

Muskingum County Board of Developmental Disabilities Personnel Manual



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This document is not a contract

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SECTION 1.01 INTRODUCTION

This manual uses the terms “MCBDD”, “Board”, “Program”, and “Employer” interchangeably and means the Muskingum County Board of DD, Superintendent, and administrators authorized to administer the work of the Board, subject to the Board’s rules. The MCBDD maintains the ultimate right and responsibility to establish policies governing employees and the administration and operation of facilities, programs, and services under its jurisdiction. This manual is not an employment contract. Nothing contained in this manual should be construed as a contractual obligation to continued employment or benefits. At its discretion, the Board may choose not to enforce some or all of the provisions contained within this manual.

The policies and procedures set forth and adopted within this manual, and the communications interpreting and enforcing them, supersede all previous written and unwritten personnel policies and procedures and communications of the Board.

These policies and procedures are structured to comply with applicable laws, rules, and regulations. If there is a conflict between this manual, and any applicable law, rule, regulation, labor agreement, or management contract, the applicable law, rule, regulation, labor agreement, or management contract shall prevail.

Whenever the pronouns he or she or variances thereof or other gender references are used in this manual, it is only for the purpose of efficiency and should not be construed as discriminatory in nature, but should be interpreted as referring to all gender identifications.

The Board may review its employment policies, procedures, benefits, and expectations and change them to reflect current business needs. For this reason, the policies, procedures, benefits, and expectations listed in this handbook might change in the future. The Board reserves the right to modify, amend, delete, supplement, rescind or revise any or all provisions in this manual at any time if the Board believes that the change is necessary. When the Board has approved a policy change, the provision of the new or revised policy shall be communicated to all affected employees, following Board approval, by Human Resources via email. Policy revisions, additions, amendments or deletions will be posted on the Intranet Site. It is your responsibility to read and understand any such changes.

Vision

Promote and foster outcomes for people to choose a good life.

Mission

Working in partnership with individuals with developmental disabilities and their families providing opportunities utilizing public and private supports to live, learn, work, and play in the community.

Person-Centered Guiding Principles

1. **Quality of Life:** Defined by the person, and identifies interests, preferences and desired life for the person supported and assure it is in balance with, but not controlled by, what others believe are necessary health, safety, and valued social roles of the person.
2. **Language:** All language demonstrates dignity of and respect for the person involved and is easily understood by everyone.
3. **Culture of Strengths and Abilities:** Everything starts with the strengths, talents, capabilities and contributions that have been, and can be, made by everyone involved and focuses on what is positive and productive.
4. **Collaborative:** Contributions from everyone hold equal value and responsibility is shared. Encourages creativity in the design and delivery of services.
5. **Results Based:** Supports are designed to achieve results that are purposeful and meaningful to the person's life.
6. **Practical:** Seeks a balance between quality of life and the boundaries of public resources, understanding that limited fiscal resources must be responsibly administered to support – but not replace – relationships with family/friends. Everyone works to promote natural connections in neighborhoods and communities and only address those areas where the person wants involvement from the system.

Approved as of 8/11/22

SECTION 1.02 OBJECTIVES

(ORC 5126.05)

MCBDD recognizes that a personnel system, which recruits and retains competent, dependable personnel, is indispensable to the effective operation of every program.

The policies and procedures set forth in this manual are designed to:

1. Promote high morale and foster good working relationships among staff members by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;
2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of a career with the Board, and encourage each of its staff members to give their best effort to the Board and the public;
3. Encourage courteous and dependable service to the public;
4. Provide fair and equal opportunity for qualified persons to enter and progress in their employment with the Board based on merit and fitness as determined through objective and practical personnel management methods;
5. Ensure that all Board operations are conducted in an ethical and legal manner so as to promote the Board's reputation as an efficient, progressive program in the community and the State of Ohio; and
6. Delegate full administrative authority to the Superintendent and his/her designee(s) so as to ensure responsiveness to the staff concerning constructive input, while maintaining full responsibility for the execution of the policies of the Board.

Approved as of 8/11/22

SECTION 1.03 SCOPE OF COVERAGE (ORC 5126.05)

The policies set forth and adopted within this manual apply to all employees of Muskingum County Board of Developmental Disabilities. These policies supersede all previous written and unwritten personnel policies.

Questions regarding the interpretation and application of these policies should be directed to the appropriate supervisor and/or Superintendent.

Within this manual are references to MCBDD, ORC, OAC, OAG, and CFR. These are abbreviations for the following:

1. MCBDD: Muskingum County Board of Developmental Disabilities;
2. ORC: Ohio Revised Code;
3. OAC: Ohio Administrative Code;
4. OAG: Ohio Attorney General Opinion; and
5. CFR: Code of Federal Regulations.

Reference to the male or female pronouns or adjectives used within this policy manual shall also be deemed to include all gender identifications, unless otherwise indicated.

Approved as of 8/11/22

SECTION 1.04 MANAGEMENT RIGHTS AND RESPONSIBILITIES (ORC 5126.05; ORC 5126.0220)

This provision is intended to set forth a clear understanding of the responsibilities and prerogatives of management. Management includes the Board, the Superintendent and supervisory staff. Many of the rights listed below have been incorporated into the policies contained in this manual. The examples listed are not all inclusive.

The Board and Superintendent each maintain authority and rights as specified by law and requirements. The Board maintains the ultimate right and responsibility to establish policies governing employees and the administration and operation of facilities, programs, and services under its jurisdiction. The Superintendent shall administer the work of the Board, subject to the Board's rules. These powers and duties are assigned specifically to the Board and Superintendent in accordance with ORC 5126.05 and 5126.0220. In addition to other functions and responsibilities covered by law, the Employer has and will retain the full right and responsibility to direct operations, to promulgate rules and regulations, and to otherwise exercise the prerogatives of management, including, but not limited to, the following:

1. To manage and direct its employees, including the right to select, train, hire, promote, transfer, assign, evaluate, retrain, layoff and recall, reprimand, suspend, discharge, or otherwise discipline and/or correct behavior;
2. To manage and determine the location, type, and number of physical facilities, type of equipment, programs, and the work to be performed;
3. Coordinate, monitor and evaluate existing services and facilities;
4. Plan and set priorities developed under ORC 5126.04 and established by the Board based on available funds for the provision of both facilities and services to meet the needs of those served;
5. Employ a qualified Superintendent, prescribing the duties therefore, review his/her performance and set his/her compensation;
6. To determine work schedules, hours of work, duties and assignments of employees, and to establish the necessary work rules of all employees;

7. To determine the adequacy and effectively manage the workforce,
8. To relieve employees from duty due to the lack of work, lack of funds, or for reasons of economy and efficiency;
9. To determine when a job vacancy exists, the standards of quality and performance to be maintained;
10. To determine the overall budget and uses thereof, including employee benefits;
11. To maintain and improve the efficiency and effectiveness of operations;
12. Assess service needs of individuals with developmental disabilities whom they serve;
13. Submit annual reports of its work and expenditures, pursuant to ORC 5126.12, to the Director of DODD and the Board of County Commissioners, at such times as may be reasonably requested;
14. Provide service and support administration in accordance with ORC section 5126.15;
15. To provide early childhood services according to the plan and priorities;
16. Implement an employment first policy that clearly identifies community employment as a desired outcome for every individual of working age who receives services from the Board;
17. Set benchmarks for improving community employment outcomes;
18. Maintain the security of records and other pertinent information;
19. To exercise complete control and discretion, whether mandatory or discretionary, over the agency's organization and the necessity for technology; and
20. To take actions to carry out the mission of the Employer.

Approved as of 8/11/22

SECTION 1.05 COST CONSCIOUSNESS
(ORC 102.03)

Employees should at all times be concerned about the proper use of material, equipment and facilities so taxpayers' dollars are not wasted. It is therefore the responsibility of all employees to perform their prescribed duties in the most economical manner possible such as turning off lights, electric motors, heaters, office machines, etc., when not in use. Employees are not to use agency supplies or facilities in any personal business venture.

Employees are encouraged to submit suggestions to their supervisors or Superintendent that may help to reduce costs and improve services. A response shall be made to all written suggestions pertaining to cost reduction and improvement of services.

Approved as of 8/11/22

SECTION 1.06 AVAILABILITY OF MANUAL

All employees shall have electronic access to this personnel manual and will be given notice of any changes or additions to the policy manual. Employees shall be responsible for periodic review of said policies. A hard copy of this manual will be made available for those employees who do not have electronic access available.

As a condition of employment, each new employee is required to signify acknowledgement, indicating the employee's review, understanding, and agreement to abide by these Personnel Policies. However, the employee's acknowledgement of the Personnel Policies shall 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. The acknowledgement shall be retained in the employee's personnel file.

