formally charged with, is convicted of, or pleads guilty to a disqualifying offense. The agreement shall inform the applicant that failure to make the notification shall result in termination of employment.
- F. Each applicant under final consideration is required to provide proof of residency in Ohio by presenting with a notarized statement asserting that the applicant has been a resident of the State of Ohio for a required five-year period a:
1. valid driver's license,
 2. notification of registration as an elector,
 3. copy of an officially filed federal or state tax form identifying the applicant's or employee's permanent residence,
 4. or any other document the Superintendent considers acceptable.

- G.** The Business Manager will request that BCII conduct a criminal records check of an applicant under final consideration.

If the applicant has not presented proof that he or she has been a resident of Ohio for the five year period immediately prior to the date upon which the criminal background records check is requested, the Business Manager is required to request that BCII obtain information from the FBI as part of the criminal records check.

If the applicant has presented proof that s/he has been a resident of Ohio for the five year period immediately prior to the date upon which the criminal records check is requested, the Business Manager may, but is not required to request that BCII obtain information from the FBI as part of the criminal records check.

The applicant shall complete the prescribed BCII or FBI form, or provide all the information necessary to complete the form, and shall provide the BCII or FBI impression sheet with impressions of the applicant's fingerprints. If an applicant fails to provide the information necessary to complete the form, or fails to provide impressions of the applicant's fingerprints, the applicant will not be employed. The Board will not employ any person who fails to comply with this procedure.

The Board shall pay to BCII the prescribed fee for each criminal record check requested and conducted. However, the Board may require an applicant to pay the fee which is charged to the Board, provided that the Board notifies the applicant of the amount of the fee at the time of the applicant's initial application for employment. Unless the fee is paid by the applicant if required, the Board will not consider the applicant for employment. The fee charged to the applicant shall not exceed the amount of the fee that the Board would otherwise pay for the report.

In the event that the Board determines that applicants be required to personally pay for their own criminal records checks, the decision shall be applicable to all applicants applying for that particular job opening. The Board shall not single out any particular applicant[s] to personally pay for the criminal background check, while paying for the background check of others who are applying for the same opening.

The Superintendent may conditionally approve employment of an applicant, not to exceed 60 days, pending receipt of the criminal background check reports requested under this policy, provided the applicant has prior provided to the Business Manager the statement required in paragraph E of this section that attests to a clear criminal record. However, the Board shall immediately terminate employment of any conditionally hired applicant if it is determined that the applicant failed to inform the Board of any convictions, or that the applicant had pled guilty to a disqualifying offense.

Tiers of Convictions

- A.** The following five tiers of disqualifying offenses correspond to time periods that preclude an applicant from being employed, except as provided for in the section of this policy titled "Exceptions to Disqualifying Offenses",

Tier 1: Permanent Exclusion

The Board shall not employ an applicant, or continue to employ a current employee if the applicant or employee has been convicted of, pled guilty to, for any of the following disqualifying offenses:

Tier 1: Permanent Exclusion [continued]

- 2903.01: aggravated murder
- 2903.02: murder
- 2903.03: voluntary manslaughter
- 2903.11: felonious assault
- 2903.15: permitting child abuse
- 2903.16: failing to provide for a functionally impaired person
- 2903.34: patient abuse or neglect
- 2903.341: patient endangerment
- 2905.01: kidnapping
- 2905.02: abduction
- 2905.32: human trafficking
- 2905.33: unlawful conduct with respect to documents
- 2907.02: rape
- 2907.03: sexual battery
- 2907.04: unlawful sexual conduct with a minor [formerly corruption of a minor]
- 2907.05: gross sexual imposition
- 2907.06: sexual imposition
- 2907.07: importuning
- 2907.08: voyeurism
- Former 2907.12: felonious sexual penetration
- 2907.31: disseminating matter harmful to a minor
- 2907.32: pandering obscenity
- 2907.321: pandering obscenity involving a minor
- 2907.322: pandering sexually oriented matter involving a minor
- 2907.323: illegal use of a minor in nudity-oriented material or performance
- 2909.22: support of terrorism
- 2909.23: terroristic threats
- 2909.24: terrorism
- 2913.40: Medicaid fraud

2923.01: conspiracy, 2923.02: attempt to conspiracy, 2923.03: complicity, when the underlying offense is the object of the conspiracy, attempt, or complicity is one of the offenses listed as a Tier 1 offense, but limited to only those offenses which are listed above.

A conviction related to fraud, embezzlement, breach of fiduciary responsibility, or other financial conduct involving a federal or state-funded program, excluding the disqualifying offenses set forth in 2913.46 ORC [illegal use of supplemental nutrition assistance program or women, infants, and children program benefits.

A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in any of the Tier 1 offenses listed above.

Tier 2: Ten Year Exclusion

The Board shall not employ an applicant, or continue to employ a current employee for a period of 10 years from the date that the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, or pleaded guilty to any of the following sections of the Ohio Revised Code.

2903.04: involuntary manslaughter

2903.041: reckless homicide

2919.23 that would have been a violation 2905.04 as it existed before July 1, 1996 [child stealing] had the violation been committed before that date: interference with custody

2905.05: criminal child enticement

2905.11: extortion

2907.21: compelling prostitution

2907.22: promoting prostitution

2907.23: enticement or solicitation to patronize a prostitute, procurement of a prostitute for another.

2909.02: aggravated arson

2909.03: arson

2911.01: aggravated robbery

2911.11: aggravated burglary

2913.46: illegal use of Supplemental Nutrition Assistance Program or WIC program benefits

2913.48: Workers' Compensation fraud

2913.49: identity fraud

2917.02: aggravated riot

2923.12: carrying of concealed weapons

2923.122: illegal conveyance of possession of a deadly weapon or dangerous ordinance in a school safety zone and illegal possession of an object indistinguishable from a firearm in a school safety zone

2923.123: illegal conveyance of possession of a deadly weapon or dangerous ordinance into a courthouse and illegal possession or control of a deadly weapon or dangerous ordinance in a courthouse

2923.13: having weapons under disability

2923.161: improperly discharging firearm at or into habitation or school safety zone

2923.162: discharging of firearm on or near prohibited premises

2923.21: improperly furnishing firearms to a minor

2923.32: engaging in a pattern of corrupt activity

2923.42: criminal gang activity

2925.02: corrupting another with drugs

2925.03: trafficking offenses

2925.04: illegal manufacture of drugs and cultivation of marijuana

2925.041: illegal assembly or possession of chemicals for the manufacture of drugs

3716.11: adulteration of food [placing harmful objects in food or confection]

Tier 2: Ten Year Exclusion [continued]

2923.01: conspiracy, 2923.02: attempt to conspiracy, 2923.03: complicity, when the underlying offense is the object of the conspiracy, attempt, or complicity is one of the offenses listed as a Tier 2 offense, but limited to only those offenses which are listed above.

A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in any of the Tier 2 offenses listed above.

Tier 3: Seven Year Exclusion

The Board shall not employ an applicant, or continue to employ a current employee for a period of 7 years from the date that the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, or pleaded guilty to any of the following sections of the Ohio Revised Code.

959.13: cruelty to animals

959.131: cruelty against a companion animal

2903.12: aggravated assault

2903.21: aggravated menacing

2903.211: menacing by stalking

2905.12: coercion

2909.04: disrupting public services

2911.02: robbery

2911.12: burglary and trespass in a habitation when a person is present or likely to be present

2913.47: insurance fraud

2917.01: inciting to violence

2917.03: riot

2917.31: inducing panic

2919.22: endangering children

2919.25: domestic violence

2921.03: intimidation

2921.11: perjury

2921.13: falsification, falsification in theft offense, falsification to purchase a firearm, or falsification to obtain a concealed weapon license.

2921.34: escape

2921.35: aiding escape or resistance to authority

2921.36: illegal conveyance of weapons, drugs or other prohibited items onto grounds of detention facility or institution

2925.05: funding of drug or marijuana trafficking

2925.06: illegal administration or distribution of anabolic steroids

2925.24: tampering with drugs

2927.12: ethnic intimidation

Tier 3: Seven Year Exclusion [continued]

2923.01: conspiracy, 2923.02: attempt to conspiracy, 2923.03: complicity, when the underlying offense is the object of the conspiracy, attempt, or complicity is one of the offenses listed as a Tier 3 offense, but limited to only those offenses which are listed above.

A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in any of the Tier 3 offenses listed above.

Tier 4: Five Year Exclusion

The Board shall not employ an applicant, or continue to employ a current employee for a period of 5 years from the date that the applicant or employee was fully discharged from imprisonment, probation, and parole, if the applicant or employee has been convicted of, or pleaded guilty to any of the following sections of the Ohio Revised Code.

2903.13: assault

2903.22: menacing

2907.09: public indecency

2907.24: soliciting and solicitation after a positive HIV test

2907.25: prostitution, and prostitution after a positive HIV test

2907.33: deception to obtain matter harmful to juveniles

2911.13: breaking and entering

2913.02: theft

2913.03: unauthorized use of a vehicle

2913.04: unauthorized use of property, computer, cable or telecommunication property; unauthorized use of LEADS, and unauthorized use of OHLEG

2913.05: telecommunications fraud

2913.11: passing bad checks

2913.21: misuse of credit cards

2913.31: forgery and forging identification cards

2913.32: criminal stimulation

2913.41: defrauding a rental agency or hostelry

2913.42: tampering with records

2913.43: securing writing by deception

2913.44: personating an officer

2913.441: unauthorized display of law enforcement emblem

2913.45: defrauding creditors

2913.51: receiving stolen property

2919.12: unlawful abortion

2919.121: unlawful abortion on a minor

2919.123: unlawful distribution of an abortion inducing drug

2919.23: Interference with custody

2919.24: contributing to unruliness or delinquency of child

2921.12: tampering with evidence

2921.21: compounding a crime

Tier 4: Five Year Exclusion [continued]

- 2921.24: disclosure of confidential information
- 2921.32: obstructing justice
- 2921.321: assaulting a police dog, horse or assistance dog
- 2921.51: impersonation of peace officer
- 2925.09: illegal administration, dispensing, distribution, manufacture, possession, selling, or using dangerous veterinary drug
- 2925.11: drug possession, other than a minor drug possession offense
- 2925.13: permitting drug abuse
- 2925.22: deception to obtain dangerous drugs
- 2925.23: illegal processing of drug documents
- 2925.36: illegal dispensing of drug samples
- 2925.55: unlawful purchase or receipt of pseudoephedrine product
- 2925.56: unlawful sale of pseudoephedrine product

2923.01: conspiracy, 2923.02: attempt to conspiracy, 2923.03: complicity, when the underlying offense is the object of the conspiracy, attempt, or complicity is one of the offenses listed as a Tier 4 offense, but limited to only those offenses which are listed above.

A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in any of the Tier 4 offenses listed above.

Tier 5: No Exclusion

The Board may employ an applicant, or continue to employ a current employee has been convicted of, or pleaded guilty to any of the following sections of the Ohio Revised Code.

- 2925.11: drug possession that is a minor drug possession offense
- 2925.14: illegal use or possession of drug paraphernalia
- 2925.14: illegal use or possession of marijuana drug paraphernalia

A violation of an existing or former municipal ordinance or law of Ohio, any other state, or the United States that is substantially equivalent to any of the offenses or violations described in any of the Tier 5 offenses listed above.

Multiple Disqualifying Offenses

- A. If an applicant or employee has been convicted of or pleaded guilty to multiple disqualifying offenses listed in:
- Tiers 2, 3 and/or 4: the applicant or employee is subject to a fifteen year exclusion period.
 - Tiers 3 and/or 4: the applicant or employee is subject to a ten year exclusion period.
 - Tier 4: the applicant or employee is subject to a seven year exclusion period.

Exceptions to Disqualifying Offenses

- A. A conviction of, or plea of guilty to a disqualifying offense listed in the section titled "Tiers of Convictions" shall not preclude an applicant from being employed, or an employee from remaining employed under the following circumstances.

- The applicant or employee has been granted an unconditional pardon for the offense pursuant to ORC 2967, or under a current or former law of Ohio, any other state, or the United States, provided that the law is substantially equivalent to ORC 2967.
 - The applicant's or employee's conviction or guilty plea has been overturned pursuant to law.
 - The applicant or employee has been granted a conditional pardon for the offense pursuant to ORC 2967 and the conditions under which the pardon was granted have been satisfied.
 - The applicant's or employee's conviction or guilty plea is not for a Tier 1 offense and the applicant or employee has a certificate of qualification for employment issued by a court of common pleas with competent jurisdiction pursuant to 2953.25 ORC, or the employee has a certificate of achievement and employability in a home and community based services-related field, issued by the Ohio Department of Rehabilitation and Correction pursuant to 2961.22 ORC.
- B.** The Board may continue to employ an employee who is excluded by a Tier 4 offense which occurred prior to January 1, 2013, provided the employee was hired prior to January 1, 2013 and if the Board has considered the nature and seriousness of the offense and attests in writing to the character and fitness of the employee based on the employee's work performance. The Board shall make this determination by April 1, 2013 and shall maintain the written attestation in the employee's personnel record, which shall be subject to review by the Ohio Department of Developmental Disabilities upon request.

Occupational or Professional Licenses

- A.** If an applicant or employee holds an occupational or professional license or other credentials, the Board may request that the state or federal agency that regulates the employee's occupation or profession supply the Board a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or credentials.
- B.** The Board will consider the reports when determining whether to employ the applicant or continue to employ the employee,

Requirements for Current Employees

- A. Data Base Check and Required Statements:** For each current employee, the Business Manager shall at a frequency no less than once every five years:
- check the data bases specified in the section of this policy titled "Background Check Procedure", paragraph C.
 - require that the employee submit a notarized statement with the employee's signature that attests that the employee has not been convicted of, or pled guilty to a disqualifying offense, including disclosure of conviction for an offense that has been sealed.
 - require that the employee sign an agreement under which the employee agrees to notify the Board within fourteen calendar days if, while employed the employee is formally charged with, is convicted of, or pleads guilty to a disqualifying offense. The agreement shall provide that failure to make the notification may result in termination of employment.

B. Driver's License and Driving Record Checks: In accordance with the requirements specified in policy 9.01, "Vehicles", an employee's driver's license and driving record will be checked at least once every three years when the employee's essential duties require driving.

Likewise, an employee is required to submit to the Business Manager a current and valid license, issued to that employee as it is renewed, or as it is otherwise required by the Superintendent.

C. Criminal Records Check [direct service employees]: For each employee in a direct services position, the Business Manager shall, at a frequency of no less than once every five years, request that BCII conduct a criminal records check. Employees are not charged a fee by the Board for criminal records checks that the Board requires. All Board employees have opportunity to be alone with individuals served; therefore, all employees are subject to a background check every five years.

If an employee in a direct services position does not present proof that s/he has been a resident of Ohio for a five year period prior to the date upon which the criminal records check is requested, the Business Manager is required to request that BCII obtain information from the FBI as part of the criminal records check.

If the employee has presented proof that he or she has been a resident of Ohio for the five year period immediately prior to the date upon which the criminal records check is requested, the Business Manager may, but is not required to request that BCII obtain information from the FBI as part of the criminal records check.

Proof of Ohio residency may be made by presenting the notarized statement and documentation specified in the section of this policy titled "Background Check Procedures", paragraph F.

D. Criminal Records Check [Superintendent]: The Superintendent shall be subject to a BCII criminal records check, no less than once every five years.

E. Conditions of Continued Employment: No current employee will be permitted to continue to fill a position:

- if the employee is included in one or more of the databases listed under paragraph C of the section of this policy titled "Background Check Procedure" as follows. The Board will not continue the employment of any employee who is included in one or more of the first five databases listed. If an applicant is listed in the 6th listed data base [The database of Incarcerated and Supervised Offenders], the Board will not automatically discharge the employee, but will investigate the offense for which the employee was incarcerated or supervised, and will not continue to employ any employee when the employee was convicted for a disqualifying offense listed under the section titled "Tiers of Convictions".
- for the specified timeframes if the employee has been convicted of, or pled guilty to any of the violations listed in the section of this policy titled "Tiers of Convictions".
- the employee fails to promptly, and with full and truthful disclosure, acknowledge and sign any statement and documents required by this policy.
- if a direct service employee fails to cooperate with any and all criminal background checks required in this policy.
- the employee fails to notify the Superintendent within 14 calendar days if the employee is formally charged with, is convicted of, or pleads guilty to a disqualifying offense as specified in the agreement signed as a condition of initial or continued employment.

- if the employee fails to maintain a required driver's license or if the employee's driving record is unsatisfactory as determined by the Superintendent. In all cases, an employee having six or more points on his or her driving record will be determined to have an unsatisfactory driving record if the employee's job entails transporting individuals.
- the employee fails to cooperate with any other requirements, or fails to meet any standard or condition of employment specified in this policy.

Policy Implementation and Administration

- A. The Business Manager will, as soon as feasible, but by no later than December 31, 2014:
 - check the data bases specified in this policy for each employee currently employed.
 - require a criminal record check for each employee currently assigned to a direct service position.
 - require that all current employees assigned to a direct service position attest and submit the notarized statement that the employee has been a resident of the State of Ohio for the required five-year period.
 - sign an agreement under which the employee agrees to notify the Superintendent within 14 calendar days if, while employed, the employee is formally charged with, is convicted of, or pleads guilty to a disqualifying offense. The agreement shall inform the employee that failure to make the notification shall result in termination of employment.
- B. Following completion of the steps specified in paragraph A of this section, the Business Manager shall follow and adhere to the processes required for employees as specified in the section of this policy titled "Requirements for Current Employees".
- C. Effective January 1, 2013, the Business Manager will follow the criminal background check procedures and other requirements specified for job applicants as required by this policy,
- D. For the purpose of this policy, reports from BCII or any other state or federal agency regarding a person's criminal record and records supplied by the Bureau of Motor Vehicles regarding a record of convictions of motor vehicle laws are valid for a period of one year from the date of the report.

Background Checks – Contracting Entities

- A. Each contracting entity of the Board providing specialized services to individuals with mental retardation or developmental disabilities pursuant to a contract with the Board shall request that the BCII conduct criminal background checks for each applicant for employment with the contracting entity in a position in which the applicant would have physical contact with, the opportunity to be alone with, or exercise supervision or control over individuals with mental retardation or developmental disabilities.
- B. Contracting agencies shall be required to conduct their background checks in the same manner as is followed by the Board.
- C. No contracting entity shall place a person in a direct services position if the person has been convicted, pled guilty to any disqualifying offenses listed in this policy, unless the person meets the standards for rehabilitation established by rules adopted by the ODDD.

- D.** The Board will take appropriate action against a contracting entity that violates this policy, including terminating the contracting entity's contract with the Board.

Access and Release of Records

- A.** Any report obtained pursuant to this policy is not a public record for purposes of section 149.43 of the ORC and shall not be made available to any person, other than the following:
- The applicant or employee who is the subject of the report or the applicant's or employee's representative
 - The Board itself, or a representative of the Board
 - The Department of DD if a county board, provider, or subcontractor is the responsible entity that requested the report and the Department of DD requests the responsible entity to provide a copy of the report to the Department of DD;
 - A county board if a provider or subcontractor is the responsible entity that requested the report and the county board requests the responsible entity to provide a copy of the report to the county board;
 - A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:
 - a. the denial of employment to the applicant or employee;
 - b. the denial, suspension, or revocation of a certificate under section 5123.166 or 5123.45 ORC;
 - c. a civil or criminal action regarding the Medicaid program or a program the Department of DD administers.
- B.** An applicant or employee for whom the Board has obtained reports under this section may submit a written request to the Board to have copies of the reports sent to any state agency, entity of local government, or private entity. The applicant or employee shall specify in the request the agencies or entities to which the copies are to be sent. On receiving the request, the Board shall send copies of the reports to the agencies or entities specified.
- C.** The Board may request that a state agency, entity of local government, or private entity send copies to the responsible entity of any report regarding a records check or criminal records check that the agency or entity possesses, if the responsible entity obtains the written consent of the individual who is the subject of the report.

NEW EMPLOYEE ORIENTATION

◆POLICY 3.06 ◆

- A. The Board offers to each new employee orientation and training that familiarizes the employee with the Board, its operations and purpose, expected job duties, requirements and standards, and other information. Orientation familiarizes the new employee to the Board's workplace, culture and job. Orientation is facilitated and monitored by the Business Manager, but supervisors and other qualified employees participate and play an active role in the orientation process and the employee's development. The employee plays the most important role however by remaining open to new learning experiences, and to gain the knowledge and skills that help the employee to succeed on job. Therefore, regardless of the amount and type of orientation provided, the new employee is solely responsible for independently seeking answers to questions from the Business Manager and the employee's supervisor, and for performing the job to expected performance and conduct standards.
- B. Orientation training officially begins the first day of work, and continues throughout the probationary period. Thereafter, the employee may be approved for further training and development as is determined necessary or required by the employee's supervisor, and approved by the Superintendent.
- C. On the first day of work, the new employee will complete all required employment forms including retirement, withholding, deferred compensation, and other documents, and will complete the I-9 form, and verify employment eligibility and identity in accordance with Immigration Reform and Control Act requirements. Additionally, each new hire will be reported to the Ohio Department of Human Services in accordance with requirements specified in 5101.312 ORC through completion and submission of the New Hire Reporting Form by the County Auditor's Office. New employees will also be required to sign a written notice that informs the employee of the maximum effect upon which employment with the County will have on the employee's Social Security benefits.
- D. The Business Manager will manage and facilitate the completion of an *Orientation Checklist* which will be followed during the course of orientation to ensure that important and required steps of orientation, training and areas of employment and job are sufficiently covered. Items may be addressed and completed in any order.
- E. Upon successful completion of each item, the *Orientation Checklist* will be initialed and dated by both the employee and the person providing training. Following orientation, both the Business Manager and the employee will sign the form to signify that the topic areas listed were covered sufficiently and to substantiate the employee's understanding. The completed and signed checklist shall be retained in the employee's personnel file.
- F. If during orientation, or otherwise during the course of employment, a newly hired employee is unable to perform one or more essential job duties because of an ADA disability, the employee should make this known to the Business Manager or Superintendent who will consider making a reasonable accommodation that enables the new employee to perform essential job duties, in so far as the accommodation does not create an undue hardship on the Board.

- A. The Board complies with requirements established by the *Immigration Reform and Control Act of 1986* (hereinafter known in this policy as the "Act"). In general, the Board will not knowingly hire, recruit, or continue employment of any alien hired after November 6, 1986, without substantiating that alien's identity and employment eligibility to work in the United States. Therefore, the Board, through the County Auditor, will verify the *identity* and *employment eligibility* of each newly hired employee, and will maintain a recordkeeping system that documents compliance with the Act.
- B. Each newly hired employee on the first day of work will be required to complete the biographical information requested by *Form I-9*. In conjunction with the County Auditor, the new employee will be requested to attest that he is eligible for employment in the United States, and has presented authentic documentation of identity and employment eligibility by placing an x in the appropriate box in Part 1 of the form. The new employee will sign Part 1, and shall submit the form, with the required supporting documentation to the Auditor for review and verification.
- C. When completing the I-9 form, the employee will be required to substantiate the employee's *identity* and *employment eligibility* by providing to the County Auditor one of the documents specified on the current issue of the I-9 form. The employee may determine the documentation to be provided, in so far as it is listed or at the employee's option, the employee may submit 2 documents as provided for on the I-9 form. Any form provided must be un-expired.
- D. The Auditor shall physically examine the documentation presented by the newly hired employee and the remaining portions of Form I-9 shall be completed by the Auditor. The completed I-9 and copies of supporting documentation will then be retained in a file, separate from the employee's personnel file for a period of 3 years after the effective date of hire, or for 1 year from the date of the employee's separation from service with the Board, whichever is later.
- E. Form I-9 and supporting documentation is retained at the Auditor's Office. Form I-9 and copies of supporting documentation are confidential, non-public records and shall not be used for any purpose or provided to any agency or person other than for the purpose of complying with the requirements of this Act.
- F. Should an employee be rehired by the Board within 1 year of the date of separation, the employee's original I-9 Form and supporting documentation may be used for the purpose of complying with the Act.
- G. If the new employee is unable to produce the required document(s) within 3 days of the date of hire, the Auditor shall require the employee to produce, within those first 3 days, a receipt that substantiates that the employee has applied for the documents. The employee shall be required to produce the required document(s) within 21 days after the date of hire.
- H. If an alien attests that he intends to apply, or has applied, for legalization or amnesty, the Auditor need not require evidence of eligibility to work in the United States at the time of hire. The employee must, however, prior to hire, provide to the Auditor evidence of the employee's identity and the *Form I-9* will be completed omitting the work authorization data. The Auditor will update the *Form I-9* when work authorization documents are available.

- A.** Employees appointed to a management or professional position shall be offered a limited contract of employment, which shall define the employee's terms, conditions, compensation, and benefits of employment. Management and professional employees shall receive benefits of employment that shall include sick leave, vacation, holiday pay, and such other benefits that are established and adopted by the Board of DD. Sections 124.38 ORC pertaining to county sick leave, and 325.19 ORC pertaining to county holidays and vacation shall not apply to management and professional employees.
- B.** The duration of a limited contract shall normally be at least one year, but shall not exceed five years. The Superintendent maintains authority to approve limited contracts of one year [or less when an employee is hired after the beginning of the program year], while the Board of DD is solely authorized to approve limited contracts that exceed one year.
- C.** The Superintendent shall notify all management and professional employees of their salary, no later than thirty days before the first day of the new contract year. During the term of a limited contract, the management and professional employee's salary may be increased, but shall not be reduced, except when the salary is reduced as part of a uniform plan that affects all employees of the Board.
- D.** The limited contract shall specify that the management and professional employee may be removed, suspended, or demoted for cause, pursuant to section 5126.23 ORC and provisions specified in this manual.
- E.** Limited contracts may be renewed or not renewed at the option of the Superintendent. The management and professional employee shall receive notice of the Superintendent's intention not to rehire at least 90 days prior to the expiration of the contract.

PROBATIONARY PERIODS

◆POLICY 3.09◆

- A. All newly hired and promoted *classified* employees are required to serve a one year probationary period, beginning with the date of original appointment or date of promotion, whichever is applicable. Lengths of probationary periods are calculated depending on the appointment status of the employee.
- **Full-time:** 365 (three hundred sixty five) consecutive calendar days, beginning with the date of original appointment or promotion.
 - **Part-time who regularly work a portion of a five-day week:** 365 (three hundred sixty five) consecutive calendar days, beginning with the date of original appointment or promotion.
 - **Part-time who work less than a five-day week:** served on the basis of time actually worked - 2000 (two thousand) hours.
 - **Substitute [Intermittent]:** served on the basis of time actually worked – 2000 (two thousand) hours.
- B. Time spent on approved unpaid leave or time spent on temporary employment status does not count toward completion of the probationary period.
- C. In accordance with ORC 124.30, an employee's period of service in a temporary position does not count as a part of the probationary period if the employee is subsequently appointed to a permanent position following the temporary appointment.
- D. During the probationary period, the supervisor has responsibility for observing and evaluating the employee's job performance, conduct and capability. Likewise, the employee is encouraged to bring problems and questions to his supervisor to seek direction as necessary.
- E. The first half of the probationary period is an initial orientation and training period; consequently, newly hired and promoted employees will be evaluated halfway through the probationary period. The second half of the probationary period provides the employee opportunity to demonstrate capability to perform the job the job to expected performance and conduct standards.
- F. Newly hired and promoted employees will be evaluated by their supervisor within 10 days prior to the completion of their probationary period. The supervisor will reflect on the performance evaluation the employee's job performance, conduct and capability, and will recommend to the Superintendent whether or not the employee should be retained following probation. The Board will retain only those *new hire* probationary employees who meet acceptable job and conduct standards during the probationary period.
- G. Notwithstanding, newly hired employees may be separated at any time during the probationary period, with or without cause and prior notice. Employees who are discharged during their probationary period do not have the right to appeal the discharge to the State Personnel Board of Review.
- H. Any time during the course of the promotional probationary period, a newly promoted classified employee who does not meet job performance standards will be reduced back to the position and pay from which the employee was promoted from. The action of reducing a promoted employee back to the position from which he was promoted from [for job performance reasons] shall not be considered disciplinary action or disqualify the employee from consideration for later advancement.

- I. Notwithstanding the foregoing, a classified employee who is serving a promotional probationary period, may be discharged or otherwise disciplined at any time for job conduct and policy infractions, without right to return to the job held prior, when the reason for discharge or discipline is unrelated to the employee's capability to perform the job duties to which the employee was promoted.
- J. An employee who transfers to another position of the same classification does not have to serve a probationary period.
- K. Unclassified employees do not serve in a structured probationary period, and may be discharged or reduced at will, any time during employment. Accordingly, unclassified employees do not have the right to appeal to the State Personnel Board of Review.

- A. Physical and/or mental health examinations may be required during the course of employment to ensure that an employee has the physical and mental ability to safely perform essential job duties to performance standards. All employees are expected to be fit-for-duty at all times, meaning that the employee is physically and mentally capable of effectively performing essential duties listed in the job description to the required performance standard, either with or without a reasonable accommodation. Reasons for physical or mental health examinations include, but are not limited to:
- **Law or Regulatory Requirement:** Employees, assigned to certain positions, may be required by law or regulatory requirement to submit to a regularly scheduled examination during their period of employment with the Board. TB tests and inoculations may be required for some positions, and CDL holders are required by law to submit to mandatory drug and alcohol testing.
 - **Condition for Leave or Return from Leave:** Medical and mental health examinations may be required to assess an employee's condition for eligibility for Family and Medical Leave, Worker's Compensation, as a condition for return from a disability separation or leave for disability reasons, or for other purposes where it is needed to determine the employee's capability to safely and effectively perform essential job duties.
 - **As required by the Superintendent:** When an employee's physical or mental ability to perform the job is questioned by the Superintendent, the employee may be required to submit to a medical or mental exam to determine an employee's fitness-for-duty.
- B. Unless otherwise specified, the Superintendent shall select the physician to perform the examination and the Board shall pay the cost. Both the Superintendent or Business Manager, and the employee shall receive results of medical examinations.
- C. Examination results shall be maintained in a file, separate from the employee's personnel file. Results of the examination shall remain confidential and shared with supervisors and others only on a business need-to-know basis. Customary access to medical files is restricted to only the Superintendent and Business Manager, who maintain authority for determining when medical information must be shared with a supervisor or other person for business reasons, such as for understanding and determining job restrictions and accommodations.
- D. Results of medical examinations shall not be for any unlawful purpose, including discrimination against any applicant or employee with an ADA disability, except as the exam documents that an individual is not qualified for the job.

E. Medical examinations may be waived when an applicant or employee's religious tenet or religious affiliation objects to medical examinations. If an employee raises a religious objection, the employee will be required to produce documentation which substantiates the employee's religious beliefs and their relevance to medical examinations. The Superintendent maintains authority to assess documentation presented, and determine whether or not a religious accommodation is to be provided. Information provided by the applicant or employee shall not be used by the Board for any purpose that is in conflict with the Board's policy of non-discrimination on the basis of religion.

Evaluation Periods

- A. Each classified employee is evaluated annually on or about the employee's anniversary date of employment. Persons under a management or professional contract with the Board are evaluated by September 1 of each year.
- B. Probationary employees are evaluated midway through and near the end of the probationary period. Only classified employees receive probationary evaluations.
- C. Special evaluations may be given to either classified or unclassified employees at any time, as authorized by the supervisor or Superintendent.

Evaluating of Performance

- A. Evaluations are conducted by the employee's immediate supervisor. If the employee had been reassigned to a new supervisor within the evaluation period, the new supervisor will complete the form, but will be expected to consult with the previous supervisor when completing the evaluation, except when the prior supervisor is no longer employed by the Board.
- B. Evaluations are completed on the applicable evaluation form. Classified employees and employees on a professional contract are evaluated on the "Performance Evaluation Form" and management employees, under a management contract are evaluated on the form titled "Management Performance Evaluation".
- C. Supervisors are required to complete the evaluation form accurately and objectively, in consideration of the employee's job performance exhibited during the entire evaluation period. Ratings are on a five point scale, and benchmark standards are provided to encourage common understanding of the rating levels, and to assist supervisors in evaluating and rating employee consistently and appropriately. Benchmark standards are illustrative and not necessarily all-inclusive. Ratings should be supported by documentation when feasible.
- D. Performance evaluation criteria and benchmark standards that were not applicable during the evaluation period are not to be considered as part of an employee's evaluation. If necessary, standards that don't apply may be clarified in the comment section or they may be discussed with the employee during the review.

Completing the Form

- A. As part of the evaluation process, one or more goals may be set for an employee when a goal is determined to be appropriate. Goals are recorded on the "Goal Establishment Form". Goals are categorized as either strategic, developmental or performance as follows.
 - **Performance Goals:** All employees are expected to at least meet "Proficient" standards on all performance criteria as a condition of continued employment. A Performance Goal is mandatory in each instance when the employee is rated as "Needs Improvement" or "Unsatisfactory." Performance goals are set by management. The employee may provide input into the strategies needed for addressing performance problems, but management maintains sole authority to set performance standards and to require any strategy that management determines to be necessary for achieving at least a "proficient" performance level.

At the discretion of the Superintendent and upon recommendation of the manager, an appropriate disciplinary action may be given in conjunction with a performance goal. Whether discipline or discharge is applied is based on the individual facts and circumstances. In no case will a Performance Goal be given as a substitute for a disciplinary action when discipline is appropriate for addressing the issue.

The employee will be evaluated at the conclusion of the evaluation period on the progress made, and results accomplished toward the performance goal. Ratings and comments are to be recorded on the Performance Evaluation Form under the criteria for which the goal was established.

- **Developmental Goals:** An employee may express interest in upgrading performance to a higher level if the employee in the current evaluation has been rated as either “proficient” or “exceeds proficient”. Developmental goals are normally voluntary on the part of the employee, however, a supervisor has authority to coach and encourage an employee to work to a higher level when the employee demonstrates the capability to work at a higher level than “proficient”. Since developmental goals are generally voluntary, developmental goals and strategies are set collaboratively with the employee, however management retains authority for final approval on any strategy that involves use of Board resources and time.

An employee is not eligible for a developmental goal when the employee’s job performance on the most current evaluation is rated as “Unsatisfactory” on any of performance criteria. Rather, the employee will be required to first focus work efforts and results on achieving at least “Proficient” on all criteria by achieving one or more performance goals.

The employee will be evaluated at the conclusion of the evaluation period on the progress made, and results accomplished toward the developmental goal. Ratings and comments are recorded on the Performance Evaluation Form, under the criteria for which the goal was established.

- **Strategic Goals:** Strategic goals typically align with strategic objectives important for accomplishing the mission and vision of the agency. Although management retains authority to require and set strategic goals, they should normally be set collaboratively with the employee so to provide opportunity for input and common understanding. Strategic goals and strategies are subject to approval by management.

The employee is to be evaluated at the conclusion of the evaluation period on the progress made and results accomplished toward the goal. Ratings and comments are recorded under the section of the performance evaluation form specified “Strategic Goals”.

- B. All goals and strategies for accomplishing them are subject to final review and approval by the Superintendent.
- C. Goals are typically set during the annual performance evaluation process to be accomplished during, and evaluated at the end of the next evaluation period. However, developmental, strategic or performance goals can also be established at any time during the evaluation period, with progress on the goal evaluated as part of the normal evaluation process, or through a special evaluation.

Interim Reviews

- A. During the course of the evaluation period, the employee's supervisor is expected to periodically informally review current performance levels and status of goals with the employee, and provide guidance as needed.
- B. The supervisor may retain notes regarding the employee's performance during the evaluation period, as well as notes that record the timing and content of interim reviews. These notes may be referred to when completing the evaluation form. Notes are unofficial until recorded on the evaluation form, and therefore are kept in a file separate from the employee's personnel file.
- C. Progress made on goals established for the evaluation period is also to be periodically reviewed with the employee during the evaluation period. Progress made on goals, problems encountered and adjustments to the goal, strategies, timeframes and other changes are to be recorded on the "Goal Progress Form" by the supervisor.

Approvals and Acknowledgements

- A. Once the evaluation form has been completed and signed by the supervisor, the supervisor shall submit the completed evaluation to the Superintendent for review, along with any supporting documentation. Evaluation ratings, comments and strategies for improvement shall be approved by the Superintendent, prior to the supervisor discussing the evaluation with the employee.
- B. Following review with the employee, the employee will be requested to acknowledge that he was given opportunity to review and discuss the evaluation by signing in the appropriate space. If the employee refuses to sign the evaluation form, the employee should be reminded that the employee's signature only acknowledges that it was reviewed with the employee, and that the employee may submit it for reconsideration if the employee disagrees with any of the ratings. If the employee still refuses to sign, the supervisor shall so note and initial in the signature space. Refusal of the employee to sign the evaluation form does not relieve the employee from performing job duties to the standards prescribed, and shall be construed as a waiver of the opportunity to reconsideration of the evaluation.
- C. The employee may add comments in the space provided, but does not have authority to change any rating, cross out or revise comments, or make any other change to the completed evaluation form.