Approved as of 8/11/22

SECTION 1.07 VISITORS TO THE BOARD

The Community is encouraged to visit the programs of the Board. Visitors shall report to the Administrative office of the building to obtain a visitors badge and permission to visit the campus.

Approved as of 8/11/22

SECTION 2.01 EQUAL EMPLOYMENT OPPORTUNITY

(ORC - Chapter 4112)

MCBDD is an equal opportunity employer and does not discriminate on the basis of race, color, religion, gender, national origin, age (40 or over), disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by applicable law. All personnel decisions and practices, including, but not limited to or hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories.

MCBDD intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

MCBDD will not tolerate conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Any employee, supervisor or manager who is found to have engaged in discriminatory conduct will be subject to disciplinary action, up to and including termination.

Anyone who feels that his rights have been violated under this policy should submit a written complaint of discrimination (*See Appendix 2.01.1 Complaint of Discrimination Form*) to the Human Resources Director or Superintendent. If the subject of the complaint is the Superintendent, then the written complaint of discrimination should be submitted to the Board President.

Filing a Discrimination Complaint

1. Any employee, or applicant having a complaint of discrimination based on race, color, religion, gender, national origin, age (40 or over), disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by applicable law may file a written discrimination complaint with Human Resources.
2. Human Resources shall acknowledge receipt of the complaint in writing and inform the complainant in writing of the complaint procedure.

Complainant's Right to Compensation

At any time during the course of the procedure, the complainant shall be given a reasonable amount of time off work during normal working hours to present the complaint. Time spent during non-working hours to prepare the complaint will not merit compensation under this policy.

Rejection of a Complaint

1. Human Resources may reject a complaint which is deemed insufficient for the purpose of conducting an investigation.
2. Human Resources shall reject those complaints which do not allege discrimination on the basis of race, color, religion, gender, national origin, age (40 or over), disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by applicable law, which are identical to a previous complaint filed by the same complainant which is pending or has been decided under this procedure.

Resolution of a Complaint

1. Upon receipt of a complaint, Human Resources shall promptly investigate and attempt to resolve the complaint informally. If an informal resolution of the complaint is achieved, the terms of the resolution shall be set forth in writing, made a part of the complaint file and a copy shall be provided to the complainant.
2. If an informal resolution of the complaint is not achieved, Human Resources shall notify the complainant in writing:
 - a. of the proposed disposition of the complaint; and
 - b. of his right to a meeting with the Superintendent, or if the Superintendent is the subject of the Complaint, a meeting with the hearing before the Personnel Committee of the Board if the complainant notifies the Board's Personnel Committee Chairperson in writing.

Freedom from Retaliation

Complainants and all who participate in any investigation of a complaint shall be free from retaliation at all times. Any employee who believes that they have been subjected to retaliation shall file a complaint in the same manner as a discrimination complaint is to be filed as set forth above.

Approved as of 8/11/22

SECTION 2.02 ONBOARDING

(ORC 124.241; ORC 5126.20)

Upon recommendation by Human Resources, the Superintendent will make the final decision with respect to hiring. The selected applicant for hire shall receive a written offer of employment, signed by the Superintendent. The offer letter includes, but is not limited to, job title, wage, probationary period, and contingencies of employment; failure to meet the contingency requirements or receipt of negative or unsatisfactory results will result in withdrawal of the offer of employment. All appointments are made in accordance with the requirements of the Board as well as state and federal regulations. The following are requirements for appointment:

1. Employment Application
2. References – At least three (3) references must be obtained for each new applicant by Human Resources or designee. References may be in written form or by telephone contact. Telephone references require a written summary by the person making the inquiry.
3. Background Checks– Prior to hiring, each applicant must be entered into the databases required by the Ohio Department of Developmental Disabilities. He/she must also have an acceptable report from the Bureau of Criminal Identification and Investigation (BCI) of any conviction record. A Federal Bureau of Investigation (FBI) report may be required, if the applicant's residency has been outside of Ohio within the past five (5) years. Once BCI is obtained, Human Resources inputs this information into the Ohio Attorney General Rapback Program. ALL EMPLOYEES have three (3) days to notify the superintendent when charged, convicted or have plead guilty or no contest to any criminal offense. The Board can then determine whether the situation is related to the employee's continuing employment. Board required background checks are free of charge to applicants.

All information obtained in criminal background checks shall be considered confidential. It is not public record and shall not be made available to any person, except for the applicant, the appointing authority or designee, or any trier of fact involved in a case arising from the denial or termination of employment.

4. Disqualifying Offenses - All employees under final consideration for

employment shall complete the Affidavit of Disqualifying Offenses that is required by the Ohio Department of Developmental Disabilities.

5. Transcript - If the position for which an applicant is being interviewed requires proof of education requirements, the Board must be supplied with an official transcript of college credits listed by years and the degree(s) obtained. Certain positions may require a certified copy of college transcript(s) as provided by the college registrar.
6. Licenses, Certificates or Registrations – If a position requires special licenses, certificates or registrations, either a copy or an original (if required for position/certification) must be included with the application form.
7. Driver's License/Commercial Driver's License – An employee whose position requires (or may require) transporting individuals served by the Board, must obtain and maintain a valid, current driver's license, a copy of which will be kept in the employee's personnel file.
8. Driver's Abstract – A Driver's Abstract from the Bureau of Motor Vehicles must be obtained. A designee at the County Commissioner's Office will conduct this abstract prior to hiring and annually to ensure insurability.
9. Health Examinations – An acceptable physical examination report including a drug and alcohol screening, a negative tuberculin test and any other medical test report required for each new permanent staff member, as required by the Board, are to be submitted prior to hire. The physical qualifications for all positions are contained in each position description. Board required health examinations are free of charge to applicants.
10. I-9 - Each employee must present documentation to prove their identity and employment eligibility and the administrative office must physically examine this evidence. A list of acceptable documents is provided on the specific form (I-9). This verification process must take place within three (3) business days of hiring.
11. Acknowledgements - Acknowledgement of review of Confidentiality, Major Unusual Incidents/Unusual Incidents, DD Individual's Rights, Behavior Support, Abuser Registry, and others required by the Board.
12. CPR/FA - Applicants will be required to complete a First Aid/CPR/AED

course within the first year of employment. It is the employee's responsibility to maintain current First Aid/CPR/AED as their job description requires. This certification will be kept in the employee's personnel file.

13. ID Badge - Each new employee will be issued an official employee identification badge within the first five (5) days of hire. ID badges shall be worn at all times while working for the board, unless the employee's direct supervisor grants permission otherwise while working in the community. ID badges are to be returned upon cessation of employment to the administrative office and prior to the issuance of the final paycheck.

Non-Board Employee Onboarding

The board may engage non-board employees including independent contractors, consultants, practicum students, interns, and volunteers to provide supplementary services.

Non-board employees who provide LESS than forty (40) hours of service working directly with individuals served by the county board during a calendar year shall be required to complete the following:

1. Memorandum of Understanding (*See Appendix 2.02.2 Memorandum of Understanding*)
2. Confidentiality Agreement (*See Appendix 2.02.3 Confidentiality*)
3. Photo Release (*2.02.4 Photo Release*)
4. Hold Harmless Agreement (*2.02.5 Hold Harmless Agreement*)
5. If Applicable:
 - a. Completed Volunteer Application
 - b. Signed Business Associate Agreement
 - c. Proof of credentials for required education

Non-board employees who provide MORE than forty (40) hours of service working directly with individuals served by the county board during a calendar

year shall be required to complete the following:

1. Memorandum of Understanding
2. Confidentiality Agreement
3. Photo Release
4. Hold Harmless Agreement
5. Drug and Alcohol Screening
6. Background investigations including:
 - a. requirement to submit a signed statement attesting that they have not been convicted of or plead guilty to any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code.
 - b. requirement to sign an agreement under which they agree to notify the county board within three calendar days if the volunteer is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for any of the offenses listed or described in divisions (A)(3)(a) to (A)(3)(e) of section 109.572 of the Revised Code. The agreement shall provide that failure to make the notification may result in termination of services.
 - c. establishing the individual is not included on any of the databases described in paragraph (C)(2) of rule 5123-2-02 of the Administrative Code.
 - d. obtaining a criminal records check conducted by the Ohio bureau of criminal identification and investigation. If the individual does not submit proof that they have been a resident of Ohio for the five (5) year period immediately prior to the date upon which the criminal records check is requested, the criminal records checks shall include information from the federal bureau of investigation.
7. Initial and annual training including:
 - a. role and responsibilities of the county board with regard to services

- including person-centered planning, community participation and integration, self-determination, and self-advocacy;
- b. the rights of individuals set forth in section 5123.62 of the Revised Code;
 - c. the requirements of rule 5123-17-02 of the Administrative Code including a review of health and welfare alerts issued by the department;
 - d. Major Unusual Incidents/Unusual Incidents;
 - e. Abuser Registry; and
 - f. Overview of emergency procedures.
8. If Applicable:
- a. Completed Volunteer Application
 - b. Signed Business Associate Agreement
 - c. Proof of credentials for required education
 - d. Driver's Abstract (If duties require driving county board vehicle)

If the board seeks out services of the non-board employee, onboarding costs will be covered by the board. If the non-board employee seeks out the board with a request to provide services, onboarding costs will be at the expense of the non-board employee.

Approved as of 8/11/22

SECTION 2.03 CLASSIFIED AND UNCLASSIFIED EMPLOYMENT
(ORC 124.11; ORC 124.241; ORC 5126.20)

All employees of the Board are presumed to be classified civil servants with the following exceptions: Superintendent and all employees working under a management contract, intermittent (substitute) employees, and employees in any other position which has been exempt from the classified services by lawful request of the Board or by operation of law. Following the completion of a prescribed probationary period, classified employees may only be disciplined and removed for cause by following the policies in this manual regarding discipline and the procedures set forth in Chapter 124 of the Ohio Revised Code.

The Superintendent and all other positions under a management contract serve in the capacity of an unclassified civil servant. Such positions serve at the pleasure of MCBDD subject to the provisions contained within the management contract. All employees serving in the unclassified civil service shall be notified of such status in writing.

Intermittent/Substitute employees serve in the unclassified civil service. Intermittent employees are considered “at will” employees and serve at the pleasure of the Superintendent.

Approved as of 8/11/22

SECTION 2.04 MANAGEMENT EMPLOYEES

Management employees, as defined in section 5126.20(C) of the Ohio Revised Code, are unclassified employees and as such may be employed by the Superintendent by means of a limited contract as outlined in ORC 5126.21.

Board approval is a prerequisite to execution of all contracts that are for the term of more than one year. In this instance, the Board is approving the length of the contract, not the receiver of the contract.

There is no probationary period for management employees, since they serve in unclassified civil service.

If a management employee position becomes vacant, the Superintendent first shall consider whether to enter into an agreement with another county board for the sharing of personnel. If the Superintendent determines that there are no efficiencies or it is impractical to share personnel, the Superintendent may employ a management employee to fill the vacancy.

Approved as of 8/11/22

SECTION 2.05 VOLUNTEERS

It is the position of the Board that volunteers provide a valuable service for persons with developmental disabilities. The time and talents offered by volunteers greatly enhance and enrich the quality of service provided.

The Board encourages the growth of the volunteer program and recognizes individuals in the following categories as current or potential volunteers:

1. Parents/guardians and other family members;
2. Staff (during non-working hours)
3. Members of specialized volunteer programs (i.e. foster grandparent program, high school class project, scouting groups);
4. Students sponsored by colleges and universities in a capacity as a student teacher, intern or practicum; and
5. Interested citizens.

A volunteer must have completed standards admittance procedures and obtain written parental permission if under 18 years of age.

Volunteers will be recruited to provide direct service for enrollees and indirect supportive services. Persons who volunteer may do so during regularly scheduled Board hours and during extracurricular events sponsored by the Board.

Volunteers shall provide services, which are based on the needs of individuals served, on staff requests, and on the volunteer's skills, abilities, experiences and interests. Persons providing volunteer services will do so under the supervision of professional staff. At no time will a volunteer act in lieu of staff.

Persons desiring to volunteer are to apply through the Administrative Office and are to be formally accepted and oriented as a volunteer prior to beginning their volunteer experience. Any person acting without such recognition will be considered a "visitor" and as such will be subject to the policies and procedures of the Board regarding "visitors."

Volunteers shall comply with these Personnel Policies as they pertain to staff conduct.

The Board Administration Office shall maintain a file for each volunteer. The file shall include but not be limited to application, abuser registry report, BCI report (the Board will pay the cost of a background check), signed parental permission slip, if applicable, records of physical and conviction check, records of assignments, attendance records, records of training received, evaluations, resignation or termination data, and emergency notification data (same as for paid staff).

The applicant volunteer may be required to have a physical exam completed.

Volunteers will be given written notification of client's Bill of Rights, MUI's, UI's, and confidentiality requirements and training. They will acknowledge receipt of the same before volunteering.

Approved as of 8/11/22

SECTION 2.06 EMPLOYMENT STATUS

Classified and Unclassified (O.A.C. 124:11; ORC 124.34)

Civil service is divided into classified and unclassified service as defined in Section 124.11 of the Ohio Revised Code.

After completion of the established probationary period, a classified employee may be removed only for the reason and manner set forth in Section 124.34 of the Ohio Revised Code.

Classification Placement

Jobs are grouped into classifications on the basis of similar duties and qualifications. Compensation is determined, in part, by the job classification.

The duties and responsibilities of each job will be periodically reviewed and adjusted. When job duties have changed the employee or his/her supervisor may request that the position be audited for placement in a different classification.

Employees are classified as full-time, part-time, temporary, seasonal or intermittent

Full-time (30-40 hours per week), an employee who is regularly scheduled to work 30 to 40 hours per week will be considered full-time and eligible for full medical benefits and other prorated benefits, which include: medical, vision, dental, life insurance, sick leave, vacation, personal days, holidays (ORC 325.19, ORC 124.38)

Part-time (fewer than 29 hours per week), an employee who is regularly scheduled to work fewer than 29 hours per week will be eligible for prorated sick leave. (ORC 124.38)

Intermittent or substitute (on call as needed), are employees who are not entitled to any benefits listed above and usually working on an irregular schedule, which is determined by the fluctuating demands of the work which is not predictable and whose hours are generally less than 1,000 per fiscal year.

Temporary and intermittent employees are full-time or part-time employees who work in positions that are not considered permanent. Temporary employment is for a limited period fixed by the Superintendent. Intermittent employees are

employees working on irregular schedules as determined by the needs of the Board. Both temporary and intermittent employees are used to fill a short-term need without incurring a permanent employment obligation.

Probationary Employees

Probationary employees are full-time or part-time employees who have not completed the established probationary period. Full-time or part-time employees who have successfully completed a probationary period are considered in regular employment status. Regular classified employees who have completed their probationary period are subject to discharge only for just cause. (See also Section 3.01)

Fair Labor Standards Act (FLSA) Job Classifications

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws: Exempt employees are those employees who hold positions that are administrative, professional, executive, or computer professional as defined by the FLSA, and are exempt from the minimum wage and overtime compensation provisions of the FLSA. Nonexempt employees are those employees whose work is covered by the FLSA. They are not exempt from the law's requirements concerning minimum wage and overtime, and therefore are eligible for overtime compensation in the form of either pay or compensatory time as outlined in Section 4.01 Overtime Compensation.

Contract Employees

1. Designated management employees of the Board will hold limited contracts of not less than one (1) year and not more than five years. The Board must approve all contracts for employment of more than one year.
2. During the term of a contract, a management employee's salary may be increased, but will not be reduced unless the reduction is a part of a uniform plan affecting all employees.
3. All management employees will receive benefits including sick leave, holidays, and vacation leave as established as per their individual contracts.

Approved as of 8/11/22

SECTION 2.07 PHYSICAL ABILITY TO LIFT

All employees must be physically capable to lift, carry and move people served by the Board, including children, adolescents and adults in a safe manner according to training and job description.

Because of the need for lifting, carrying and moving, employees should dress appropriately (reference Dress & Hygiene Policy 6.13). An employee who is in a class, group or environment where they may be expected to lift or be involved in a behavioral intervention must wear shoes with a flat, wide-base heel. Jewelry of any type could be broken, grabbed or pulled by the individual we serve and/or could be inhibiting to moving individuals and should be carefully considered before being worn. Loose clothing, which could be caught in wheelchairs or braces, and tight fitting clothing, which could limit movement, should not be worn. Proper shoes must be worn at all times.

Each employee must be able to do their entire job. No job will be created. In the event an employee is temporarily unable to perform the duties required by the job, attempts will be made to accommodate that employee for a reasonable period of time, providing the following guidelines addressed in Policy 2.09 Workplace Accommodations.

Should accommodation not be possible, consideration should be given to other positions for which the employee may be qualified. If this is not an option, the procedure governing the use of sick leave and disability leave of absence without pay will apply including the following:

1. The employee may be allowed to take a disability leave to complete a work hardening program as determined appropriate, and may then return to work when able to perform the substantial duties of this position.
2. If the person cannot complete the job as determined through medical examination and the review process, he cannot continue to be employed. Disability separation may occur pursuant to R.C. Chapter 123.

Approved as of 8/11/22

SECTION 2.08 AMERICANS WITH DISABILITIES ACT

MCBDD prohibits discrimination of any qualified individual with a disability in hiring, promotions, transfers, or any other benefit or privilege of employment. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of the position, with or without a reasonable accommodation.