Reconsiderations

- A. An employee may ask that performance ratings or comment be reconsidered by submitting a written request to the Superintendent, which specifies the rating[s] which the employee believes to be inaccurate, and justification.
- B. Requests for reconsideration will be reviewed by the Superintendent. The Superintendent maintains authority to confirm the original rating or to change it at his sole discretion. The Superintendent's decision shall be final.

Retention of Form

- A. Completed and signed evaluations, Goal Establishment Forms, and Goal Progress Forms shall be submitted to the Business Manager to be retained in the employee's personnel file, with copies forwarded to the employee and supervisor.

JOB REFERENCES

- A. Employers occasionally contact the Board for verification of employment or other reference information of former or current employees. When an employer requests employment verification or job reference information, the requesting party shall be immediately referred to the Business Manager. Under no circumstances shall any other employee, other than the Business Manager or Superintendent, provide job reference information to any person, either orally or in writing.
- B. Job reference requests may sometimes be made *informally* by the calling party attempting to engage an unsuspecting employee into casual conversation and comments about a current or former co-worker. These attempts at informal reference checking shall also be forwarded to the Business Manager without the employee making comment.
- C. When an employer requests an employment verification or job reference information, the Business Manager will require the requesting party to provide a written request for the information. The requesting party must provide a statement, which is signed by the former or current employee, that grants permission to the Board to release the information, specifies what information is permitted to be provided to the requesting party and releases the Board and its employees from all liability related to the release of the records.
- D. The Business Manager will only provide reference information in writing. Information that may be provided in reference check shall be limited to only specific non-confidential factual information that can be substantiated. Recommendations will not be given to hire, [or not to hire] a former employee, but that decision will be left to the entity requesting the information based on the information it gathers and through its selection processes.
- E. When a public records request is made to release information contained in an employee's personnel file, the Board shall process and respond to that request in accordance with the provisions in that policy.

SECTION 4
EMPLOYEE STATUS, ASSIGNMENTS
& WORK SCHEDULES



- A. All employees shall be categorized as full-time, part-time, 9-month, temporary and substitute [intermittent].
- **Full-time:** an employee who works 40 hours per week on a regularly scheduled basis, 52 weeks per year.
 - **Part-time:** an employee who is normally scheduled less than 40 hours per week on a regularly scheduled basis, 52 weeks per year.
 - **9-Month:** an employee who works a full-time schedule for only 9 months of the year.
 - **Temporary:** an employee who works in a vacant position that is filled on a temporary basis, for urgent reasons. The position is of a non-permanent nature and exists only for the duration of time set by the Superintendent, but does not exceed one hundred and twenty (120) days. Successive temporary appointments shall not be made.
 - A temporary appointment, longer than one hundred and twenty (120) days, may be made, if necessary and determined by the Superintendent, by reason of sickness, disability, or other approved leave of absence of another employee. The temporary appointment may continue, at the discretion of the Superintendent, during the period of sickness, disability, or other approved leave of absence.
 - A temporary employee may work either a full or part-time work schedule, as set by the Superintendent, for the duration of the appointment.
 - **Substitute [Intermittent]:** an employee who works an irregular schedule, determined by the fluctuating demands of the work, and which hours are generally not predictable. An intermittent or substitute employee may not work more than 1,000 hours within a twelve (12) month period.
- B. The Business Manager will maintain a roster that designates each employee's appointment status.
- C. The Board may hire independent contractors to fulfill specific services on behalf of the Board. Contractors are not employees of the Board, and meet the IRS test as independent contractors. Accordingly, the Board shall ensure that contractors meet IRS requirements and when the test is met, civil service protections, benefits, PERS, payroll deductions, worker's compensation and other provisions specified herein and provided to Board employees will not apply to the independent contractor, other than those specifically provided for by contractual agreement.

Employment Categories per 5126 ORC

- A. An employee is categorized as either a Service, Professional or Management employee [See Definitions]. Examples of job titles typical to these categories are listed in section 5126.22 of the ORC.
- B. Should the Board of DD wish to have a position established that is not specifically listed in 5122.26 ORC and that includes directly providing, or supervising employees who directly provide services or instruction to individuals with mental retardation and developmental disabilities, the Board of DD, through the Superintendent, shall submit to the Director of ODDD a written position description, with a request that the Director of ODDD designate the position as management, professional or service. The Director of ODDD shall then issue a determination within 30 days of the request.

Classified and Unclassified Service

- A. Employees are grouped according to whether they are in the classified or unclassified civil service. Classified employees are provided civil service benefits and protection as provided for by the ORC, but are prohibited from participating in specified political activity. Unclassified employees do not have these civil service protections, but can participate in partisan political activity. Unclassified employees do not serve a probationary period since employment is at will, and may be discharged for any reason, with or without cause or prior notice. Management employees may be discharged pursuant to 5126 ORC.
- B. In addition to positions lawfully specified as unclassified, all temporary and substitute [intermittent] employees serve in the unclassified service.

Permanent Employees

- A. An employee who is either full-time or part-time is considered to be “permanent” when the employee is appointed pursuant to a regular work schedule of 26 consecutive bi-weekly pay periods, and which is not limited to a specific season or duration. 9-month employees are permanent, but only work in accordance with the terms and conditions of their contract.
- B. A permanent employee works for an indefinite period of time, continuing until the employee resigns, retires, is discharged, laid off or is otherwise lawfully separated from service. Consideration as a “permanent” employee shall not be construed to prohibit the Superintendent from exercising management rights to lawfully discharge, suspend, demote or layoff the employee. Permanent classified employees are involuntarily separated from employment in accordance with Civil Service requirements, management employees are involuntarily separated pursuant to 5126 ORC, while unclassified employees may be involuntarily separated at-will. Designation of an unclassified employee as “permanent” does not erode the management rights inherent within the unclassified service, including rights to discharge with or without cause, or prior notice.
- C. Designation of “permanent” does not include temporary or substitute [intermittent] employees whose regular work schedules are not comprised of 26 consecutive bi-weekly pay periods, and whose employment is of a temporary nature.

FLSA Exemptions

- A. All employees of the Board are either exempt or non-exempt from the Fair Labor Standards Act [FLSA]. FLSA exempt employees are salaried, and are commonly administrative, executive, professional or computer professional employees.
- B. FLSA exempt employees are paid on a salaried basis, and are not paid overtime for time worked over 40 hours in a workweek. Non-exempt employees are paid hourly and receive overtime pay or compensatory time for time worked over 40 hours in the work period [See Overtime].

Provision of Benefits

- A. Full-time, 9 month and part-time employees working 20 or more hours per week receive all benefits, prorated as necessary, provided by the Board. Temporary, substitutes and part-time employees working less than 20 hours per week are not provided benefits, other than workers’ compensation and other statutorily required benefits.

CLASSIFIED & UNCLASSIFIED EMPLOYMENT ◆POLICY 4.02◆

- A.** Employees are presumed to be classified civil servants, unless lawfully exempted from the classified civil service. Unclassified employees include but are not limited to the Superintendent, management employees, and all temporary employees and substitutes [intermittent].
- B.** Classified employees may only be disciplined for cause, and by following the procedures specified in Chapter 124 of the ORC. Classified employees are prohibited from participating in certain forms of political activity. However, employees who serve in classified positions, but who are still in their probationary period, may be discharged from employment or reduced at will, without the showing of cause.
- C.** Unclassified employees are employed at will, and may be discharged with or without cause, or prior notice. Unclassified employees do not have rights to appeal to the State Personnel Board of Review, but may participate in political activity on their own time, and away from areas of public buildings where official business is transacted or conducted. Notwithstanding, management employees may be removed, suspended, or demoted only for cause, and have a right to appeal such actions pursuant to provisions specified in 5126.23 ORC.
- D.** On the date that an employee is appointed to an unclassified position, the employee shall be provided written information that describes the nature of employment in the unclassified service. Additionally, no later than thirty (30) days after the date that the Board appoints an unclassified employee, the Board will provide to that employee written information that describes the duties of the position. Failure to comply with these notification requirements shall not confer any additional rights upon the employee in any appellate body with jurisdiction over an appeal of the employee.

Work Schedules

- A. Employee work schedules and hours are established by the Superintendent and may be changed at his discretion, with or without prior notice.
- B. Working outside of normal work hours by FLSA non-exempt employees is generally not permitted, except with prior approval of the employee's supervisor, or the Superintendent [see Overtime].

Meal Periods & Breaks

- A. Employees are provided a paid meal period when working a full work shift, the scheduling of which is subject to approval by the employee's supervisor. Meal periods are normally for the duration of 30 minutes, unless the Superintendent or supervisor authorizes a different amount of time based on the employee's work schedule, workload, or other circumstances.
- B. Although meal breaks are typically uninterrupted by call to duty, both exempt and non-exempt employees are expected to work through their meal periods or to reschedule their meal period as needed to fulfill job responsibilities. Because meal periods are paid, when an employee works through a meal break, or when it is interrupted or cut short for a call to duty, the employee shall not receive additional compensation for this time worked.
- C. Some employees are required, as part of their regular job duties, to provide meal assistance or supervision to persons served during their meal break.
- D. Employees may take informal work breaks during the course of the day, which shall be limited in number and duration, and shall not be abused. Breaks and meal periods are not a right, and therefore, employees are expected to work without any break or meal period if necessary to complete job duties, or upon request of the employee's supervisor.
- E. Meal periods and breaks shall not abut the start and end of the workday.

Recording of Time Worked

- A. Using the time keeping process adopted and required by the Board, each FLSA non-exempt employee is required to record the start and end of the workday. Employees are not required to record time taken for meals and informal breaks since such time is paid.
- B. Each employee shall record his own time only. Recording the time of another employee or falsifying time worked is a serious offense, and is strictly prohibited.
- C. Recording of time is to be done daily, and records reflecting time worked is expected to be continually kept current each work day. Because accuracy of time worked is extremely important, recording time worked only at the end of a pay period or estimating times worked is prohibited.
- D. At the conclusion of each pay period, the employee shall attest that all time recorded is completely accurate and that the record depicts days and times actually worked. Upon acknowledging accuracy, the employee shall submit the record of time worked to the employee's supervisor for review and approval. Time records can be signed in handwriting or electronically in accordance with the manner in which the time record is completed. Supervisors bear responsibility for closely monitoring time records and ensuring that days and times recorded are accurate to the supervisor's best knowledge, prior to approving.
- E. FLSA exempt employees must record only the total time worked each workday.

REASSIGNMENT

◆POLICY 4.04◆

- A.** Employees will normally be assigned to a position within a work unit, however an employee may be reassigned from one position to another [in the same or different work unit] so to best meet Board needs, operational requirements or for other business reasons.
- B.** When an employee is reassigned, the employee retains the same classification, level of responsibility and rate of pay, and the transfer does not affect an employee's seniority with the Board. A reassignment to a different position or work unit may be made on either a permanent or temporary basis.
- C.** The Superintendent maintains complete control, authority and discretion in requiring and approving reassignments within the Board.
- D.** An employee may request a reassignment by submitting a written request, with reasons for the request to the Superintendent. Only the Superintendent maintains authority to approve a request, or to require a reassignment. Requests will be considered for approval or disapproval based upon business needs. The needs of the Board take priority over the wishes of the employee in these matters.
- E.** When two (2) or more employees request reassignment to the same position, and the Superintendent determines that a reassignment is in the Board's best interests, the Superintendent will make the determination as to which employee is most appropriate for transfer.

Introduction

- A. This policy provides guidance regarding occasions when an employee is approved to work from home or other location during the employee's regular scheduled working hours.
- B. Although employees are normally expected to work on-site at their assigned Board location, occasionally it may be advantageous to the employee and/or the Board to work from home or other location. Employees are not permitted to work remotely on a regular basis, and shall not abuse the privilege when approval is given.

Approval

- A. Both non-exempt and exempt employees are required to request and obtain prior approval from the employee's supervisor and the Superintendent prior to working from home or other location during their regular scheduled working hours. An exempt employee is not required to request approval to work remotely at times outside of the employee's regular work schedule. Non-exempt employees are not permitted to work outside of their regular work schedule except with prior approval of the employee's supervisor.
- B. Requests for approval will be approved or disapproved in consideration of the reason, the nature of the work to be performed, whether the work can be effectively and efficiently performed remotely, whether the arrangement is determined to pose no detriment to Board operations and services, the employee's job performance and disciplinary record, and other factors deemed relevant based on facts and circumstances.
- C. Approval for an employee to work from home or other location is made on a case-by-case basis, and approval in one instance does not create a precedent or past practice.
- D. When approval is given, the period of time during which an employee is approved shall be established by the supervisor and Superintendent prior to the employee working remotely. The employee is expected to return to on-site work at the assigned Board location at the established day and time.

Access

- A. During periods when an employee is approved to be working remotely, the employee is required to provide a cell phone or landline number of the location where the employee is to be working, and remain available and reachable during the employee's regularly scheduled working hours.

Equipment

- A. When a computer is needed to work remotely, the employee is required to use a Board owned laptop computer. Supplies needed shall also be provided by the Board. The employee shall not permit family members, friends or any other person not employed by the Board to use any Board owned equipment or supplies provided.

Security and Confidentiality

- A. The employee who works remotely assumes sole responsibility for ensuring that no other person, other than authorized Board employees has access to any information or data stored in the Board's computers.

Policy and Performance Standards

- A. When working remotely, the employee remains subject to, and is required to adhere to all personnel policies, operational policies and procedures of the Board, and to all job performance standards.

Time Records

- A. Both exempt and non-exempt employees shall provide to the Board a complete and accurate accounting of specific times actually worked remotely during the employee's scheduled working hours. Time keeping shall include all specific times that the employee started and ended work, including actual start and stop times taken for breaks and meal periods, regardless of duration.

Paid and Unpaid Leaves

- A. On occasions when an employee is approved to work remotely but is unable to work because the employee becomes sick, or a situation occurs that would otherwise necessitate the taking of sick leave or other form of paid or unpaid leave, the employee is required to so notify the employee's supervisor as required in these policies, and the time taken for leave during that period shall be deducted from the employee's leave balance.

Workers' Compensation

- A. While working from home or other location, the employee is covered under Workers' Compensation and may be eligible for Workers' Compensation in the event of an injury or illness arising from the employment. Whether the employee is eligible for Workers' Compensation benefits will be determined by the Bureau of Workers' Compensation in accordance with its eligibility standards.
- B. In the event of an injury or illness arising from the course of employment while working remotely, the employee is required to so notify the employee's supervisor and otherwise comply with the requirements specified in the Workers' Compensation policy.

SECTION 5

RECORDS ADMINISTRATION



- A.** Official personnel files are maintained for each employee. Personnel files include, but may not be limited to: individual employment data; payroll information; job reference records, work time schedules; employment application form; records pertaining to employment including W-4 forms, promotions, demotions, transfers, layoffs, discipline, and other records and or information.
- B.** The Business Manager, in accordance with section 5126.254 ORC, shall maintain in an employee's personnel file, reports of any investigation regarding whether the employee has committed an act or offense for which the Board is required to make a report the Superintendent of Public Instruction under section 5126.253 ORC. The Board shall maintain a record for each employee that reflects personnel actions that have affected the employee during the course of employment, including but not limited to date of original appointment, promotions, demotions, suspensions, pay increases, layoffs, separation from employment, and other dates of personnel actions and related information.
- C.** Employees must keep the Business Manager advised of any change in:

 - 1. name
 - 2. home address
 - 3. marital status
 - 4. telephone number
 - 5. tax exemptions
 - 6. citizenship
 - 7. selective service classification
 - 8. birth or death in their immediate family if it affects insurance coverage of the designated beneficiary
 - 9. beneficiary for life insurance
 - 10. dependents for group medical insurance
 - 11. person to be notified in case of emergency
 - 12. dependents' status (including changes due to age, marital status, educational status, and legal proceedings such as adoption or legal guardianship).
- D.** An employee may review his own personnel file upon submitting a request to the Business Manager. Requests must be submitted in advance, and reviews will be approved only at reasonable times, and during normal office hours. The time for the review will be set at a time designated by the Business Manager, but normally not later than the close of business on the next workday of the employee.
- E.** The Business Manager or Superintendent will accompany the employee when the employee reviews the file to protect the security of the file, and to answer any questions.
- F.** An employee is permitted to copy any document in his file, and attach letters of explanation when the employee believes an explanation is necessary. The employee may not change, delete, alter, or remove any document or information in the personnel file, and inclusion of defamatory explanations or scurrilous attacks upon any person is not permitted.

- G.** If the employee disputes the accuracy or completeness of any information contained in the personnel file, the employee may submit a written statement to the Superintendent that explains the nature of the concern. The Superintendent will review the statement, and the employee will be informed of the determination made. The employee's statement may be included in the personnel file, upon request of the employee.
- H.** When an employee receives a written warning or order of suspension, the employee will receive a copy of the disciplinary action, and will be requested to initial it, prior to the disciplinary form being placed in the employee's personnel file. If the employee refuses to initial the form, a signed statement to that effect will be noted on the document by the supervisor administering the action. Refusal to initial the form is not a basis for challenging the validity of the disciplinary action.
- I.** Records of formal complaints, filed under the complaint procedure by an employee, are not included in the complaining employee's personnel file. Complaints filed by the general public, consumers and others are filed in the employee's personnel file, but only when the complaint is determined by the Board to be valid, and basis for either instruction to the employee, or disciplinary action,
- J.** Many of the records and information contained in personnel files are public, and therefore they are made available to members of the general public and others upon request, in accordance with the Public Records Act. When a person, other than Board management or Board legal or other representatives in conjunction with management and business of the Board requests to review a personnel file, the Board will normally inform the employee within 2 days of the request, in so far as practicable. This request for public record is shared with the employee only as a matter of information and courtesy, since the Board is obligated to provide to the public any public record that is requested.
- K.** Records and information within personnel files, but which are not considered public records includes an employee's social security number, personal telephone number, and address, and medical records. Prior to making any personnel file public, the Superintendent or designee will review and remove from such file those records or information which is confidential by law. Where lawfully confidential information is a part of a record that also contains public information, the Superintendent will make a complete copy of the record, and shall completely redact the lawfully confidential information from the copy. This record, with the confidential information removed, shall then be made available for public review in accordance with the policy specified in this manual.
- L.** The Board may use information contained in personnel files to collect and report impersonal statistical information such as is required to complete and submit EEO reports, and to compile data needed to complete the Board's affirmative action plan.

- A. The Board embraces the philosophy of open and transparent government, and complies with the Ohio Public Records Act. Many records that the Board creates and maintains are public records under the Act, but conversely some records are strictly confidential and exempt from public access. All exemptions from public record will be construed in the narrowest sense, and any denial in response to a valid request will be accompanied by an explanation citing legal authority.
- B. All Board records are public records, unless a record is specifically exempted from disclosure as specified under the Act. This policy provides general guidelines for compliance with the Public Records Act.
- C. For purposes of this policy, a record is defined as any document, including, but not limited to, paper, electronic, email and other formats, that is created, received or comes under the jurisdiction of a public office, and which documents the organization, function, policies, decisions, procedures, operations or other activities of the Board.
- D. The Board strives to maintain and organize its records in a manner that facilitates good business practice, and makes records are available for inspection and copying. A copy of the current record retention schedule shall be updated regularly and posted prominently for public inspection.
- E. Only the Superintendent or Business Manager has authorization to provide public records to a requesting party. Although the Business Manager has authority to process requests, the Business Manager will keep the Superintendent informed of public records requests and their disposition.

The Public Records Request

- A. If a member of the general public, news media or other person requests to view or receive a Board record, the employee receiving the request shall promptly refer the matter to the Superintendent or Business Manager who will determine whether or not the requested record is a public record. Upon determining that the record or information requested is a public record, the person processing the request shall make the public records available.
- B. The person making the request must identify the records requested with sufficient clarity to permit identification and retrieval of the records. If it is unclear what records are being sought, the requester may be asked for clarification, and may be advised as to the manner and form in which the Board keeps its records. The person receiving the request will record and document the following information, in so far as such information is available and needed to process the request:
 - date and time that the request was received, and name of the person receiving the request
 - medium in which the request was submitted
 - specific records sought to be inspected or copied
 - the medium in which the requesting party wishes to have the record provide including physical inspection, paper, e-mail, or computer disk
 - whether the record is to be picked up by the requesting party, mailed to a mailing address provided by the requesting party, or e-mailed to an e-mail address provided by the requesting party.

- C. Requests may be made personally, or via e-mail, US postal mail, or telephone, and may be made verbally or in writing. The requester shall not be required to provide his identity, or intended use of the public record as a condition for receipt of the record. Notwithstanding, the requester may be asked [but not required] to submit a written request or provide the requester's identity or disclosure of intended use, if such information would benefit the requester by enhancing ability to identify, locate or deliver the public records sought. When requesting such information however, the Superintendent or designee shall inform that such information is not required, but rather would be helpful.
- D. The record will be provided in the medium that is requested by the person seeking the record, in so far as the record is kept in that medium through normal business operations. If a record is not maintained electronically as part of the Board's normal business operations, the Board is not obligated to provide it via this medium, but alternatively shall offer to copy the record and provide paper.
- E. Public records will be made available for inspection promptly, and copies will be provided within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity where the records are stored; and the necessity for legal review, if any, of the records requested.
- F. If the requesting party requests to physically inspect original copies of Board records, the Superintendent or designee shall monitor the inspection to maintain security of the files, and to answer questions.
- G. The Board does not permit the requester to personally make copies of original public records, either on Board copying equipment or by copying the original record off of Board premises. Public records shall be made available for inspection during normal business hours, with exception of official holidays during which the Board office is closed.
- H. The Board requires a requesting party to pay for the actual cost of the copies, in advance of receipt of the copies. There will be no charge when documents are e-mailed. The Board shall also require the requester to pay in advance for the cost of postage or delivery.
- I. The Board may limit the number of records to ten records per month when requests are made that require the Board to copy and transmit the records by US mail, unless that person certifies, in writing, that he does not intend to use or forward the requested records, or information contained within them, for commercial purposes. The term commercial purposes shall be narrowly construed, and shall not include reporting or gathering news, reporting or gathering information to assist in citizen oversight, or understanding of the operation or activities of government, or nonprofit educational research.

Payroll and Employment Records

- A. The Board may refer requests for payroll and employment records to the County Auditor.

Denying Public Records Requests and Redacting Information

- A. The Board or designee may deny a public records request when a record is exempt from public records law. No request for public record shall be arbitrarily withheld or delayed due to failure or unwillingness of the requesting party to provide information not required to appropriately fulfill the request. However, if a requester makes an ambiguous or overly broad public records request or has difficulty making a public records request that causes inability to identify the public records being requested, the request may be denied.
- B. Some information included in public records is exempt from public record. Therefore, prior to granting access to the record, the person granting the request shall be

responsible for redacting or obscuring the exempt portion of the public record. The remaining portions of the record shall be provided in accordance with this policy and the public records law.

- C. When a redaction is made, the requester shall be informed that a portion of the file was redacted or shall ensure that it is evident, within the document or electronic file, that a portion of the record has been redacted.
- D. When a public records request is denied, in whole or part (i.e. a redaction), the Superintendent or designee shall provide the requester with an explanation, including legal citation, which identifies why the request was denied. If the public records request was provided in writing, the explanation shall likewise be provided to the requester in writing.

Confidential Records

- A. The Board shall not disclose any information from the records which is lawfully confidential including:
 - medical records: any document or combination of documents (except births, deaths, and the fact of admission to or discharge from a hospital) that pertains to the medical history, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment;
 - trial preparation records meaning any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney;
 - confidential law enforcement investigatory records; - “Confidential law enforcement investigatory record” means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following:
 - a. The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised;
 - b. Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source’s or witness’s identity;
 - c. Specific confidential investigatory techniques or procedures or specific investigatory work product;
 - d. Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.
 - employee’s social security numbers.
 - employee telephone numbers and home addresses. Court decisions specify that these are not public records and do not fall under the requirements of the Ohio Public Records Act; therefore, the Board may secure employee’s home addresses from disclosure during a public records request. If an individual requests a public record that also includes an employee’s home address or phone number, the record shall be provided, but with the employee’s personal home address and phone number obscured or redacted.
 - other records specifically listed as confidential specified in ORC section 149.43 including intellectual property records and donor profile records; or records, the release of which, is prohibited by State or Federal law.

E-mail

- A.** Documents in electronic mail format are considered public records when their content relates to the business of the Board. Therefore, e-mail shall be treated in the same fashion as records in other formats, and should be retained in accordance with the County's records retention schedule.
- B.** Records in employee private e-mail accounts, used to conduct business of the Board, are subject to disclosure. Therefore, employees must retain their e-mails in private e-mail accounts, when the e-mail relates to Board business. Employees shall forward these e-mails to their e-mail account with the Board immediately.

Posting and Recognition of Responsibility

- A.** The Board recognizes the consequences of failing to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, failure to comply with a request may result in a court ordering the Board to comply with the law and to pay the requester's attorney fees, court costs and damages.
- B.** The Board shall post this policy in a conspicuous place at each location.
- C.** This policy shall be distributed to all employees, and to those persons who are specifically responsible for maintaining Board records. Each employee shall acknowledge receipt of this policy in writing.
- D.** The persons responsible for releasing public records shall attend a three hour training program, approved by the Ohio Attorney General, and which shall provide guidance in developing and updating public records policies as required under section 149.43 of the ORC.
- E.** The Superintendent, at his option, may waive any or all provisions under this policy when a request to inspect or obtain copies of records is made by another governmental agency or a court order.

Records Retention

- A. Certain records must be maintained for a period of time as designated by Ohio or Federal law, or regulation. The County Records Retention Commission provides guidelines for the retention and destruction of public records, therefore, employees must consult with their supervisor for guidance on the maintenance and retention of business records.
- B. Destroying official records or documents, without authorization, is a very serious offense that could raise legal or ethical issues for the employee and Board. Accordingly, destroying official records or documents without authorization is strictly prohibited.

Falsification of Records

- A. Willingly and knowingly falsifying any record used during the course of Board business, provision of services or job responsibilities is a very serious offense that could raise legal or ethical issues for the employee. Included is falsification of application forms, time records, travel vouchers, purchase orders, consumer records, accounting records, operational records and any and all records used in the discourse of business.

SECTION 6

STAFF TRAINING & DEVELOPMENT



- A. Each employee bears responsibility for performing job duties and responsibilities to expected performance levels. The Board supports employees in these efforts by providing training from time to time. However, regardless of the amount and type of training provided to an employee, if any, the employee is solely responsible for performing all essential job duties to required performance standards.
- B. Employees may, of their own volition, independently pursue courses of study or training, but may not obligate the Board to pay expenses or compensation without advanced, written permission.
- C. Upon initial employment with the Board, and at the employee's own cost, an employee is responsible for possessing or obtaining the training, courses and certifications required for entry into the position.
- D. **Requests for Training:** Employees may submit requests for training to be paid by the Board, by attaching a copy of the function's agenda on an expense form, with explanation as to how the training relates to the employee's job and Board needs. The employee shall sign the form and submit it to the Superintendent for consideration. The Superintendent will review the request and either approve or deny it in consideration of the training budget, relevance of the training to the employee's job, Board needs, employee workload and other constraints and factors.
- E. **In-Service and Other Required Trainings:** During the course of employment, employees may be required to attend in-service and other trainings that are offered by the Board, with examples as follows. Employees:
 - 1. are required to attend and participate in CPR and First Aid trainings that are required by the Board, and to maintain their CPR/First Aid certification as a condition of employment.
 - 2. will be required to receive training on the use of universal precautions.
 - 3. in designated positions will receive training in recognizing and reporting on abuse and neglect.
 - 4. must participate in any of the in-service or other trainings required by the Board.
- F. **Required Training Expenses:** Employees may be required to attend and participate in training programs, courses, workshops, and seminars that require travel within, or outside of Clinton County. When the Superintendent or designee assigns an employee to such training, or approves a request to attend such training, expenses incurred will be normally be paid for by the Board. The Board will pay the registration fees, and the employee may submit other associated expenses if any, such as mileage, lodging, and meals by submitting a request for reimbursement in accordance with the policy and constraints specified in the Expense Reimbursement policy.
- G. **On-the-Job Training:** All employees learn on-the-job, as well as possibly through formal training or education provided by the Superintendent. Accordingly, as part of the employee's training, the Superintendent may, at his discretion, assign a more experienced employee to mentor and provide direction, train and otherwise support the employee in effectively performing job responsibilities.

H. Compensable and Non-Compensable Time: Time spent in training may or may not be compensable time in accordance with the following general guidelines.

A. FLSA exempt employees are paid on a salaried basis, and therefore are not compensated additionally for time spent in training programs, regardless whether the training occurs during normal work hours or after.

B. Training conducted for FLSA non-exempt employees, which occurs during regular working hours, constitute work time and the employee will be compensated at an employee's regular hourly rate.

C. After-hours training may be compensable for FLSA non-exempt employees, however employees are required to request prior permission for any training that they seek compensation. Time spent in training will *not* be compensable if all of the following conditions apply.

- Attendance is entirely outside of the employee's normal working hours
- Attendance is completely voluntary on the employee's part
- Training is not directly related to the employee's current job and
- The employee does not do any productive work which benefits the Board during the training.

D. Time spent in courses needed to obtain and maintain initial and continued State or Federal mandated certifications and licenses is considered non-compensable time.

- A.** Employees may have interest in joining various community groups, clubs and associations. However, unless otherwise prior approved by the Superintendent, memberships are entirely voluntary. In general, activities, meetings and other commitments that an employee devotes to an organization of which an employee voluntarily joins may not interfere with the employee's job performance, or conflict in any way with the employee's job or the Board's interests
- B.** Memberships with some clubs and associations can enhance the Board's image in the community and State, and may benefit the employee and Board by encouraging interaction and networking with professional colleagues and persons of similar interests. An employee may request approval from the Superintendent to join a professional club or association as a representative of the Board by submitting a written request to the Superintendent, along with information that includes explanation of the purpose of the organization, and the cost and terms of membership. The employee shall include a written statement with the request that substantiates the relationship and value of the membership to the employee's job responsibilities, and to the interests of the Board.
- C.** The Superintendent shall consider the benefits of membership and may approve or disapprove it at his discretion, in consideration of any or all the following.
- Nature and purpose of the organization.
 - Benefit to the Board.
 - Opportunity for enhancement of the employee's job knowledge, skills, leadership and other factors related to the employee's current or potential jobs with the Board.
 - Cost to the Board and available budget.
 - Extent to which the Board is already represented in the same or similar organization.
 - The employee's job responsibilities, FLSA exemption status length of service, and overall qualifications for membership.
 - The employee's work load, work record and job performance with the Board.
- D.** When approved for membership, the employee is expected to be an active and respected member of the organization; however, activities and time commitments to the organization shall not interfere with job responsibilities with the Board. Employees are expected to always represent the Board in a favorable and professional manner, and to promote the Board's interests.
- E.** The Board will pay membership fees for organizations that the Superintendent requires, or for which the Superintendent prior approves upon request of the employee.
- F.** If membership is required or has been approved by the Superintendent, time spent by an FLSA non-exempt employee participating in meetings or other activities of the organization, outside of the employee's regular work hours, is compensable time at the employee's regular rate of pay [up to 40 hours per week]. Thereafter, such time shall be compensated at the time and one-half rate. Prior to working overtime or outside of the employee's work schedule, however, the employee must seek and obtain prior approval in accordance with provisions specified in the policy titled "Overtime". Time spent by an

FLSA exempt employee is not compensable, over and above the employee's regular salary.

- G.** The Superintendent may periodically review the Board's representation in various clubs and associations, and may cancel or not renew a membership upon reconsideration of the benefit of an organization to the employee's job or to the Board. Likewise, participation in a club or association as a Board representative is a privilege, not a right. Therefore, this privilege may be revoked at any time when, in the judgment of the Superintendent, the employee fails to perform to job responsibilities to expected performance or conduct standards, or when the employee fails to represent the Board appropriately or in the Board's best interests.

SECTION 7

SEPARATION FROM EMPLOYMENT



- A.** An employee who plans to voluntarily resign shall notify the Superintendent, in writing, at least two weeks in advance of the effective date of resignation. The notification shall include a statement indicating the employee's intention to resign, the date the notice was given, the effective date of resignation, the reason for the resignation, and the employee's signature.
- B.** Failure to give proper notification may result in ineligibility for reinstatement. A person who resigned in good standing [i.e., good work record and proper notification] may be reinstated to his former position, at the discretion of the Superintendent, within one year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the interests of the Board.
- C.** Upon receipt of the letter of resignation, the Superintendent shall acknowledge the receipt of the letter in writing. Also, the Superintendent will direct scheduling adjustments, selection processes, payroll changes and other procedures to meet the operational and staffing needs of the department.
- D.** The letter of resignation shall be retained in the employee's personnel file.
- E.** On or about the employee's last day of work, the employee may be requested to participate in an exit interview, where the employee is encouraged to provide to the Business Manager comments regarding the employee's positive and negative perceptions of work and working conditions with the Board.
- F.** An employee who is absent for a period of 3 consecutive scheduled work days, without giving proper notification of absence, shall be considered as having resigned without notice. The effective date of resignation in such case shall be the last day on which the employee worked prior to the unauthorized absence. Notwithstanding, employees are accountable for properly and timely notifying the Board of their absence. Therefore, failure to timely and properly notify the Board of an absence may subject the employee to appropriate disciplinary action, up to and discharge from employment.
- G.** No professional or management employee in a position that requires a license issued by the State Board of Education under sections 3319.22 to 3319.31 ORC, or a certificate issued by the Director of ODDD under section 5126.25 ORC shall terminate the employee's employment contract with the Board without obtaining the written consent of the Board of DD prior to the termination or giving to the Board of DD written notice of the termination at least thirty days before its effective date. Failure to follow this requirement may result in the filing of a complaint by the Board of DD in accordance with section 5126.29 ORC, subsequent investigation, and the possible suspension of the employee's license or certificate.

- A.** An employee, planning to retire from service under an Ohio public retirement system, shall notify their supervisor and the Business Manager, in writing, at least sixty days in advance of the effective date of retirement. Such notification shall include a statement indicating the employee's intention to retire, the date the notice was given, the effective date of retirement, and the employee's signature.
- B.** Upon receipt of the letter of retirement, the Business Manager shall so notify the Superintendent, who shall acknowledge receipt of the letter in writing. The supervisor, Business Manager and Superintendent shall direct scheduling adjustments, selection processes, payroll changes and other procedures to meet the operational and staffing needs of the Board.
- C.** The letter of retirement shall be retained in the employee's personnel file.
- D.** Upon retirement, the employee will be paid for any unused vacation and compensatory time to the employee's credit, as of the date of retirement. In addition, the employee may choose to covert sick leave to pay, in accordance with the Sick Leave Conversion policy.

Classified Employees

- A.** Due to a lack of work, lack of funds, or job abolishment, a layoff may become necessary. In the event that a layoff or job abolishment is necessary, the procedures specified in the ORC Section 124.321 shall be followed for classified employees. The process specified below does not apply to unclassified employees, and in accordance with 5126.21 ORC, the Board of DD has established a layoff procedure which it will follow if it determines a reduction in number of management employees is necessary.
- B.** In the event of a layoff of classified employees, the Board will determine the classification(s) in which a layoff will occur, as well as the number of employees to be laid off within each classification. The systematic procedure outlined in the Ohio Revised Code will be used to determine the order of layoff. With regard to classified employees, that rule takes into account each classified employee's classification assignment, appointment type, and continuous service time.
- C.** Employees to be laid off will be notified by a letter that communicates the date of layoff, reasons therefore, the employee's rights, responsibilities, and other information, including the employee's right to appeal to the State Personnel Board of Review.
- D.** The Board will post the layoff and recall lists on a bulletin board or other public and conspicuous place.
- E.** At the employee's option, a laid off employee may displace ("bump") into another position, if available, by adhering to the following provisions which are outlined ORC 124.321. In general, a laid off classified employee may displace another classified employee, with the fewest retention points, if the employee to be displaced is assigned to:
- the same classification from which the employee was laid off;
 - a lower classification in the classification series from which the employee was laid off;
 - a classification that the laid off employee held immediately prior to the layoff. Notwithstanding, an employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than 3 years prior to the date on which the employee was laid off.
- F.** If an employee displaces, that employee will be assigned to the pay range specified for the position to which the employee displaced, and will be paid a rate of pay in accordance with the Board's compensation program policies.
- G.** The Board may, in planning the layoff, determine which employees are designated for lay off. Prior to the official notification of layoff, the Board may communicate to affected employees that they will be laid off, and require that they provide to the Board, in writing, their election to displace or to not displace another employee.
- H.** A laid off employee may be reinstated at any time within one (1) year after the effective date of layoff, provided a position is available, and he is qualified to perform the duties of that position. However, a laid off employee must keep a current address on file with the Business Manager.
- I.** Employees will not be laid off for disciplinary reasons.