MCBDD will provide reasonable accommodation(s) to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to another. The procedure for submitting requests for a reasonable accommodation for a qualified applicant or employee with a disability is set forth in Section 2.09.

Any employee who feels their rights have been violated under this policy should submit a written complaint as set forth in the policy regarding unlawful discrimination and harassment.

Approved as of 8/11/22

SECTION 2.09 WORKPLACE ACCOMMODATIONS

Disability Accommodations

MCBDD will supply reasonable accommodations to qualified employees and job applicants who may be limited in their ability to work or unable to work due to disability; unless such reasonable accommodation would constitute an undue hardship for the board.

Pregnancy Accommodations

In accordance with The Pregnant Workers Fairness Act (PWFA), MCBDD will supply reasonable accommodations to qualified employees and job applicants with known temporary physical or mental limitations related to pregnancy, childbirth, or other related medical conditions; unless such reasonable accommodation would constitute an undue hardship for MCBDD.

The PWFA requires the interactive process, whereas, a reasonable accommodation must be arrived at through a good-faith discussion between the MCBDD and the employee or job applicant in an effort to identify an appropriate reasonable accommodation.

Employees and applicants are qualified if they, with or without a reasonable accommodation, can perform the essential functions of their position. An individual is still qualified if the inability to perform an essential function is for a temporary period, the essential function could be performed in the near future, and the inability to perform the essential function can be reasonably accommodated.

Religious Accommodations

MCBDD will strive to provide a reasonable accommodation for an employee's sincerely held religious beliefs or practices, unless such reasonable accommodation would constitute an undue hardship for the employer. "Undue hardship" for purposes of religious accommodations is more than a minimal burden on MCBDD operations. It remains the employee's obligation to request an accommodation. Employees must request religious accommodations in writing directly to Human Resources. If MCBDD needs more information, the employee may be asked to meet and engage in an interactive process to discuss the request. Human Resources will review all religious accommodation requests and determinations before the employee is notified of the ultimate decision.

Any accommodation made will remain as confidential as possible and will be

treated as such under MCBDD's other policies and procedures on confidential information.

Workplace Accommodations Procedure

Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case by case basis.

An employee who wishes to request an accommodation (See Appendix 2.08.1 Request for Accommodations Form) shall direct such request to Human Resources. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered but will subsequently be memorialized in writing.

If an employee requests an accommodation, Human Resources will:

- Meet with the employee and engage in the interactive process to determine whether an accommodation(s) is reasonable and, if applicable, the type of reasonable accommodation(s) to be given.
- Review the job description, essential functions, or other relevant documentation with the employee; and
- Review with the employee whether they can still perform the essential functions of their position with a reasonable accommodation.

If the employee says they can perform the essential functions of the job with an accommodation:

- MCBDD will ask the employee what accommodation is requested and whether any other accommodation would also allow the employee to perform the essential job functions.
- MCBDD may also consider accommodations that are not suggested by the employee.
- MCBDD will make an appropriate accommodation unless it would pose an undue hardship on MCBDD to do so.
- If MCBDD cannot accommodate a disabled or pregnant employee in his/her current position, MCBDD may place the employee in an available vacant

position for which the employee is qualified.

- MCBDD may place the employee on disability leave/separation under the procedure for those benefits.

If the employee says they cannot perform the essential functions of the job even with an accommodation:

- MCBDD may concur with the employee, or may suggest an alternative course of action.
- MCBDD may determine that some other accommodation will allow the employee to do the job to MCBDD's satisfaction, and MCBDD may evaluate the employee using current performance standards.
- MCBDD may require verification from the employee's health care provider and/or may require the employee to undergo an independent medical examination. Costs of any independent medical examination will be paid for by MCBDD.

Approved as of 8/11/22

Revised: 6/8/23

SECTION 2.10 PROHIBITED DISCRIMINATION HARASSMENT/ INAPPROPRIATE CONDUCT

MCBDD is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his membership in a protected class, such as race, color, religion, gender, national origin, age, disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by law. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

Definitions

Unlawful discrimination occurs when individuals are treated less favorably because of their membership in a protected classification. MCBDD may not discriminate against an individual with respect to the terms and conditions of employment, such as hiring, promotions, raises, and other job opportunities, based upon the individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may generally be defined as unwelcome conduct based upon a protected classification. Harassment becomes unlawful when:

1. Enduring the offensive conduct becomes a condition of continued employment; or
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Examples

By way of example, sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported.
4. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

Off Duty Conduct

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy.

Workplace Romances

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform Human Resources, or Superintendent if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should MCBDD determine a conflict exists between an employee's employment and a personal relationship with a coworker, MCBDD will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties may be separated from employment. Supervisors should refrain from engaging in romantic or sexual relationships with any employee they directly, or indirectly supervise.

No employee shall violate Section 5123.541 of the Ohio Revised Code, which prohibits sexual relations with individuals served by the MCBDD Board.

Bullying

MCBDD will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination. Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against

another or others, at the place of work and/or in the course of employment.

Bullying, whether intentional or unintentional, is prohibited. While not an exhaustive list and meant only as a guide, MCBDD considers the following types of behavior to be examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying: Non Verbal threatening gestures; glances that can convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Complaint Procedure

Employees who feel that they have been subjected to unlawful discrimination, harassment, or bullying by a fellow employee, supervisor, or other individual otherwise affiliated with MCBDD or members of the public, including vendors, shall immediately report the conduct, using the Harassment Complaint Form, (See Appendix 2.10.1 Harassment Complaint Form) to Human Resources, or Superintendent with a copy to their immediate supervisor. If the alleged harasser is Human Resources, the employee may report the conduct to the Superintendent only, and if the alleged harasser is the Superintendent, the employee may report the conduct to Human Resources and/or the Board President. Each of these persons will have the authority to investigate and take appropriate action concerning the complaint.

Similarly, employees who have knowledge of discrimination, harassment, or bullying or who have questions or concerns regarding discrimination, harassment, or bullying shall immediately contact their immediate supervisor or Human Resources. Late reporting of complaints and verbal reporting of complaints will not preclude MCBDD from taking action. However, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident so that a thorough and accurate investigation may be conducted. Employees can use the Harassment complaint

form. All supervisors are required to follow up on all claims or concerns, whether written or verbal, which includes notifying Human Resources.

When MCBDD is notified of the allegation, it will promptly investigate the complaint. The investigation will include a review of the circumstances and facts under which the allegation occurred. The investigation may include interviews of the employee allegedly harassed, discriminated against, or bullied, the employee committing the alleged harassment, discrimination or bullying, and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed, pursuant to applicable public records laws. An investigative file may be maintained, which may include statements of the complainant, person(s) committing the alleged harassment, discrimination or bullying and witnesses as well as any other related documentation. This file is a public record under Ohio Revised Code Section 149.43, except to the extent it contains records which are specifically exempt from disclosure. All employees are required to cooperate in any investigation. Determinations of harassment, discrimination, or bullying shall be made on a case-by-case basis. If the investigation reveals that the complaint is valid, prompt attention and corrective or disciplinary action designed to stop the harassment, discrimination, or bullying and prevent its recurrence will be taken.

Retaliation

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination complaint, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. MCBDD and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels that been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his relationship with someone who took action under this policy, shall report the conduct to Human Resources or Superintendent immediately. If the alleged retaliator is Human Resources or Superintendent, the employee may report the conduct to the Board President.

False Complaints

Legitimate complaints made in good faith are strongly encouraged; however,

false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.

Corrective Action

If MCBDD determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its recurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or a person who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

Coverage

This policy covers all employees, supervisors, and the Board. Additionally, this policy covers all suppliers, subcontractors, visitors, clients, volunteers and any other individual who enters MCBDD property, conducts business on or through MCBDD property, or who is served by MCBDD personnel.

Approved as of 8/11/22

SECTION 2.11 VACANCIES: IDENTIFICATION, ANNOUNCEMENT, AND APPLICANTS

(ORC 145.38)

When a vacancy occurs, the Superintendent will determine whether to fill the position and the manner and means of recruitment. MCBDD determines when vacancies in positions exist. When employees leave positions a vacancy does not automatically occur. Continued need and funding for the position will be considered. MCBDD may eliminate the position, restructure, or redistribute the job duties.

Applicants, recruited from outside the Board, shall follow the instructions specified in the recruitment advertising to be considered for employment, including the completion of an application for employment.

Posting:

The Superintendent will post a vacancy notice naming the available job and describing the required duties and responsibilities and the necessary employee qualifications. Interested employees must submit written requests for the posted position during the posting period. A posting does not require that a position be ultimately filled. The Employer may solicit for applicants outside of MCBDD.