Unclassified Employees [Management and Professional Employees]

- A.** The contracts of unclassified management and professional employees may be non-renewed at the discretion of the Superintendent, or employment may otherwise be terminated in accordance with the terms of the contract between the Board and the employee.
- B.** When the Board determines a reduction in force is necessary, it may lay off unclassified contracted employees in accordance with the following procedure.
- C.** The Board maintains authority, at its sole discretion, to determine the job titles in which a reduction in force shall occur. Within each job title, the order of layoff shall be as follows.
- D.** Within each category of contract, part-time employees shall be laid off prior to full-time employees. Layoffs shall proceed in inverse order of seniority with the Board. For purposes of this section of the policy, seniority means the total number of quarters of employment completed by an employee with the Board. Time with other county boards or other public service does not count toward the accumulation of seniority.
- E.** Laid off employees may not bump other employees and have no reinstatement rights.

SEPARATION TERMS & PAY

◆POLICY 7.04◆

- A.** An employee, who separates from employment with the Board for any reason, is required to turn in all assigned keys, equipment, or any other Board property to the Superintendent on the last day worked, or prior as directed by the Superintendent.
- B.** The Board may deduct the cost of any unreturned property from the employee's remaining paychecks if an employee does not return all of the Board's property for which he was responsible. The Superintendent will determine whether the employee will be responsible for the cost of the property, established at fair market value, and the amount that will be deducted from the employee's pay. Deductions in an employee's pay will not result in a pay rate that is calculated below applicable minimum wage requirements.
- C.** All electronic and hard-copy versions of work products and files are the property of the Board. After an employee resigns, the employee is prohibited from removing any such work product or files from Board property. Likewise, all proprietary property, as well as other materials that were used off of Board property during the course of employment shall be returned. Depending on the facts and circumstances, failure to return county hard copy and/or electronic files may result in disciplinary and/or legal action against the employee.
- D.** Upon resignation or separation from employment for any reason, an employee will be paid any unused vacation [provided the employee has more than one year of service] and compensatory time to the employee's credit, as of the date of separation. Employees who resign or otherwise separated are not eligible for sick leave conversion, except when the employee retires under an Ohio public-retirement system. Separation pay will be provided to the employee within 30 days of separation.

- A.** An employee who voluntarily resigns or retires from employment may be asked to participate in an exit interview. Participation in an exit interview is voluntary on the part of the employee.
- B.** During the exit interview, the employee will be encouraged to provide constructive insights into improving the operations and public service.
- C.** Input provided by the employee during the interview, or a decision not to participate in the exit interview is not a factor in determining eligibility for reinstatement, nor is considered when giving job references to perspective employers.

SECTION 8
EMPLOYEE CONDUCT



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- A.** The Board's success and reputation within Clinton County depends largely upon each employee effectively fulfilling assigned job responsibilities, and consistently exhibiting conduct that is in the interest of the Board and its enrollees. Coworkers depend upon each other and must work as a team to provide a stimulating, safe, and comfortable environment for enrollees, and to perform related service, operational, and administrative responsibilities.
 - B.** Being a responsible employee is essential to effective service and being a good coworker, with regular and predictable attendance is a precursor to effective teamwork, and to job and Board success. Therefore, attendance is considered an essential job function, and employment with the Board carries with it the personal responsibility of each employee to arrive at the job on time, every scheduled workday, and to leave only at the appointed time.
 - C.** When an employee reports to work after his scheduled starting time, or leaves work early without authorization, the employee will be considered tardy. Tardiness on a regular basis is not acceptable.
 - D.** Whenever an FLSA non-exempt employee is tardy, that employee will be subject to a loss of pay corresponding to the amount of time the employee was late, and at the discretion of the Superintendent, appropriate disciplinary action. FLSA exempt employees are not subject to a loss of salary for tardiness, but may be subject to appropriate discipline when the employee is determined to have abused the expected work schedule.
 - E.** The Board maintains and monitors employee attendance records, and expects each employee to be responsible in use of paid and unpaid leaves that are provided by the Board. The Board recognizes that there are occasions when an employee is unable to come to work because of illness, injury, weather emergencies or other occasions specified in this manual. Leaves are provided for these instances. However, abuse of sick leave or other paid or unpaid leaves is strictly prohibited. Employees are to use leave only for reasons that the leave is intended, and are required to report absences from work in accordance with the notification and approval requirements specified in this manual. Use of paid or unpaid leaves for any reason not authorized in this manual is considered abuse of leave - a serious infraction that not only constitutes inappropriate use of payroll and tax dollars, but also adversely affects or impacts upon coworker workloads, and services to enrollees.

- A.** All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other rules and regulations established by the Board of DD and other entities with jurisdiction over the Board.
- B.** Each employee is expected to exhibit the highest possible ethical and moral standards, and to conduct himself, both on and off the job, within the guidelines set forth in this policy. Conduct that brings discredit to the Board, that is illegal or offensive to public or fellow employees is not tolerated.
- C.** The Board shall provide to new employees a copy of ORC Chapter 102 within 15 days of hire, and shall require that employees acknowledge receipt and understanding in writing. Specifically, no employee shall:
1. use his position with the Board for personal gain or engage in any business, interest or transaction that conflicts with the proper discharge of duties
 2. have a financial interest in companies that do business with the Board
 3. accept any valuable gifts, whether in the form of services, loan, item, or promise from any person, firm, or organization that has an interest, directly or indirectly, in any manner whatsoever, in business dealings with the Board
 4. accept any gift, favor, or item of value that may tend to influence the employee in discharge of duties with the Board
 5. use Board property, equipment or supplies for personal use, or on behalf of any entity, person, or purpose, other than for the Board in official discharge of duties
 6. accept gifts from consumers [persons eligible for and/or receiving services from the Board] or families of consumers, when the gift has more than a negligible value
 7. hire a consumer for private work or services
 8. purchase personal possessions of consumers or their families, or sell or attempt to sell the employee's personal possessions to consumers or their families
 9. engage in conduct that in any manner discredits or calls into question the operations, ethical standards or reputation of the Board
 10. engage in any activity that is illegal or offensive to other employees or general public
 11. without proper legal authorization, disclose confidential or proprietary information about the property, business, operations, or affairs of the Board.
 12. use any confidential or proprietary information about the Board to advance the financial or other private interest of himself or others
 13. grant, in the discharge of his duties, any improper favor, service, or item of value
 14. accept from any contractor or supplier, doing business with the Board, any material or service for the private use of the employee
 15. represent any private interest in any action or proceedings against the Board
 16. engage in employment, or accept private employment with, or render services for a private employer, when that employment or service is incompatible with the proper discharge of his independent judgment or action in the performance of his official duties.

- D.** In no event shall an employee date or have any form of intimate relationship with a program enrollee. Should an employee have personal interaction or relationships with consumers [other than immediate family members] outside the workplace, the employee must recognize the potential for an appearance of impropriety. Therefore, discretion and good judgment shall be used as to when such interactions are appropriate. If there is doubt regarding the appropriateness of any such relationship, the employee is expected to so notify and address the situation with the Superintendent.
- E.** The Board recognizes and respects each employee's right to engage in activities outside of the employment relationship, provided those activities do not in any manner conflict with ethical standards, or reflect adversely on the Board. The Superintendent maintains the right, however, to determine when an employee's activities or actions are in conflict with this expectation.
- F.** The Board may employ members of the same family, but no person shall use his authority as an employee of the Board to hire a family member, or to use his influence as a Board employee to cause a family member to be hired. When two members of the same family work for the Board, no member of an immediate family group shall occupy a position in which the employee could directly supervise or otherwise influence a decision in favor of, or against another member of that immediate family group.
- G.** If an employee has any doubt about the applicability of this policy to a particular situation, he should immediately contact the Superintendent, prior to engaging in the activity or situation in question. If the Superintendent is in doubt, the Superintendent may confer with the Clinton County Prosecutor.

Introduction

- A. The purpose of this Code of Ethics is to clearly articulate the Board's principles, values, and standards that guide our decisions, our delivery of services, and our everyday interactions with individuals receiving services, and our stakeholders. Stakeholders include, but may not be limited to, family members, Board employees, other professionals, and funding entities.
- B. It is not the intent of this Code of Ethics to address all situations the organization may encounter. The statements that follow shall provide guidance to staff so that they may conduct themselves in a manner based on accepted values while representing the Board. Additional information is also available in the Board's Regulations and By-Laws, Personnel Policies, and the Program Operation Policies and Procedures.
- C. The Board expects all employees to adhere to the principles described in this Code of Ethics, and are expected to report any practices or actions believed to be fraudulent activity or illegal by following policy 12.02 (Reporting Violations).

Mission Statement

- A. To provide programs, services, and supports for eligible residents of Clinton County, which will assist them to live, learn, work, and play in their community.

Values

A. The Board believes:

1. All people have the right to fully participate in the community of their choice.
2. All people have a contribution to make.
3. All people have the choice to continuously develop their abilities when given the appropriate opportunities and supports.
4. All people have an obligation to act responsibly, consistent with their abilities.
5. All people will be able to freely exercise the freedoms associated with their responsibilities
6. In the critical importance of the relationship between those we support and their families.
7. It is our responsibility to hold the Board and those that represent us to the highest professional standards in all functions of the organization.
8. The people we support and the communities with which they interact have the ability and determination to overcome obstacles to active community participation.

Standards of Conduct

A. Service Delivery/Treatment of Persons Served

The Board shall take reasonable measures to:

1. Protect the health and welfare of those receiving services.
2. Protect the rights of the individuals we serve in accordance with the Bill of Rights as guaranteed by section 5123.62 of the Ohio Revised Code (ORC).
3. Provide support in regard to a person's emotional, physical, and personal well-being.
4. Advocate for inclusion and community participation of those we support.

5. Encourage individuals to take responsibility for their actions and choices.
6. Provide advocacy and complaint resolution information to all individuals receiving services.
7. Document and be accountable for all supports and services provided.
8. Promote self-determination.
9. Assess the effectiveness of services provided at it relates CCBDD's mission and purpose.
10. Respond to service satisfaction feedback for services delivered.

B. Professional Responsibilities

1. Employees shall act and conduct themselves in a way that will merit the continued trust and confidence of individuals receiving services, Board stakeholders, and the public at large.
2. The Board shall follow all applicable laws, rules, and regulations concerning the delivery of services and shall not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, or any other characteristic protected by applicable law.
3. The Board shall only provide services it is qualified and willing to provide.
4. The Board shall provide information to those served in regard to other service options if the individual indicates an interest in changing providers. When this occurs, the individual shall be encouraged to contact their service facilitator. If needed, the Board will provide the individual assistance in making this contact.
5. The Board shall not reveal confidential information obtained as the result of a professional relationship, without the prior written consent from the individual, except as authorized or required by law.
6. In the presence of professional conflict, the Board shall be primarily concerned with the health and welfare of the individual served.
7. Employees shall set appropriate personal and relationship boundaries with persons served, including but not limited to, dating and sexual conduct.
8. As a representative of the Board, employees are expected to place the interest of Board ahead of any personal interest or personal gain, and to disclose to their immediate supervisor, all factors in any situation where a potential conflict of interest may arise.
9. The Board shall make every reasonable effort to protect the personal property of persons served, visitors, and personnel.
10. Board employees shall not engage in the exchange of gifts, money and gratuities with persons served.
11. All staff shall observe safe work practices so as to minimize the risk of workplace injury to individuals receiving services, self and others.
12. Employees shall not witness legal documents for person served.
13. Employees shall not engage in personal fund-raising that is not approved by the Superintendent or designee.
14. Employee shall report any observed failure of services being provided through the appropriate channels and complaint process.

C. Business and Financial

1. The Board will comply with all applicable laws and regulations in all business transactions and in accordance with the spirit and intent of all relevant rules, laws, and regulations.
2. The use of good judgment, based on ethical principles, will serve as our general guide to acceptable business and financial conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor or by following the Table of Organization.
3. Any staff that becomes aware of any conflict or potential conflict of interest regarding the business transactions of the Board shall immediately report this concern to their supervisor.
4. Employees shall take reasonable measures to protect and ensure that proper use of company assets.
5. Employees shall use and maintain the buildings, equipment, materials, and furnishings provided in a responsible manner.

D. Marketing

1. The Board will market its services to potential service recipients, families and to the public at large. The Board shall ensure that the services offered are being accurately and honestly portrayed to the target audience.
2. The Board shall only produce, publish, create, or partake in the creation of marketing materials that are true, genuine, honest, and straightforward advertisements when marketing the supports offered.
3. The Board shall engage in positive marketing practices.
4. The Board shall make reasonable efforts to avoid undue influence on an individual's choices with respect to support services.

E. Human Resources

1. In order to provide equal employment and advancement opportunities to all individuals, employment decisions will be based on merit, qualifications, and abilities. The Board does not discriminate in employment opportunities or practices on the basis of race, color, religion, gender, sexual orientation, national origin, age, disability, veteran's status, genetic information or any other characteristic protected by applicable law.
2. The Board will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
3. The Board is committed to providing a work environment that is free of discrimination and harassment.
4. Employees who have questions or concerns about any employment practices are encourage to bring these issues to the attention of their immediate supervisor or use the table of organization to voice their concern if it is inappropriate to discuss with their immediate supervisor.
5. All personnel reports and complaints will be promptly investigated and there will be no retaliation for making a report or for cooperating with an investigation. The Board will keep complaints and the result if its investigation confidential to the extent practicable.

F. Interactions with Members of the Community:

1. The Board shall be respectful in the interactions it has with the public.
2. Requests for information, complaints, and concerns from the public will be responded to in a timely manner.
3. Input from the community and all stakeholders is encouraged and valued by the organization.
4. Through the promotion of inclusion of individuals with disabilities, the Board will strive to enhance the well-being of the community.
5. Where and when appropriate, the Board will educate the public on issues affecting individuals with disabilities. Educating includes advocacy and lobbying.
6. The Board will serve the public interest by acting as responsible advocates for those we serve and adhering to the highest standards of accuracy and truth.

G. The Governance Authority

1. The general supervision, management, and control of the Board will be the responsibility of the Board of Directors, which shall be elected and serve in accordance with the Board's Regulations and By-Laws.
2. The Board of Directors shall act with due care, good faith, and loyalty in fulfilling their responsibilities to the Board.
3. The Board of Directors shall avoid any conflict or potential conflict between the interests of the Board and their own personal gain, and will disclose all relevant factors in situations where a potential conflict of interest may arise.

H. Contributors

1. All resources and donations will be used for their intended purpose.
2. All donations will be handled with respect and with confidentiality to the extent provided by law.
3. Questions from funders and donors are welcome and all entities will receive prompt, truthful and forthright answers.
4. The Board of Directors and employees will exercise prudent judgment in their stewardship responsibilities.

Notification of independent Providers

- A.** Independent providers of supported living are employees for the purpose of the law that governs the registry of DD employees. The Board shall provide to an employee who is an independent provider an annual notice regarding the conduct for which an employee may be included in the registry of DD employees.

Persons Not Permitted to Serve as Members of the Board

- A.** The following persons may not serve as a member of the Board of DD:
- an elected public official, except for township trustee, township fiscal officer, or individual excluded from the definition of public official or employee in section 102.01 ORC.
 - an immediate family member of a member of the Board of DD
 - current employees of the Board, or any County Board of DD

- an immediate family member of an employee of the Board
 - a former employee of the Board, except however, a former employee may be eligible to serve on the Board upon attainment of a four year period from the date that employment with the Board ceased.
 - an individual with an immediate family member who serves as a county commissioner of the county unless the individual was a member of the county board before October 31, 1980.
- B.** An employee may be eligible to serve on a different County Board of DD within 2 years from the date that employment with the Board ceased.
- C.** Unless there is a conflict of interest, an individual may serve who, or whose immediate family member, is a board member of an agency licensed and certified by ODDD to provide services to individuals with mental retardation or developmental disabilities, or an individual who, or whose immediate family member is an employee of such agency.

Questions or Concerns

- A.** If there are any questions or concerns about compliance with the ethics described in this code, or if any employee is unsure of the “right thing” to do, the employee is strongly encouraged to speak with a supervisor.

Allegations of Ethical Codes Violations

- A.** All employees are expected to report any practices or actions believed to be inappropriate to their supervisor or follow the table of organization if it is inappropriate to discuss with your immediate supervisor. Stakeholders, contractors, or suppliers are expected to report any practices or actions believed to be inappropriate to the appropriate Board personnel. Reports of all ethics violations will be treated as confidential information when possible and can be communicated anonymously if it is absolutely necessary.
- B.** All employees must understand that all allegations of violations of the Code of Ethics shall be taken seriously and that the consequences for ethical misconduct may lead to disciplinary action, up to and including the termination of employment.

Staff Training

- A.** All staff shall receive training on the Code of Ethics during orientation and at least annually thereafter.

- A.** The arrest of an employee or a conviction for violating any federal, state or local law while at work or outside of work, are grounds for disciplinary action, up to and including discharge. The Superintendent will consider the facts and circumstances of the situation, severity of the infraction when determining appropriate disciplinary action.
- B.** In circumstances where the employee is arrested or convicted of a federal state, or local law outside of work, the Superintendent will additionally consider how the offense and circumstances relates to the position held by the employee, and consideration will be given to the effect the arrest or conviction has on the reputation and operation of the Board, or any of its programs.
- C.** Attendance is an essential job function, so an employee who is unable to come into work because the employee is incarcerated may be appropriately disciplined, up to and including discharge for neglect of duty, violation of the Board's attendance policies, absence without approved leave, and other appropriate statutory cause for discipline specified in 124.34 of the ORC.
- D.** If an employee is arrested or convicted, the employee is required to report to the Superintendent this fact as soon as possible but no later than within 24 hours of the arrest or conviction. Should an employee know of a coworker who was arrested or convicted, that employee is expected to so notify the Superintendent, as soon as the fact becomes known.
- E.** The Superintendent may, at his discretion, place an employee on administrative leave without pay for a period not to exceed 2 months if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to, or is not found guilty of the felony with which the employee is charged, the Superintendent shall pay the employee at the employee's base rate of pay, plus interest, for the period that the employee was on unpaid administrative leave.

CONFIDENTIAL INFORMATION

◆POLICY 8.04◆

- A.** Some jobs inherently have responsibility for working with, or being exposed to confidential or sensitive information.
- B.** It is essential to the reputation of the Board, as well as its ability to properly serve the public that the confidentiality of such information be maintained, and that it not be disclosed with other persons outside of the Board, except as otherwise authorized by the Superintendent.
- C.** Likewise, such confidential or sensitive information is to be shared with other employees solely on a "need to know" basis, and only in connection with carrying out official job duties and responsibilities.
- D.** Employees are expected to know what information is confidential or is of a sensitive nature. Should there be any question as to whether information may be disclosed; the employee is expected to ask a supervisor or the Superintendent prior to divulging the information.
- E.** Employees are prohibited from attempting to obtain confidential information for which they have not received authorization.

Policy Expectations

- A.** The Board is aware of the disastrous effect that drug abuse can have upon employees personally, and on their ability to safely and efficiently perform their job duties. As a major public employer, the Board believes that it has a responsibility to assume a leadership position in the Clinton County community's efforts to eliminate drug abuse. Accordingly, the Board is committed to complying with the *Drug-Free Workplace Act* that was adopted to prohibit the manufacture, distribution, dispensation, possession, or use of controlled substances in the workplace. Employee compliance with the Drug Free Workplace Act is considered to be a condition of initial and continuing employment.
- B.** The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance that occurs, either in whole or in part, within the Board's workplace, or that occurs during the employee's workday, is strictly prohibited. This policy also prohibits, within the workplace, the use, possession, and distribution of drug manufacturing or use equipment or paraphernalia, or of literature that embraces or encourages use of illegal drugs.
- C.** In addition to this policy, employees are also subject to the provisions specified in the policies titled "Drugs and Alcohol; "Drug and Alcohol Testing".
- D.** Any conduct that is in violation of any of these drug and alcohol policies will subject the offending employee to appropriate disciplinary action, up to and including discharge from employment. In addition, any conduct that involves the use of illicit drugs could subject the employee to possible criminal prosecution.
- E.** Employees may possess legal prescription drugs and medications within the workplace, provided they follow the conditions and requirements specified in this manual.

Violations

- A.** If an employee is convicted of violating a federal or state criminal drug or alcohol statute, the employee must notify the Superintendent of that conviction within five calendar days immediately following the conviction if the offense occurred within the workplace or on work time, or on the employee's own time outside of the workplace. An employee failing to notify the Superintendent of a workplace related drug conviction will be discharged from employment, and will be forever barred from future employment with the Board. An employee failing to notify the Superintendent of an alcohol related conviction may be discharged from employment, depending on the individual facts and circumstances. The employee may also be held civilly liable for any loss of Federal funds resulting from a failure to report a conviction.
- B.** Whether reported or not, upon receiving knowledge of a workplace drug offense conviction, or upon concluding that the employee has violated the Board's alcohol and drug policies, the offending employee will be subject to discharge from employment, and possible criminal prosecution. Discipline for violating the alcohol and drug policies shall normally be discharge from employment, absent any compelling mitigating circumstances.
- C.** In conjunction with, or in lieu of discipline, the Superintendent, based on facts and circumstances, may offer an offending employee opportunity to participate in a substance abuse rehabilitation program, the successful completion of which shall be a condition of continued employment.

Communication and Understanding

- A.** Upon a conditional offer of employment, and prior to the applicant's first day of work, the Board requires each applicant to undergo and test negative to drug testing as is required in this manual.
- B.** On an employee's first day of work, and prior to performing any work, a conditionally hired employee will be provided with a copy of this and each of the other drug and alcohol policies. As a condition of employment, the conditionally hired employee will be required to review each of these policies, and then sign a "Policy Review and Understanding form" to substantiate that the employee reviewed and understands these and other policies. This signed form is retained in the employee's personnel file.
- C.** All employees, who are employed by the Board on the effective date of this policy, will also be notified of this policy, and will substantiate review and understanding in accordance with the provisions specified in policy 1.05, as a condition of continuing employment.
- D.** In addition, upon hire, and annually throughout the course of employment, employees will be issued a copy of this policy and other drug and alcohol policies, information concerning the dangers of workplace drug abuse, and available information concerning local substance abuse assessment and rehabilitation services

Commitment to a Drug & Alcohol Free Workplace

- A. The Board wants to provide a safe, comfortable and productive working environment. Alcohol, illegal drugs, and even some prescribed drugs, can have a negative effect on work and job safety. Therefore, every employee is expected, as a condition of employment, to follow this policy (and the policy titled Drug Free Workplace).
- B. In accordance with its equal employment opportunity philosophy and policy, employees and job applicants who are former substance abusers, but are currently in recovery, are not discriminated against because of their former use or abuse. Likewise, employees and job applicants who voluntarily are participating in substance abuse assessment and rehabilitation are not discriminated against on that basis.
- C. In general, the Board requires each employee to work to expected performance, conduct and safety standards. Therefore, any failure to meet performance and conduct standards may subject an employee to appropriate disciplinary action, regardless of the reason.

Prohibited Substance Use and Abuse

- A. Employees are prohibited from:
 - reporting to work intoxicated, or under the influence of illegal drugs or alcohol;
 - using alcoholic beverages while on duty: This includes use during an employee's working hours;
 - using alcoholic beverages on the Board's premises: This includes use during both working and non-working hours;
 - using any illicit drug: This includes use during both working and non-working hours;
 - unlawfully manufacturing, distributing, dispensing, or possessing any illicit drug at any time during working and non-working hours, and at any and all locations, whether on or off Board property. Likewise, selling or dispensing any prescribed drug to any other person at any time or place is also prohibited;
 - working under the influence of any legal or prescription drug that impairs the employee's ability to perform his job safely or properly; or which affects the safety of others;
 - abusing prescribed medication contrary to the frequency and/or amount prescribed by a physician lawfully permitted to prescribe the medication.

Policy Violations

- A. If an employee is suspected of violating this policy, the employee will be subject to reasonable suspicion drug and alcohol testing. If the employee tests positive for drugs or alcohol, the employee will not be permitted to return to work for the remainder of the employee's scheduled work day.
- B. After testing positive, the employee will be placed on paid administrative leave, and will be driven home by an employee delegated that responsibility by the Superintendent, or alternatively, a family member may be called to drive the employee home to ensure the safety of the employee and the driving public.

- C. An employee who has tested positive for drug or alcohol will be instructed to return to work at a time and location specified by the Superintendent, normally the next scheduled work day. The Superintendent will meet with the employee, and will impose appropriate disciplinary action, up to and including termination for violation of this policy.
- D. In addition, when discipline constitutes less than a discharge from employment, the employee may be referred to voluntarily participate in substance abuse assessment and rehabilitation. Time off for rehabilitation will be offered on a case-by-case basis in consideration of the facts and circumstances determined to be relevant by the Superintendent. The option of referral for assessment and treatment is not required, nor does it create a precedent in subsequent cases. [The option for assessment and treatment is not available for conditionally hired employees who have failed the conditional hire drug test].

Voluntary Assessment or Rehabilitation

- A. Even if an employee does not use alcohol or illicit drugs while on the job, or come into work under the influence, an alcoholism or drug abuse problem can interfere with job performance, present threats to the safety of others or property, or can otherwise erode public trust.
- B. Because alcoholism and drug addiction are treatable diseases, the Board encourages any employee who believes that he has a substance abuse problem to voluntarily seek professional treatment before it impacts job performance, safety or other aspects of the employee's personal or work life.
- C. An employee, who is not in current violation of this policy, may confer with the Superintendent that he is voluntarily seeking assessment and treatment, and needs time off for this purpose. Voluntary requests for assistance, made in good faith, will not subject the employee to disciplinary action, however the employee will be expected to seek and respond successfully to assessment and treatment.
- D. Time off for paid or unpaid leave may be approved for rehabilitation purposes. The duration of the approved leave shall be considered on a case-by-case basis in consideration of the time recommended by the rehabilitation counselor, leave timeframes established by this manual, and other relevant facts and circumstances.
- E. This policy is not intended to restrict an employee's right to engage in moderate and responsible off-duty [and off-Board premises] drinking of alcoholic beverages. However, an employee who is on call has an obligation and responsibility to comply with this policy, even while off-duty, by refraining from alcohol when the employee is on call, and expected to be ready for call to duty.

Returning to Work Following Assessment or Rehabilitation

- A. An employee's return-to-work following assessment and rehabilitation is conditional upon the employee being certified by the assessment or rehabilitation counselor as ready to return to work and testing negative as specified in the Return-to-Work Drug Testing policy.
- B. Upon returning to work, the employee will remain subject to periodic subsequent drug and alcohol testing. The frequency of testing and period of time that the returned employee remains subject to return to work testing will be determined by the Superintendent on a case-by-case basis.

Prescriptions and Over-the-Counter Medications

- A.** Workplace production and safety can also be adversely affected by the side effects of properly used and legally prescribed drugs. Therefore, an employee is prohibited from working while under the influence of an over-the-counter or prescription drug which impairs the employee's ability to perform his job properly; or which affects the safety of others.
- B.** An employee is responsible for conferring with his medical practitioner, upon being prescribed medication, or when the employee takes over-the-counter medication to assess and determine if the medication could affect job performance or safety.
- C.** When taking a prescribed or over-the-counter drug that could adversely affect job performance or safety, the employee is required to submit to the Superintendent or Department Head a written statement from the employee's medical practitioner that substantiates that the medication does not affect the employee's ability to perform the job effectively and safely, or it may list any job restrictions. The statement is to be submitted before the employee performs any work on behalf of the Board.
- D.** The Superintendent will consider job restrictions, and may provide a reasonable accommodation that enables the employee to perform the job to standards, in so far as the accommodation is reasonable and does not create a hardship on the Board.
- E.** An employee, who is taking medication, is held to the same job performance, conduct and safety standards as all other employees, even if the employee has been cleared by a physician to be able to safely and effectively perform job duties and responsibilities. Should an employee fail to meet job standards for any reason, the employee is subject to appropriate discipline, up to and including discharge.
- F.** When medication is known or reasonably suspected to affect job performance or safety, the Superintendent may determine it to be appropriate to:
 - require the employee to take available paid and/or unpaid leave. Unpaid leave may be appropriate when the medical condition for which the medication is prescribed is foreseeably temporary in nature as substantiated by the doctor's statement. When leave is provided as an appropriate reasonable accommodation, the employee shall be required to take all available paid leave prior to being considered for other unpaid leave. If the medical condition is a FMLA qualifying event, paid and unpaid leave will run concurrently with FMLA. Granting of unpaid leave is made only with the approval of the Superintendent in consideration of individual facts, circumstances and applicable FMLA and other requirements.
 - approve a reasonable accommodation so the employee is capable to continue to work safely and meet job performance standards, provided the condition can be reasonably accommodated without creating an undue hardship on the Board.
 - place the employee on a disability separation from employment when the negative effects of a medical condition or use of medication cannot be reasonably accommodated, or when the duration of the condition and use of medication is permanent or indefinite in duration.

Prescribed Medical Marijuana

- A. The Board has a zero tolerance for illicit drug use in the workplace, including the recreational use of marijuana, as well as the use of prescribed medical marijuana when such use impairs the employee's ability to effectively and safely perform job responsibilities, or when medical marijuana is abused in a manner contrary to the prescription, or to applicable law. Accordingly, an employee who is prescribed medical marijuana under Ohio law is not exempted from this policy.
- B. If an employee has been lawfully prescribed medical marijuana by a certified physician for treatment or relief of symptoms of a permissible medical condition, the employee is required to follow, and is subject to the provisions specified in this policy.
- C. The abuse, selling, distribution or other misuse of any prescribed medication, including medical marijuana is prohibited and constitutes a violation of this policy.

Policy Violations and Workers' Compensation & Unemployment Compensation

- A. Should an employee be discharged from employment because the employee has violated the provisions of this policy, the employee will be considered to have been discharged for just cause which may be deemed to disqualify the former employee for eligibility for unemployment compensation.
- B. Likewise, an employee who is in a workplace accident and is in violation of this policy may be deemed to be disqualified from eligibility for compensation and benefits under Ohio's Workers' Compensation program.

Drug and Alcohol Testing

- A.** A drug test shall be required, following a conditional offer of employment, but prior to the starting date of employment. Thereafter, during the course of employment, drug and alcohol tests will be conducted as specified in the Clinton County Drug Testing policy and procedure. Employees shall be prior notified of the County's testing policy and procedures, and shall be required to give their written authorization for conducting drug and alcohol testing as a condition of initial and continued employment. Effective as of the adoption and distribution of this policy, each employee, as a condition of continued employment, will be required to: review and sign each of the drug and alcohol policies, and acknowledge understanding and agreement to abide with their terms, and review and sign the drug and alcohol testing consent and authorization form.
- B.** Testing shall be conducted as a condition for initial employment with the Board. An employee who refuses to sign the consent and release form, fails a test and as applicable a retest, or who fails to submit to a drug test will be considered to be disqualified for the position, and the offer of employment will be rescinded. Following employment, an employee may be required to submit to a drug or alcohol test upon reasonable suspicion. An employee's return-to-duty following substance abuse assessment and/or treatment will be conditioned upon receipt of certification from a qualified substance abuse professional that verifies that the employee is now in active recovery, and is now ready to return to perform job duties and responsibilities in accordance with the Board's performance and policy standards. In addition, before an employee may return-to-duty after being on leave for substance abuse rehabilitation, or when placed on unpaid suspension for any duration for violation of the Board's alcohol and drug policies, the employee will be required to undergo testing for alcohol and drugs as a condition for return-to-duty. The employee will not be permitted to return unless the alcohol test results are in a concentration less than the cutoff established by the testing laboratory, and drug test results are negative. Other employees of the Board, who work in safety sensitive positions, may also be subject to random drug testing. Such employees will be prior informed, and will be randomly selected to submit to a drug and alcohol test, using a scientifically valid method in which each employee will have an equal chance of being tested each time selections are made.
- C.** When an employee is selected for testing, he shall cease performing any and all job responsibilities, and proceed to the test site immediately.
- D.** Drug and alcohol test results and related medical records are considered confidential, and will be maintained in a file separate from the employee's personnel file. They may be accessed and reviewed only by the Superintendent and Business Manager and shared with others only on a business need-to-know basis. Test results will also be made available to the subject of the test, and to the employee's physician, counselor, or other persons so authorized, in writing, by the subject of the test. The Board will also release such records as directed by a court of competent jurisdiction.

Accident While Transporting Clients

- A.** An employee will be tested for alcohol and drugs if an accident occurs while transporting one or more clients, that involves the loss of human life, or if the driver is cited under state or local law for a moving traffic violation arising from an accident that involves:
 - a.** bodily injury to any person, who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - b.** one or more motor vehicles incurred disabling damage as a result of the accident requiring the other vehicle to be transported away from the scene by a tow truck or other motor vehicle.
- B.** An employee who is subject to post-accident testing shall be tested within thirty-two hours from the time of the accident for controlled substances, and within eight hours from the time of the accident for blood alcohol level. The testing entity shall be selected by the Board. No other tests conducted by any other entity shall be recognized.
- C.** An employee is required to follow the Board's drug and alcohol use policy while driving or performing any other job duties for the Board. Therefore, this post-accident testing policy shall not be construed to restrict the right of the Board to subject an employee to reasonable suspicion drug and alcohol testing in accordance with the terms and conditions specified in this drug and alcohol testing policy.

Prohibition Against All Forms of Harassment

- A. Harassment in the workplace by anyone is absolutely and strictly forbidden. The Board does not tolerate, and deals promptly and firmly with any type of harassment that occurs in the workplace.
- B. This policy sets forth the Board's position on harassment in the workplace, reporting and investigation procedures and protections, and the consequences of harassment.

Sexual Harassment

- A. It is against policy and illegal for any employee, male or female, to sexually harass another employee or applicant by making unwelcome sexual flirtations, advances, or propositions or by creating an intimidating, hostile, or offensive working environment through verbal abuse or physical conduct of a sexual nature.
- B. Furthermore, no one shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will affect, or have an adverse or positive impact upon that employee's job, evaluation, compensation, advancement, assigned duties, shifts, or any other condition of employment or career development.

Understanding Sexual Harassment

- A. The Board expects that all employees and management have a common understanding of what constitutes sexual harassment, so that this policy may be followed, administered and enforced as intended by the Board.
- B. To encourage and promote understanding, the Board will provide initial and follow-up training to employees on an annual basis, so to regularly communicate the Board's position on the issue, promote understanding of what constitutes harassment, and to encourage staff to report incidences of harassment, without fear of reprisal.
- C. All employees and supervisors are required to participate in the annual training, and to review and understand the provisions of this policy, including the general definition of sexual harassment as specified below.

What Is Sexual Harassment?

- A. Sexual harassment can involve co-workers, supervisors, managers, Board of DD members, officials or even the general public. A harasser can be male or female, and can include harassment of persons between opposite sexes or the same sex.
- B. In general, there are two broad types of harassment that the Board expects all employees to understand.

Quid Pro Quo: Harassment of this nature occurs when decisions regarding employment are promised, threatened or given, based upon whether or not an employee submits to sexually-oriented conduct. It occurs when an employee's acceptance or rejection of sexual conduct, or submission to sexual conduct is made, either explicitly or implicitly, as term or condition of that employee's employment. Examples include sexual favors in exchange for better working conditions, or threat of a discharge or other adverse employment action for failing to provide or submit to sexual favors.

Hostile Work Environment: Sexual harassment also occurs when sexually-oriented conduct is unwelcome and creates an offensive, hostile and unpleasant working environment that interferes with an individual's work performance. Situations that cause a hostile work environment can be categorized as verbal harassment, non-verbal harassment, or physical harassment. Examples of each follow.

Verbal Harassment

- repeated sexual innuendos, obscene or off-color jokes, slurs, lewd remarks, and language, and other offensive sexual comments.
- Sexual propositions, insults and threats.
- Sexually-oriented demeaning names.
- Persistent unwanted sexual or romantic overtures.
- Leering, whistling, or other sexually suggestive sounds or gestures.

Non-Verbal Harassment

- Content in letters, notes, faxes, and e-mail that is sexual in nature or sexually abusive.
- Displaying pornographic or sexually suggestive pictures, calendars, cartoons, or other sexual material in the workplace.
- Graffiti that is of a sexual nature or sexually abusive.
- Subtle or overt pressure for sexual favors.

Physical Harassment

- Coerced or unwelcome touching, patting, brushing up against, pinching, stroking, massaging, squeezing, fondling and tickling.
- Unwelcome or coerced kissing
- Coerced sexual intercourse.

These examples are for illustrative purposes only, and are not all-inclusive. All forms of sexual harassment are prohibited, whether listed or not.