The Superintendent may advertise for applications from outside MCBDD at the same time as an internal posting is posted. Commonly used methods of posting may include, but are not limited to: in-house posting, local media and newspapers, MCBDD website, Facebook, online job posting sites, Ohio Means Jobs, and word of mouth.

The announcement, if practical, shall list where an application can be obtained, the title, nature of job, the required qualifications, the essential functions, the type of selection criteria likely to be used, and the closing time for submitting an application. During this posting or publishing period, any employee wishing to apply for the vacancy should follow the instructions on the notice.

Selection:

Prior to the deadline to apply, any qualified employee, who is interested in applying, shall submit a resume in accordance with the job posting instructions and requirements. The Superintendent or designee will not be obligated to consider any resume submitted past the posted deadline, or contrary to the posting instructions or requirements.

The HR designee will review all resumes submitted by interested employees and applications submitted by outside applicants, and shall select the most qualified applicants for an interview.

Human Resources or designee shall consider the results of the interview and other employment criteria, and shall review the applicant's work record, performance evaluations and other job related information when making a selection decision. The HR or designee shall check a minimum of three professional references of any selected outside applicant and the results of such reference checks shall remain on file until the selected applicant separates from employment. The HR or designee shall conduct criminal background and driving records checks for any selected outside applicant, prior to appointment, in so far as that check is job-related. The HR or designee shall conduct database checks, as required by the Ohio Administrative code, on any selected outside applicant.

Applicants with a disability, who because of their disability cannot fulfill the requirements of the job posting, or complete the application, may request that the Superintendent or designee provide a "reasonable accommodation" to assist the applicant in fulfilling posting requirements or completing and submitting the application, or otherwise complying with the requirements of this policy.

With prior approval of his supervisor, an employee who has submitted a resume for consideration for a posted position will be relieved from duty, with pay, to participate in selection interviews. If such approval is not feasible, the interview will be scheduled at a mutually agreeable time, outside of the employee's work hours.

Applications for re-employment, submitted by a former employee, will be considered only if the former employee's personnel and work records substantiate eligibility for rehire. If eligible, the Superintendent or designee may consider the former employee's work record, in addition to other job-related qualifying criteria, in determining fitness to perform the job in comparison with other qualified job applicants.

If the selected employee is unable to perform any essential job duties because of a disability, as defined by the Americans with Disabilities Act, the Board shall make any "reasonable accommodation(s)" to enable the newly appointed employee to perform such essential job duties. The Board is not required, nor shall it make, any accommodation which it determines to create an "undue

hardship" on the Board.

During the employee's selection process, and any time during the course of employment, no supervisor or other person is authorized to enter into any verbal or written contract of employment with the employee, and shall make no statement which promises or guarantees employment or any benefit of employment, except as is specified under civil service and other applicable requirements. Likewise, no applicant or employee should construe any statement made to him to mean or imply any promise of guaranteed employment or employment benefit.

Once the applicant has been selected for appointment to the position, the Superintendent or designee shall notify each interviewed applicant, in writing, of the selection decision.

The Superintendent will select the employee candidate the Superintendent deems most qualified based on the relative significance she gives to each candidate's skill, qualification, experience, potential and seniority. Each of these factors does not necessarily give equal weight.

The supervisor and other qualified designated employees may be assigned to provide to the newly appointed employee training to perform job requirements. However, regardless of the amount and type of training provided, the employee shall be solely responsible for performing all essential job duties to the required performance standards.

Promotion:

When the filling of a vacancy results in an employee's promotion, the newly promoted/transferred employee shall have a probationary period of three hundred and sixty five (365) working days. In the event the Superintendent determines that the employee's performance in the new position to be unsatisfactory, the employee may be returned to his former position anytime during the probationary period. Alternatively, the employee may have their employment terminated.

Retire/Hire:

Employees who take OPERS retirement may be rehired ("rehired retirant"). However, in no event is MCBDD required to hire a rehired retirant. In accordance with O.R.C. §145.381, if the rehired retirant is subject to hire through the Board, not less than sixty (60) days prior to rehire in the same job from which

the employee retired, the hiring board must give public notice of the rehired retirant intent to rehire. The hiring board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.

At the time of retirement, rehired retirant must be paid all accrued vacation time. When rehired, the rehired retirant will begin accruing vacation as a new employee. The rehired retirant will not receive credit for prior years' service in determining the vacation accrual rate.

In accordance with ORC Section 124.39(B), the rehired retirant may elect, at the time of retirement for active service with the political subdivision, to be paid in cash for accrued but unused sick leave credit. The payment eliminates all sick leave credit accrued but unused by the employee at the time payment is made. As such, the rehired retirant will start with a zero (0) balance and accrue sick leave as a new employee. The rehired retirant will not be eligible for any future payment of unused sick leave.

If the rehired retirant does not request payment of sick leave upon retirement, he may retain the sick leave balance for use when rehired provided his rehire date is within ten (10) years of his retirement. If the rehired retirant chooses not to request a payout upon retirement, he shall not be eligible for any payment of unused sick leave upon separation from post-retirement employment.

Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired retirants will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.

Employees are required to notify MCBDD of their retirement date. MCBDD reserves the right to start a rehired employee at a new rate of pay.

Approved as of 8/11/22

**SECTION 2.12 EVALUATION OF APPLICANTS AND BASIS FOR
SELECTION/DISQUALIFICATION
(ORC 5126.0221; ORC 5126.033)**

All applicants wishing to be considered for selection for vacant positions should submit a completed application. All applicants should submit any additional information they wish to be considered. Such information may include documentation of education, certifications, licenses, special training, references, prior job performance, and other information relevant to the position. It is the applicant's responsibility to provide the information to be submitted.

MCBDD may require applicants to submit to reference checks, structured and unstructured interviews, performance tests, and/or other objective job-related screening procedures.

Evaluation of Applicants

Appointments to vacant positions shall be made solely on the applicant's knowledge, skills and abilities, and other job-related qualifications, as ascertained through fair and practical selection methods.

Factors to consider for hiring/promotion include an employee's completion of any required probationary period, required training courses, prior performance and discipline, ability to follow supervision, additional education and training, experience, ability to get along with co-workers, seniority, skills and abilities, the employee's annual performance evaluation ratings, and other job-related measurements.

Applicants to be considered must meet the minimum job-related qualifications. MCBDD will rank applicants upon consideration of the skills and abilities necessary to perform the essential functions of the position.

An applicant may generally be eliminated from consideration if he or she:

1. does not possess the minimum licenses, certifications, educational degrees, or equivalent experience, or similar qualifications;
2. has a criminal background, having been convicted of or plead guilty to any disqualifying offenses.
3. does not pass the registry/database background checks on any of the required

systems including, but not limited to: System for Award Management, Department of Rehab and Corrections Offender Search, Attorney General's Office Ohio Offender Search, Nurse Aide Registry, US Department of Health and Human Services Exclusions Database, DODD Online Abuser Registry; Medicaid Exclusion Database;

4. Does not pass the drivers abstract (if driving is essential function of position) meaning has six (6) or more points on driving record;
5. has made a false statement of material fact on the application form or supplements;
6. has committed or attempted to commit a fraudulent act at any stage of the selection process;
7. is an immigrant not legally permitted to work; or
8. for any other legitimate, non-discriminatory reason.

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee may be removed.

All applicants will be required to sign an agreement stating that the applicant notify the Superintendent, if while employed by the Board, of any future formal charges, convictions, or guilty pleas of any of the disqualifying offenses. Failure to report such charges may result in termination of employment.

Job applicants who have been made an offer of employment will have that offer made contingent upon the passing of a physical examination to determine whether the applicant can perform the essential functions of the job, with or without reasonable accommodation. This examination, as well as tests to determine use of alcohol and illegal drugs that may affect the applicant's ability to perform the duties of the job in question, will be conducted after a conditional offer of employment has been tendered and accepted. A negative TB test is also required as a condition of employment. Failure to successfully pass the physical examination, drug and alcohol screening, and/or obtaining a negative TB test, will result in a withdrawal of the conditional offer of employment. The examination and tests shall be performed by a licensed practitioner selected by MCBDD. The cost of the examination and tests will be paid by MCBDD. The job applicant, who is provided the conditional offer of employment, will be provided

a copy of any report MCBDD receives from the licensed practitioner.

The applicant is required to submit to reference/background verifications and checks and shall sign any waiver/authorization forms requested by the MCBDD. Questionable and/or negative background checks may result in preclusion of employment.

None of the following individuals may be employed by MCBDD (ORC 5126.0221), except as provided in division (C) of ORC 5126.033:

1. An immediate family member of Board members and/or Muskingum County Commissioners, and as otherwise prohibited by law;
2. An employee of an agency contracting with MCBDD;
3. An immediate family member of an employee of an agency contracting with MCBDD unless the Board adopts a resolution authorizing such employment;
4. An individual who is employed by, has 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 MCBDD.

Approved as of 8/11/22

SECTION 2.13 EMPLOYMENT OF RELATIVES

(ORC 102.03, ORC 2921.42)

For purposes of this policy, the "immediate family" equals "relative" and is defined for all employees as set forth and outlined in the Sick Leave section of the Personnel Policy.

MCBDD will receive employment applications from relatives of current employees. However, the following four (4) situations may preclude the MCBDD from hiring a relative of a current employee:

1. if one relative would have supervisory (direct or indirect) or disciplinary authority over another;
2. if one relative would audit the work of another;
3. if a conflict of interest exists between the relative and the employee or the relative and MCBDD; or
4. if the hiring of relatives could result in a conflict of interest.

Immediate family members of MCBDD Board members and Muskingum County Commissioners may not be hired to work for MCBDD.

Employment Conflicts of Interest

An employee is not permitted to work in a position where his direct or indirect supervisor is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to MCBDD must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

The provisions of ethics laws found in Ohio Revised Code Sections 102.03 and 2921.42 render it unlawful for public officials to use their influence to obtain a benefit, including a job for a relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action, up to and including termination.

Approved as of 8/11/22

SECTION 2.14 IMMIGRATION REFORM AND CONTROL ACT

The Board complies with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990. Additionally, each newly hired employee shall be required, through the County Auditor, on or before the first day of work, to complete the information requested on the Form I-9.

Completed 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.

Approved as of 8/11/22

SECTION 2.15 MEDICAL EXAMINATIONS

As set forth in Section 2.12, MCBDD requires job applicants who are offered and accept a conditional offer of employment to undergo a physical examination.

MCBDD, with sufficient justification, may additionally require that a current employee submit to a medical examination in order to determine that the employee remains able to perform the essential functions of his position, with or without reasonable accommodation. Such examinations will be conducted by a licensed practitioner selected by MCBDD. The cost of the examination will be paid by MCBDD.

Whenever MCBDD sends an applicant or employee for a medical examination (physical or psychological), MCBDD should send a job description and any other relevant information about the position to the licensed, qualified practitioner conducting the examination, and request that the practitioner indicate in writing whether the applicant can perform the essential functions of the job identified on the job description; and if not, what accommodation, if any, the applicant or employee would require in order to do the job.

The examination results shall both be provided to the employee and otherwise maintained in a confidential medical file, separate from the employee's personnel file.

Approved as of 8/11/22

SECTION 2.16 IMMUNIZATIONS

All newly hired employees shall be given the opportunity to receive the hepatitis B immunization series at no cost to the employee by a licensed healthcare professional elected by MCBDD and in accordance with the current recommendations of the U.S. Public Health Service, unless:

- The employee has previously received the complete hepatitis B vaccination series;
- Antibody testing has revealed that the employee is immune; or
- The vaccine is contraindicated for medical reasons.

The hepatitis B vaccine shall be made available to the employee with thirty (30) working days of initial assignment and after the employee has received information about the hepatitis B vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge.

The employee shall not be required to participate in a hepatitis B antibody pre screening program as a prerequisite for receiving the hepatitis B immunization series; but may do so if they choose to at their own expense.

If a newly hired employee elects to waive the hepatitis B immunization series at the time of initial hire, he or she may receive the series at a later date. Employees who elect not to receive the hepatitis vaccination series shall be required to sign a declination form. (See Appendix 2.16.1 Hepatitis B Declination Form). If a routine booster dose(s) of hepatitis B vaccine is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available as described above. The employee shall be responsible for completing the series.

Following a report of an exposure incident involving possible exposure to hepatitis B, MCBDD shall make available to the employee a post-exposure evaluation and follow-up as indicated in 29 CFR 1910.1030(f)(3).

Approved as of 8/11/22

**SECTION 2.17 POLICY ON ACCESS, DUPLICATION AND
DISSEMINATION OF PERSONNEL RECORDS
(ORC 149.43; ORC 1347.09)**

This policy is to establish rules on the inspection and release of employment/ payroll records in order to provide access to public employment/ payroll records and to guard against a possible unwarranted invasion of an employee's privacy.

This policy is consistent with Chapter 149 of the Ohio Revised Code as it pertains to the maintenance of public records, specifically personnel files. MCBDD shall maintain official personnel files on all of its employees. MCBDD Personnel Records shall include the following when applicable, but not limited to:

- Name, permanent address, current address, phone and name of person to notify in case of emergency. Social security numbers will be maintained but not released in response to a public records request.
- Job description, a written copy of which shall be given to each employee.
- Vacation and Sick Leave Record. A sick leave statement signed by a physician and attached to the usage form may be a confidential medical record and if so shall not be subject to review under Section 149.43 of the Ohio Revised Code and shall be maintained in a separate and confidential medical file.
- Education and Experience Data Sheet.
- Educational Summary.
- Record of Permanent or Temporary Certification or Required License. Each employee is responsible for updating his/her certification documentation. Certification documentation is to be filed within thirty (30) days of completion of necessary coursework.
- The report of Physical Examination is a confidential medical record and shall not be subject to review under Section 149.43 of the Ohio Revised Code and shall be maintained in a separate and confidential medical file.
- Copies of all Personnel Action & Disciplinary Action Forms.
- Records of In-Service Training.

- Annual Performance Evaluation as adopted by the MCBDD, completed by the Superintendent or designee, and signed by the employee, indicating his awareness of, or concurrence with the evaluation.
- Additional evaluation data determined by the MCBDD.
- Records of Workers' Compensation claims incurred during tenure of employment. Any physician or medical statement is a confidential medical record and shall not be subject to review under Section 149.43 of the Ohio Revised Code and shall be maintained in a separate and confidential medical file.
- Payroll information, records of additions or deductions paid, work time schedules, tax withholding records, insurance enrollment records and retirement system enrollment records.
- Form I-9 – Eligibility for Employment Form.
- Letters of commendation.
- Any other appropriate materials and/or additional evaluation data as determined by the Board or Superintendent.
- Anonymous letters or materials not relied upon by MCBDD shall not be placed in a staff member's file nor shall they be made a matter of record.
- One (1) copy of an item, such as an evaluation form or disciplinary action, may be given to the employee at no cost. The employee may obtain additional copies of any such item for five cents (\$0.05) per copy. Employees will be charged for multiple copies requested at any one time and will be required to sign a receipt for it.
- Wage and salary information.
- Certain records are not subject to public disclosure. The list of records that are not public records can be found in Section 149.43 of the Revised Code. Consequently, an employee's complete personnel record is not solely located in the personnel file.

- For employee reference checks, if document requests are made, only copies of existing documents shall be subject to release under this policy. The Board does not complete and return questionnaires of other employers conducting reference checks.

Employees must keep the Board 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).

Disputed Information

If an employee disputes the accuracy, relevance, timeliness, or completeness of information on him or her maintained in his or her personnel file, he or she may request that the Board investigate the current status of the information not later than ninety (90) days of receiving the request. The Board must make a reasonable investigation to determine if the disputed information complies with the provision of law, and the Board will remove from the personnel file any information that it cannot verify or that it finds to be inaccurate. If after the Board's determination the employee is not satisfied, he or she shall have the right to add a written rebuttal or request a hearing with the Board or subcommittee of the Board that is appointed by the Board President to hear personnel matters on any material in his/her file that he/she deems incorrect or incomplete. No anonymous material shall be kept in an employee's file.

Medical Records

Employee medical records are maintained in a confidential medical file separate from his/her personnel file.

Medical records are confidential and may be released only in the following circumstances:

1. Supervisors may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation.
2. First aid and safety personnel may be informed if an employee may require emergency treatment.
3. Government officials investigating compliance with the law may be provided with relevant information.

Access

All records required by the Ohio Department of Developmental Disabilities and the Ohio Department of Education shall be kept in a designated administrative office of the MCBDD.

The administrative office will be responsible for safe keeping of records and for securing them against loss or use by unauthorized persons.

The administrative office shall permit personnel, upon request, to inspect and review any records in their personnel file.

Individual personnel records shall be readily accessible to the Department of Developmental Disabilities and the Department of Education personnel authorized by the Director of the Department of Developmental Disabilities and Department of Education.

All business and personal matters relating to employees of MCBDD are considered privileged and confidential and are treated as such by the administration of the Board. Information regarding such matters will be given upon an ORC 149.43 request of the employee's file and to personnel authorized by the Director of the Department of Developmental Disabilities and the State Department of Education. Medical information will not be released, or public information requested and is considered confidential.