Assurance of No Retaliation

- A.** Employees are encouraged to report, in good faith, incidences of sexual, racial or other forms of harassment. An employee is assured of no retaliation for filing a complaint made in good faith.
- B.** An employee, supervisor or other person who retaliates against another employee for filing a harassment complaint, serving as a witness, or cooperating during an investigation shall be subject to disciplinary action.
- C.** The charge of workplace harassment is a very serious one, and therefore, any allegation of harassment made by an employee must always be made in good faith, and in consideration of that employee's honest assessment of the situation and facts. False accusations against innocent persons without basis in fact are as serious as the act of harassment itself, is strictly prohibited, and will subject the employee to disciplinary action.

Reporting Sexual Harassment

- A.** Employees are required to report instances of sexual harassment in accordance with the following provisions. If an employee believes that he has been sexually harassed, he is required to report the alleged incident, within three (3) work days after it occurs, to any of the following persons.
 - any supervisor
 - Superintendent
 - The Board President
- B.** Complaints against the Superintendent should be reported to the Board President or County Prosecutor. Complaints against the Board President or any Board of DD member shall be reported to the County Prosecutor.
- C.** If a supervisor receives a complaint, the supervisor shall immediately so notify the Superintendent, or if the Superintendent is named in the complaint, the supervisor shall so notify the Board of DD President and County Prosecutor.
- D.** If an employee witness harassment of another employee or person, the witnessing employee is required to report the incident to one of the persons specified above.

Investigations

- A.** Upon receipt of a complaint, the Superintendent will conduct an investigation. If the Superintendent is the subject of the complaint, the Board of DD President will conduct the investigation. If a Board of DD member is the subject of the complaint, the Prosecutor will conduct the investigation. At the option of the person charged with conducting the investigation, the investigation may be delegated to an objective outside party.
- B.** All reported incidents of harassment shall be investigated immediately and as confidentially and objectively as possible. The type, nature and course of the investigation will be dependent upon the facts and circumstances of the allegation. The Board recognizes that determining whether a particular action or incident is a purely personal social relationship without discriminatory effect requires an investigation and consideration of all facts of the matter.
- C.** During the course of the investigation, the employee, against whom the charge is made, may be placed on administrative leave with pay. Such leave may continue throughout the investigation, and up to its completion and resulting decision.
- D.** The employee making the charge of harassment is expected to cooperate during the investigation, as well as any witnesses and other employees who are called upon to provide witness or testimony during the investigation. Employees are prohibited from hindering a harassment investigation in any manner.
- E.** If, after investigation, it is established that the employee has been harassed, the employee, who committed the harassment, will be subject to appropriate disciplinary action, up to and including discharge for the first offense. A non-probationary classified employee shall be given a predisciplinary conference, prior to the making of the decision to discipline to provide due process and enable the employee to respond to the charges.

Racial, Religious, Gender & Other Forms of Harassment

- A.** No employee shall harass another employee, member of the general public or other person, through conduct, words or action, based on that person's race, creed, color, age, religion, gender, national origin, handicap, disability, sexual orientation or other personal characteristic of the individual. Additionally, no employee shall harass another employee through conduct, words or action based on the employee's genetic information.
- B.** Verbal or non-verbal remarks or conduct that is offensive or objectionable to the recipient, or which interferes with the recipient's work performance is strictly prohibited. Included are innuendoes, slurs, threats, demeaning or disparaging remarks, names and language, or harassment that includes any type of physical threats or actions against an employee or other individual based upon that person's race, creed, color, age, religion, gender, national origin, handicap, disability, sexual orientation or personal characteristic of the individual or against an employee based on genetic information.
- C.** Harassment is also strictly prohibited as content in letters, notes, faxes, and e-mail, or in the display of pictures, calendars, graffiti, cartoons, or other materials.
- D.** If an employee believes that he has been harassed because of that person's race, creed, color, age, religion, gender, national origin, handicap, disability, genetic information, sexual orientation, or other personal characteristic, the employee is required to report the alleged incident, within three (3) work days after it occurs, in accordance with the procedures specified for reporting incidences of sexual harassment.

Scope of Harassment

- A.** The Board's policy and position on harassment of any type extends to not only day-to-day interactions at work, but also extends to Board-sponsored social events, and off-site activities.

Third Party Harassment

- A.** Sexual, racial and other forms of harassment can also involve a third party. Therefore, the Board strives to provide to its employees a work environment - free from unlawful discrimination and hostility - as it pertains to the working relationships between employees and persons who do business with the Board such as vendors, contractors, consultants, consumer family members, and others.
- B.** If an employee experiences unlawful discrimination or an unlawful hostile work environment in dealing with such non-employees doing business with the Board, the employee is required to so notify the Superintendent. If the employee reports the harassment to a supervisor or any person other than the Superintendent, that person shall so notify the Superintendent who shall be responsible for promptly investigating and appropriately resolving the problem. Appropriate resolution may include informing the violator of the problem, and ordering the violator to cease and desist the unlawful behavior. Repeated unlawful discrimination or harassment, or the continuation of creating an unlawful hostile work environment may result in the Board ceasing to do business with such person or firm.

- A.** All classified employees are legally restricted from engaging in some forms of political activity, however, all are encouraged to exercise their constitutional right to vote.
- B.** All classified employees, including those on authorized unpaid leave from their positions, are legally permitted to engage in:
 - 1. registration and voting
 - 2. expressing opinions, either orally or in writing
 - 3. making voluntary financial contributions to political candidates or organizations
 - 4. circulating nonpartisan petitions or petitions stating views on legislation
 - 5. attending political rallies
 - 6. signing nominating petitions in support of individuals
 - 7. displaying political materials in their homes or on their property
 - 8. wearing political badges or buttons and displaying political stickers on their private vehicles [but not while on duty]
 - 9. serving as a precinct election official under section 3501.22 of the ORC
 - 10. engaging in other activities permitted by law.
- C.** Classified employees, including those on authorized unpaid leave, are legally prohibited from:
 - 1. candidacy for public office in a partisan election
 - 2. candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party
 - 3. filing of petitions meeting statutory requirements for partisan candidacy to elective office
 - 4. circulating official nominating petitions for any candidate participating in a partisan election
 - 5. service in an elected or appointed office in any partisan political organization
 - 6. accepting a party-sponsored appointment to any office normally filled by partisan election
 - 7. campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success
 - 8. solicitation, either directly or in-directly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate
 - 9. soliciting the sale of, or actually selling, political party tickets
 - 10. partisan activities at election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues
 - 11. participation in political caucuses of a partisan nature
 - 12. participation in a political action committee which supports partisan activity
 - 13. engaging in other activities prohibited by law.

- D. Unclassified employees are not prohibited from participating in any lawful political activity.
- E. Board funds are not to be used for any political partisan activity.
- F. Activities prohibited by all employees, including both classified and unclassified employees include the following.
 - 1. Soliciting contributions from any person while the soliciting person is performing Board duties and responsibilities.
 - 2. Soliciting contributions within the Board facilities, or any other County facility or property.
 - 3. Soliciting a contribution from a public employee while that employee is performing duties on behalf of a public employer.
 - 4. Soliciting a contribution from a public employee while that employee is in areas of a public building where public business is being transacted.
 - 5. Coercing, intimidating, or causing harm to another person or threatening to do so, because that person makes, or does not make a contribution to a candidate, campaign committee, political party, legislative campaign fund or political action committee.
 - 6. Knowingly soliciting a contribution at the direction of, or with authorization of a county elected officer, or his campaign committee from a county employee:
 - 7. whose appointing authority is a county elected officer
 - 8. whose appointing authority is authorized or required by law to be appointed by the County elected officer
 - 9. who functions in, or is employed in or by the same public agency, department, division, or office as the County elected officer.
 - 10. Knowingly soliciting a contribution at the direction of, or with authorization of a candidate for a county elected office or his campaign committee from a county employee:
 - 11. whose appointing authority will be the candidate if elected
 - 12. whose appointing authority will be appointed by the candidate if elected
 - 13. who will function in, or be employed by the same public agency, department, division, or office of the candidate, if elected.

- A.** The Board provides a bulletin board as a means to communicate Board business and information among employees. Bulletin board materials are the property of the Board, and bulletin boards are to be used for official Board business only.
- B.** Material may be posted and removed by the designated facility management representative of the department where the bulletin board is located. However, all notices which are proposed to be posted must be prior approved by the Business Manager.
- C.** The Board maintains authority to determine how long materials may be posted. Outdated material or material that has been posted longer than is permitted shall be removed.
- D.** In general, materials posted on bulletin boards may not:
 - 1. contain a personal attack upon an employee, public official, or other person
 - 2. be scandalous or derogatory toward upon any employee, public official, governmental unit or agency, or any other person
 - 3. attack, or make unfavorable comments regarding a candidate for public office
 - 4. be morally offensive
 - 5. adversely reflect upon the integrity or reputation of the Board, County officials, any member of management, employee, or other person
 - 6. include advertisements or solicitation for sale of products or services by any employee, person, vendor, firm or company.
 - 7. conflict with any policy specified in this manual.
- E.** Federal and State employment notices and other legally required notices shall be posted in an area that is visible to all employees.

Secondary Employment

- A.** An employee's full-time position with Board is considered that employee's primary job, and it shall take precedence over all other employment. Although part-time employment with the Board may not be considered the employee's primary employment, the policy guidelines specified herein shall also apply to Board employees who are other than full-time.
- B.** An employee may accept a secondary job, or engage in the employee's own business, as long as such activities comply with the terms and conditions of this policy.
- C.** Employees are prohibited from accepting employment or engaging in any business that impairs effective and timely performance of job duties and responsibilities with the Board. Likewise, secondary employment may not interfere with the employee's work schedule with the Board, present a conflict of interest, violate the *Ethics* policy, or be contrary to any other policy specified in this Manual.
- D.** If an employee obtains a secondary job or starts the employee's own business, the employee must notify the Superintendent, in writing, of where the employee will be working, and what the job will entail.
- E.** Outside employment becomes a concern to the Board when:
- the secondary job presents any form of conflict of interest or ethics with employment with the Board,
 - the secondary job conflicts with the hours that the employee is scheduled or expected to work with the Board,
 - demands of the secondary job adversely affects the quality or quantity of work and services with the Board,
 - the secondary job is in violation of any policy specified in this manual, or for any other appropriate and lawful reason as determined by the Superintendent.
- F.** In the event that the Superintendent determines that the secondary job presents a conflict with the employee's primary job with the Board, the Superintendent shall so advise the employee. The employee may choose to accept or continue employment with the secondary employer, or may elect to continue employment with the Board. Should the employee decide to accept or continue employment with the secondary job, the employee will be considered to have resigned from the Board. Should the employee refuse to resign, the employee may be discharged from employment on the basis of the conflict identified by the Superintendent.
- G.** The Board specifically prohibits the practice of employees accepting secondary employment as an agency respite provider. However, this policy does not prohibit employees from working for contract agencies that perform contracted services on behalf of the Board, provided that the employee follows the notification and other policy guidelines specified in this policy, and that such employment does not create any conflict of interest or ethics, or other form of employment conflict as described herein.
- H.** The Board's computer equipment, Internet service, e-mail, printers, fax machine, copiers, all equipment, and all materials and supplies are for Board business use only and may not be used for the conduct of the secondary job, or in any manner on behalf

of the secondary employer. Likewise, the secondary job may not be performed during the employee's paid work time with the Board.

Educational Pursuits

- A.** An employee may take classes or pursue a degree during off work time in so far as such activity does not interfere with the effective and timely performance of job duties and responsibilities with the Board.
- B.** Depending upon the circumstances, upon the employee's request, the Board may be able to adapt the employee's work schedule to accommodate school classes. However, in all cases, primary consideration will be given to the needs of the Board, including ability of the employee to effectively perform job duties, provision of effective service to consumers, and otherwise effective and timely fulfillment of job duties and responsibilities.
- C.** The Board's computer equipment, Internet service, e-mail, printers, fax machine, copiers, all equipment, and all materials and supplies are for Board business use only and may not be used for an employee's school work. Likewise, schoolwork shall not be performed during the employee's paid work time with the Board.

Prohibited Employment

- A. Except as provided in section C of ORC 5126.033, none of the following individuals may be employed by the Board.
1. An employee of an agency contracting with the Board;
 2. An immediate family member of an employee of an agency contracting with the Board except in the event that the Board adopts a resolution that authorizes the immediate family member's employment with the Board or if employment is consistent with a policy which may be adopted by the Board which establishes parameters for such employment and the policy is consistent with Chapter 102. and ORC sections 2921.42, 2921.421 , and 2921.43;
 3. An individual with an immediate family member who serves as a Clinton County Commissioner;
 4. An individual, who is employed by, has an ownership interest in, performs or provides administrative duties for, or is a member of the governing board of an entity that provides specialized services, regardless of whether the entity contracts with the Board to provide specialized services. As used herein, "specialized services" has the same meaning as in section 5123.081 of the Revised Code.

Member of the Governing Board of a Political Subdivision

- A. Notwithstanding any provision of the Revised Code to the contrary, including applicable provisions of sections 102.03 , 102.04 , 2921.42 , and 2921.43 of the Revised Code, an employee of a Board may also be a member of the governing board of a political subdivision, including the board of education of a school district, or an agency that does not provide specialized services.
- B. The Board may contract with such a governing board even though the governing board includes an individual who is an employee of the Board. That member of the governing board may not vote on any matter before the governing board concerning a contract with the Board or participate in any discussion or debate regarding such a contract.

- A.** The Board conducts its operations, business, and services for the citizens of Clinton County, and its ability to maintain cordial and positive relations with the news media is essential to earning the public's support, and for promoting the Board's reputation as an effective and responsive community resource.
- B.** Unless otherwise specified, the Superintendent is the official spokesperson of the Board. Consequently, no other employee is to discuss Board issues with any representative of the news media, unless and until the Superintendent has specifically given such employee permission to do so. If such permission is granted, the employee must keep in mind that every remark, comment, and conjecture offered will most likely be considered as *"on the record."*
- C.** The Superintendent, at his option, may choose to grant a "blanket approval" for designated employees to speak to the news media on behalf of the Board, rather than granting approval on an "each case" basis. The Superintendent may limit the type and extent of the information to be provided to the press.
- D.** From time to time, employees will be asked questions about the status of Board issues or other matters by family members or other members of the general public who do not have a vested interest, other than mere curiosity. Employees are required to answer such questions in general terms, and without disclosing any confidential or sensitive information. Questions regarding the Board or any of its personnel must be answered generally and in a positive and supportive manner.
- E.** Questions regarding the status of issues or situations by persons having a vested interest shall be referred to the Superintendent or to the appropriate supervisor.
- F.** Nothing in this policy is intended to restrict any employee's rights of free speech and association. However, although employees are free to associate with individuals and organizations of their choice outside the working environment, their outside relationships and activities may not adversely affect the Board's reputation, or present any conflict with its interests and purpose.
- G.** Employees are cautioned that use of Internet blogs, letters to the editor, personal web pages, use of public social networking sites, interviews with reporters, and other communications to the public through any form of media as a private citizen, must be kept separate and distinct from communications as a representative of the Board. Any such contact and communications through the public media must be tempered by the expectation that the employee's actions in private life may not impact negatively upon the reputation of the Board, coworkers, Board management, consumers, enrollees, or any other aspect of the employee's job. When expressing opinions in a public forum, each employee will be held accountable for ensuring that the communications expressed do not reflect negatively on the Board or any of its agents, and that any opinions expressed could not, in any way, be construed as representative of the opinions of the Board.
- H.** Any public communication which might be construed to be representing the Board must be prior approved by the Superintendent.

- A.** The Board reserves the right to prescribe reasonable and appropriate dress and grooming for all employees, and to set standards which are in the Board's best interest. In general, each employee's clothing shall comply with the following standards. Clothing shall be:
1. neat, clean and in good repair without holes, tears, or stains
 2. appropriate, in good taste and present a favorable public image
 3. conducive to the safe and effective performance of required job duties, and appropriate to the employee's job.
- B.** Each employee, regardless of the employee's job, shall come into work clean, using generally accepted personal hygiene standards. Hair shall be combed, clean and neatly trimmed. Shaggy unkempt hair is not permitted, and beards and mustaches must be neatly and conservatively trimmed.
- C.** Employees who work in the office, or whose work requires professional contact with the general public must dress in a manner that is normally acceptable in a professional business office environment. Employees working in various departments of the Board may have different standard of appropriate dress, depending on the jobs, services provided, and safety. No dress standard however may conflict with the general standards set forth in this policy.

Exceptions

- A.** Occasionally, exceptions to this apparel policy may be approved in consideration of an employee's work assignment, designated casual day, or special workday. Prior to dressing contrary to this policy however, the employee must receive prior approval from the employee supervisor.
- B.** The Board will make reasonable efforts to accommodate persons when this policy conflicts with an employee's observance of bona-fide religious practices, in so far as such accommodation does not create an undue hardship on the Board, or impact upon the safety of the employee, coworkers, enrollees, or general public.

Tattoos and Body Piercing

- A.** The Board recognizes the personal right of an employee to wear body-piercing jewelry and to exhibit tattoos during the employee's non-working hours. However, during an employee's working hours, the Board reserves the right to prescribe reasonable and appropriate standards as they pertain to employee's body piercing, jewelry and tattoos.
- B.** During working time, an employee may wear conservative pierced or clip-on earrings on one or both ears. Employees are prohibited, however, from wearing any body piercing jewelry on any visible body part, other than the ears, during the employee's work time. During work, an employee may wear jewelry on pierced body parts as long as the jewelry is completely covered by the employee's clothing.
- C.** During work time, all tattoos must be covered by clothing or makeup. Employees may display tattoos on their own time, in so far as the tattoo does not expound any form of sexual, racial or other forms of harassment against any person or group, or displays any image or words that are contrary to Board ethics or other policies. Tattoos that are

contrary to the Board's philosophies and policy can impact the Board's reputation and trust among its consumers, and the Clinton County community served.

Violations

- A.** If an employee reports for work dressed (or whose hygiene is) in violation of this policy, the employee will be counseled, and may, at the option of the supervisor, be required to return home to change or otherwise comply with this policy. Such time shall not be compensable for employees who are non-exempt from the FLSA.
- B.** Repeated or willfully flagrant violations of this policy shall result in disciplinary action, up to and including discharge.

Religious Belief Exceptions

- A.** The Board makes reasonable efforts to accommodate persons when this policy conflicts with an employee's observance of bona-fide religious practices. When an exception to this dress code is requested as a religious accommodation, the employee may be required to provide documentation that substantiates the religious belief, and the employee's affiliation or membership with the religion.
- B.** Dress accommodations are made in so far as they do not create an undue hardship on the Board, or a safety hazard to the employee, coworkers, consumers or other persons.

Non-Employee Solicitations

- A. The Board strives to maintain a productive and secured working environment. Therefore, the Board prohibits solicitation and distribution by non-employees in its work and non-working areas. This does not apply to vendors who are engaged in, or desiring to engage in supplying goods, materials, or services the Board, which goods, materials or services are utilized in the conduct of public business.
- B. The Board has posted “no solicitation” signs in entrances to its buildings, and this policy shall be consistently enforced. Violations of this policy should be reported to the Superintendent immediately. Violators will be subject to removal from Board premises or legal action.

Employee Solicitation And Distribution

- A. Employees are prohibited from soliciting or distributing goods, materials or written materials for any purpose or cause during working time in working areas.
- B. Employees may solicit and/or distribute during non-working time in non-working areas provided they do not disturb or interfere with the work of other employees.

Employee No Access Rule

- A. Employees are not permitted to enter a Board facility on a non-scheduled workday, including the employee’s scheduled day off, vacation day, or other time that the employee is not working, for the purpose of solicitation or distribution.

In General

- A. The Superintendent shall designate which areas are working and non-working areas, for purposes of this policy. For purposes of this policy, the following definitions will apply.
 - **Solicitation** means an act of requesting an individual to purchase goods, materials or services, or a plea for financial contributions. Solicitation for United Way contributions is an exception.
 - **Non-working area** means any area in which work is not performed, such as a restroom or break area.
 - **Working area** shall cover all areas on the Board’s premises that are not specified as a non-working area, including any office, building or physical location where official Board business is transacted, or operations or services of the Board is being conducted. This includes any public or private area where employees are engaged in work activities.
 - **Non-working time** includes any non-working lunch period and authorized break times while work time is all other time that the department is open, excluding any time specified as non-working.
- B. The Board maintains various communication systems to communicate Board information to employees including bulletin boards, mail, electronic mail, express mail courier services, fax machines, computer networks, on-line services, computer files, landline telephones and cellphones. These communication devices and systems are for business use only and may not be used for solicitation or distribution of non-business information.

- A. The Board recognizes that employees may need or want to bring personal items into work. However, employees are prohibited from bringing to work any personal property that is sexually suggestive, offensive or demeaning to specific individuals or groups, disruptive, a safety risk, or inappropriate or contrary to any policy specified in this manual.
- B. Employees are expected to exercise reasonable care to safeguard personal items brought to work. The Board is not responsible for the loss, damage or theft of personal belongings; so employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work. In addition, valuables such as expensive jewelry or other costly or personally sentimental articles should not be left unattended, or in plain view.
- C. Employees may use the parking lot to park their cars while working, but utilizing the parking lot is at the employee's own risk. Employees are encouraged to lock their cars at all times on the lot, or when parking in other locations while on Board business. The Board assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot or while on Board business.
- D. The Board owns all furnishings and equipment on Board property, and therefore reserves the right, at any time, and without notice to inspect the contents of file cabinets, desks, workstations and other Board property. Accordingly, employees should expect no right of privacy as it pertains to personal items stored in or on Board furnishings and equipment, or anywhere else on Board property. The Board maintains authority to remove any personal items that violate Board rules and policies, and maintains the right to retain such items as long as it is necessary to substantiate misconduct, and document disciplinary action and related challenges.
- E. The Board is concerned with the safety and security of all employees and strives to provide a workplace that is safe and secure. Therefore, the Board reserves the right to inspect all personal property brought onto the Board's premises, including vehicles, packages, briefcases, backpacks, purses, bags and wallets. However, the Board will do so only when there is reasonable grounds for suspecting that such a search will result in evidence of serious work-related misconduct, or for the safety and security of employees. When inspection of such personal property is determined to be necessary, the Superintendent may elect to prior notify the Sheriff's office who may conduct the search or take other appropriate action to ensure the safety and security of employees, consumers and the general public.

Reimbursement of Damaged Items

- A. In the event that an employee while working on behalf of the Board, and in spite of due caution and without negligence, sustains damage to personal property such as clothing, watch, hearing aid, prosthesis or other adaptive equipment, the employee may be reimbursed for the loss, provided the employee provides sufficient evidence of the circumstances, property lost and value.
- B. Reimbursement will be limited to the amount reimbursed from Worker's Compensation, or other insurance, and the actual cost of repair or replacement, up to a maximum of five hundred dollars per incident for adaptive equipment, and fifty dollars for other items. All jewelry, with the exception of watches, is excluded from this reimbursement policy.

- C. In order to receive reimbursement, the employee must submit an accident report on the required form to the Superintendent, along with the damaged item. The Superintendent maintains authority to either approve or deny the reimbursement. Requests for reimbursement must be submitted within 30 days of the incident that caused the damage, and approval must be received from the Superintendent prior to the repair or replacement of the item.
- D. Following repair or replacement, the employee is required to submit the receipt for actual costs to the Business Office who will initiate the reimbursement process.

Lost Items

- A. Personal property that is found on Board premises should be returned to the rightful owner if known, or to the Business Manager. Inquiries regarding lost property may be directed to the Business Manager.

Personal Use of Board Property and Equipment

- A. Board property, equipment, supplies and other materials shall not be used for the employee's own personal use, or given or loaned to any person for private use.

- A. The Board strives to be public-service oriented and maintain the goodwill of the general public. Employees are expected to treat members of the general public courteously and with respect at all times.
- B. Each employee is expected to represent the Board in a positive manner, and employees with public contact responsibilities are expected to be knowledgeable and helpful in providing services. Employees are encouraged to seek new and better ways to serve the public, and to make suggestions for bettering public service, however deviations from policy or normal procedure and practices must be prior approved by the Superintendent.
- C. Employees are expected to listen carefully to public complaints, and shall attempt to resolve complaints that are within the scope of their authority. Complaints shall be addressed with the public in a helpful, courteous, and professional manner.
- D. If resolution of the complaint extends beyond the employee's authority, the employee is expected to refer the complaint to his supervisor or other authorized employee. Members of the general public who become abusive, unreasonable, or harassing, or those with recurring complaints are to be referred to the Superintendent or designee.

Communications with the Public

- A. Employees are expected to treat all persons with respect and in a non-discriminatory manner. Therefore, no person will be discriminated against in the services provided by the Board because of that person's race, color, religion, gender, sexual orientation, national origin, military status or disability, or because that person does not speak the English language or speaks with an accent.
- B. In accordance with its policy of non-discrimination, the Board will reasonably accommodate limited-English-proficient persons so that they may receive Board services to which the individual would otherwise be eligible.
- C. Since most citizens of Clinton County speak English, employees are expected to know and speak English when dealing with the general public is part of their job responsibilities. Therefore, being able to speak and read English is a job requirement. However, the Board does not discriminate against any employee [or applicant] because of that person's accent when speaking the English language, as long as the employee is able to be understood, and communication with the public is an essential part of the employee's job.
- D. Because diversity is valued and recognized, in situations where the member of the general public speaks a language other than English, the employee may speak that language if it is known to the employee. When employees are conversing with each other, employees may speak in any language that is known by both employees. Likewise, an employee may speak in any language that is known by both the employee and member of the general public.

USE OF INTERNET, E-MAIL, & SOCIAL MEDIA WEBSITES

◆POLICY 8.18◆

Internet Access and Use

- A.** The Board provides Internet access to employees, as a support resource and communication option. Internet access is provided for Board use only. Surfing the Internet or accessing any web site for other than business purposes is prohibited.
- B.** Likewise during work time, employees are prohibited from accessing personal web sites or surfing the net for other than business reasons on their personal cell phone or on any other personally owned device that accesses the Internet. Therefore, employees are not permitted to play games, download or access personal files or e-mails, view videos and pictures, otherwise engage in personal use of a Board owned device, or personally owned device while working.
- C.** Employees may download business-related information and material from the Internet into the Board's computer system, but may not download software, including screen savers, without prior written authorization from the Superintendent.

E-mail

- A.** During work time, no personal emails may be sent, received or accessed by an employee on the employee's personally owned cell phone, or other Internet accessible device.
- B.** Likewise, employees are not permitted to send or receive personal e-mails on Board owned computers, nor are they permitted to access their personal e-mails. If an employee receives a personal e-mail from a friend or acquaintance, the employee is expected to reply to that person informing them of this policy, and request that the friend or acquaintance cooperate by sending all personal e-mails to the employee's personal e-mail address. Employees are not permitted to forward group non-business related e-mails that are received on a Board computer to other employees, or to any other person, but are to immediately delete these e-mails.
- C.** Although the Board has installed virus protection software, occasionally spam e-mail is received into the employee's Outlook. Spam e-mail is to be deleted promptly from the system, and without opening when the e-mail is identified upon receipt as spam.
- D.** Employees are to be cautious and take reasonable effort to not open e-mails that from unknown sources and which may contain viruses. If an employee receives an e-mail that he suspects contains a virus, the employee is required to delete it immediately from the system, without opening it. If an e-mail containing a virus is inadvertently opened, the employee is required to immediately notify their supervisor so that security measures can be taken to protect the integrity of business data.
- E.** Business e-mail correspondence, generated by employees, represents the Board in the same manner as traditional written correspondence. Therefore, e-mail must always be appropriate and represent the Board in a positive, supportive and professional manner. E-mail correspondence shall not include content that is harassing, suggestive, threatening, demeaning, insulting, defaming, intimidating, racist, illegal or otherwise in violation of any policy in this manual.
- F.** Confidential or sensitive information, transmitted over the e-mail system, must be transmitted with caution to ensure that it is sent to only the authorized party, minimizing the risk of disclosure to unauthorized parties inadvertently or purposefully intercepting the message.

Social Media Web Sites

- A.** The Board has a legitimate business interest when Internet posts and comments are made by its employees in a public forum regarding:
- the Board, its management, coworkers, consumers and other persons and entities associated with the Board,
 - employment complaints or issues
 - Board matters
 - confidential or sensitive information

Therefore, the Board prohibits employees from writing comments or discussing any of these matters publically on the Internet via sites such as Facebook, Twitter, MySpace, YouTube and other social networking sites, personal web pages, blogs or any other means of communicating publically on the Internet. Employees may talk among coworkers about work matters and concerns via social networking sites in so far as the site is set to private so to preclude access to members of the general public and any person not currently employed by the Board.

- B.** In addition, employees are prohibited from displaying or using Board logos, web page pictures or content, or other proprietary information on their personal web page, social networking site, or other Internet site.
- C.** Board employees have a responsibility when expressing personal opinions in a public forum to make clear that the opinion is a personal one. Any public communication that could be understood to be representing the Board must be prior approved by the Superintendent.
- D.** The Superintendent or designee retains the right to monitor comments made by employees on social media sites which are not set to private as specified in subsection A whether the comments are made at work or on the employees' personal time in their home on their personal computers. Employees shall expect no right of privacy as it pertains to their comments made on public social media sites.
- E.** Employees are advised that Board policies specified in this manual, including but not limited to those pertaining to harassment, ethics, and loyalty apply to comments and actions made not only on Board property and work time, but also on personal time and on personal computers.
- F.** Social networking sites and other Internet media may be used for business purposes, in so far as such use is prior approved by the Superintendent.
- G.** Employees are prohibited from using video recording devices including cell phones on the Board's property and are prohibited from posting videos pertaining to the Board on the internet without prior approval of the Superintendent or designee.
- H.** Employees are certainly free to associate with individuals and organizations of their choice outside the working environment in-so-far as such association does not adversely affect the Board's reputation; therefore, nothing in this policy or this manual is intended to restrict any employee's rights of free speech and association. However, employees are cautioned that their use and/or access to the news media, Internet, or any public forum, as a private citizen, must be kept separate and distinct at all times from their employment with the Board, and that any such contact as a private citizen, must be tempered by the fact that each employee's actions in their private life may not impact negatively upon the reputation of the Board.

SECTION 9 EQUIPMENT



Driver's License Requirements

- A.** An employee, who is required to drive as an essential duty, is required to possess a current and valid operator's license pertinent to the operation of the vehicle that the employee is required to drive on the job. The license must not restrict the employee's ability to drive for work purposes. An employee, who drives on Board business, either using a Board vehicle or a personal vehicle, must be at least 21 years of age.
- B.** The Board will check an employee's driving record when the employee is required to operate a vehicle on behalf of the Board, as a condition of initial employment, and at least once every three years thereafter during the course of employment. Also, upon initial hire and as part of the orientation process, each new employee, who may be required to drive on the job, shall submit to the Business Manager a current and valid license, issued to that employee. A copy of the license will be retained by the Board in the employee's personnel file, and it will be kept updated as renewed.
- C.** If during the course of employment, an employee, whose job requires driving on Board business, loses his driver's license (is suspended or revoked) for any period of time and for any reason, the employee is required to so notify the Business Manager, in writing, no later than the next business day of the day that the license was revoked or suspended. Likewise, an employee is required to notify the Business Manager, in writing, if the employee accumulates six or more points on his or her driving record. In no event may that employee drive a Board vehicle, or operate a personal vehicle while on Board business, without a valid and current driver's license. The Business Manager will so notify the Superintendent who will determine appropriate action and resolution to the problem.
- D.** If an employee does not possess a current vehicle-operating license relevant to that employee's job duties, or if an employee is found to be operating a vehicle for Board business without a valid and current driver's license, that employee will be subject to disciplinary action, up to and including discharge.

Personal Use

- A.** The use of Board vehicles is restricted to official Board business only. Board vehicles shall not be used to transport persons who are not engaged in Board business. Likewise, when a personal vehicle is driven on behalf of Board business, employees shall not transport persons who are not engaged in Board business.
- B.** An employee who operates a Board vehicle for personal use will be subject to disciplinary action, up to and including discharge, and in the event of an accident, the employee shall be required to pay for any deductibles that are required by the employee's liability insurance plan.

Driving Courtesy and Safety

- A.** When operating a Board vehicle [or personal vehicle for Board use], the employee must exercise caution and follow all highway laws and driving safety practices. Employees are expected to be courteous to other drivers and pedestrians. Employees must recognize that when driving and interacting with other drivers and pedestrians they are official representatives of the Board, and that their actions and conduct should consistently enhance and support the good reputation of the Board.

- B. All employees and passengers are required to wear seatbelts or restraints as provided in the vehicle.
- C. Careless, reckless, or destructive vehicle operation is prohibited. Traffic fines or arrests for illegal or improper use of vehicles is the sole responsibility of the employee.
- D. An employee may not operate a Board or personal vehicle on behalf of the Board when the employee is under the influence of any illicit drug or alcohol, or under the influence of a prescription or over-the-counter medication that impairs ability to safely operate the vehicle.
- E. An employee is responsible for informing his supervisor when using any prescription or over-the-counter medication that may affect the employee's ability to safely operate a vehicle. The employee may be required to submit a doctor's certification that substantiates any restrictions, or releases the employee to operate a vehicle under the medication.

Vehicle Accidents

- A. If an employee is involved in a vehicular accident that involves a Board vehicle [or private vehicle while on Board business], the employee must report the accident to the Superintendent, or designee on the same business day as the accident, in so far as practicable. In addition to the provisions specified in this policy
- B. Injuries that occur to employees while operating a vehicle on behalf of the Board business is covered by Worker's Compensation, except however, an employee may not be eligible for Worker's Compensation when the employee is in an accident, and is under the influence of drugs or alcohol.

Board Vehicles

- A. Board vehicles are to be used for Board business only. Personal use of Board vehicles is not permitted.
- B. Board vehicles are not to be used for commuting to and from work, unless the Superintendent specifically authorizes such use based solely on sound business reasons.

Operation of Personal Vehicles For Board Business

- A. An employee may be required to use his personal vehicle for Board business. When required to drive a personal vehicle on Board business, the employee must adhere to the following policy provisions.
 - a. The employee must be insurable through the Board's insurance plan, and must substantiate proof of personal vehicle liability and collision insurance, in the minimum amounts specified by Ohio law, upon initial employment, and on each occasion when the insurance is renewed. Personal vehicle insurance coverage, as well as insurability through the Board's insurance plan, is required to be carried throughout the course of employment, provided the employee continues to be expected to drive on the job. Copies of the employee's personal vehicle insurance documents are retained by the Board.
 - b. An employee is required to inform the Superintendent (or designee) if the employee's insurance coverage changes, is revoked or is cancelled at any time during the course of employment, no later than one business day following the date that the employee received notice of cancellation or change.

- c. Should an employee be held liable for an accident while on Board business and when the employee's personal liability insurance coverage is exhausted, the Board's insurance carrier provides coverage only on behalf of the Board of DD. Therefore, employees are encouraged to carry sufficient liability coverage to sufficiently protect their personal assets in consideration of their own personal situation.
 - d. As it pertains to the employee's vehicle, the Board's insurance coverage pays the employee's collision deductible and the employee's insurance company is responsible for the remaining amount to repair or replace the employee's vehicle.
 - e. For more complete information about coverage offered through the Board's plan, and how it interacts with the employee's personal vehicle insurance, employees and their insurance agents should review the Board's plan document and structure their personal vehicle liability coverage accordingly.
- B.** Employees are required to use their privately owned or leased vehicles for normal commuting to and from work at the Board's office, with vehicle insurance coverage for normal commutes provided solely by the employee's own personal vehicle insurance plan.

Client Travel

- A.** Situations may dictate that an employee transport Board clients to appointments, seminars, classes, community outings and other functions as part of that employee's job duties and responsibilities. Transport of clients will normally be done using the Board's van, however an employee's personal vehicle may be required to be used when the van is unavailable.
- B.** Travel with clients requires prior approval of the employee's Supervisor and Superintendent (or designee). The employee is responsible for ensuring that notifications and permissions are obtained from guardians or providers prior to transport.
- C.** Prior to transporting clients on behalf of the Board, an employee must have prior complied with all driving eligibility requirements specified in this policy 9.01. When driving clients, the employee has a responsibility and obligation to follow all other policy provisions specified in this policy 9.01, as well as to follow and comply with all other policies included in this manual.

Vehicle Maintenance

- A.** Damage to any Board vehicle, and needed maintenance or repairs, are to be reported on the employee's incident/accident report. This information must be communicated promptly, on the day that the damage is incurred, or on the day that the need for maintenance/repairs is initially noticed in so far as practicable.
- B.** Board vehicle interiors are to be kept in neat and clean condition. Each employee is accountable for cleaning his scraps, papers, cups and other items out the interior of his assigned vehicle, upon completion of his work shift.
- C.** Eating, drinking, and smoking are not permitted in any county vehicle.