Duplication and Dissemination

Personnel files, except confidential medical records or other records made confidential by law, are public documents and subject to inspection by the public. When a member of the public requests an opportunity to examine an employee's personnel file, Human Resources or his/her designee will arrange an

appointment for the individual to review the file with Human Resources or his/her designee during regular business hours. The employee will be notified of the request. Persons no longer employed by the Board may not receive any notification of the inspection of personnel files by the public. Members of the public requesting copies of Board documents or files, including personnel files, will be charged five cents (\$0.05) per page/copy.

Procedure for employees' access to personnel files

All materials placed in the employee's personnel file after initial employment shall be available for his/her review at reasonable times. The Board strongly recommends that each employee review his/her personnel file annually. An employee may arrange a time with the Superintendent or his/her designee to review his/her personnel file during regular business hours. An employee may not remove the personnel file from the office, but may request a copy of any items within the file.

An employee who wishes to inspect his/her personnel file should, but is not required to, make his request in writing. The request will then be entered into the personnel file.

Employees may not release any public records, including information in personnel files, unless the employee is authorized to do so.

Personnel records will be retained for ten (10) years after separation from employment.

Approved as of 8/11/22

SECTION 2.18 NEW EMPLOYEE ORIENTATION

Each newly hired employee is required to complete orientation conducted by each department of the Board. Orientation begins on the new employee's date of hire and is completed within ninety (90) days of employment, and should, at a minimum, review and address the following:

- Personnel Policies
- Board Policies and Procedures
- Position Description
- Emergency Procedures and Fire, Disaster, and Evacuation Plan
- Certification Requirements, if applicable
- Unusual Incidents/Major Unusual Incidents Reporting
- Mandated Reporting & Abuser Registry
- Rights of People with Disabilities
- Collective Bargaining Agreements, if applicable
- Employer-Provided Benefits
- Drug Free Workplace
- HIPAA Confidentiality and Computer Security
- Accident and Injury Reporting
- Department-specific orientation requirements
- Any other Board, County, State, or Federal Information or Forms

Newly hired management employees will be required to attend the above orientation as well as online supervisor-related training courses selected by the Board.

The employee shall sign an acknowledgement that they have been provided or made aware of these and other relevant matters.

All time that the employee is required to be in attendance in orientation should be calculated as hours worked. New employees shall normally be given time to review all documents during normal work hours.

It is the responsibility of the employee's supervisor to continue the orientation process during the probationary period by providing on-the-job training. The length of the training depends upon the education, certification requirements, and experience of the employee as well as the department with which the employee is assigned to work.

Following the orientation with each department, the completed orientation form shall be submitted to Human Resources for inclusion in the employee's personnel file. Employees are required to have all orientation completed within ninety (90) days of employment unless their job requires orientation to be completed in less than ninety (90) days. All signed forms are to be placed in the employee's personnel file.

Approved as of 8/11/22

SECTION 2.19 LICENSURE, REGISTRATIONS, AND CERTIFICATIONS (OAC 5123)

All employees of MCBDD who are required to be professionally licensed, registered, or certified should submit such license, registration, certification and/or license renewals to Human Resources. A copy of the license, registration, and/or certification shall be maintained in each employee's personnel file.

Licensure, registration, and certification requirements for personnel shall be those promulgated by the Ohio Department of Developmental Disabilities, Ohio Department of Education, the Ohio Department of Public Safety, or any other state department as it relates to the requirements of a position held by the Board.

Employees are responsible to acquire, maintain, update and/or renew their licenses, registrations, and/or certifications as required for their position and to immediately submit proof of such acquisition, maintenance, updating and/or renewal to the Board office prior to the expiration of the current certificate, license, or registration. Newly hired employees must acquire their licenses, registrations and/or certifications by their thirtieth (30th) working day after they officially began their employment, unless their job description requires a certificate, license, or registration prior to consideration for employment. An employee who fails to provide such documents should not be permitted to work in his employment category or classification and may be discharged from their position if licensure, registration, or certification expires and/or is not renewed in a timely manner, unless the employee has met all requirements and has not been issued the certificate through no fault of their own.

It is the responsibility of the employee to pay all fees required to acquire, maintain and/or renew any licenses, registration and/or certification as well as any coursework related to such licenses, registrations, and certifications, except as otherwise provided in 3.04 Coursework Reimbursement.

Upon becoming aware, the board will post a notice of any changes or additions to requirements that become necessary for licenses, registrations, and certifications.

Time spent by an employee relating to acquiring, maintaining, updating and/or renewing a required license, registration, and/or certification is not considered hours worked when computing overtime.

It is the employee's responsibility to maintain any and all applicable driving license and insurability for vehicle insurance. Employees who cannot maintain any and all driving licenses and insurability, may, at the Superintendent's discretion, may be subject to disciplinary action up to and including termination.

The Board agrees to pay the cost for obtaining the BCI, as well as the FBI check on an employee whose position requires such per the Ohio Revised Code.

Approved as of 8/11/22

SECTION 2.20 COMMUNICABLE DISEASES

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, a blood-borne pathogen or any other communicable diseases which may be protected by the Americans With Disabilities Act.

An employee with a communicable disease will not be precluded from continuing work because of a 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.

An employee, who is afflicted with a blood-borne pathogen or other communicable disease protected by the ADA, may request a reasonable accommodation to assist in performing required essential job duties. The Superintendent shall consider such accommodation, and shall make any that the Superintendent determines to be reasonable. The Superintendent shall not make any accommodation which creates an undue hardship upon the Board.

An employee with a diagnosed blood-borne pathogen or other communicable disease, who because of such illness is unable to work, may utilize any earned, but unused sick leave, vacation, or any other paid leave offered for such purpose. If the purpose of the leave is FMLA qualifying, Family and Medical Leave will run concurrently with paid leave. Should the employee use all available paid leave, the employee may be placed on unpaid Family and Medical Leave, if eligible, or may be placed on Unpaid Leave. An employee with any communicable disease may also be eligible for a disability separation, when the employee is unable to perform the duties of his position [either with, or without a reasonable accommodation for those communicable diseases covered by the ADA]. An employee with a communicable disease shall request such leaves in accordance with the policies specified in this manual, and shall maintain the rights of reemployment or reinstatement as specified in these policies.

The Board will support, where feasible and practical, education to enhance employee understanding and awareness of communicable diseases in the workplace.

All employees will be trained annually in the use of "Universal Precautions and

blood borne pathogens.” Supervisors will instruct employees about any special precautions needed to be taken in individual work areas.

Employees who are diagnosed with a communicable disease are required to notify Human Resources (HR), immediately upon learning of the diagnosis. The matter shall be handled sensitively by HR, who shall follow the standards of confidentiality specified in this policy as well as any guidance or directives given by the Ohio Department of Health, the local health department, or Center for Disease and Prevention. HR may choose to review with the employee this policy, their leave benefits, and rights to a reasonable accommodation, if necessary. The employee may be requested, at the discretion of HR, to provide a medical statement from the employee’s physician to specify to HR any job restrictions, or other matters which will assist the HR in handling the situation in a lawful, appropriate manner.

Employees who are concerned about becoming infected with a communicable disease by a coworker, citizen, or other person, should convey this concern to HR. Employees who refuse to work with, or perform services for a person known or suspected to have a communicable 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.

The medical condition and records of employees 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, and for determining whether or not the employee poses a threat of contagion.

Medical records are not public records and therefore are exempt from such requirements. Medical records may, however, be released to attending or designated physicians and insurance carriers upon the submission of a satisfactorily signed statement officiating the need for such information.

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.

An infected or contagious employee may be excluded from work and required to

use appropriate leave when:

- they pose a significant risk in his job, i.e., a high probability of substantial harm to himself;
- they would pose a risk to coworkers or the public susceptible to infection, through the presence of a secondary infection; or
- leaving the employee on the job would represent an undue hardship on the Employer.

This policy will not require, or result in, any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.

Any employee who believes that he has been exposed to a communicable disease, should immediately report the incident to his supervisor and seek medical attention. Said reporting shall be held in the strictest of confidence and the employee shall not be the subject of any employer reprisal.

The Employer discourages employees from discussing, providing information, or provoking the discussion of any employee's disease. Such a matter is private and should not be discussed in the workplace, except for official management responsibilities. An employee's refusal to work with an infected coworker may be subject to disciplinary action. Such a decision will be reviewed on a case-by-case basis.

Approved as of 8/11/22

SECTION 2.21 REPORTING VIOLATIONS OF STATE, LOCAL, OR FEDERAL LAWS, AND WHISTLEBLOWER CLAIMS

If in the course of his employment an employee becomes aware of a violation of any state or federal statute, and/or local law, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons, or a hazard to public health or safety, or is a felony, or become aware of the misuse of public resources, the employee shall notify Human Resources or the Superintendent of the violation.