Loss of Driving Privileges

- A.** An employee's driving privileges, on behalf of the Board, may be suspended for a specified duration of time, or revoked indefinitely at the discretion of the Superintendent for reasons such as, but not limited to: an unacceptable driving record check, failure to carry insurance in at least the minimum amount specified by Ohio law, uninsurability,

failure to possess a required driver's license relevant to the job, unsafe or reckless operation of a vehicle, or other failure to follow any driving and vehicle policies specified herein.

- B.** If an employee loses driving privileges required to that employee's job duties, or if an employee is found to be operating a vehicle for Board business without personal vehicle insurance in the minimum amount specified by Ohio law, that employee will be subject to disciplinary action, up to and including discharge.
- C.** In no event may that employee drive a Board vehicle, or operate a personal vehicle while on Board business, without a valid and current driver's license. The Business Manager will so notify the Superintendent who will determine appropriate action and resolution to the problem.

TOOLS, SUPPLIES, & EQUIPMENT

◆POLICY 9.02◆

- A.** Tools, supplies and equipment are provided for employees' use in the performance of their job duties. Supervisors are responsible for monitoring and ensuring their safe and proper use.
- B.** Misuse, neglect, theft, and abuse of equipment, tools and supplies is prohibited. Accidents that stem from the misuse or abuse of those items constitute the basis for disciplinary action.
- C.** Employees may be required to pay for tools, supplies and equipment that may be lost or damaged as a result of their negligence or carelessness. Whether, and to what extent, employees will be assessed for such loss or damage are matters that are within the Superintendent's discretion.
- D.** Employees have an obligation to use public property only for public purposes, and to avoid wasting public resources. An employee may dispose of an item which is damaged or broken, however, prior to disposing of any item with a value of fifty dollars or more, the employee shall gain prior permission from the Superintendent.
- E.** Personal use of the Board's tools, supplies, and equipment is strictly prohibited, as is reselling of property or use of Board property for personal gain, or for gain by a friend or other person.
- F.** All personally owned tools, equipment and supplies utilized by an employee in performing work for the department must be prior approved, in writing, by the Superintendent, or designee.
- G.** Damaged and stolen equipment of value shall be reported to the insurance carrier, so to enable the processing of a claim under applicable insurance policies.

- A. The Board has purchased various types of communication devices, systems and equipment to facilitate communications that is necessary to for conducting Board business including e-mail, fax machines; landline telephones, computer networks, on-line services, voice mail, and cell phones. Use of these forms of communication is for business purposes only, except for in emergency situations and as otherwise allowed for in this manual.
- B. All communication devices, systems and equipment, including the data and messages transmitted or stored by them are the sole property of the Board. Accordingly, the Board may access and monitor employee communications and files, and therefore, employees should expect no right to privacy as it pertains to any communications made, received or stored on Board owned communication devices, equipment and systems.
- C. Improper use of Board owned communication devices, equipment or systems including but not limited to content which is harassing, offensive, threatening, demeaning, insulting, intimidating, or sexually suggestive is prohibited.

Board letterhead, postage, business cards and related supplies

- A. Employees may not use Board letterhead, envelopes and postage for personal correspondence since such use could be construed as an official Board communication.
- B. Personalized business cards, notepads and other similar materials shall only be issued by the Board. Employees may not create and generate their own business cards that depict the employee as a representative of the Board.
- C. Use of Board postage, postage machines and express mail [paid for by the Board] for personal use is prohibited.
- D. Occasionally, the Board may have to use express mail. Employees are expected to plan work and mailing needs so that use and the cost of express mail is limited. When considering the use of these communication services and equipment, an employee should be aware of the charges involved, and should consider cost, efficiency and urgency and should choose the mode which is most cost effective and which best meets the needs of the Board. An employee should consult with his supervisor if there is a question as to the proper mode of communication.

USE OF TELEPHONES

◆POLICY 9.04◆

- A.** Board telephones are to be answered promptly and courteously, and are generally be reserved for business purposes. However, limited personal telephone calls on Board telephones [or on an employee's personal cellphone] are permitted in so far as they are not excessive in number or duration. Casual talk about personal matters for any extended period of time is prohibited.
- B.** Normally, employees are expected to make personal telephone calls [either on a landline or cell phone] on the employee's personal time, or during authorized work breaks.
- C.** Personal long distance and other toll telephone calls, charged to the Board, are prohibited. In emergency situations however, it may be necessary for an employee to make a personal long distance call on a Board landline phone. The employee is required to request prior approval before placing the long distance call. When approved, the employee is expected to use a personal telephone calling card or other means of charging the call to the employee, rather than to the Board.
- D.** If a personal long distance call must be charged to the Board, the employee who places the call must log it into the Long Distance Phone Call Log, and then submit the log to the Business Manager no longer than 72 hours after placing the call. The Business Manager shall submit to the employee a bill for all non-business long distance calls, with the employee required to reimburse the Board in full for the call on or prior to the next payday after receipt of the invoice.
- E.** The Board owns the telephone voice mail system, and therefore retains the right to monitor all voice mails. Employees should expect no right of privacy of messages left on the voice mail system.

Introduction

- A.** Certain employees may be provided a cellphone when It is needed for business reasons. An employee is issued a cellphone under the Board's plan solely discretion of the Superintendent and only in consideration of business need.
- B.** When issued a cell phone, employees have certain responsibilities. Cell phones shall be password protected at all times. If lost or stolen, the employee shall report the missing phone to management immediately so that protective measures can be put in place to ensure data on the phone is not compromised. If the employee uses the cell phone to take pictures of clients, employees are to transfer this content to the applicable client's files as soon as is practical and then delete pictures or videos from the phone. Use of the phone for texting is permissible, but texts should be limited to transient communication that is of little or no administrative value and shall be copied to the applicable file and/or case noted as appropriate.
- C.** Employees are permitted limited personal use of Board owned cellphones but only in accordance with the conditions and restrictions specified in this policy. When personal telephone calls on Board cellphones are necessary, they are to be brief in duration, and limited in number so to avoid tying up the cellphone on non-business related matters. In addition, each employee, who makes a personal call on his Board cellphone, and when the Board incurs extra charges for the call, the employee shall be required to reimburse the Board in full, for all personal charges incurred,

Using a Cell Phone While Driving on Board Business

- A.** When using a Board-issued cellular telephone in a Board vehicle, or a personal vehicle while on Board business, the employee is required to first pull over and stop the vehicle at a safe location, prior to placing the call, except when the cell phone is hands free and the call can be placed safely.
- B.** Except when the cell phone is hands free, when receiving a call while driving, the employee is required to pull over, as soon as it is safe and practicable to do so. If needed to remain safe, the employee receiving a cell phone call should place the caller on hold, or advise that the employee will return the call, when the employee can safely park the vehicle.
- C.** Notwithstanding the latitude provided for in this policy to make safe hands free calls, employees are prohibited from making cell phone calls when traveling in cities or other jurisdictions that prohibit cell phone calls when driving.
- D.** Employees are prohibited from texting, checking e-mail, accessing social networking and other websites while driving on Board business.

- A.** The Board provides computers, software, printers and other peripherals so that employees may efficiently and effectively perform job duties and responsibilities. The security and integrity of the computer system, computer files, and other data contained within it is extremely important and valuable to Board operations. Therefore, the Board expects each employee to understand and follow these computer-use standards.
- B.** Use of the Board's computers, software, printers and other peripherals are provided solely for the Board's operational needs. Therefore, use of the Board's computers, software, printers and other peripherals, for personal use, for any other purpose than business, or for any purpose that is contrary to these policies or to the interests of the Board is strictly prohibited.
- C.** The Board's computers and computer files shall be used and accessed only by employees of the Board, except contracted computer technicians and other persons specifically authorized by the Superintendent.
- D.** Employees shall normally work on their own assigned computer, but may use another employee's computer, that is not currently being used, if needed for quick or convenient access, or when the employee's own assigned computer is in need of maintenance.
- E.** All files and information stored and accessed in the Board's computers are the sole properties of the Board. Accordingly, the Superintendent or designee may at any time, and without prior notice, access and monitor any Board computer and the information contained within it. Only the Superintendent or his designees specifically so authorized may monitor another employee's computer, or computer files.
- F.** Computer monitoring may be conducted manually or through automated monitoring software. Therefore, employees should expect no right to privacy pertaining to any information or files stored in, or accessed by any Board computer including Internet sites and files accessed, e-mails sent and received, electronic folders and files, and any or all information stored or accessed on the Board's computers.
- G.** The Board purchases computer software and licenses determined to be appropriate for the conduct of its business. Therefore, all software that is installed into the Board's computers must receive prior approval from the Superintendent.
- H.** The Board purchases and installs printers, modems, backup systems and other peripheral equipment to interface with its computer system for business use. Therefore, no other such equipment is permitted to be installed into the Board's system, except with prior approval from the Superintendent.
- I.** Computers [except laptops], peripherals, and computer supplies shall not be removed from the Board's premises. Laptops are assigned to individual employees, who shall be solely responsible for the security of data contained within it, and for taking reasonable measures for prevention of theft. All laptops shall be password protected. Confidential records are not to be permanently stored on any laptop. Confidential and consumer-specific data will be transferred and stored to the Board's main server, and deleted from the laptop as soon as practical. Data on all agency laptops will be reviewed annually to ensure that confidential information has been removed.

SECTION 10

WORKPLACE HEALTH AND SAFETY



- A.** Work safety and health is a primary concern, therefore, the Board strives to provide safe and healthy working conditions for every employee. However, work safety and health is also a responsibility of each and every person working for the Board. Each employee is responsible for following all safety and health practices, and will be evaluated on these efforts and results. Employees shall not be negligent in using prescribed safety equipment or following safe working practices.
- B.** Supervisors are charged with monitoring safety conditions and enforcing safety practices and rules, and will be evaluated on their focus and results on workplace safety. Supervisors shall not be negligent in requiring or controlling the use of prescribed safety equipment, or the following of safety practices
- C.** Every employee has an obligation to report to the employee's supervisor, the Business Manager, or Superintendent any unsafe conditions that the employee observes in or around the Board premises, or any unsafe condition in relation to the employee's job tasks, or any unsafe practices used by employees, volunteers or other person working for, or receiving services on behalf of the Board.
- D.** An employee or supervisor who willfully or carelessly ignores workplace safety will be subject to appropriate disciplinary action, up to and including discharge.
- E.** New employees will receive training regarding safety rules and practices during orientation. After initial training, each employee will receive additional training as the Board determines needed to remain current. Employees are encouraged to recommend to their supervisor specific training topics, however, the Superintendent has sole authority to approve all safety and health training programs.
- F.** Each employee is expected to know and follow the Board's health and safety policies included below and all others specific to an employee's job, which may be included in division operational manuals. General safety and health rules are as follows.

 - All applicable requirements set forth by the Public Employees Risk Reduction Program shall be followed.
 - Employees, who drive Board vehicles [or personal vehicles on Board business] must adhere to posted speed limits and follow all traffic rules and regulations.
 - All equipment must be used as intended and required, with defective or unsafe equipment not used. Employees are not allowed to operate or use any equipment with which they are not familiar, or authorized to use. Employees must report to their supervisor any equipment that is not working properly and any unsafe conditions.
 - Employees shall follow the alcohol and drug policies, specified in this manual.
 - Office work areas must remain clean, neat and orderly. All aisles, stairways fire doors, fire equipment and exits must remain clear of obstructions. Supplies and materials must be stacked neatly, with all piles stable and built to safe heights.
 - Employees shall follow safe lifting practices.
 - "Horseplay" is prohibited.
- G.** Additional specific safety rules may be issued, with such rules distributed to employees by appropriate means including posting on employee bulletin boards, disseminating by memo or policy, or meeting personally with staff.
- H.** Questions or concerns regarding safety rules or practices should be directed to the employee's supervisor, the Business Manager, or the Superintendent.

ACCIDENT & INCIDENTS

◆POLICY 10.02◆

- A.** Accident and incident reporting is an important part of the Board's risk management program. Understanding the event and causative factors enables the Board to continually strive to improve its safety program and practices, so to create a safe and healthy working environment for its employees.
- B.** All injuries, occupational illnesses, accidents and incidences, no matter how minor must be reported promptly to the employee's supervisor, as soon as the employee is physically able to do so, and within 24-hours of the occurrence. The employee should seek medical attention if needed, and supervisors shall take the initiative to ensure that the employee receives appropriate medical attention if the supervisor feels that it is needed, and the employee is unable to make that determination.
- C.** An employee who receives a work related injury or illness, and who must leave work before completing the work day, shall be paid at the employee's regular rate of pay, for the hours remaining in the employee's scheduled work day.
- D.** If an employee is injured or contracts an occupational disease during the course of employment, the employee [or the employee's supervisor] must notify the Superintendent or Business Manager within 24 hours of the occurrence. Notwithstanding, major accidents or incidences involving 911 calls shall be reported immediately or as soon as feasible to the Superintendent or Business Manager.
- E.** The employee and supervisor must complete an Accident/Incident Report form whenever an accident, injury, or occupational illness occurs. The report must be completed, regardless of the apparent seriousness of the injury or whether medical attention is required. The supervisor shall submit the report to the Business Manager within forty-eight hours following the date of the injury. The supervisor, in collaboration with the Business Manager, shall ensure that all appropriate information that facilitates a thorough investigation is included in the report, and shall ensure that required report is promptly completed and filed. Accident reports shall be retained for a period of five years.
- F.** Workers compensation claim forms may also need to be completed to initiate worker's compensation process in accordance with the Bureau of Worker's Compensation processes.
- G.** The Superintendent, in collaboration with the Business Manager, may require an employee who is injured in a work related accident or who contracts an occupational disease, to be examined by a physician. When medical attention is required, the employee must cooperate, and release to the Board a medical statement that is completed and signed by the attending physician. This statement should be forwarded to the Business Manager or Superintendent at the earliest possible date. Medical statement forms are available from the Business Manager,
- H.** In the event of serious injury, the Business Manager, in collaboration with the Superintendent, may initiate an investigation into the nature and cause of the incident, and the extent of the employee's injury. Adjustments to work processes and practices, equipment and training may be made to address safety issues identified.
- I.** Accidents involving a personal vehicle driven by an employee on Board business shall be reported to the Superintendent or Business Manager. In any event, employees should refrain from making statements regarding the accident to any person other than

the investigating officer, Superintendent, Business Manager, or insurance company representatives. Statements must be truthful, and confined to factual observations.

Reporting Consumer Accidents & Incidences

- A.** Employees who work directly with consumers of the Board must file an Accident/Incident report form for any accident or injury that involves a consumer. The report must be completed and submitted to the Superintendent before leaving work on the day that the accident or incident occurred.
- B.** Employees shall be responsible for notifying their supervisor of all accidents or incidences involving consumers, the supervisor shall report the accident or incident to the Service & Support Department for further investigation. The Service & Support Department shall report serious accidents and incidences to the Superintendent.
- C.** Incidences that employees are required to be report include, but are limited to Major Unusual Incidences [MUI's], Unusual Incidences [UI's] as defined by the Ohio Department of DD. Failure to so notify the supervisor of a MUI or UI, or of any other accident or incident shall subject the employee to appropriate disciplinary action, up to and including discharge, and/or legal action.
- D.** A follow-up call to parents or guardians will be made when appropriate by the supervisor or designee, and which will explain the nature of the accident or incident, extent of injuries, and treatment given. Serious accidents or incidences involving consumers must be immediately reported to the Superintendent, who will normally initiate the call to the parent or guardian.

COMMUNICABLE & NON-COMMUNICABLE ILLNESSES

◆POLICY10.03◆

- A.** The Board will not discriminate against any person in providing its services, nor in employment, because a person has, or is perceived to be infected with any disease protected by the Americans With Disabilities Act.
- B.** An employee with a communicable or non-communicable disease will not be precluded from continuing work because of that disease as long as the employee continues to perform the essential duties and responsibilities of his position, [either with or without a reasonable accommodation for diseases covered by the ADA], and without undue risk to his own health, or to those of fellow employees or members of the general public.
- C.** An employee, who has a disease protected by the ADA, may request a reasonable accommodation to assist in performing required essential job duties. The Superintendent will consider the available accommodations, and will make any accommodation that the Superintendent considers reasonable, and that does not create an undue hardship upon the Board.
- D.** An employee who because of a disease is unable to work, may utilize any earned, but unused sick leave, personal leave, vacation, or any other paid leave offered for such purpose. If the purpose of the leave is FMLA qualifying and the employee is eligible, Family and Medical Leave will be designated and will run concurrently with the paid leave. Should the employee use all available paid leave, the employee may be placed on the remaining unpaid Family and Medical Leave, if eligible, or may be placed on unpaid leave.
- E.** An employee with a disease may be eligible for a voluntary or involuntary disability separation when the employee is unable to perform the duties of his position [either with, or without a reasonable accommodation for those diseases covered by the ADA]. The employee may request a disability separation in accordance with that policy, and shall maintain the rights of reemployment or reinstatement as specified therein.
- F.** Employees will be trained annually in the use of “Universal Precautions.” Supervisors will instruct employees about any special precautions needed to be taken in individual work areas.
- G.** Employees who are diagnosed with a contagious disease are required to so notify the Superintendent, immediately upon learning of the diagnosis. The matter shall be handled sensitively by the Superintendent who will follow standards of confidentiality specified in these policies. The employee may be requested to provide a medical statement from the employee’s physician to specify job restrictions if any, assess safety of coworkers from exposure to the disease, and to clarify other matters which will assist the Superintendent in handling the situation in a lawful, appropriate manner.
- H.** Employees who are concerned about becoming infected with a serious disease by a co-worker, consumer or other person, should convey this concern to the Superintendent. Employees who refuse to work with, or perform services for a person known or suspected to have a serious disease, without first discussing this concern with the Superintendent, may be subject to disciplinary action. In addition, where there is little or no evidence of risk of infection to the concerned employee, the employee’s continued refusal, after consultation with the Superintendent, may result in disciplinary action, up to and including discharge.

- I.** The medical condition and records of an employee afflicted with a communicable or non-communicable disease shall be confidential, and shared with staff members only on a need-to-know basis as it relates to the carrying out official Board business.
- J.** Medical records are not public records and therefore are exempt from public disclosure.
- K.** Employees are discouraged from discussing, providing information, gossiping, or provoking discussion of any employee's disease or medical condition. Such matters are private and may not be discussed in the workplace, except as such discussion relates to the conduct of official management responsibilities.

- A.** The Board makes reasonable efforts to provide for the safety and security of its employees and consumers, and to the general public while visiting on Board premises. Employees, likewise, are expected to take reasonable care for their own protection and for the protection of others, and that of their personal property.
- B.** The Superintendent will periodically review security procedures and will adopt and enforce appropriate policy or work rules to promote the security of employees, consumers and the public, and will adopt operational policy to safeguard files, documents and confidential information. Each employee is responsible for knowing and following all security policies and procedures, and for knowing the Board's emergency response policies including expected response to bomb threats, earthquakes, explosions, fire, and tornados.
- C.** During off-duty time, an employee may enter into the Board facilities to conduct business with the Board as a private citizen, but may not continually loiter on the Board's premises, or disrupt the work of other employees or Board operations. Likewise, employees may not enter Board facilities during off time to sell items, or distribute personal materials to coworkers, or other persons.
- D.** The Board has posted at its entrances that firearms are not permitted in the Board's buildings. Accordingly, all employees, except law enforcement officers, are prohibited from possessing firearms or other weapons while on Board property. Employees are further prohibited from carrying any firearm or other weapon in vehicles while conducting Board business, or otherwise performing Board business off the Board's premises. This policy applies regardless of the fact that an employee [or visitor] has qualified and been lawfully issued a license to carry a concealed firearm under the Ohio (or other State) concealed weapons law.
- E.** Employees are prohibited from physically fighting or assaulting a co-worker, supervisor, member of the general public or any other person while on working Board time, or when on the Board's premises. Employees are likewise required to refrain from any behavior or conduct which is offensive or undesirable and which sacrifices the security or safety of any person.
- F.** Employees shall inform the Superintendent if any employee, consumer or other individual exhibits behavior which could be a sign of potentially dangerous situations, including but not limited to discussing weapons, displaying overt signs of extreme stress, resentment, hostility, or anger, making threatening remarks, sudden or significant deterioration of performance or displaying irrational or inappropriate behavior. If the Superintendent is not available, employees shall report any of the previously mentioned behavior to a supervisor or a member of management.
- G.** Additionally, employees shall immediately report, to the Superintendent, a supervisor or a member of management, any violent, threatening or otherwise potentially dangerous situation, including but not limited to threatening or violent phone calls, emails, letters or other correspondence.
- H.** Employees are required to report to their supervisor, the Superintendent or the Business Manager any breach of security or safety to employees or of any other person. An investigation will be immediately initiated into the situation, and appropriate action taken to resolve any security or safety problem within the scope of the Board's

lawful authority. If appropriate, the Superintendent, Business Manager or supervisor may contact proper law enforcement or other authorities with jurisdiction over the situation.

- I. The Director of each department shall ensure the security of their assigned facility during the course of the day and at day end. The Director shall ensure that doors accessing the facility are locked at the end of the day, and that security alarms are set, in those facilities where alarms are available.

- A. The Board complies with Ohio's smoke free workplace act and strives to provide a safe and healthful working environment for the public and its employees. Therefore, in accordance with Ohio law, the Board has posted no-smoking signs throughout its buildings and at entrances and exits of the buildings to inform all individuals that smoking is prohibited. Additionally, the posting states that violators may be reported to the Ohio Department of Health by calling 866-559-6446.
- B. Smoking of cigarettes, cigars, pipes, or any other tobacco-burning device at or in the Board's premises is prohibited, except in those areas, outside of the Board's buildings, specifically so designated by the Superintendent.
- C. Smoking is prohibited in vehicles owned by the Board. It is also prohibited in personally owned vehicles when an employee is operating or riding in that vehicle on behalf of the conduct of Board business, and when the employee is in the presence of a non-smoking coworker, enrollee or other person.
- D. The Board shall designate and inform employees of the specific areas, outside of Board buildings, where smoking is permitted. Employees shall smoke in the designated areas only at those times when they are completely relieved from duty. Taking unauthorized or excessive number of breaks to smoke is prohibited, and may subject the employee to appropriate disciplinary action.
- E. The Board takes all reasonable precautions to ensure that tobacco smoke does not enter any area of the building through entrances, windows, ventilation systems, or through other means. Therefore, ashtrays or other smoking receptacles are not placed or permitted inside of Board buildings, or at any entrance or exit of any building. However, the Board does provide smoking receptacles within designated smoking areas, wherein employees are expected to extinguish their cigarette butts. Employees are expected to keep their designated smoking area completely free of smoking and other debris.
- F. All employees are required to respect the needs and rights of others to a safe and healthful work environment. Therefore, even when smoking in a designated smoking area, upon request by another employee or a member of the general public, an employee is expected to extinguish his cigarette, cigar, pipe, or any other tobacco-burning device while in that person's presence.
- G. Any smoking controversy that cannot be resolved by the individuals involved or their supervisor should be referred to the Superintendent who shall address the matter as he deems appropriate.

Electronic Cigarettes

- A. In the interest of ensuring that the Board continues to provide a healthy workplace for all employees and visitors, this policy applies also to the use of electronic cigarettes in the Board's workplace.

SECTION 11
EMPLOYEE COMPENSATION



Pay Philosophy and Practices

- A.** Compensation practices comply with job analysis and job evaluation principles, and with all applicable Federal and State pay laws and regulations. Efforts are made to compensate employees competitively and equitably, within budgetary constraints. The Board of DD periodically reviews employee hourly rates and salaries, and establishes pay ranges with an entry level and maximum rate for each job classification.
- B.** An employee's pay rate is determined by his job classification and the pay philosophy, policy and procedures adopted by the Superintendent. Pay levels are not made in consideration of race, color, religion, gender, national origin, age, veteran's status, genetic information or disability.
- C.** FLSA non-exempt employees are paid hourly for each hour worked while FLSA exempt employees are paid on a salaried basis. Non-exempt employees are paid for all hours worked at the straight time rate, for up to 40 hours per week. Any time actually worked over 40 hours per week is paid at the time and one-half rate.
- D.** Generally, new employees are assigned to the entry-level rate upon hire, and then are advanced in hourly rate or salary in accordance with pay raises provided based on longevity and merit. However, at the discretion of the Superintendent, an employee may be hired in at a rate that is higher than the minimum of the pay range in recognition of up to 5 years of job-related work experience, with each completed year credited at the rate of 3% above the base rate of pay. For exceptionally difficult to fill positions, the Superintendent may hire an employee at a rate that gives credit for more than 5 years of job-related experience.
- E.** The Board of DD has authority to grant raises and position employees within their assigned pay ranges based on the individual employee's longevity with the Board.
- F.** When an employee reaches the maximum of the assigned pay range, the employee's pay rate will be frozen until the Board of DD approves the maximum of the range to be adjusted upwards.

Pay Range Review and Adjustments

- A.** Pay ranges are reviewed no less than once every 5 years by the Superintendent by assessing rates paid in the labor market. As justified by wage survey data and available budget, the Superintendent will recommend to the Board's personnel committee that ranges be adjusted to follow the trends of the labor market.
- B.** Although pay ranges are reviewed periodically, whether the range is adjusted or not is within the discretion of, and approval by the Personnel Committee. Increasing or decreasing any particular range in one year does not create a precedent for increasing or decreasing other ranges in the same or any other year.
- C.** In the event that the minimum and/or maximum rates of a pay range are decreased, employees who are assigned to the range will not be subject to a corresponding decrease in their individual pay rates. However, if the decrease results in an employee's rate exceeding the new maximum of the range, the employee's rate will be frozen as provided for in section E of the section titled "Pay Philosophy and Practices".

Payroll Practices

- A. Each work day, non-exempt employees are required to record their actual time when they start and end work, and any paid time off taken during the week in accordance with policy 4.03 in this manual. Following approval by the supervisor, the time record shall be submitted to Payroll for processing.
- B. Payroll will calculate compensable time by using the following 7/8 minute rule to round the time recorded for each day to the nearest quarter hour as illustrated below.

Quitting <u>After</u> the Scheduled Quitting Time	Compensable Time
On or up to 7 minutes after the scheduled quitting time	No additional pay
8 minutes to 22 minutes after the scheduled quitting time	15 minutes additional pay
23 minutes to 37 minutes after the scheduled quitting time	30 minutes additional pay
38 minutes to 52 minutes after the scheduled quitting time	45 minutes additional pay
53 minutes to 1 hour after the scheduled starting time	1 hour additional pay

Quitting <u>Before</u> the Scheduled Quitting Time	Compensable Time
On or up to 7 minutes before the scheduled quitting time	No pay docked
8 minutes to 22 minutes before the scheduled quitting time	15 minutes of pay docked
23 minutes to 37 minutes before the scheduled quitting time	30 minutes of pay docked
38 minutes to 52 minutes before the scheduled quitting time	45 minutes of pay docked
53 minutes to 1 hour before the scheduled starting time	1 hour of pay docked

Starting <u>Before</u> the Scheduled Start Time	Compensable Time
On or up to 7 minutes before the scheduled starting time	No additional pay
8 minutes to 22 minutes before the scheduled starting time	15 minutes additional pay
23 minutes to 37 minutes before the scheduled starting time	30 minutes additional pay
38 minutes to 52 minutes before the scheduled starting time	45 minutes additional pay
53 minutes to 1 hour before the scheduled starting time	1 hour additional pay

Starting <u>After</u> the Scheduled Start Time	Compensable Time
On or up to 7 minutes after the scheduled starting time	No pay docked
8 minutes to 22 minutes after the scheduled starting time	15 minutes of pay docked
23 minutes to 37 minutes after the scheduled starting time	30 minutes of pay docked
38 minutes to 52 minutes after the scheduled starting time	45 minutes of pay docked
53 minutes to 1 hour after the scheduled starting time	1 hour of pay docked

- C. The preceding charts illustrate the rounding process used by payroll to calculate compensable time. The charts should not be construed as authorization for an employee to quit or start work prior to or after the employee work schedule, except as prior authorized by the employee's supervisor. Specifically,
- beginning work more than 7 minutes prior to the scheduled starting time, or stopping work more than 7 minutes after the scheduled stopping time is prohibited, except with prior permission from the employee's supervisor. While beginning work prior to 7 minutes, or quitting work more than 7 minutes after the scheduled time is considered compensable time in accordance with the 7/8 minute rule, such time which is incurred without prior approval by the supervisor may subject the employee to appropriate disciplinary action, up to and including discharge from employment.
 - arriving to work late, or leaving early at any time other than the scheduled time is prohibited except as excused by the supervisor and may subject the employee to appropriate disciplinary action, up to and including discharge from employment.

The 7/8 minute rounding rule is used for rounding time that is worked as part of the employee's normal work schedule and for any additional time that the employee is required to work, except for time spent working while on-call. The rounding method used for working while on-call is specified in paragraph E of the following section titled "On-Call Time".

On-Call Time

- A. An employee who is on-call may be called to perform job responsibilities at any time outside of normal business hours. Although employees may engage in their own personal activities when on-call, a call to work takes first priority, and therefore, employees are expected to carry and be available by cell phone and respond immediately to any call for assistance.
- B. When an on-site response is needed, the employee is expected to arrive at the location as soon as feasible following the call for assistance. Therefore, an employee who is on-call is required to remain within a one hour response time of any Clinton County location to which the employee may need to travel.
- C. On-call employees are required to remain ready and able to work when on-call. Therefore, on-call, employees are prohibited from drinking alcoholic beverages and are expected to follow the Board's drug and alcohol policy specified in sections 8.05 and 8.06. In addition, when responding to a call, by phone or on-site, an on-call employee is considered to be on work time, and is therefore expected to follow all policies in this manual while working.
- D. When called to work, the employee will be compensated for all time actually spent working, which includes time responding by telephone, traveling to and from the worksite, and time working at the worksite. Accordingly, on-call employees are required to accurately record actual time worked on the On-Call Log when responding to and servicing a call. Time spent waiting for calls and time spent in preparatory activities to begin travel on site after receiving a call is not to be recorded as time worked.
- E. The completed and signed On-Call log shall be submitted to Payroll at the end of the workweek. Payroll will then add the total time recorded on the log, and will round up such time to the next highest quarter hour for pay calculation purposes.

- F.** In addition to the On-Call log, the employee is required to complete a Time Record in accordance with section 4.03 of this manual to document scheduled time worked and paid time off which occurs as part of the employee's normal work schedule. Time recorded on the Time Record is to exclude time recorded on the On-Call Log. Upon receipt of the signed and approved Time Record, Payroll will round time worked to the nearest quarter hour using the 7/8 minute rule as specified in paragraph B of this section.
- G.** Payroll will calculate the amount of compensable time owed for that workweek by totaling the accumulated credited time on the employee's Time Record and the On-Call log, with the amount owed to non-exempt employees calculated in accordance with the terms specified in policy 11.04 [Overtime].

PAY PERIODS

◆POLICY 11.02◆

- A.** There are normally twenty-six (26) pay periods per year, with payday every other Friday, under a one-week delay pay system. The biweekly payroll for all employees extends from 12:01 a.m. Monday, through 12:00 Midnight the second Sunday. Overtime is calculated on a weekly 168-hour work period however [see Overtime].
- B.** All employees are paid through direct deposit. Employees may choose which bank their pay is deposited into, and may divide their check between checking and savings accounts.
- C.** Pay advances are not permitted.
- D.** The Business Manager is to receive any questions regarding an employee's pay and will make the necessary explanations or inquiries to resolve the matter.

PAYROLL DEDUCTIONS

◆POLICY 11.03◆

- A. Deductions are made from an employee's paycheck as required by law and in accordance with employee benefit plans. Other deductions, not required by law, but requested by an employee may be considered, but they will be made only if specifically authorized by the Clinton County Auditor.
- B. Deductions are itemized on the employee's pay statement which accompanies the employee's bi-weekly check. Deductions include, but are not limited to:
- **Ohio Public Retirement Systems:** Membership in one of the Ohio public retirement systems is compulsory upon being employed with the Board except those employees specifically exempted under the provisions of Section 145 and 3307 ORC. A general summary of retirement benefits is included in this Manual. Participation in one of these programs is in lieu of Social Security.
 - **Federal, State and Local Income Taxes:** The Federal and State governments, and some city ordinances and school districts require that taxes be withheld from each paycheck. The amount of tax to be withheld is determined from tables furnished to the County Auditor by the Treasury Department and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Superintendent, or designee, of any dependency change whenever a change occurs.
 - **Medicare:** Employees hired after March 31, 1986, and the County are subject to matching Medicare contributions of 1.45% of the employee's wage base (as defined for social security purposes), for a total contribution by the County and employee of 2.9% of the employee wage base. Medicare contributions are not required, or made, with respect to employees who were hired and performing substantial and regular services prior to April 1, 1986.
 - **Medical Insurance Premiums:** The Board of DD may require a payroll deduction for the employee's share of medical insurance premiums for eligible employees electing medical or other health related insurance coverage. The Board pays the balance of the employee's premium. It is the responsibility of the employee to make this premium payment timely, if a paycheck is not being issued or an insufficient amount was earned.
 - **Miscellaneous:** Examples include deferred compensation, garnishments, child support, and other lawful and authorized deductions.
- C. The County Auditor may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the County Auditor determines not to be in Clinton County's best interest. All requests for payroll deductions must be initially presented to the Superintendent or Business Manager who in turn will submit the request to the County Auditor.

Overtime Eligibility

- A. Certain employees are *exempt* from the *Fair Labor Standards Act* because their duties and responsibilities and other characteristics of their job meet the exemption standards set forth by the Act and the Department of Labor. Employees lawfully designated as exempt are expected to work their assigned work schedules, plus any other hours necessary to successfully accomplish work requirements without earning overtime compensation.
- B. Non-exempt employees, who work 40 or fewer hours in a work period, are compensated at the single rate of pay for each hour worked. *Non-exempt* employees are provided overtime pay at one and one-half times their single rate of pay [or earn comp time at the one and one-half time rate] for all hours *actually* worked in excess of 40 hours in the work period. For the purposes of calculating overtime, approved paid sick leave, holidays, vacation, overtime, personal days, calamity/closed days and other paid leave time are *not* be considered time worked.
- C. The work period for overtime calculation purposes runs 168 hours [7 consecutive days], extending from Monday 12:00 a.m. through the following Sunday.
- D. Employees are not paid for scheduled overtime that is subsequently cancelled for any reason.

Comp Time

- A. As provided for in section B above, employees may elect to accrue comp time in place of receiving overtime payment for time worked over 40 hours.
- B. Comp time must be used in the calendar year in which it was earned, and may not accrue to more than 60 hours of comp time [i.e., 40 hours of overtime @ the time and one half rate]. Comp time that is not used in the calendar year in which it was earned will be paid on the first pay period of January of each year at the employee's current hourly rate of pay.
- C. Payment of accrued comp time each January shall eliminate the employee's comp time balance in full.
- D. An employee may use any accrued but unused comp time upon request to, and the prior approval of, the employee's immediate supervisor.
- E. An employee who resigns or is otherwise separated from the Board for any reason will be paid in full for any accrued but unused comp time to the employee's credit at the time of separation. Payment for comp time shall be made at the employee's current hourly rate of pay on the first pay period that follows the date of separation.

Travel Time

- A. Time that a non-exempt employee spends traveling to and from work, and non-work time spent overnight on official Board business is not considered time worked for purposes of calculating overtime.

Volunteer Activities

- A. Time in which a non-exempt employee spends engaged in volunteer activities outside of normal work time is not compensable time, unless such time is required by the Board.
- B. Management employees are not authorized to require, and shall not directly or indirectly imply that a non-exempt employee should participate in any volunteer activities outside of approved work hours. Only the Superintendent maintains authority to require an employee to volunteer outside of work, on behalf of the Board.

Working on Paid Holidays

- A. When a non-exempt employee is required to work on a paid holiday, the employee shall, in addition to holiday pay, be compensated for all hours actually worked on the holiday at the single rate of pay, except however, all hours worked over 40 in the work period shall be compensated at the time and one-half rate.

Call-In Pay

- A. A non-exempt employee who is not on-call but is called into work outside of the employee's regular schedule, will be paid a minimum of two hours, or actual hours worked, whichever is more. When called in however, only time actually worked counts for overtime calculation purposes.
- B. Time spent traveling to and from the worksite counts as compensable time when an employee is called in outside of the employee's regular schedule.

Overtime Approval

- A. Time worked beyond a non-exempt employee's approved work schedule, and time worked over 40 hours per work period is generally discouraged. Overtime must be prior approved by the employee's supervisor and the Superintendent, prior to it being worked, except in emergency situations.
- B. An Overtime Pay Request form shall be completed whenever an employee is to work overtime. The form is to be submitted to the Superintendent for consideration of approval, prior to the overtime being worked. The form is attached to the employee's Time Record to verify that overtime was prior approved.
- C. Unusual or emergency circumstances may require employees to work overtime without prior authorization. Each employee is expected to use best judgment in determining whether or not overtime constitutes an emergency or urgent situation. The Superintendent reserves the right to evaluate the soundness of the employee's decision to take overtime which was not prior approved, and may, at his option, discipline the employee in situations where non-emergency overtime is taken without prior approval. Although overtime may not be subsequently approved by the Superintendent and disciplinary action administered, the employee will still receive overtime pay, for any time actually worked over 40 hours in the work period.

Signing In

- A. Each non-exempt employee is expected to begin and end work each day at the times specified in the employee's assigned work schedule.
- B. Beginning work at any time after the scheduled time is considered to be tardiness, with pay docked in accordance with the 7/8 minute rule as specified in section 11.01 of this manual. Continued instances or patterns of tardiness, or tardiness that is unsatisfactorily explained are cause for disciplinary action, up to and including discharge from employment.
- C. Beginning work more than 7 minutes prior to the schedule starting time, or stopping work more than 7 minutes after the scheduled quitting time is prohibited, except with prior permission from the employee's supervisor. While beginning work prior to 7 minutes, or quitting work more than 7 minutes after the scheduled time is considered compensable time in accordance with the 7/8 minute rule, such time which is incurred without prior approval by the supervisor may subject the employee to appropriate disciplinary action, up to and including discharge from employment.
- D. An FLSA non-exempt employee, who voluntarily arrives early for work and/or voluntarily stays late after work, is required to spend this time in designated non-work areas so not to disrupt coworkers. Likewise, such employees shall refrain from working when not on work time, and may only engage in work related activities that would result in overtime pay if the employee has prior written authorization to do so.

Adjusting Work Schedules

- A. The Superintendent or supervisor may adjust a non-exempt employee's schedule and re-schedule hours of work so that the employee does not work more than 40 hours during the work period, in so far as the adjustment occurs within the same work period in which the employee worked outside of scheduled hours.

Working in More Than One County Position

- A. If an employee holds more than one position within Clinton County, the employee must so notify the Superintendent, as required for in these policies [See Outside Employment & Education].
- B. The Superintendent and other appointing authority will assess the individual situation, and determine how and whether to coordinate work schedules to avoid overtime liability in a joint-employment relationship.

Pyramiding and No Guarantee of Overtime

- A. Nothing contained in this policy shall be construed as a guarantee of overtime. Pyramiding of overtime is not permitted.

Introduction

- A. The Board of DD has authorized all employees to participate in one of two deferred compensation programs which are established by:
 - the State of Ohio through the Ohio Public Employee's Deferred Compensation Board [the State plan] pursuant to ORC 145.71, and
 - Clinton County [the County plan], pursuant to 145.74 ORC.
- B. The Board of DD offers these programs as a benefit to employees to enable investment of deferred funds, including life insurance, annuities, variable annuities, regulated investment trusts, or other forms of investment approved by fiduciaries of the State or County plans. Income deferred under these plans continue to be included as regular compensation for the purpose of computing contributions to, and benefits from the retirement system of participating employees, but any deferred sum is not included in computing any federal or state taxes withheld on behalf of a participating employee.
- C. Questions and requests for additional information should be referred to the Business Manager.

General Information About the State Plan

- A. All investment options offered through the State Plan are professionally managed by external managers, and investment options are selected and monitored by the Ohio Public Employee's Deferred Compensation Board and its investment consultant. The combined expertise and oversight of these resources provides assurance that due diligence is being performed, and the program operates with Ohio public employees' best interests in mind.
- B. Employees may contribute 100% of includible income up to a maximum of \$15,500 [for the year 2007]. The minimum contribution amount is \$15 per pay period. Employees that are approaching retirement may participate in the catch-up provision which may allow contributions up to two times the normal limit during the three years prior to Normal Retirement Age. If age 50 or older and not currently using the Catch-up provision, the employee may contribute an additional \$5,000 [in 2007].
- C. Employees may select the amount to contribute, depending on their specific situation. Currently, participant accounts are each charged an administrative fee of \$2 per quarter. For participants who are receiving benefit payments, the administrative fee is currently waived. Participants also pay investment fund fees to the portfolio managers for their costs. These fees are deducted from the investment performance of every option and are listed on the quarterly Investment Performance Report.
- D. Employees can acquire additional information or enroll by phone at 1-877-644-6457, or on-line at www.ohio457.org.

General Information About the County Plan

- A. The county plan is offered through a Retirement plan provider, with terms, conditions, and enrollment procedures included in the plan document and at the company's website.

Travel Expenses

- A.** Employees are reimbursed for authorized out-of-pocket expenses incurred while traveling on official Board business. Out-of-pocket expenses including lodging, trainings, registration fees, meals, and other reasonable business and travel expenses must be pre-authorized by the Superintendent or designee through the purchase order system. The Superintendent's travel and expenses are pre-authorized via the management contract and the purchase order process.
- B.** To initiate the reimbursement process, the employee must submit true and actual travel receipts for approved expenses to the Business Manager along with a completed and signed Expense Reimbursement Report. Expenses will not be reimbursed without proper documentation and receipts.
- C.** The Superintendent or designee retains authority to disapprove any expense when the expense was not prior approved, or when the Superintendent or designee determines the expense to be inappropriate, insufficiently documented, or excessive.
- D.** Approved expenses will be reimbursed in the following manner.
- **Mileage:** Employees are reimbursed for actual miles traveled in their personal vehicle, while on official Board business, at the IRS rate. Mileage payments are considered total reimbursement for all vehicle-related expenses (e.g., gas, oil, insurance, depreciation, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, and in the same automobile. An account of actual miles traveled showing the starting point, destination, and total miles traveled, must be provided by the employee on the Travel Expense Report. The employee's signature on the Expense Reimbursement Request form shall confirm and signify that liability insurance coverage requirements are currently met.
 - **Vehicle Travel:** Employees shall normally use a Board vehicle, or personally owned vehicle when traveling on Board business such as travel to and from meetings, conferences, conventions and other business functions. If no Board vehicle is available, and an employee is required to use his privately owned vehicle, the employee will be reimbursed mileage as specified in this policy.

When rental of a vehicle is otherwise determined to be necessary, the employee may submit a request for approval for reimbursement of the rental of a vehicle by the Superintendent or designee. Rental cars shall only be the base, low cost models offered by the rental company, and shall exclude upgrade, sport and luxury and other extra-cost models.

Air Travel: When traveling by air is determined by the Superintendent or designee to be reasonably warranted, the employee will be reimbursed for the cost of the airline ticket to and from the location, with such costs prior approved by the Superintendent or designee. Travel by air shall be by coach only, and may include a baggage cost limited to one checked-in bag or suitcase if imposed by the airline. Any other extra costs imposed by the airline such as for window seats, extra leg room, snacks, drinks, or other amenities offered by the airline shall be assumed by the employee.
 - **Fuel:** Board vehicles should be fueled at the Board's gas pumps whenever practicable.

- **Parking and Tolls:** Charges incurred for highway, bridge and tunnel tolls are reimbursed at the actual amount. Receipts for parking and tolls are required. Expenses for parking incurred, within and outside of Clinton County, is reimbursed provided the employee is on official Board business. Long term parking at airports during extended travel will be reimbursed, but only with prior approval.
 - **Meals:** Expenses incurred for meals will be reimbursed at the maximum amount of \$7.50 for breakfast, \$15.00 for lunch, and \$20.00 for dinner, but only when travel extends through a normal meal period. If meals are included as part of a registration fee, duplicate meals shall not be reimbursed.
 - **Lodging:** Expenses covering the actual base cost of a motel room (single room rate) will be reimbursed, in full, when an employee travels out of Clinton County on official business, and such travel requires an overnight stay. Movies, room service and other amenities offered by the motel or hotel are not reimbursable.
 - **Telephone calls:** are reimbursable, but only if the call is necessary for the conduct of official Board business.
 - **Commercial Air Flights:** Travel may be made by commercial air flight when it is less expensive than travel by Board or personal vehicle; or when travel by air is more practicable in consideration of distance and time. Air flight shall be by coach, and shall be to the most direct airport available. Tickets may be ordered by the employee, and shall be paid by the Board upon the employee's submission of a receipt.
 - **Registration for conferences and conventions:** The Board will pay the registration fees for meetings, conferences and conventions, upon approval of an employee's request. Conference brochures, registration flyers, and estimated expenses shall be submitted at least 14 days prior to the date of the conference or convention.
 - **Membership Dues:** Dues for memberships to any organization shall only be paid by the Board when such membership is job related, and procedures followed, as specified in the policy titled "Memberships".
 - **Non-Reimbursable Expenses:** include alcoholic beverages, entertainment, dry cleaning, laundry, room service, and tips [other than for meals]. No expense reimbursements are paid for travel between home and the Board's facilities, and no expense reimbursement will be made for spouses traveling with an employee on a business trip.
- E. Employees should make every attempt to submit a sales tax exemption form to restaurants and hotels when applicable. Submission of this form will eliminate the need to pay sales tax when traveling on Board business. However, sales taxes will be reimbursed or paid by the Board when it isn't reasonably feasible to obtain tax exempt status
- F. The Board will not deny travel expense requests by any employee because the employee has an ADA disability. Rather, requests for travel expense reimbursement submitted by employees with special physical needs, such as ability to drive, see, hear, etc. shall be considered on their own merit, based on approval criteria used for all employee requests. The Board holds the entity sponsoring the event responsible for making any reasonable accommodations which are necessary for ensuring that persons with ADA disabilities have equal opportunity for participation in the event and related activities.

Other Out-of-Pocket Expenses

- A.** Occasionally, an employee may incur out-of-pocket expenses for the purchase of materials, supplies, items or other Board-related expenses.
- B.** Reimbursement of such expenses shall be made only with approval by the Superintendent or designee in consideration of the necessity of the purchase for Board business, comparative cost, available budget and other factors.
- C.** Out-of-pocket items that are approved for reimbursement shall remain the property of the Board; while those that are not approved for reimbursement shall remain the property of the employee.

- A.** The Superintendent maintains sole authority to delay the start of, or cancel program services in response to inclement weather or other calamitous conditions.
- B.** The Superintendent, at his discretion, may excuse attendance for any (various classification levels, entire departments, non-management staff, etc.) or all employees during calamitous conditions. Should this occur, excused employees will not be charged with use of leave.
- C.** When employees, are directed by the Superintendent to report to work during calamitous conditions and are unable to do so, employees must utilize appropriate leave (vacation, comp time, personal days, sick, etc.). In these situations, the Superintendent may use his discretion to grant or deny requests to use appropriate accrued leave to cover the tardiness or absence. The Superintendent will consider the facts and circumstances, and the individual employee's personal situation that prohibits the employee from coming into work or being tardy to work. An employee may appeal a denial of permission to use leave.
- D.** When an employee is in active pay status, but was prior approved for paid leave, the employee shall be compensated for the calamity day, and without docking paid leave, if conditions in B (above) are met (i.e. employees in the same department, classification level, etc. are excused and not charged with use of leave).
- E.** Announcement of a closure or a delay, or early release will be made as soon as possible after the decision is reached. Employees will be notified by any of the following means:
 - The Board's website www.co.clinton.oh.us/boardofdd
 - Telephone call and/or e-mail
 - Announcements on local radio or television stations
- F.** Procedures are established for employees to inform their supervisors of an inability to travel to work due to inclement conditions.

SECTION 12

COMPLAINTS AND APPEALS



- A.** Every employee, including newly hired probationary employees, may file complaints, without prejudice, so that any misinterpretation or misapplication of law, policy, procedure, work rule, or regulation may be promptly acknowledged and corrective action taken when appropriate. Employee questions and complaints will be promptly heard and answered.
- B.** A complaint is "a disagreement between an employee and management as to the interpretation or application of: policies; rules and regulations; State civil service and other local, State or Federal employment laws, or other disagreements that stem from perceived unfair or inequitable treatment during employment.
- C.** If an employee reasonably believes and can substantiate that a member of management or fellow employee has violated any law, ordinance or requirement that is of the type specified in the section of this Manual titled "Reporting Violations," the employee is encouraged to file a complaint through the procedures specified in that policy, rather than this complaint procedure.
- D.** Employees may file a complaint without prejudice. An employee will not be discipline, harassed, threatened, retaliated against, or dealt with in any unfair manner, as a result of filing a complaint or testifying in a complaint hearing.
- E.** Nothing in this policy denies employees redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction [in the case of classified employees], the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court, regulatory agency or arbitrator of competent jurisdiction. The employee is solely responsible for meeting the timeframes and criteria for filing an appeal in accordance with the requirements of that appeals body. Once an employee elects as his remedy the provisions or procedures of any of the above named agencies, courts or arbitrator, the employee is denied the remedy of the complaint procedure provided herein. Any complaints filed prior to such appeal shall be considered withdrawn.
- F.** In situations where more than one employee has the same, or a substantially similar complaint arising from the same incident, and where each employee involved is affected in the same way, the entire group of employees must select one from among them, who will then process the complaint on behalf of the entire group. However, each employee in the group must sign the group complaint. An employee's failure to sign will be considered a waiver of the complaint by that employee.
- G.** Where a complaint cites issues of law that the respondent (individual hearing the complaint) cannot address, the respondent may elect to forward the complaint to the Clinton County Prosecutor for an opinion before proceeding. All time limits set forth in this procedure shall be in abeyance until a response from the County Prosecutor is received.
- H.** Other than the situation specified in section G above, time limits set forth in this complaint procedure may be extended by mutual agreement of the parties in writing. Written time extensions must: (1) clearly identify the particular complaint; (2) specify the dates from and to which the extension applies; (3) indicate what required action is being extended.

- I. Complaints relating to issues of health and/or safety shall be expedited through the levels of the procedure.
- J. Employees shall not lose pay or benefits for time spent in complaint hearings.
- K. Witnesses may be called by both parties. If an employee representative is chosen, the complainant must notify his supervisor, in advance of the hearing, so that the employee representative may be relieved of duty to attend the hearing. The expense of any legal representative(s) shall be borne by the party calling them.
- L. All complaints filed under this procedure shall be legibly written on the authorized *Complaint Form* only.
- M. Complaints are to be settled at the earliest possible level of the procedure.
- N. Except as otherwise specified, the complainant must proceed sequentially through the levels. However, in instances where the complaint involves, or is against a person designated to hear the complaint, the complainant may submit the complaint directly to the level immediately above such person. In the event that the complaint directly involves the Superintendent, the employee may submit a complaint to the Chair of the Personnel Committee of the Board of DD.

COMPLAINT PROCEDURE

Employees are encouraged to initially talk informally with their immediate supervisor to attempt to resolve the complaint, prior to proceeding to Level 1. If preferred by the employee, or if the employee is not satisfied with the supervisor's response, the employee may follow the procedures specified below.

LEVEL 1: Immediate Supervisor

An employee having a complaint shall file it, in writing on the Complaint Form, with his supervisor. In order for the complaint to be recognized, it must be filed within five (5) working days from the date of the incident giving rise to the alleged complaint. The supervisor shall investigate the complaint and provide a solution or explanation on the Complaint Form following completion of the investigation, within 5 working days of the date of receipt of the complaint.

LEVEL 2: Director

Where the complainant is not satisfied with the level 1 response, the complainant may submit the complaint to the employee's Director within five (5) working days of the receipt of the Level 1 answer. The Director will review the complaint and all responses and shall issue a decision, in writing on the Complaint Form, and shall so notify the complainant and all involved parties within five [5] working days of receipt of the complaint.

LEVEL 3: Superintendent

Where the complainant is not satisfied with the level 2 response, the complainant may submit the complaint to the Superintendent within ten (10) working days of the receipt of the Level 2 answer. The Superintendent will review the complaint and all responses and shall issue a decision, in writing on the Complaint Form, and shall so notify the complainant and all involved parties. The Superintendent's decision shall be final and binding on the parties.

Introduction

- A. The Board intends to obey all laws, ordinances and requirements, and any violation thereof is strictly unintentional. Therefore, all employees, including both classified and unclassified employees, are encouraged to report any violations in accordance with the provisions of this policy.

No Retaliation

- A. In the spirit of encouraging employees to report perceived violations, the Superintendent, or any other employee, shall not take any disciplinary or retaliatory action against an employee for making a report in accordance with the provisions of this policy, provided the employee has made a reasonable and good faith effort to determine the accuracy of the information reported.
- B. Specifically, classified and unclassified employees who because they submitted a complaint in good faith shall not be:
- Removed or suspended from employment
 - Have salary increases or other benefits withheld to which the employee would otherwise be provided
 - Transferred or reassigned
 - Denied a promotion which the employee would have otherwise received
 - Reduced in pay or position

Responsibility to make a good faith effort to substantiate the information

- A. An employee is responsible for making a good faith effort to determine the accuracy of the information reported.
- B. If an employee reports a violation and fails to make such an effort, he may be subject to appropriate disciplinary action for reporting information without a reasonable basis for doing so. In accordance with the spirit of the intent of this policy, no retaliatory or disciplinary action will be taken against an employee for making an inquiry, or taking any other reasonable action to ensure the accuracy of information upon which the complaint is based.

Violations of the Board

- A. If an employee reasonably believes and can substantiate that the Board has violated any State or Federal law, or local ordinance that the Superintendent or other employee of the Board has the authority to correct, and that the perceived violation is either a:
1. criminal offense that's likely to cause imminent risk of physical harm to any person
 2. hazard to public health or safety
 3. felony, or
 4. improper solicitation for a contribution.
- the employee is encouraged to notify the Superintendent or other persons as provided in this policy.
- B. To report a violation, the employee must gather sufficient information to substantiate it, and then present the complaint to the Superintendent in a verbal report. The employee must follow this verbal notification with a written report that provides sufficient detail to identify and describe the violation. Alternatively, if the employee chooses, the written report may be submitted instead of the verbal notification. The person receiving the complaint will date stamp the complaint to record the date and time of its filing.

- C. The Superintendent will investigate the matter, and decide the validity of the alleged violation, and, if appropriate, will either correct the violation or make a reasonable and good faith effort to correct it. The Superintendent will notify the employee in writing, of efforts made to correct the violation, or of his determination that no violation has occurred. The employee will be notified within twenty-four (24) hours after the verbal or written report was received, or by the close of business on the next regular business day following the day on which the verbal or written report was received, whichever is later.
- D. If the Superintendent does not correct a violation, or otherwise make a reasonable and good faith effort to correct the violation within the specified time frames, the employee may file a written report to the Prosecuting Attorney, or any other appropriate public official or agency that has regulatory authority over the Board or its services.

Reporting Alleged Criminal Offenses to Other Authorities

- A. If an employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report as specified herein, may report the alleged violation to the Clinton County Prosecutor or other authorities specified in 124.341 ORC. If the employee reasonably believes the violation or misuse is a violation of Chapter 102., section 2921.42, or section 2921.43 of the ORC, the employee may report it to the Ohio Ethics Commission.

Violations by Coworkers

- A. If an employee becomes aware of a violation by a fellow employee of any state or federal law, ordinance, or regulation of a political subdivision, or any Program rule or policy, and the employee reasonably believes that the violation is a criminal offense that is:
 - 1. likely to cause an imminent risk of physical harm to any person
 - 2. a hazard to the public health or safety
 - 3. a felony,
 - 4. improper solicitation for a contribution, or
 - 5. a violation of federal, state or local laws not specifically covered by this policy

the employee must verbally notify the Superintendent of the alleged violation and then file with the Superintendent a written report that provides sufficient detail to identify and describe the violation.

Fraud Reporting

- A. Any employee who reasonably suspects fraudulent activity, including misuse or misappropriation of public money within the Board may report such violation to the Corporate Compliance Officer or may anonymously report such activity to the Auditor of State's office by calling the toll-free number 1-866-372-8364 or by accessing the State's web site at <http://www.auditor.state.oh.us>.
- B. All new hire employees are required to sign an acknowledgement form confirming that they have been made aware of the Ohio Fraud Reporting System maintained by the Ohio Auditor of State's office in accordance with applicable state law.
- C. Any employee in the classified or unclassified civil service utilizing such reporting mechanism in good faith is protected under the whistleblower provisions in Section 124.341 of the Ohio Revised Code. An employee is subject to disciplinary action, including suspension or removal, for purposely, knowingly, or recklessly reporting false information.

- A.** Classified employees may file a complaint through the complaint procedure to appeal personnel actions including disciplinary actions, layoffs or other complaints that may be filed pursuant to the policy titled, Complaints. The Superintendent may limit evidence presented during a complaint made pursuant to an unpaid suspension and discharge to evidence that was not already introduced during the pre-disciplinary conference.
- B.** A personnel action that is initially appealed to the SPBR cannot be simultaneously or later appealed through the complaint procedure. However, if an employee initially appeals through the complaint procedure, the employee is not barred from appealing to the SPBR, provided that the employee complies with all SPBR procedural requirements and timeframes. The employee is solely responsible for the filing of all claims pursuant to that body's rules.
- C.** Removals, suspensions of twenty-four (24) hours or more for FLSA non-exempt employees, suspensions of forty (40) hours or more for FLSA exempt employee, demotions, pay reductions, layoffs, reclassifications and other actions under the authority of the State Personnel Board of Review may be appealed by classified employees to that body in accordance with its rules. The SPBR will not hear appeals of employees exempted from Civil Service, but maintains authority to determine whether any position falls within the exemptions specified within chapter 124.11 of the ORC, as well as other applicable sections.
- D.** Appeals for removals, demotions, or suspensions must be filed not later than ten (10) calendar days after the order is filed with the SPBR. Appeals from layoff, job abolishment and displacement must be filed within ten (10) calendar days after the employee receives notice of the action. Timeframes for filing appeals for other reasons are specified in section 124-1-03 of the Ohio Administrative Code.
- E.** The SPBR has authority to decide whether an appeal warrants a hearing. On appeal, the Program's action may be affirmed, disaffirmed, or modified by the SPBR.
- F.** If a discharge was based upon a last chance agreement, the SPBR will only determine if the employee violated the agreement, and thus affirm or disaffirm the Superintendent's decision.

SECTION 13
DISCIPLINE



- A.** The discipline process is intended correct an employee's misconduct or inadequate performance, and to ensure that all employees consistently meet the Board's job performance and conduct standards. This policy applies to the discipline of classified employees. Unclassified employees may be discharged at any time, with or without cause or prior notice. Management employees, including the Superintendent, are subject to the disciplinary process specified in 5126 ORC and as summarized in the policy titled Discipline - Management Employees.
- B.** To encourage acceptable performance and conduct, the Superintendent, or designee, will determine the appropriate level of discipline, and may determine to skip disciplinary levels, or may apply discipline in a progressive manner. In determining the appropriate level of discipline, the Superintendent will take into account the nature of the misconduct or inadequate performance, the employee's record of prior discipline, work record, prior performance, conduct, service and other relevant considerations.
- C.** This policy sets forth guidelines for the consistent and appropriate administration of discipline. It is not, however, a delegation of, or a limitation upon, the Superintendent's and Board of DD's statutory rights established by the Ohio Revised Code.
- D.** The Superintendent has authority to discipline discharge and suspend employees. Division Directors and supervisors are delegated authority to administer instruction and cautionings and written reprimands. However, Division Directors may provide supporting documentation pertaining to performance and conduct issues, and may recommend the suspension or discharge of employee's under the authority of the Division Director.
- E.** Employees are advised of expected job behavior, as well as conduct that is considered unacceptable through these policies, performance reviews, through memos and other directives issued by management, and by other means.
- F.** Discipline may be administered to a classified employee only for just cause as listed under section 124.34 of the Ohio Revised Code, and which includes the following:
- incompetence
 - inefficiency
 - dishonesty
 - drunkenness
 - immoral conduct
 - insubordination
 - discourteous treatment of the public
 - neglect of duty
 - failure of good behavior
 - misfeasance
 - malfeasance
 - nonfeasance
 - conviction of a felony [as defined in section 124.34 of the Ohio revised code]
 - violation of any Board policy or work rule.

- G. Each offense is dealt with as objectively as possible, with disciplinary action taken as soon as it is practical to do so. Discipline is typically applied uniformly and consistently, but based upon consideration of all facts and circumstances. Deviations from standard procedure will may be justified and documented.
- H. Except in rare cases, discipline is administered privately, out of the sight and sound of other employees and non-employees,
- I. Depending on the seriousness of the offense, disciplinary action will typically involve one of the progressive disciplinary levels listed below. However, nothing in this policy shall be construed as preventing the omission, skipping or repeating of any of these levels, depending upon the circumstances involved, or the severity of the offense.
- J. The Superintendent, at his discretion, may require a last chance agreement, which shall be used in conjunction with a disciplinary suspension. The last chance agreement shall describe the type of behavior or circumstances that, if it occurs, will automatically lead to the discharge of the employee. The agreement shall be signed by both the Superintendent and the employee. Should the employee decide not to sign the last chance agreement, the employee will be considered to have resigned from employment with the Board.

DISCIPLINARY LEVELS

LEVEL 1: INFORMAL COUNSELING

When a performance or conduct problem is first identified, the Division Director may bring the problem to the attention of the employee to encourage the employee to correct the problem. A notation of the counseling is included in the employee's personnel file, which reflects the specific nature of the problem, as well as the date, time, place and content of the counseling.

LEVEL 2: INSTRUCTION AND CAUTIONING

During an Instruction and Cautioning, the Division Director will meet with the employee and discuss the problem, using the following format.

1. The problem will be reviewed which will include the facts and circumstances that lead to the Instruction and Cautioning. The employee will be given opportunity to explain why the problem occurred.
2. The Division Director will review previous and relevant disciplinary actions, if any, and in the case of prior counseling or discipline related to the matter, the supervisor will discuss with the employee why it has not been corrected.
3. The employee will be advised that the problem must be corrected. Specific corrective action required of the employee will be identified and outlined, and the Division Director will inform the employee that failure to take the action required and work to performance and conduct standards may result in further disciplinary action.
4. The employee must sign an *Instruction and Cautioning Notice* that will be placed in his personnel file.

LEVEL 3: WRITTEN REPRIMAND

When issuing a *Written Reprimand*, the Division Director will record the discipline on the official form, and will meet with the employee to outline the specific corrective action that is expected to take to achieve satisfactory performance or correct misconduct.

The employee will review the *Written Reprimand*, and may enter comments in the space provided. The employee will be required to acknowledge receipt by signing the original. The Division Director will give a copy to the employee.

LEVEL 4: SHORT TERM SUSPENSION

FLSA Non-Exempt Employee

An FLSA non-exempt employee may be suspended for a short term, which shall be up to, but less than twenty-four (24) hours, without pay. Non-exempt employees may be suspended in either full day, or less than full day increments.

FLSA Exempt Employee

An FLSA exempt employee may be suspended for a short term, which shall be up to, but less than forty (40) hours, without pay. FLSA exempt employees may only be suspended in full day increments.

Both FLSA Exempt & Non-Exempt Employees

Prior to ordering a suspension for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not provided for unclassified employees. Following the conference, the Superintendent will determine the appropriate disciplinary action to be taken, if any.

If the employee is to be suspended, the Superintendent will document the action on the *Order of Discipline* form, which will be reviewed with the employee. The employee will be requested to sign the order. The employee will be given a copy of the order, and the original will be retained in the employee's personnel file.

As part of a short-term suspension, The Superintendent may develop a written Plan of Corrective Action that the employee will be required to carry out upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon accepting the plan, the employee has agreed to abide by its terms, and with all performance and conduct expectations.

LEVEL 5: LONG-TERM SUSPENSION

FLSA Non-Exempt Employee

An FLSA non-exempt employee may be suspended on a long-term suspension which shall be for twenty-four (24) or more hours, without pay.

FLSA Exempt Employee

An FLSA exempt employee may be suspended on a long-term suspension, which shall be for forty (40) or more hours, without pay. FLSA exempt employees may only be suspended in full day increments.

Prior to ordering a suspension for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not provided for unclassified employees. Following the conference, the Superintendent will determine the appropriate disciplinary action to be taken, if any.

For classified employees, the suspension will be documented on the required *Order of Removal, Reduction, Suspension, Involuntary Disability Separation* form. A copy of the order shall be provided to the employee and the original retained in the employee's personnel file.

Suspensions of unclassified employees will be recorded on the *Order of Discipline form*. A copy of the order will be provided to the employee and the original shall be retained in the employee's personnel file.

As part of a long-term suspension, the Superintendent may develop a written Plan of Corrective Action that the employee will be required to carry out upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon accepting the plan, the employee has agreed to abide by its terms, and with all performance and conduct expectations.

LEVEL 6: DISCHARGE

An employee may be discharged. Prior to ordering a discharge for classified employees, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not provided for an unclassified employee.

The Superintendent will determine the appropriate, if any, disciplinary action to be taken. If the Superintendent determines that discharge is appropriate, the discharge for classified employees will be documented on the required State *Order of Removal, Reduction, Suspension, Involuntary Disability Separation* form. A copy of the order shall be provided to the employee and the original retained in the employee's personnel file.

In the case of unclassified employees, the discharge will be documented on the *Order of Removal*, with a copy disseminated to the employee and the original retained in the employee's personnel file.

PREDISCIPLINARY CONFERENCE

◆POLICY 13.02◆

- A.** If the Superintendent believes that a classified employee may have committed a violation that could result in a suspension [without pay], reduction, or discharge, a pre-disciplinary conference will be conducted by the Superintendent or designee to give opportunity to the employee to offer an explanation.
- B.** If the Superintendent determines that the employee's presence in the workplace prior to the conference poses a danger to persons or property, or is a threat for disrupting operations, the employee may be placed on a paid or unpaid administrative leave pending the scheduling and outcome of the pre-disciplinary conference. While on administrative leave, the employee shall not report to work pending the scheduling, conduct and outcome of the pre-disciplinary conference and resulting possible disciplinary action.
- C.** Not less than twenty-four (24) hours prior to the conference, the employee will be provided a notice of pre-disciplinary conference that summarizes the alleged violation. This notice may be personally delivered or mailed (certified, with return receipt requested) to the employee. The employee may choose to:
 - 1.** appear at the conference to present an oral or written explanation;
 - 2.** appear at the conference and have a chosen representative present an oral or written explanation; or
 - 3.** waive the pre-disciplinary conference (in writing).
- D.** Failure to appear at the conference, without prior notice, shall be deemed to be the employee's voluntary waiver of the conference. The Superintendent has sole discretion to determine whether or not a scheduled pre-disciplinary conference should be postponed due to the unavailability of the employee or his representative.
- E.** An employee, who elects to attend the conference and present an explanation, or who is questioned by the Superintendent or designee, must answer all questions completely and truthfully. If any employee responds untruthfully or incompletely, such action will be considered to be dishonesty, and may result in disciplinary action that is separate than the possible disciplinary action being considered at the pre-disciplinary conference.
- F.** At the conference, the employee or representative may present statements, witnesses, or documents that are relevant and material to the alleged violation. The employee is responsible for notifying any witnesses, who are testifying on the employee's behalf, that their attendance is desired.
- G.** Tape recording the conference is not permitted, however either party may take notes.
- H.** The Superintendent will conduct the conference, except he may, at his option, choose to delegate the responsibility to another person.
- I.** Upon conclusion of the conference, the Superintendent [or designee] will prepare a pre-disciplinary conference report to document the results, with a copy mailed to the employee within 10 days following the date of the conclusion of the conference.
- J.** Following the conference, the Superintendent will review the facts and decide what discipline, if any, is appropriate.

- A.** A management employee may be removed, suspended, or demoted for violation of written rules set forth by the Board of DD, or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or other acts of misfeasance, malfeasance, or nonfeasance.
- B.** Prior to the removal, suspension, or demotion of a management employee, the employee shall be notified in writing of the charges. Except as otherwise as specified in section L of this policy, not later than thirty days after receiving such notification, a predisciplinary conference shall be held to provide to the employee an opportunity to refute the charges against him. At least seventy-two hours prior to the conference, the employee shall be given a copy of the charges against him.
- C.** If the removal, suspension, or demotion action is directed against a management employee, the conference shall be held by the Superintendent or a person that the Superintendent designates. The Superintendent shall notify the management employee within fifteen days after the conference of the decision made with respect to the charges. If the removal, suspension, or demotion action is directed against the Superintendent, the conference shall be held by the members of the Board of DD or their designees, and the Board of DD shall notify the superintendent within fifteen days after the conference of its decision with respect to the charges.
- D.** Within fifteen days after receiving notification of the results of the predisciplinary conference, the employee may file with the Board of DD a written demand for a hearing before the Board of DD or referee. The Board of DD shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand. The Board of DD shall give the employee at least twenty days notice in writing of the time and place of the hearing.
- E.** If a referee is demanded by the employee or the Board of DD, the hearing shall be conducted by a referee selected in accordance with section F of this policy; otherwise, it shall be conducted by a majority of the members of the Board of DD. The hearing shall be confined to the charges enumerated at the predisciplinary conference.
- F.** A referee shall be selected from the list of names compiled by the Superintendent of Public Instruction in accordance with procedures and terms specified in section 5126.23 ORC.
- G.** The board shall provide for a complete stenographic record of the proceedings, and a copy of the record shall be furnished to the employee.
- H.** Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the Board of DD. Any member of the Board of DD or the referee may administer oaths to witnesses. After a hearing by the referee, the referee shall file a report within ten days after the hearing concludes. After consideration of the referee's report, the Board of DD, by a majority vote, may accept or reject the referee's recommendation. After a hearing by the Board of DD, the Board of DD, by majority vote, may enter its determination upon its minutes. If the decision, after hearing, is in favor of the employee, the charges and the record of the hearing shall be physically expunged from minutes and, if the employee has suffered any loss of salary by reason of being suspended, the employee shall be paid his full salary for the period of such suspension.

- I. An employee, affected by a determination of the Board of DD under this policy, may appeal to the Clinton County Court of Common Pleas within thirty days after receipt of notice of the entry of the Board of DD's determination.
- J. Notwithstanding the provisions for referee provided for in this policy, a county board and an employee may agree to submit issues regarding the employee's removal, suspension, or demotion to binding arbitration. The terms of the submission, including the method of selecting the arbitrator or arbitrators and the responsibility for compensating the arbitrator, shall be provided for in the arbitration agreement. The arbitrator shall be selected within fifteen days of the execution of the agreement and Chapter 2711 of the Ohio Revised Code shall govern the arbitration proceedings.

Paid Leave

- A.** The Superintendent may, at his discretion, place an employee on administrative leave with pay. Such leave is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected.
- B.** An employee who is placed on administrative leave shall be compensated in an amount equal to the employee's regular rate of pay for all hours that the employee would have normally been scheduled to work.
- C.** The length of paid administrative leave shall be determined at the discretion of the Superintendent, except that the length of the leave shall not exceed the length of the situation for which the health or safety of an employee, or of any person or property entrusted to the employee's care could be adversely affected.

Unpaid Leave

- A.** The Superintendent may, at his discretion, place an employee on administrative leave without pay, for a period not to exceed two months, if the employee has been charged with a violation of the law that is punishable as a felony.
- B.** If the employee subsequently does not plead guilty or is not found guilty of a felony with which the employee was charged or any other felony, the employee shall be paid, at the employee's base rate of pay, plus interest, for all hours that the employee would have normally been scheduled to work during the period the employee was on the unpaid administrative leave.

SECTION 14

BENEFITS OF EMPLOYMENT



VACATION LEAVE

- A. The Board provides vacation leave to all full-time and eligible part-time employees to recognize length of service and to give the employee time away from the job. 9-month employees, temporary, and substitute [Intermittent] employees are not granted paid vacation.
- B. Vacation leave is granted to employees based upon length of service, and number of hours normally scheduled in a biweekly pay period, in accordance with the following schedule. Vacation Leave pay for employees, whose normal work schedule is less than 40 hours per week, shall be pro-rated to the number of hours normally worked.

Service Years	Vacation Accrual
After 1 year	2 weeks (up to 80 paid hours)
After 8 years	3 weeks (up to 120 paid hours)
After 15 years	4 weeks (up to 160 paid hours)
After 25 years	5 weeks (up to 200 paid hours)

- C. Employees earn vacation benefits for all hours worked in active pay status according to the following schedule.

Employees Who Earn:	Accrue At The Following Rate [For Each Hour Worked]
2 Weeks	.03875 hours
3 Weeks	.0575 hours
4 Weeks	.0775 hours
5 Weeks	.09625 hours

- D. For purposes of calculating vacation, active pay status shall be defined as hours actually worked, paid sick Leave, vacation leave, personal days, authorized paid holidays, comp time, and funeral Leave. Additional vacation leave is not accrued through the accumulation of paid overtime.
- E. Employees are paid their regular hourly rate or salary for all time spent on approved vacation leave. Vacation leave may be taken in minimum units of one-quarter hour.
- F. Vacation leave must be requested on the Vacation Request form. Vacation scheduling is subject to the approval of the employee’s supervisor and/or Superintendent, who may deny any request based upon the Board’s operational needs, workload requirements or other business reason.
- G. Employees shall not take vacation leave prior to written notification of approval by the employee’s supervisor and/or the Superintendent. Vacation leave taken, but which has not been prior approved, will be denied. The employee shall receive no pay for the period of unauthorized absence, and may be subject to appropriate disciplinary action.
- H. Cancellation, postponement or rescheduling of previously approved vacation leave is subject to the approval of the Superintendent.

- I. An employee shall have prior service with the state of Ohio, any Ohio County or any other political subdivision of the State [such as cities, villages and boards of education] counted for the purpose of computing vacation leave with the Board. The anniversary date of his employment, for vacation leave computation purposes, is the anniversary date of such prior service. Years of part-time service with Clinton County or any other county or political subdivision of the State of Ohio shall be treated the same as years of full-time service for the purpose of determining years of service accrued necessary to calculate vacation leave.
- J. Employees shall not take vacation leave until after the employee has completed one year of service with the Board or other political subdivision of the State as clarified below.
- When an employee, who has one or more years of Ohio public employment with another Ohio County Board of DD or any political subdivision of the State, begins employment with the Board, the employee may begin taking vacation leave as soon as vacation leave is accrued. The employee does not have to wait one year for service with the Board before taking vacation.
 - When an employee, who has less than one year of Ohio public employment with another Ohio County Board or any political subdivision of the State, begins employment with the Board, the employee may begin taking vacation leave as soon as the combined service with the Board and such prior service totals one year.
 - For the purpose of this policy, one year of service is computed on the basis of 26 biweekly pay periods, regardless whether such prior service is continuous or has one or more breaks-in- service between periods of employment.
 - Although time in prior service with another Ohio County Board of DD or Ohio political subdivision counts toward the employee's vacation accrual rate, an employee may not carry over to the Board any accrued but unused vacation earned from any prior employment.
- K. Employees are encouraged to take and exhaust their earned Vacation Leave annually. However, employees are permitted to carry over earned but unused vacation leave for up to 3 years following the date the vacation leave was earned. Employees are not required to request specific written approval from the Superintendent to carry over vacation. However, each employee is responsible for reviewing this policy, and for understanding that all vacation leave that remains unused after 3 years from the date it was earned shall be forfeited and will therefore be eliminated from the employee's vacation leave balance. Employees are not paid and may not take any vacation leave that has been forfeited.
- L. Employees are not prior notified when their vacation leave is about to be carried over three years and thereby forfeited. However, upon request, an employee will receive an accounting of his vacation leave balance from the Business Manager.
- M. Employees are not permitted to work their vacation [and be paid for hours worked plus vacation pay] instead of taking vacation leave.
- N. An employee is entitled to compensation, at the employee's current rate of pay, for the portion of any earned but unused vacation leave to the employee's credit at the time of resignation, discharge, layoff or retirement.

Vacation Leave Buyout Option

- A.** An employee, who meets the following criteria, at time of application, may apply to convert to cash, up to 20 days per calendar year. To be eligible for the cash conversion, the employee must have a:
 - 1. sick leave balance of at least 120 hours at the time of application.
 - 2. vacation leave balance of at least 40 hours after the conversion.
- B.** An eligible employee may exercise the vacation leave conversion option up to twice per year however conversion is limited to a maximum of 20 days each calendar year.
- C.** An employee wishing to convert accumulated vacation time to cash at either May 1 or November 1 must complete and sign a Vacation Leave Conversion form, and submit the form to the Superintendent for consideration for approval. The form must be submitted by May 1 or by November 1 of each year.
- D.** Payment of approved vacation leave buyout may be taxable income, and may be subject to all applicable tax and other withholdings however it does not include the employer or employee's contribution to the Ohio public employee's retirement system.
- E.** Annually, the Superintendent will review the budget and financial condition of the Board, and will determine whether to continue or suspend the buyout option at any time.

HOLIDAYS

- A. All full-time and part-time permanent employees are provided the following paid holidays. Temporary and substitute [intermittent] employees receive the day off, but are not paid for the holiday.

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in Sept.
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in November
Christmas Day	December 25

- B. Employees may also be provided other paid days off which are designated by the President of the United States, the Governor of Ohio, or the Board of DD as days of mourning, celebration, or other reason specified.
- C. Full time and part-time employees receive holiday pay, at the employee's regular hourly rate or salary, equivalent to the number of hours the employee would normally work on the day that the holiday falls.
- D. Holidays that fall on Sunday will be observed on the following Monday, and those that fall on Saturday will be observed on the proceeding Friday.
- E. When a non-exempt full-time or part-time employee works on a holiday, the employee will be paid the single rate of pay for time actually worked on the holiday, plus shall receive his holiday pay as provided for above. However, time spent actually working [excluding the time paid for the official holiday and other paid time off] that exceeds 40 hours in the work period will be paid at the time and one half rate. Exempt employees who work on a holiday do not receive additional pay, other than the employee's holiday pay.
- F. If a holiday occurs during a period of paid sick or vacation leave, the employee will be paid for the holiday, and will not be charged for sick leave or vacation.

Religious Observances

- A. The Board recognizes that for some employees, important religious observances occur on days which are not designated official holidays. The Board will give great deference to employee requests for increments of vacation time, comp time, or personal days or unpaid leave to enable employees to attend special worship services or observances, or to celebrate a religious holiday. Employees requesting time off shall follow the leave request procedures specified in this manual.
- B. Should an employee feel that he has been wrongfully denied a request for time off for religious purposes, the employee may file a complaint under the EEO complaint procedure specified in this manual.

Reasons for Sick Leave

- A.** An employee may request sick leave for the following reasons:
1. illness or injury of the employee or a member of his immediate family - in case of a member of the immediate family not living in the same household as the employee, the Superintendent may grant sick leave when determined that the employee's presence is reasonably necessary. Each situation will be carefully reviewed and the Superintendent's decision in a given situation creates no precedent or practice
 2. exposure to contagious disease that could be communicated to and/or jeopardize the health of other employees
 3. medical, dental, or optical examinations, or treatment of the employee or a member of his immediate family that cannot be scheduled during non-work hours - employees should make every effort to schedule appointments at times that cause the least disruption to their work responsibilities. Appointments or treatments of immediate family members shall be limited to circumstances where the employee's presence is reasonably necessary.
 4. pregnancy, childbirth and/or related medical conditions. Use of sick leave for childbirth reasons will typically be for 6 weeks duration, except as otherwise determined to be medically necessary as certified by the employee's attending physician.
 5. funeral leave [Sick Leave usage limited in accordance with Funeral Leave policy].
- B.** For purposes of this policy, "immediate family" is defined only as an employee's: mother; father; sister; brother; child [including foster and stepchild]; grandchild; grandparent; current spouse; mother-in-law; father-in-law; sister-in-law; brother-in-law; daughter-in-law; son-in-law; aunt, uncle, legal guardian; or other person who stands in the place of a parent [in loco parentis].
- C.** With the Superintendent's approval, vacation leave may be used for sick leave purposes, upon the employee's request. If an employee exhausts all sick leave and accrued vacation, but remains unable to return to work due to his medical condition, the employee may be eligible to take the remaining balance of unused Family and Medical Leave, or at the discretion of the Superintendent, be granted an unpaid leave for a period not to exceed six months. However, in the case of female employees who are temporarily precluded from returning to work due to pregnancy or childbearing, unpaid leave will be granted for a reasonable period of time, and will accommodate the employee's individual capacities and her medical status.

Accrual

- A.** An employee earns .0575 hours of Sick Leave for each hour in active pay status. For purposes of calculating sick leave, "active pay status" includes hours actually worked, and time spent on paid sick leave, holidays, personal days, comp time, funeral leave and vacation leave.
- B.** Sick Leave accrues without limit and is charged in minimum units of one-quarter hour.
- C.** If a person transfers into the Board from another public agency, he will receive credit for the unused balance of his sick leave that the employee accrued with that other agency. If a person is re-appointed, reinstated or hired from another public agency, the

employee will be credited with the entire balance of his sick leave that the employee accrued in prior service, provided that the is re-appointed, reinstated, or hired within ten [10] years of the date on which the employee was last separated from public service. Public agency, as used in this policy includes the State of Ohio, and any Ohio county, municipality, board of education, civil service township, and library.

- D. When wishing to transfer sick leave to the Board, the employee shall submit to the Superintendent a statement on the agency's letterhead [from where the employee is transferring sick leave], signed by the agency's head or other authorized person, which states the amount of unused sick leave that the employee has accrued and should be transferred, and the starting and ending dates of the employee's employment with that agency. The Superintendent, at his option, may contact that agency representative to confirm the amount of sick leave to be transferred, the employee's employment dates and other relevant information.

Requesting Sick Leave

- A. An employee requesting sick leave shall inform the employee's supervisor of the fact, and reason prior to the employee's scheduled starting time.
- B. When other divisions have different notification times, other than those specified herein, the employees' supervisor will prior notify the employees in writing.
- C. When notifying the supervisor, the employee will be expected to provide the following information.
 - 1. Reason for the absence
 - 2. Expected date of return to work
 - 3. If the employee plans to seek medical attention
 - 4. A phone number where the employee may be contacted
 - 5. Job responsibilities and tasks which must be covered by coworkers during the period of absence.
- D. Employees are expected to personally call off, and may not typically have someone else report off in place of the employee, excepting in extreme cases where emergency conditions or serious sickness or injury make it unfeasible for the employee to personally call off.
- E. An employee must notify the employee's supervisor each day that the employee will be absent, unless otherwise permitted by the supervisor. Failure to notify in accordance with this policy may result in the denial of sick leave and may subject the employee to appropriate disciplinary action.

Physician Statements

- A. A physician's statement may be required to justify the use and payment of sick leave in any of the following situations. When:
 - 1. medical attention is required,
 - 2. illness or injury extends for over 3 consecutive calendar days,
 - 3. there is a pattern of absences,
 - 4. absences are determined to be excessive by the Superintendent,
 - 5. otherwise required by the Superintendent

- B. When a doctor's statement is required for justification of paid sick leave, a statement from the employee's medical practitioner must be attached to the Application for Use of Sick Leave. The statement must include the nature of the illness or injury, and when the employee may be reasonably be expected to return to work.
- C. The Superintendent may disregard a written, signed statement when an investigation discloses facts inconsistent with proper use of sick leave.
- D. Failure to submit a required physician's statement, or submitting a false or incomplete statement will result in denial of sick leave, If overpayment results when sick leave is denied, the overpayment will be deducted from the employee's next paycheck. Likewise, altering a physician's certificate, or submitting a false physician's certificate, is grounds for discharge.

Sick Leave Pay and Administration

- A. While on sick leave, employees are paid at the same basic hourly, daily, or bi-weekly rate as when they are working. An employee is charged for sick leave only on those days when the employee would have been regularly scheduled to work. Sick leave shall not exceed the amount of time an employee would have been regularly scheduled to work in any pay period.
- B. The Board shall maintain attendance records, and shall record sick leave earned, used and balances for each employee. The Board considers regular and predictable attendance to be an essential job function.

Right to Investigate and Deny Sick Leave

- A. Failure of an employee to comply with any provision of this sick leave policy, will disqualify an employee from use of paid sick leave, and may subject the employee to appropriate disciplinary action.
- B. The Superintendent may investigate an employee's absence for any reason. Sick leave may be denied upon investigation that discloses facts that are inconsistent with the legitimate use of sick leave. As part of an investigation, the employee may be required to submit to a medical examination or other inquiry that the Superintendent feels to be appropriate. When a medical examination is required as part of an investigation, the cost shall be paid by the Board.
- C. The Superintendent maintains the right to verify sick leave, by way of telephone call or visit to confirm that the employee is actually ill, or absent for reasons reported.
- D. Sick leave requests for a day that falls immediately before or after a holiday, vacation or other paid time off will be carefully scrutinized and investigated by the Superintendent, and will be approved for payment only with the submission of satisfactory documentation that justifies the legitimate use of sick leave, or an exemplary attendance record.
- E. Application for Sick Leave with intent to defraud, or alteration of sick leave records shall result in disciplinary action and refund of sick leave pay.

SICK LEAVE CONVERSION

◆POLICY 14.04◆

- A.** Upon retirement from service with the Board under an Ohio public retirement system, an employee who has worked at least ten (10) years with Clinton County, the State of Ohio, or any of its political subdivisions may elect to be paid one-fourth of the value of his accrued but unused sick leave credit, up to the maximum payment specified below,
- B.** The maximum of the sick leave conversion shall be limited to:
 - a.** Thirty (30) days for employees with between ten and twenty years of service
 - b.** Thirty-five [35] days for employees with over twenty years of service
- C.** Payment shall be based on the employee's hourly rate of pay at the time of retirement. The employee may receive one or more payments as provided for in 124.39 ORC, but the unused sick leave paid shall not exceed the aggregate value of sick leave specified and limited in section B above. Receipt of sick leave conversion payment under this policy shall eliminate all sick leave credit accrued by the employee.
- D.** Eligible County employees retiring from active service shall complete a "Sick Leave Conversion" form to initiate the approval and payment process.
- E.** If an employee, who is eligible for retirement and sick leave conversion as provided for herein, dies while still in active service with the Board, the surviving spouse or other beneficiaries [as specified in section 2113.04 O.R.C] shall be granted the sick leave conversion payment for which the employee would have otherwise been entitled. The date of the employee's death shall be considered as the effective date of separation, with the sick leave conversion payment based upon the employee's rate of pay at the time of death.
- F.** Upon resignation, layoff, discharge or other separation from employment with the Board [other than retirement or death as provided for in this policy], the employee shall *not* be eligible to receive compensation for any earned, but unused sick leave.

FUNERAL LEAVE

◆POLICY 14.05◆

- A.** The Board provides up to 5 days of paid funeral leave to employees, with the approval of the Superintendent, in the event of a death in the employee's immediate family. Funeral Leave may be used to attend the funeral, make funeral arrangements, or attend to any other matter related to the funeral.
- B.** Funeral leave is to be deducted from the employee's accrued but unused sick leave balance. In the event that an employee does not have sufficient sick leave to cover the length of approved funeral leave, the employee may use, for the balance of the leave through accrued but unused vacation leave. If an employee does not have sufficient paid leave accrued to cover the period of the approved absence, the employee may take the time unpaid.

Additional time off for bereavement purposes beyond the 5 days may be requested as vacation leave.

- C.** A request for funeral leave shall be requested in accordance with the notification of absence guidelines specified in the policy Sick Leave, and if applicable, vacation leave.
- D.** With the Superintendent's approval, an employee may request to use his accrued, but unused vacation leave to attend the funeral of a friend or any other person not specified in this policy.
- E.** Immediate family, for purposes of funeral leave, is defined as is specified in the policy Sick Leave.

- A.** If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular working day, for:
- matters unrelated to the employee's duties with the Board, or
 - for non-personal matters
- the employee will receive his regular wage, in full, for such time, from the Board, however all monies received as compensation for court service shall be turned over to the business office.
- B.** If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of the employee's regularly scheduled working hours, related to the matters specified in Section A, all monies received as compensation for such court service shall be retained by the employee. An employee who is granted time off for civil leave will be expected to report for work after being released by the Court if a reasonable amount of time remains during his scheduled workday.
- C. Leave for Personal Legal Matters:** Employees are not provided paid civil leave, when appearing in court for criminal or civil cases, when the case is being heard in conjunction with the employees' personal matters such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, or when the employee is one of the principals in the case. These absences will be considered unpaid leave, or the employee may elect to request accrued, but unused vacation for such time, as scheduled in advance with the Superintendent.
- D. Leave Related to Discharge of Duty With the Board:** If an employee is subpoenaed to testify in a court of law in matters related to the official discharge of duty, the employee will receive his regular wage for such time. If such testimony occurs outside of the employee's normal work hours, the employee shall be paid his regular hourly rate of pay for such time actually worked. Also, when the employee works over 40 hours in that work week, the employee may be eligible for overtime in accordance with the provisions of that policy.

- A.** Full-time employees, who have completed their new hire probationary period, and who are members of the Ohio National Guard, the Ohio military reserve, and the Ohio naval militia, or members of other reserve components of the armed Forces of the United States, shall be entitled to a leave of absence from their respective duties, without loss of pay, for such time as they are in military service on field training or other active duty periods not to exceed 176 hours in any one (1) calendar year. There is no requirement that this service be in one (1) continuous period of time.
- B.** Except as otherwise noted below, any employee who is called to active duty for a period in excess of 176 hours on any one (1) calendar year because of an Executive Order issued by the President of the United States or an Act of Congress is entitled, during the period designated in the Order or Act to a Military Leave and to be paid, during each month of that period the lesser of the following:

 - a.** the difference between his gross monthly wage or salary as an employee and the sum of his gross military pay and allowances received that month; or
 - b.** five hundred dollars.

However, no employee shall receive such payments if the sum of his gross military pay and allowances received in a month exceeds his gross monthly wage or salary as an employee of the department.
- C.** Individual and family insurance coverage may be provided by the military for employees called to active duty. Therefore, such employees are encouraged to participate in the military insurance plan [and to suspend the County insurance] during the period that they are active in the military. However, at the request of any employee, who is called to active duty, [as provided in section 1 above], or at the request of the spouse or dependent of that person, the Board shall continue the health, medical and hospital benefit coverage for the duration of the time the person is on active duty. The person or spouse or dependent thereof who requests the continuation of coverage and the Board each shall be liable for payment of the same costs for the coverage as if the person were not on a leave of absence.
- D.** Should the employee on active duty choose to suspend insurance coverage with the Board, upon reinstatement to service following active military duty, the employee's insurance coverage with the Board shall be reactivated.
- E.** Employees, who are members of the Ohio National Guard, will be granted Emergency Military Leave for mob, riot, and flood control, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave shall be without pay if it exceeds the authorized paid Military Leave for the calendar year, in which the emergency occurs. This Emergency Military Leave will cover the official period of the emergency so long as the employee's presence is required by his commanding authority.
- F.** The Board shall grant a leave of absence, without pay, to an employee who enters active military service (without being "called to active duty" as herein above provided), and the Board shall also recognize such employee's re-employment rights in accordance with applicable federal law. When called to active duty, a reservist employee is required to submit to the Superintendent a copy of his induction notice.

I. INTRODUCTION

The Board offers Family and Medical Leave [FMLA leave] to eligible employees in accordance with requirements specified in the law, and parts 825.100 through 825.800 of the Federal Code of Regulations. Although this policy provides general guidance for complying with the Act, the Superintendent shall refer to, and follow applicable regulations when applying FMLA leave to specific situations.

II. ELIGIBILITY

A. An employee is eligible for FMLA leave if the employee:

1. has been employed by the Board for at least twelve months in the last 7 years. Employment periods working for the Board preceding a break in service of more than 7 years, does not count for determining employee eligibility, except when the break in service was occasioned by fulfillment of National Guard or Reserve Military Service.
2. has worked at least 1250 hours during the immediately preceding 12 calendar months; and
3. is employed at a work site with 50 or more employees within a 75-mile radius.

III. REASONS FOR LEAVE

A. An eligible employee may request Family and Medical Leave for any of the following reasons:

1. for the birth of a child, and to care for the new born child.
2. for placement with the employee of a child for adoption or foster care, and for other matters directly related to the adoption or placement of a child, including time necessary before the actual placement or adoption so that it may proceed including counseling sessions, attorney consultations, and other matters.
3. to care for the employee's spouse, child (under the age of 18 or disabled child), or parent with a serious health condition;
4. because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's job
5. for Military Family Leave [refer to Military Family Leave section in this policy] which includes:
 - Exigency Leave
 - Military Care Giver Leave to care for a covered servicemember.

IV. ANNUAL AMOUNTS, AND MINIMUM INCREMENTS

A. An eligible employee may take FMLA leave in an amount that does not exceed more than 12 work weeks of leave [480 hours] during a 12-month period. The 12 month period is measured backward from any date of prior FMLA leave use.

B. An exception to the 12 week limitation is when FMLA leave is needed to care for a covered service member with a serious injury or illness, in which case FMLA leave is limited to 26 work weeks [1040 hours] in a 12-month period, beginning on the first day

the eligible employee takes FMLA leave for this purpose, and ending 12-months after that date.

FMLA leave will typically be charged in increments of one-half hour. However, regardless of the one-half hour minimum, an employee will not be charged with FMLA leave in amounts more than the employee actually takes. [Examples: If an employee leaves work 15 minutes early due to an FMLA qualifying reason, the employee will not be charged for FMLA leave. Likewise, if an employee arrives to work 15 minutes late due to an FMLA qualifying reason, the Superintendent will direct the employee to work and will not charge the employee's FMLA leave balance].

V. RUNNING PAID LEAVE CONCURRENTLY

- A.** Generally, FMLA leave is unpaid; however, the Board requires that sick leave, compensatory leave and vacation leave run concurrently with FMLA leave. When an employee requests leave, paid leave will run concurrently in the order specified in this section.
- B.** Paid sick leave will run concurrently with FMLA if the qualifying reason for leave would qualify for paid sick leave under policy 14.03. If the FMLA qualifying reason does not qualify for sick leave under the Board's policy, or if the employee's sick leave balance is exhausted, then compensatory time will run concurrently. If compensatory time is exhausted then vacation leave will run concurrently. All available paid sick leave, compensatory time, and vacation leave shall each be exhausted prior to running unpaid leave.
- C.** Even though leave is for an FMLA qualifying reason, the employee will still be held accountable for following the timeframes and other policy provisions for requesting paid and unpaid leave, applicable to the kind of leave requested.
- D.** When an employee requests leave, the Superintendent will notify the employee of the approval [or disapproval of the leave], whether it is designated as FMLA leave, and the type of leave that will run concurrently, if any.

When an employee is approved for worker's compensation, time spent on worker's compensation shall run concurrently with FMLA leave. An employee shall not be permitted to use any paid leave while on worker's' compensation, nor shall paid leave run concurrently with FMLA when an employee is on worker's compensation.

VI. GENERAL NOTICE

- A.** The Superintendent will post in conspicuous places the required FMLA notice that provides general information to employees and job applicants regarding their FMLA leave rights, responsibilities and obligations. Additionally, this general notice is located in the "Forms" section of this policy manual.
- B.** Upon hire, each new employee will be provided opportunity to review the policies specified in this manual, including this policy and the General Notice, and shall document this review by signing the Policy Review and Understanding form.

VII. EMPLOYEE LEAVE REQUESTS

Timing of Request – Foreseeable Leave:

- A.** An employee must give the Superintendent 30 calendar days written notice, or as soon as practicable when leave is foreseeable and is requested due to the birth or placement of a child, or for a planned medical treatment for the serious health condition of the employee, a family member, or covered service member.

- B.** If a 30 calendar day notice is not practicable, the employee shall provide to the Superintendent, in writing, the reason why the required advance notification was not practicable. When considering why meeting the notification requirement was not practicable, the Superintendent will take into account the individual facts and circumstances surrounding the request.
- C.** If the employee needs FMLA leave for planned medical treatment, the employee is expected to make every effort to schedule the treatment so to minimize disruption to Board operations. The employee is expected to prior consult with the Superintendent to determine time that would be least disruptive to operations, subject to the approval of the healthcare provider.
- D.** When the timing for the need for leave is foreseeable, and the employee is requesting paid leave, the employee must provide notice to the Superintendent in accordance with the timeframes and other requirements specified in the applicable leave policy specified in this manual.

Timing of Request – Unforeseeable Leave

- A.** When the timing for the need for leave is unforeseeable, an employee must provide notice to the Superintendent in accordance with the timeframes and other requirements specified in the applicable leave policy specified in this manual.

Content of Request

- A.** The first request for use of FMLA leave, due to a qualifying reason, shall be in writing, and shall include:
 - 1. the reason for the request.
 - 2. the date the leave is to start, and the projected date that it will conclude if known.
 - 3. the date that the leave request was submitted.
 - 4. a statement as to whether the employee intends to return to work at the conclusion of the FMLA leave.
 - 5. satisfactory certification as required based on the reason for leave, such as a medical certification to substantiate serious health conditions, copies of judicial records in cases involving adoption of a child, military call-up orders, and other certifications relevant to the leave.
 - 6. other relevant information requested by the Superintendent.
- B.** When requesting FMLA leave the first time for a particular FMLA qualifying reason, the employee must sufficiently explain the reasons for the needed leave so to provide to the Superintendent information necessary to determine if the leave is FMLA qualifying.
- C.** In the event that the Superintendent does not have sufficient information to determine whether or not leave is FMLA qualifying, the Superintendent will require further information from the employee. Failure by the employee to provide sufficient information may result in denial of FMLA leave rights, including the right to reinstatement, continuation of benefits while on leave and other FMLA protections.
- D.** The Superintendent may require an employee on FMLA leave to report periodically to his immediate supervisor on the status and intention of the employee to return to work.

Subsequent Requests for the same Qualifying Reason

- A. When an employee seeks leave for the same qualifying reason that had prior been designated as FMLA leave, the employee is required to specifically inform the Superintendent that the leave is for that FMLA qualifying reason.

Changes after Leave is Approved

- A. Whether FMLA leave is to be taken in a continuous block of time, intermittently, or on a reduced leave schedule, the employee is expected to inform the Superintendent, as soon as practicable, regarding:
- any scheduling changes relative to the need for leave,
 - if the need for leave is extended, or
 - if dates were initially unknown.

VIII. NOTICE OF ELIGIBILITY & NOTICE OF RIGHTS & RESPONSIBILITIES

- A. When an employee requests FMLA leave, the Superintendent will give the employee a completed and signed "Notice of Eligibility and Rights & Responsibilities". In addition to other information, the notice will inform the employee whether s/he is eligible for FMLA leave. If the employee is eligible, the notice will indicate any additional information the employee must provide, and notify the employee of his/her rights and responsibilities. If the employee is not eligible, the notice will indicate the reason for ineligibility.
- B. The notice will be given to the employee within 5 business days of the request for leave, or within 5 business days after the employer becomes aware of the need for leave, absent extenuating circumstances.
- C. All FMLA absences [for the same qualifying reason] are considered a single leave and employee eligibility as to the reason for leave does not change during the applicable 12-month period. Therefore, subsequent use of FMLA for the same qualifying reason does not require another Eligibility Notice within the applicable 12 month FMLA year. The Board requires a new Eligibility Notice, however, when the employee requests FMLA leave for a different qualifying reason.
- D. If for any reason, the employee's eligibility status changes during the applicable 12-month period, or if employee responsibilities or other leave terms change, the Superintendent will notify the employee within 5 business days following the change, absent extenuating circumstances.

IX. MEDICAL CERTIFICATION

- A. If the employee requests leave due to the employee's own or covered family member's serious health condition, the employee is requested to provide authorization for the health care provider to release the employee's confidential medical information which substantiates the need for FMLA leave. The relevant healthcare provider must supply appropriate medical certification when required for FMLA leave to be considered for approval.
- B. When a medical certification is required, a request for medical certification will be made to the employee by the Superintendent on the Notice of Eligibility and Rights and Responsibilities form. A request to cure an insufficient or incomplete medical certification shall be made on the Designation Form. Requests for recertification shall be made by the Superintendent in accordance with provisions specified in the regulations.

- C.** The employee must provide the required certification or recertification to the Superintendent within the required timeframe, which shall be at least 15 calendar days, unless it is not practicable, despite the employee's diligent, good faith efforts. If an employee provides at least 30 days' notice of the need for medical leave, he should provide the medical certification before leave begins.
- D.** Medical certifications that document an employee's own serious health condition shall be provided by the health care provider on the form titled: "Certification of Healthcare Provider for Employee's Own Serious Health Condition." Medical certifications that document a family member's serious health condition shall be completed on the form titled "Certification of Healthcare Provider for Family Member's Serious Health Condition."
- E.** If a certification or recertification is returned by the healthcare provider, but is incomplete or insufficient, the Superintendent will provide written notice to the employee of the need for additional medical information, including the specific information needed. The employee will have 7 calendar days to cure the insufficient or incomplete medical certification, in so far as 7 days is practicable.
- F.** If the Superintendent still has questions after giving the employee 7 days to cure the medical certification or recertification, the Superintendent may authenticate or clarify the certification with the health care provider. Authenticating and clarifying a certification may be done by a management person or the Superintendent, in so far as such person is not the immediate supervisor of the employee.
- G.** If the employee does not authorize the release of medical information, or if a sufficient and complete medical certification or recertification is not timely returned, the Superintendent may deny the FMLA leave.
- H.** To the extent permitted by state and/or federal law, the Superintendent will treat as confidential all medical data and health care provider opinions submitted or obtained pursuant to an employee's FMLA leave request/certification and/or the employee's return to work.

X. DESIGNATION NOTICE

- A.** When the Superintendent is given sufficient information, including required medical certifications, the Superintendent will determine whether leave qualifies as FMLA leave, or does not qualify, and will notify the employee of the decision within 5 business days of the determination, absent extenuating circumstances. Notification to the employee will be in writing on the Designation Notice.
- B.** Only one Designation Notice will be completed for each FMLA-qualifying reason per applicable 12-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave, intermittent leave or a reduced schedule leave.
- C.** If the Superintendent intends to require a fitness for duty examination upon the employee's return from FMLA leave, the Superintendent will so notify the employee on the Designation Notice, and shall also provide to the employee a list of essential job duties that will be used by the health care provider to determine the employee's fitness for duty.

XI. LEAVE FOR PREGNANCY, BIRTH AND BONDING

- A.** A pregnant employee may take FMLA leave for pregnancy, prenatal care and childbirth, and to bond with the healthy child following its birth. A father [who is the spouse of the mother] has the same rights as the mother, and can take FMLA leave for the pregnant spouse's pre-natal care and appointments [including transportation to prenatal appointments], and to care for the spouse after birth of the child if the spouse has a serious health condition.
- B.** If the father is not married to the pregnant mother, the father is not eligible for FMLA leave for pregnancy issues, pre-natal care, or to care for the mother during a period of disability following childbirth. The unmarried father however, is eligible to take FMLA leave for the birth of the child, or for bonding with the healthy child after birth, or to care for his child with a serious health condition.
- C.** In the case of the birth of a child [or adoption or foster care] the employee may take FMLA for that qualifying reason for a period of twelve [12] months following the birth or placement of a child.

XII. INTERMITTENT & REDUCED WORK SCHEDULE LEAVE

- A.** An employee may be placed on a reduced leave schedule or intermittent leave when it is medically necessary due to an employee's own serious health condition, to care for a parent, spouse or child with a serious health condition, or to care for a covered service member with a serious injury or illness. Additionally, FMLA leave due to a qualifying exigency may be taken on an intermittent or reduced leave schedule basis.
- B.** When intermittent leave or a reduced work schedule is necessary for a planned medical treatment, then the employee must make a reasonable effort to schedule the treatment so as not to disrupt the Superintendent's operations.
- C.** Intermittent leave or a reduced work schedule may not be taken for bonding after the birth of a healthy child or after placement of a healthy child for adoption or foster care.

XIII. BENEFITS

- A.** Employees who are on FMLA leave are provided the same health care benefits, for the duration of leave, at the same level and under the same conditions of coverage that would have been provided if not on leave.
- B.** An employee on FMLA leave is responsible for payment of that portion of his or her group health insurance premiums that are not paid by the Board. The employee must pay his or her portion of the premium on a timely basis; therefore, if the employee fails to make such payment within thirty [30] days of the due date, the employee will be excluded from coverage under the Board's group health insurance plan.
- C.** The Board may recover the premium that it paid for maintaining coverage for an employee on FMLA leave under the group health plan during any period of leave if the employee fails to return to work after the leave has expired and the failure to return to work is for any reason other than:
 - 1. the continuation, recurrence, or onset of the employee's serious health condition; or
 - 2. a serious health condition that requires the employee to care for the employee's spouse, child, or parent;
 - 3. a serious illness or injury of a covered servicemember; or
 - 4. other circumstances beyond the employee's control.

- D. Other benefits, if any that are provided during periods of other paid or unpaid leave offered by the Board will be likewise provided to employees who are on FMLA leave.

XIV. JOB RESTORATION

- A. Except as otherwise noted below, upon return from FMLA leave, an employee will be restored to the position s/he held immediately prior to commencement of the leave, unless that position no longer exists. In the event that the employee's position no longer exists, the employee will be assigned to a position equivalent to that held by the employee prior to the commencement of the leave, with equal pay and benefits.
- B. If the employee is unable to perform the essential functions of the job because of a physical or mental condition, [including the continuation of a serious health condition], the employee has no right to reinstatement under the FMLA. Notwithstanding, restoration rights may be made, if required under the American's with Disabilities Act.
- C. The determination as to whether an employee is fit for duty will be determined by the health care provider through assessment of the employee's physical and mental capability to perform the essential duties of the position. The employee will be prior notified of the fitness for duty examination requirement in the Designation Notice, along with the list of essential duties upon which the determination will be made.
- D. Although the physical or mental fitness for duty assessment will normally be made by the employee's health care provider, the Superintendent may require the employee to submit to examination by other health care providers, in accordance with the policy specified in this manual, and requirements specified in the FMLA regulations.

XV. MILITARY FAMILY LEAVE [Exigency & Servicemember Caregiver Leave]

- A. An eligible employee may take exigency leave, or servicemember caregiver leave for qualifying reasons. Only employees who meet requirements specified in the section of this policy titled "Eligibility" are eligible.
- B. The Superintendent will designate military family leave as FMLA qualifying, and will follow processes that are otherwise required for other FMLA leaves, including notification to employee of eligibility, employee rights and responsibilities, designation as FMLA, and requirements specified in the Code of Federal Regulations.
- C. For purposes of military family leave, applicable requirements of other FMLA qualifying leaves shall apply, including, but not limited to requirements pertaining to minimum leave increments, the Board's policy to run paid leave concurrently, and other applicable requirements.

Exigency Leave:

- A. The Board provides eligible family members of a qualified servicemember time off for specific activities surrounding a call or impending call to active duty in support of a contingency operation. An eligible employee may use exigency leave when:
- a. the employee's spouse, son, daughter, or parent is a military member of the armed forces, and
 - b. the spouse, son, daughter or parent is on active duty [or has been notified of an impending call or order to active duty] and
 - c. the employee has need of leave for any of the following reasons:
 - short-notice deployment of the spouse, son, daughter or parent [up to 7 days of leave];
 - military events and related activities;

- childcare and school activities;
- financial and legal arrangements;
- counseling [non-medical];
- to spend time with a covered military member who is on a short term, temporary, rest and recuperation leave during the period of deployment [up to 15 days for each rest and recuperation instance];
- post-deployment activities;
- to address certain activities related to the care of the military member's parent who is incapable of self-care. Activities related to the care of the military member's parent may include arranging for alternative parental care; providing care on a non-routine, urgent, immediate need basis; admitting or transferring the parent to a new care facility; and attending certain meetings at a care facility or with hospice staff, or
- to address other events which arise out of the covered military member's active duty or call to active duty, provided that the leave is agreed upon by both the Superintendent and the employee, including the timing and duration of the leave.

B. Covered active duty for purposes of qualifying exigency leave refers to:

- for members of the Regular Armed Forces: duty during deployment of the member with the Armed Forces to a foreign country; or
- for members of the Reserve components of the Armed Forces (members of the National Guard and Reserves): duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in support of a contingency operation.

For the purpose of this policy, deployment to a foreign country includes deployment to international waters.

- C.** When submitting a request for exigency leave, the employee shall provide sufficient information to the Superintendent so that the Superintendent can determine if the leave qualifies as FMLA leave. Certification of a qualifying exigency shall be provided by the employee by completing the form titled "Certification of Qualifying Exigency for Military Family Leave."
- D.** Depending on the reason for leave, documents which may demonstrate sufficiency include proof of the military member's active duty status, a document that confirms an appointment with a counselor or school official, a copy of a bill for legal or financial services, a meeting announcement for military informational briefings, or other documentation determined acceptable by the Superintendent. At the discretion of the Superintendent, and in accordance with applicable regulations, the Superintendent may verify the authenticity of the documents submitted.

Servicemember Caregiver Leave:

- A.** An eligible employee may use FMLA leave to care for a family member who is currently in the Armed Forces, the National Guard or Reserves who:
- is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list and
 - has a serious injury or illness incurred by the service member in the line of duty while on active duty that may render the services member medically unfit to perform the duties of his or her office, grade, rank or rating. A serious injury or

illness also includes injuries or illnesses that existed before the servicemember's active duty that were aggravated by service in the line of duty on active duty.

- B.** An eligible employee may also use FMLA leave to care for a family member who is a covered veteran as defined by the FMLA regulations to care for the covered veteran who was discharged within the five-year period before the eligible employee first takes FMLA military caregiver leave to care for the covered veteran who:
- is undergoing medical treatment, recuperation, or therapy and
 - has a serious injury or illness. A serious injury or illness is one that was incurred by the veteran in the line of duty on active duty in the Armed Forces or that existed before the veteran's active duty and was aggravated by service in the line of duty on active duty, and that is either:
 - a continuation of a serious injury or illness that was incurred or aggravated when the veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
 - a physical or mental condition for which the veteran has received a Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater. (The rating may be based on multiple conditions).
 - a physical or mental condition that substantially impairs the veteran's ability to work because of a disability or disabilities related to military service, or would do so absent treatment; or
 - an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers
- C.** To take servicemember caregiver leave, the employee must be the son, daughter, parent or next of kin of the covered servicemember.
- D.** An eligible employee may take up to 26 weeks of FMLA leave to care for a covered servicemember during a single 12-month period. The 12 month period begins on the first day the eligible employee takes FMLA for this purpose, and ends 12 months after that date, regardless of the fact that the Board otherwise uses a rolling calendar year for other FMLA purposes.
- E.** If an eligible employee does not take all of his or her 26 weeks leave during this single 12 month period, the remaining part of the 26 weeks is forfeited.
- F.** When taking leave to care for a covered servicemember, the employee, in combination with other reasons for FMLA, may not take more than a total of 26 weeks of FMLA in a single 12-month period.
- G.** When submitting a request for servicemember caregiver leave, the employee is required to provide sufficient information to the Superintendent so that the Superintendent can determine if the leave qualifies as FMLA leave. Certification for servicemember caregiver leave shall be provided by the employee by completing the form titled "Certification For Serious Injury or Illness of Covered Servicemember-for Military Family Leave." Certification for a covered veteran servicemember caregiver leave shall be provided by the employee by completing the form titled ["Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave"].
- H.** Documents which may be required include proof of the servicemember's military status, proof of the servicemember's serious injury or illness, proof of the employee's relationship to the servicemember, and other appropriate documentation. At the

discretion of the Superintendent, and in accordance with applicable regulations, the Superintendent may verify the authenticity of the documents submitted.

XVI. MARRIED COUPLES WORKING WITH SAME EMPLOYER

- A.** A husband and wife, who are eligible for FMLA leave and are both employed by the Board, are limited to a combined total of 12 weeks of leave during any 12 month period if the leave is taken:
1. for the birth of the employee's child, or to care for the child [after birth];
 2. for placement of a child with the employee for adoption or foster care, or to care for the child after placement;
 3. to care for the employee's parent with a serious health condition.
- B.** Where both the husband and wife use a portion of the total 12 week FMLA leave entitlement for one of the reasons specified above, the husband and wife would each be entitled to the difference between the amount s/he took individually and 12 weeks for FMLA leave for other purposes, such as for the employee's own serious health condition, or for the serious health condition of their child.
- C.** When both husband and wife work for the Board and are eligible for FMLA, the amount of leave that can be taken by both persons to care for a covered servicemember is a total of 26 combined weeks in a single 12-month period.

XVII. DEFINITION OF SPOUSE

- A.** For the purpose of applying this Family and Medical Leave policy, the term "spouse" shall mean the following.
- A husband or wife, meaning the other person with whom an individual has entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or;
 - in the case of a marriage entered into outside of the United States, if the marriage is valid in the place where entered into and the marriage could have been entered into in at least one State within the United States.
- B.** The term spouse includes persons in a same sex or common law marriage that either:
- were entered into in a State that recognizes such marriages, or
 - if entered into outside of the United States, is valid in the place where entered into and the marriage could have been entered into in at least one State within the United States.

- A. Upon written request, the Superintendent may approve an unpaid leave for reason(s) specified by the employee. However, granting of unpaid leave is discretionary with the Superintendent, and each application is considered upon its own merits. Consequently, approval of any unpaid leave application will not create a precedent or establish any practice.
- B. Unpaid leave may be granted for a maximum of six (6) months for any personal reason(s) of the employee, and it may not be renewed or extended. Unpaid leave may also be granted for a maximum of two (2) years for purposes of education or training that benefits the Board.
- C. Except for emergencies or unforeseen circumstances, an unpaid leave must be requested at least thirty (30) calendar days prior to the requested starting date. The Superintendent shall maintain authority to determine what, or what is not, an emergency or unforeseen circumstance.
- D. Upon his timely return from unpaid leave, a classified employee will be reinstated to his most previously occupied position, or to a similar position if that position has been abolished. Any temporary replacement will be removed from the position upon reinstatement of the employee. If qualified, the removed temporary employee may be considered for other vacancies. An unclassified employee, on an unpaid leave of absence [that has not been designated as FML], may be reinstated into his former position, at the option of the Superintendent. An employee on FML will be reinstated in accordance with that Act's requirements.
- E. An employee may return to work before the scheduled expiration of unpaid leave, provided his written request to return early is approved by the Superintendent.
- F. If an employee fails to return to work at the expiration of his unpaid leave, he will be considered to have resigned effective the last day he actually worked. If it's determined that an employee is not actually using the unpaid leave for the stated purpose, the Superintendent may cancel the leave, and direct the employee to return to work. Failure to return to work as directed may subject the employee to disciplinary action.
- G. An employee who is on an authorized unpaid leave does not accrue vacation or sick leave, and the unpaid leave may affect whether the employee is credited with personal leave, depending upon the length of the leave and the discretion of the Superintendent. Time spent on leave of absence, however, is considered when determining length of service for purposes where tenure is a factor such as determining vacation leave accrual rates.

Extended Illness or Injury Leave

- A. A physically or mentally incapacitated employee, who has exhausted all accumulated sick leave, personal leave, vacation, and accumulated comp time, and for whom a reasonable accommodation is not available or which creates an undue hardship, may request up to six months of extended illness or injury leave without pay. The request shall be submitted to the Superintendent in writing, with supporting evidence and documentation attached.
- B. The leave will only be approved if the employee can present evidence as to the nature and extent of the disabling illness, injury or condition, the date requested for leave and

the date of probable return whereas the employee will be able to return to work and be able to perform essential duties, with or without a reasonable accommodation.

- C.** Extended illness or injury leave will run concurrently with Family and Medical Leave. Board paid medical insurance benefits will not be provided under Illness or Injury Leave, unless the leave is running concurrently with Family and Medical Leave. If the employee is going to lose medical coverage while on illness or injury leave, the employee will be presented the option of continuing medical coverage through COBRA, at the employee's own cost, if eligible.
- D.** If the employee cannot produce evidence of a probable date of return, the employee will be approved for disability separation from employment.

Introduction

- A.** When an employee becomes physically or mentally unable to perform essential duties of his position, and except for the disability, as defined in the Americans with Disabilities Act (ADA), is otherwise qualified to perform essential job duties, the employee may request a reasonable accommodation. In the event that a reasonable accommodation is not available, or is denied because it would create an undue hardship on the Board, the employee may request to perform the duties of another position in the Board, for which the employee is qualified, and capable of physically and mentally capable. Such position may include appointment into a position that is equal to, or lower in pay than the position from which the employee currently holds. The request shall be in writing, stating the reason for the request, and shall be submitted to the Superintendent for consideration of approval or disapproval. An employee will only be approved for another position if the position is available, and the employee is qualified to perform required essential duties, with or without a reasonable accommodation.
- B.** In the event that a voluntary reduction is not requested or approved, and Family and Medical Leave has been exhausted, a physically or mentally disabled employee may be placed on either a voluntary or involuntary disability separation as provided for herein. Alternatively, if the employee is eligible, the employee may apply for disability retirement under an Ohio public retirement system.

Voluntary Disability Separation

- A.** A voluntary disability separation occurs when the employee does not dispute the inability to perform essential job duties of his position because of a disabling illness, injury or condition. A voluntary disability separation may be requested by the employee when the employee is declared physically or mentally incapable of performing the duties of his position by a licensed physician.
- B.** The Superintendent may consider the request and grant it, or may require the employee to submit to a medical or physical examination as provided for in these policies.
- C.** If the examination supports the employee's request, the Superintendent shall approve the disability separation. If the medical examination does not support the request, the Superintendent shall not approve the disability separation, and shall direct the employee to work.

Involuntary Disability Separation

- A.** In the event that an employee is unable or unwilling to admit a physical or mental incapacity which precludes the employee from performing essential job duties, the Superintendent may request that an employee submit to a medical or psychological examination, as provided for in these policies, unless such action is contemplated at the time that the employee is hospitalized.
- B.** When results of the examination confirm that the employee is unable to perform essential job functions, the Superintendent may institute pre-separation proceedings.
- C.** Under these proceedings, a hearing will be scheduled and advance written notice of at least 72 hours shall be provided to the employee. The employee may either waive his

right to the hearing, or may choose to attend the hearing and examine the documentation that substantiates the disability separation, to rebut the evidence, and to present testimony and evidence on the employee's behalf.

- D.** The Superintendent shall consider all available documentation and shall make the decision to proceed with the involuntary disability separation, or to declare the employee physically and mentally fit to perform essential job duties. If involuntarily separated, the effective date of separation shall be the date in which the employee was no longer in active work status due to the disability. The Board shall provide to the disability-separated employee, at the time of separation, reinstatement rights and procedures.
- E.** For a period of two years following a voluntary or involuntary disability separation, any appointment made to the position will be on a temporary basis, with the employee filling the position fully aware of its temporary nature. Reinstatement rights following a disability separation extend for two years from the date such leave is granted. Following this two-year period, the separated employee has no reinstatement rights and the temporary employee shall become permanent.
- F.** The employee, returning from disability separation, shall be reinstated to the same or similar position within thirty (30) days after making written application and passing a medical examination showing full qualifications to perform the duties of the position, (either with or without a reasonable accommodation in the event of a disability covered by the *ADA*).
- G.** The examination shall be conducted by a physician designated by the Superintendent, with its costs paid by the employee.
- H.** If continuing disability precludes reinstatement, the employee may wish to apply for Disability Retirement. An employee who does not return from Disability Separation, or take Disability Retirement, shall be considered to have resigned.

Duration of Reinstatement Rights

- A.** If an employee is placed on illness and injury leave, unpaid Family and Medical or other unpaid leave prior to being disability separated, then the combined total of absence due to the disability shall not exceed two years for the purpose of reinstatement rights.

INSURANCE BENEFITS

◆POLICY 14.11◆

- A.** The Board provides to its permanent full-time employees who regularly work 30 hours or more per week group health, dental and vision coverage after thirty days of employment - enrollment is effective the first day of the first month following eligibility.
- B.** Permanent employees regularly working 30 or more hours per week are eligible for group health, dental and vision insurance coverage. Employees who regularly work less than 30 hours are not eligible.
- C.** The Board currently pays 85% of the employee's share of the insurance premium, with the employee responsible for paying the remaining 15% of the premium through payroll deduction.
- D.** The percentage share of the insurance premium is determined by the Board of DD. The Board reviews the percentage share at least annually, but reserves the right to change it as necessary at any time. The employee's share may be paid on a deferred compensation basis in accordance with the Board's section 125 plan.
- E.** Temporary and substitute [intermittent] employees are provided statutory benefits only.
- F.** Management and professional contract employees are provided insurance and other benefits in accordance with their contract. Therefore the provision and terms of benefits offered to management and professional contract employees may differ from those provided to classified employees who are not covered by contract.
- G.** Employees may enroll in single, employee + kids or family coverage at the employee's option, but enrollment is conditional on the terms and conditions of the following spousal carve out policy.
 - a.** Family coverage is not offered to employees who were hired after October 1, 2007, and whose spouse may take medical insurance coverage under the spouse's employer's or the spouse's retirement medical plan.
 - b.** Family coverage is available to employees who were hired after October 1, 2007, and whose spouse and family is not covered or eligible under the spouse's employer's or the spouse's retirement medical plan.
 - c.** Employees, hired prior to October 1, 2007 and whose family on that date was covered under the Board plan, may continue to cover their spouse and family under the County plan. However, such employee is not eligible to add the spouse and family to the County plan after the October 1, 2007 date.
 - d.** Employee + kids coverage is available to all qualifying employees whether kid's coverage can be obtained elsewhere or not.
- H.** At age 65, an employee becomes eligible for Medicare. The Board's medical plan coverage remains primary for as long as the employee remains eligible and maintains the Board's medical insurance benefit. Medicare coverage is secondary.
- I.** Employees are responsible for keeping the insurance carrier current on any changes affecting coverage, such as marriages, divorces and births by submitting this information to the Business Manager. An employee, whose spouse is covered by the Board's medical insurance plan, is also required to notify the Business Manager in the event that the employee's spouse becomes eligible for the spouse's employer's medical insurance plan, or through the spouse's retirement plan. Likewise, for the purpose of

applying the spousal carve-out provision specified in section F of this policy, no later than one month prior to the date when an employee's spouse turns 65, employees who are on the Board's medical plan are to notify the Business Manager that the spouse is now covered under Medicare. With some exceptions, coverage under Medicare is not considered "other coverage" and therefore, the employee may be eligible to continue to participate in the Board's family plan. However, the Business Manager will confer with the Board's insurance carrier, Medicare and other necessary resources to consider the applicability of the carve-out policy to the employee's and spouse's relevant facts and circumstances and will notify the employee if the carve out policy applies to that particular situation. Employees are expected to cooperate in providing information needed to make an appropriate determination in consideration of applicable regulations.

- J.** Employees on unpaid leave may make arrangements to pay insurance premiums directly, after the Board's obligation has elapsed.
- K.** Employees who work 30 hours or more each week, as well as employees provided life insurance through a negotiated management or professional contract, are eligible to participate in the group life insurance program. The policy is term life insurance, and is in effect only as long as the employee remains employed with the Board. The amount of coverage currently granted to employees is \$50,000, with premiums currently paid in full by the Board.
- L.** The Board of DD reserves all rights to determine and change insurance carriers, to change plans, and will follow all applicable federal and state laws as it pertains to its decisions regarding offering medical insurance. The Board of DD reserves the right to limit the amount of premiums for which the Board will be liable, and to require the employee to pay the balance of each monthly premium.
- M.** If an employee has questions concerning health or life insurance that the Board provides, the employee should review the insurance booklet and plan documents via the carriers, or may direct general questions to the Business Manager.

HOSPITALIZATION COVERAGE FOLLOWING SEPARATION

◆POLICY 14.12◆

- A.** The Board provides to each employee and their dependents, if eligible, opportunity to continue hospitalization coverage under COBRA, for specified periods of time, ranging from 18 to 36 months after the employee or his dependents would otherwise lose coverage. Continuation of medical coverage under the group plan is at the employee's and/or dependent's own expense, plus a 2% administrative charge.
- B.** COBRA rules and regulations are adhered to, and administered by Infinisource, Dayton Ohio.
- C.** Continuation coverage is the same coverage available for, and provided to employees who are currently employed by the Board. Insurance coverage for employees who separate from employment for any reason other than retirement, will cease on the effective date of separation, and the employee will be notified of rights to continue coverage as provided for in this policy. Employees who retire remain covered until notice has been received of their coverage becoming effective through the Ohio Public Retirement System.
- D.** The Plan Coordinator is the Business Manager who will monitor resignations and other COBRA qualifying events and will then notify Infinisource who will inform employees and their dependents of their right to continue coverage under the health insurance group plan.
- E.** Employees and dependents, covered under the Board's hospitalization plan, will have the opportunity to continue hospitalization coverage according to the following schedule.
 - 1.** An employee, whose employment is terminated, (other than for gross misconduct) is eligible to purchase hospitalization coverage for up to 18 months following the termination.

The 18 month period may be extended if other qualifying events occur during that 18 month period. The 18 month period may also be extended to 29 months for those persons deemed to be disabled under the Social Security Act, provided the Business Manager is notified within 60 days of that determination. The affected person must also notify the Business Manager within 60 days of any final determination that the individual is no longer disabled.
 - 2.** An employee, whose total hours worked are reduced, which reduction causes him to be ineligible for continued hospitalization coverage, shall be eligible to purchase hospitalization for up to 18 months following such reduction.
 - 3.** The spouse and dependent children are eligible to purchase hospitalization coverage for up to 36 months when the employee:
 - a.** dies;
 - b.** would otherwise lose coverage due to the employee's termination and/or reduction in hours.
 - 4.** The spouse and/or dependent children are eligible to purchase hospitalization coverage for up to 36 months when:

- a. the spouse and dependents would lose eligibility for continued coverage due to divorce or legal separation;
 - b. the dependent child would lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.
 5. In no event will continuation of coverage last beyond 36 months from the day of the qualifying event that originally made an individual eligible to elect such coverage.
- F. Employees, who are terminated or reduced in hours, and their spouses and dependent children shall be notified by Infinisource of the provisions of this policy.
 1. Each covered employee shall be provided a notice of this policy at the time the employee begins coverage under the Board's health insurance plan.
 2. The spouse of a covered employee will be mailed notice of this policy and thereafter, at the time family or spouse coverage begins under the Board's hospitalization plan. Notification to the employee's spouse is considered to serve notice to the dependent children.
- G. Each employee is responsible for notifying the Business Manager of any action that might trigger a spouse or dependent child's eligibility to continue health insurance. The notice must be made immediately upon gaining knowledge of the event which includes circumstances such as divorce, legal separation, or loss of dependent eligibility under the Board plan.
- H. When notified of a triggering event, the Business Manager will notify Infinisource who will then notify the individuals who are eligible for continued hospitalization plan coverage, and of their rights and obligations. The notice shall contain a final date by which the employee, spouse or dependent child must respond to Infinisource with their intent to continue coverage.
- I. If an eligible separated employee does not elect continuation coverage, dependents may elect such coverage and each qualified beneficiary is entitled to a separate election of continuation coverage. Furthermore, if options of plan coverage are available, dependents may select coverage different from that selected by the separated employee.
- J. Termination as used in this policy includes resignation, layoff, voluntary/involuntary leave without pay, involuntary discharge and any other separation that results in the employee's ineligibility for continued hospitalization benefits. However, it does not include instances where an employee has been involuntarily discharged for acts of gross misconduct in which case the employee is not eligible to continue health insurance coverage.
- K. An employee, spouse or dependent child who timely elects to continue hospitalization coverage may continue coverage only until the earliest date that any of the following actions occur:
 1. coverage expires either 18, 29 or 36 months after the triggering event;
 2. the group health care plan is terminated;
 3. the individual fails to timely pay the required premium;
 4. the employee, spouse or dependent becomes covered under another group health plan (as an employee or otherwise) that does not contain a pre-existing condition limitation; and

5. the employee becomes eligible for Medicare benefits.
 6. coverage is extended for up to 29 months due to a disability and there has been a final determination that the individual is no longer disabled.
- L.** Any person who is eligible and elects to continue hospitalization coverage shall be responsible for paying the total premium for themselves and any other dependents, plus a two per cent (2%) administrative charge.
- M.** Payments of premiums by eligible employees/dependents must be submitted to Infinisource in accordance with the instructions contained in the notification letter. Should the payment not be received as instructed, the former employee or dependent will be deemed to have chosen to discontinue hospitalization insurance coverage.

TUITION REIMBURSEMENT

◆POLICY 14.13◆

- A.** A tuition reimbursement fund may be established annually by the Superintendent, subject to the Board's determination of sufficient funds. Granting of tuition reimbursement in one year, does not create an expectation or practice of a tuition reimbursement fund in other years.
- B.** The fund may be used for reimbursement of tuition costs that are incurred by permanent full or part-time employees for either graduate or undergraduate coursework which is successfully completed at an accredited college or university.
- C.** Approval for tuition reimbursement must be obtained from the Superintendent not later than ten working days before the course[s] begin. Application for tuition reimbursement must be made on the Tuition Reimbursement Request form.
- D.** Approval will be given only for course that enhance the employee's knowledge, abilities, skills or techniques for work with mentally retarded or developmentally disabled persons.
- E.** The Superintendent will approve reimbursement of course only when the course meets any one of the following requirements.
 - 1. Specifically related to the employee's current job assignment
 - 2. Necessary to enable the employee to satisfy state minimum requirements for certification/licensure, or renewal of the license or certificate
 - 3. Part of a planned graduate or undergraduate program that is directly related to special education for individuals with moderate, severe or profound mental retardation.
- F.** An employee, who is approved for reimbursement, will be reimbursed contingent upon the employee successfully completing credit for the course.
- G.** Funds for tuition reimbursement will be encumbered on a first come, first served basis, based on the date of application for reimbursement.
- H.** To provide opportunity for a greater number of employees to access this benefit, the following guidelines will apply.
 - 1. Employees shall be reimbursed actual tuition costs, up to \$1500 annually.
 - 2. Employees who resign or are discharged from employment for cause, within one year of receipt of the date that tuition reimbursement is issued to the employee, shall repay the Board, in full, for tuition reimbursement received during the prior year. As a condition for receipt of reimbursement, the employee shall agree that in such case, the amount owed by the employee may be withheld from the employee's paycheck, in so far as the employee is paid at least the current minimum wage for all hours worked in that pay period.
 - 3. Employees who are laid off will not be required to repay the reimbursement as is required in number 2 above.
- I.** To initiate payment of the reimbursement, the employee must submit the following to the Superintendent within 30 calendar days following the completion of the course.

1. An official grade report, a transcript, certificate or other documentation issued by the college, university or course instructor that affirms a passing grade or successful completion of the course.
2. a receipt for tuition reimbursement, issued by the college or university
3. a copy of the approved application for tuition reimbursement.

If circumstances, beyond the employee's control, prevent the employee from meeting the 30 calendar day deadline as specified above, the employee may request an extension by submitting a written explanation of the circumstances, within the 30 calendar day period following the date of completion of the course. The Superintendent will consider the circumstances, and maintains authority to approve or deny the extension.

AWARDS & INCENTIVES

◆POLICY 14.14◆

- A.** The Board recognizes the value of good employees, and the benefit of retaining employees who perform exceptionally on behalf of the Board and the consumers of Board services. The Board demonstrates its appreciation of employees through this policy of providing awards to valued employees. Full-time, part-time, 9-month and substitute employees are eligible.
- B.** The Superintendent is authorized to select and purchase awards or incentives for employees, the amount of which shall be limited to \$100.00 per employee per calendar year.
- C.** The Superintendent is also authorized to spend up to \$500 per year for recognition and awards for employees who have achieved 25 or more consecutive years of service with the Board.
- D.** These awards and incentives may be considered compensation by the IRS.

- A. All employees are required by Ohio law to participate in either Ohio Public Employees Retirement System [PERS] or State Teachers Retirement System [STRS]. Certain students are exempted from participation. Participation in an Ohio public retirement system is independent of, and replaces participation in the Federal Social Security program.
- B. Employees are required to contribute a portion of their gross pay, which is deducted each pay period. This amount is more than matched by a contribution from the Board. Contribution amounts are determined by the retirement system and may occasionally be adjusted as determined necessary to meet plan benefits and obligations. The amount deducted from pay is shown on each employee's pay check.
- C. Employees may contact the Business Manager if they have general questions about their retirement plan, or wish to have a handbook that generally describes retirement plan benefits and eligibility. However, since Ohio public retirement systems are independent retirement plans, the Board does not have access to individual employee's retirement plan files. Employees must contact their retirement system to obtain specific information concerning their individual retirement status and benefits.
- D. Employees may call or write to the addresses below to request specific information regarding their retirement account, eligibility for benefits or other questions. Employees should include their social security number and provide other information requested by the retirement board when making an inquiry.

Public Employees Retirement System
277 East Town Street
Columbus OH 43215
1-800-222-7377

State Teacher's Retirement System
275 East Broad Street
Columbus OH 43215
1-888-227-7877

- E. In addition to retirement income, there are other benefits offered under these plans, including disability retirement for Board employees who are permanently disabled, and who go off Board payroll after working a qualifying number of years. In addition, medical insurance coverage is provided through the retirement plans for those who receive monthly benefits. At age 65, Medicare supplements the health plan.

UNEMPLOYMENT COMPENSATION

◆POLICY 14.16◆

- A.** The Board participates in the State unemployment compensation insurance program by making contributions into the fund based upon the Board's experience rating and other factors set by State requirements. Unemployment insurance is provided at no cost to the employee.
- B.** Most employees would be eligible for unemployment compensation, offered through the State, if laid off or removed for reasons other than for just cause. An employee must file for, and be approved by the State Bureau of Unemployment Compensation to receive benefits.
- C.** Generally, employees who voluntarily resign are not eligible to collect unemployment compensation following their resignation, nor are employees who are collecting sick leave, or are collecting certain Worker's Compensation benefits.
- D.** Employees are not eligible for unemployment compensation when the employee is unsuitable for required work, such as when the employee does not perform the required work, the Board had made the expectations known at the time of hire, the expectations were reasonable, and the job requirements did not change substantially since the date of hire.
- E.** Employees who are collecting unemployment compensation must continue to meet the requirements specified by the Bureau of Unemployment Compensation, including the obligation to actively seek work, and to accept available suitable work when offered.

Workers' Compensation

- A.** Every employee is eligible for Workers' Compensation for injuries or occupational illnesses arising out of or in the course of his employment. The Board contributes a specified amount, determined by the State Bureau of Workers' Compensation, to the Workers' Compensation Insurance Fund.
- B.** Employees who are injured, or who contract an occupational disease are required to follow the reporting procedures specified in the policy titled "Accident and Incident Reporting".
- C.** Workers' Compensation claim forms shall be completed by the employee for the purposes of initiating a claim, except in case of incapacitation whereby the Superintendent or designee shall complete the form. Whenever possible, when the Superintendent or designee completes the form, the employee will assist and provide information.
- D.** The Superintendent must be advised and continually updated by the employee if the employee continues to be absent due to a work-related injury. An employee on Workers' Compensation is responsible for advising the Superintendent, or designee, in writing, of the employee's expected date of return, if known.
- E.** Documents received from the injured employee, physician, hospital, or the State Bureau of Workers' Compensation must be forwarded to the Superintendent, or designee.
- F.** An employee may elect to use accrued sick leave, personal days, comp time and vacation leave prior to receiving payment from Workers' Compensation. Within one day of the accident, the employee should inform the Superintendent as to whether the employee would like to receive paid leave in the interim prior to receipt of Workers' Compensation, or if the employee would like to be compensated under the Board's Wage Continuation program.
- G.** If an employee elects to use sick leave prior to receiving compensation from the Bureau of Workers' Compensation, the employee will be prohibited from receiving sick leave payment simultaneously with Workers' Compensation. Therefore, the employee will be required to reimburse sick leave payment upon receipt of their initial Workers' Compensation check, and the employee's sick leave balance will be restored. The employee, however, may at the employee's option, simultaneously receive Workers' Compensation with paid vacation, personal days, or comp time.

Wage Continuation Option

- A.** Eligible employees who are injured on the job or who contract a work-related illness may choose to participate in a wage continuation program as administered by the County. In addition to wage continuation, the employee's work-related illness or injury medical expenses will be paid by Bureau of Workers' Compensation if the employee's workers' compensation claim is approved by Bureau of Workers' Compensation.
- B.** If an employee chooses to not participate in the wage continuation program, the employee may file a workers' compensation claim with Bureau of Workers' Compensation and receive disability and medical benefits through Workers' Compensation, if the claim is approved by Bureau of Workers' Compensation.

- C.** If the employee elects to receive wage continuation, the employee agrees to the terms and conditions of the program, as specified in this policy.
- D.** To receive wage continuation, the injury or illness must be work-related and the employee's workers' compensation claim must ultimately be approved by the Ohio Bureau of Workers' Compensation. Pending the Ohio Bureau of Workers' Compensation's decision, the County will initially approve wage continuation based on medical evidence and other facts and circumstances. If the evidence indicates that an injury or illness is not work related, the employee may take accrued but unused sick leave or other paid leave during the period of absence prior to the Bureau of Workers' Compensation's determination.
- E.** When receiving wage continuation, the Board will pay the employee, at the employee's regular rate, for up to a 12 calendar week period, or for the period of documented injury or illness whichever is shorter. The Superintendent will terminate wage continuation payments when the employee is medically cleared to return to work, with or without restriction.
- F.** If the period of qualified injury or illness exceeds 12 weeks, the Board may terminate wage continuation and require that the employee commence payment from the Bureau of Workers' Compensation, if the employee qualifies. Alternatively, on a case-by-case basis, the Board may extend wage continuation payments for an additional period of time if the employee's return-to-work is foreseeable in the near future, and if approved by the Superintendent.
- G.** At the Superintendent's discretion, wage continuation payments may be terminated for any reason, and the employee may apply for, and receive Workers' Compensation if eligible under the Bureau of Workers' compensation requirements. The employee after accepting wage continuation may also choose to discontinue receipt of wage continuation payments, and alternatively receive Workers' Compensation if eligible.
- H.** Wage continuation payments commence on the first regular pay day that follows the report of work related injury or illness. Payments are not delayed until the Bureau of Workers' Compensation makes an eligibility determination.
- I.** Wage continuation payments are taxable to the employee, and are subject to the same withholdings as would have been otherwise withheld if the employee was working.
- J.** Time spent while on wage continuation shall be considered active pay status. Therefore, the employee accrues sick leave, vacation leave and other benefits for which the employee would have otherwise been provided. However, the employee is not permitted to use sick leave, vacation leave or comp-time during the period of wage continuation. The employee, will however, receive paid holidays that occur during the period of wage continuation. An employee will also receive any pay increases which are given, and for which the employee would have otherwise been eligible.
- K.** If an employee is approved to return to work for a light duty job, the County will notify the Bureau of Workers' Compensation within 72 hours that the employee has returned to work. The Board shall timely notify the County who, as administrator of the program, will so notify the Bureau of Workers' Compensation. In the same manner, the County will notify the Bureau of Workers' Compensation within 72 hours of the discontinuation of wage continuation payments for any reason.
- L.** The third party administrator of the County will administer the wage continuation program in collaboration with the Board, and shall serve as liaison with the Bureau of

Workers' Compensation, including the timely submission of reports, records and statements as may be required by the Bureau of Workers' Compensation regulations.

Application for Wage Continuation and Reporting

- A.** An employee, who is injured on the job or becomes ill due to a work related illness, shall promptly be examined by the employee's attending physician, who along with the Superintendent or designee, and employee shall complete their respective sections of the Bureau's "First Report of Injury Form."
- B.** The Board will notify the authorized County representative that the employee has elected to take wage continuation in lieu of Workers' Compensation, who through its third party administrator will administer wage continuation reporting requirements, including but not limited to timely submission of Form C-84 and Salary Continuation Agreements to the Bureau of Workers' Compensation.
- C.** The Board in coordination with the third party administrator reserves the right to schedule a medical examination with an independent medical professional to manage the employee's period of, and return-to-work capability, restrictions, rehab potential, maximum medical improvement and appropriate treatment.

Discontinuation of Wage Continuation Benefits

- A.** Wage continuation payments will be discontinued when any of the following conditions exist:
 - The employee's Workers' Compensation Claim is denied by the Ohio Bureau of Workers' Compensation.
 - If an employee's workers' compensation claim is denied, the employee will be required to either substitute the use of paid sick leave, comp time or vacation leave for the time period that wage continuation payments were provided to the employee, or the employee will be required to repay the wage continuation benefits received through payroll deductions. Payroll deductions will not result in a non-exempt employee earning less than minimum wage for any hours worked.
 - The attending physician or independent physician releases the employee to return-to-work without restriction.
 - The employee is terminated, or resigns from employment with the Board.
 - The employee begins work for another employer while receiving wage continuation payments.
 - The employee returns to a transitional or limited duty assignment, consistent with his medical restrictions as approved by the employees' treating physician and approved by the Board.
 - When on transitional or limited duty assignment, time spent during the workday for medical appointments or rehabilitation that relates to the employee's work-related injury or illness, shall be compensable to the employee at the employee's regular pay, and shall be credited as work related injury or illness pay. An employee is required to request prior approval from the Superintendent or designee to receive time off from work for medical appointments or rehabilitation, and to receive work related injury or illness pay.
 - The employee fails to appear for, or cooperate with required medical examination.

- The employee has reached maximum medical recovery and/or the condition has become permanent.
- The claim is found to be fraudulent after payments have commenced, or the injured worker attempts to collect both wage continuation and temporary total compensation.
 - The employee in either of these cases shall be required to make the Board whole for any and all wages paid to the employee under such fraudulent conditions or claims, and may be subject to possible legal action as determined appropriate by the County Prosecutor and/or Bureau of Workers' Compensation.
- Either the employee or the Board chooses to discontinue wage continuation payments for any reason.
- The employee violates any Board policy while receiving wage continuation payments that is cause for discharge from employment.

OHIO MILITARY FAMILY LEAVE

◆POLICY 14.18◆

- A.** The Board provides unpaid leave to eligible employees under Chapter 5906 of the Ohio Revised Code. This law allows time off to a spouse, parent, or legal guardian of a service member when the service member is deployed or injured in the line of duty.
- B.** Once per calendar year, an employee may take unpaid leave for up to 10 days (or 80 hours whichever is less), under the guidelines outlined in this policy.
- C.** To be eligible for Ohio Military Family Leave the employee must have worked for the Board for at least 12 consecutive months and have worked 1250 hours in the 12 months immediately preceding commencement of the leave. Employees must first exhaust vacation leave and all other available forms of paid leave, except sick leave.
- D.** The employee requesting leave must be the parent, spouse, or person who has or had legal custody of the uniformed services member that is called to active duty for longer than 30 days or is injured, wounded or hospitalized while serving on active duty.
- E.** The employee must provide at least 14 day's notice of intention to take leave in the case of active duty deployment, or two days notice for a service member who sustains an injury. No notice is required for leave taken in the event of critical or life-threatening injuries to the service member.
- F.** The employee may be asked to provide certification from the appropriate military authority to verify the need for leave. In the case of deployment, leave must be taken no more than two weeks prior to or one week after the date of the service member's deployment.
- G.** An employee will not be paid wages or a salary during the leave, but will receive other benefits during the leave and shall be responsible for the same proportion of the cost as when the employee was not on leave.
- H.** Upon completion of the leave, the employee will be restored to the same or equal position held before taking the leave with the same seniority, benefits, pay and other terms and conditions of employment.

PRECINCT ELECTION OFFICIAL LEAVE

◆POLICY 14.19◆

- A. Employees may request paid Precinct Election Official Leave for the purpose of serving as a judge in an election conducted by the Clinton County Board of Elections.
- B. An employee approved to use Precinct Election Official Leave is paid the employee's regular rate of pay for all hours spent on approved leave, in addition to compensation awarded to judges under Ohio Law as established by the Clinton County Board of Elections.
- C. Precinct Election Official Leave shall cover only the employee's regularly scheduled working hours on the day of the election and only for that time that the Clinton County Board of Elections engages the employee to serve as a judge.
- D. Any time spent on election responsibilities after the employee's regularly scheduled working hours with the Board is unpaid, except for any pay received from the Board of Elections for service as an election judge.
- E. Precinct Election Official Leave does not get deducted from the employee's balance of accrued but unused sick leave, vacation leave or compensatory time.
- F. Time spent on Precinct Election Official Leave is not considered hours worked for the purpose of calculating overtime.

Eligibility

- A. An employee is eligible to request Precinct Election Official Leave only if the employee is a registered voter of Clinton County and meets other requirements for serving as judge established by law and the Clinton County Board of Elections.
- B. To verify that the employee served as a judge on Election Day, the employee is required to submit a copy of the employee's paycheck or pay-stub provided by the Board of Elections to the Business Manager, subsequent to each Election Day worked.
- C. At the discretion of the Superintendent, the employee may be required to submit a statement from the Board of Elections that documents actual time and hours worked on the Election Day.

Approval

- A. An employee must obtain written authorization for Precinct Election Official Leave from the Superintendent prior to contacting the Board of Elections to register as a judge for an election. The request for leave shall be submitted as soon as the need for leave is known to allow for scheduling and workload adjustments.
- B. The Superintendent reserves the right to reject the request based on operational need.
- C. Should several employees who perform similar functions request leave, and operational need dictates that not all may participate, approval shall be granted by the Superintendent on the basis of the order in which requests are received.

Return to Work

- A. An employee on Precinct Election Official Leave is expected to promptly return to work at the scheduled time on the employee's next scheduled workday. However, an employee may request to take accrued but unused vacation or compensatory time to

cover one or more days that follows the election, provided the request is submitted to the Superintendent and the leave is approved prior to the employee taking the Precinct Election Leave.

- B.** In the event that an employee was approved for leave, but the Board of Elections then determines that an employee's services aren't needed on the day of the election, the employee is expected to report to work at the employee's regularly scheduled day and time.
- C.** Likewise, in the event that the Board of Elections releases the employee from duty as a judge during the course of a partial day, the employee is required to promptly return to work with the Board for the remainder of the workday that the employee was regularly scheduled to work.

Precinct Training

- A.** An employee who is approved for Precinct Election Official Leave may be required by the Board of Elections to attend one or more training courses mandated by Ohio Law. The employee should make every effort to attend said training courses outside of the employee's regular working hours.
- B.** Should the employee choose, or be required, to attend a training course during the employee's regular working hours, such time is not covered under Precinct Election Official Leave. Rather, the employee may request approval to use such time as vacation or compensatory time in accordance with the request procedures specified in this manual.
- C.** Unpaid leave will not be granted to an employee in order to attend any training course required by the Board of Elections.

SECTION 15

FORMS



(Forms placed in separate file)