Subsequently, the employee should be instructed to immediately, with Human Resources or designee, prepare a written report that provides sufficient detail to identify and describe the violation. The report must specify the date and time of its preparation. The employee may file a written complaint with the auditor of state's fraud-reporting system under section 117.103 of the ORC. If the violation or misuse is a violation of section 2921.42 or 2921.43 of the ORC, the employee may report it to the appropriate ethics commission.

MCBDD shall be responsible for investigating and correcting such violation(s), if one exists.

If an employee becomes aware during the course of his employment of a violation by a fellow employee of any state or federal statute, rules, or regulations or the misuse of public resources, or any work rule or department policy, the employee shall report such to their supervisor, Human Resources, or the Superintendent of the violation.

All employees are required by law to report cases of suspected abuse and neglect of individuals including aged, blind, disabled, and children whether or not they receive services from MCBDD. The standard for reporting is "a reasonable cause to believe" that abuse or neglect was committed against a person with a disability. Mandated reporters are immune from civil or criminal liability as a result of filing a report providing the report was made in good faith. If the issue to be reported falls within the definition of MUI/UI reporting, the employee must follow those guidelines set forth in Ohio law and MCBDD policy.

If an employee makes a falsely based report under this section, he may be subject to disciplinary action, including suspension or removal, for reporting information without a reasonable basis to do so under those parts.

MCBDD shall not take disciplinary or retaliatory action against the employee for

making a legitimate report or as a result of the employee having made any inquiry or taken any action to ensure accuracy of any information reported.

An employee who is disciplined as a result of reporting violations or misuse under this policy may appeal disciplinary action to the State Personnel Board of Review (SPBR). Such appeal is the exclusive remedy for an employee who is disciplined for reporting violations or misuse under this policy. An appeal must be filed no more than thirty (30) calendar days after the employee learns he/she has been disciplined.

Approved as of 8/11/22

SECTION 2.22 AUDITOR OF STATE FRAUD REPORTING SYSTEM **(ORC 4113.52, ORC 117.103, ORC 124.341 ,ORC 2921.41)**

The Ohio Auditor of State's (AOS) Office maintains a system for reporting alleged fraud, theft in office, including the misuse and misappropriation of public money. The system allows all Ohio citizens, including public employees, the opportunity to report suspected fraud, waste, or abuse.

Employee Required Training

ORC 117.103 requires training to all employees on the means of reporting fraud, waste, and abuse. The AOS provides training material to be reviewed and acknowledged by each new employee and every four (4) years thereafter.

Reporting Fraud, Waste, or Abuse

Officers and employees required by ORC 4113.52 to report fraud, theft in office, or the misuse or misappropriation of public money, and those who wish to report waste or abuse, can report to the AOS's Special Investigations Unit in any of the following ways:

Web: <https://ohioauditor.gov/fraud/default.html>

Mobile App: Ohio Stops Fraud App
Available on Google Play or Apple App Store

Phone: 1-866-Fraud-OH (1-866-372-8364)

Email: FraudOhio@ohioauditor.gov

US Mail: Ohio Auditor of State's Office
Attn: Special Investigations Unit
65 E. State Street Columbus, OH 43215

Fraud

Pertaining to reporting obligations, fraud refers to the criminal concept; when a person knowingly uses deception to obtain a benefit for themselves or another. It can also occur when a person knowingly causes, by deception, some detriment to another. (*Examples: Creating fictional invoices and using public funds to pay them to yourself or a friend; Falsifying timesheets for the purpose of gaining additional compensation or leave time; Falsifying financial statements to cover up a redirection of public money to a personal bank account.*)

Theft in Office

When a public official commits any theft offense of a property or service owned or offered by a public governmental entity while using the official's office in aid of committing the theft.

Misappropriation of Public Monies

Knowingly using public money or public property for an unauthorized, improper, or unlawful purpose to serve a private or personal benefit or interest.

Misuse of Public Monies

Knowingly using public money or public property in a manner not authorized by law.

Fraud differs from an unintentional error or mistake, or theft, where there is no knowing of deception. *(Examples: Posting a receipt for the incorrect amount due to a mathematical error; Accidentally paying an invoice twice; Inadvertently calculating utility bills at an old rate; Collecting the student price for an adult ticket at a school sporting event.)*

Waste

When resources are used inefficiently or unnecessarily, resulting in unnecessary costs to taxpayers. Waste can include activities that do not include abuse and does not necessarily involve a violation of law. Rather, waste relates primarily to mismanagement, inappropriate actions, and inadequate oversight. *(Examples: making travel choices or making procurement/vendor selections contrary to policies or that are considered unnecessarily extravagant or expensive.)*

Abuse

Behavior that is deficient or improper when compared with behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances, but excludes fraud and noncompliance with provisions of laws, regulations, contracts, and grant agreements. Abuse also includes misuse of authority or position for personal financial interests or those of an immediate or close family member or business associate. *(Examples: creating unneeded overtime, requesting staff to perform personal errands or work tasks for a supervisor or manager, misusing their official position for personal gain.)*

Employee Responsibility

Employees are responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of MCBDD policies and procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts. ORC 124.341 and ORC 4113.52 extend whistleblower protections to employees who file a complaint with the AOS fraud-reporting system in certain circumstances.

If a classified or unclassified employee becomes aware of a situation and reports it to the Auditor of State's fraud-reporting system, the employee is protected against certain retaliatory or disciplinary actions. If retaliatory or disciplinary action is taken against the employee, the employee has the right to appeal with the State Personnel Board of Review within thirty (30) days after receiving actual notice of the action. This is the employee's sole and exclusive remedy.

Approved as of 8/11/22

Revised as of 8/7/24

SECTION 2.23 ETHICS
(ORC 102.03; ORC 2921.42)

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 appointing authority.

Each employee is responsible for serving the public in an honest, effective, and friendly manner. Each is also 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. Specifically, no employee shall:

- Conduct himself in any manner that discredits the operations or ethical standards of the Board.
- Engage in any activity that is illegal or offensive to other employees or the general public.
- Use his position with the Board for personal gain or engage in any transaction that conflicts with the proper discharge of his duties.
- Except as permitted by law, have an interest in the profits or benefits of a public contract entered into by or for the use of a political subdivision or instrumentality with which he is connected.
- Except as permitted by law, authorize, or employ the authority or influence of his position, to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest.
- Except as permitted by law, secure the investment of public funds in any share, bond, mortgage, or other security, in which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees.
- Except as permitted by law, have an interest in the profits or benefits of a public contract, which involves more than one hundred and fifty dollars, and is not agreed to through competitive bidding, if competitive bidding is legally required.
- Occupy, during his employment or within one (1) year thereafter, any

position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, unless the contract was agreed to through competitive bidding to the lowest and best bidder.

- Without proper legal authorization, disclose confidential or proprietary information about the property, business, operations, or affairs of the Board. Nor shall he use such information to advance the financial or other private interest of himself or others.
- Accept any valuable gifts, whether in the form of services, loan, item, or promise from any person, firm, or corporation that is interested, directly or indirectly, in any manner whatsoever, in business dealings with the Board.
- Accept any gift, favor, or item of value that may tend to influence him to discharge his duties.
- Grant, in the discharge of his duties, any improper favor, service, or item of value.
- Accept from any contractor or supplier, doing business with the Board, any material or service for the private use of the employee.
- Represent any private interest in any action or proceedings against the Board.
- Have a financial interest in companies that do business with the Board, except as allowed for by law.
- 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.

Employees are prohibited from having a consensual sexual relationship or otherwise romantic relationship with a client or individual with developmental disabilities. Conduct of his nature will be reported as a major unusual incident (M.U.I.)

Employee, providers, MCBDD's, and family members shall not use their personal rewards card for an individual's purchase when they would gain a

personal benefit.

When an employee uses an individual or an individual's resources for monetary or personal benefit, profit, or gain, it may be considered improper and may meet the definition of Exploitation as defined in the Major Unusual Incident (MUI) Rule (O.A.C. 5123:2-17-02).

The Superintendent, or designee, shall provide new employees with a copy of Chapter 102 (See Appendix 2.23.1 Chapter 102) and Section 2921.42 (See Appendix 2.23.2 Section 2921.42) of the ORC. These copies shall be provided to newly hired employees within fifteen days of employment and employees shall acknowledge receipt (See Appendix 2.23.3 Chapter 102 & Section 2921.42 Acknowledgement) of these items in writing.

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, 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 the interests of the Board.

If an employee has any doubt about the applicability of this policy to a particular situation, he should immediately contact the Superintendent. If the Superintendent is in doubt, she may confer with the County Prosecuting Attorney or other Board counsel. Violations of this policy may result in disciplinary action, up to and including discharge.

Employees will be provided periodic training regarding ethical conduct to increase employees' understanding of expected ethical conduct.

Approved as of 8/11/22

SECTION 2.24 BOARD CANCELLATION

When Starlight School is closed due to inclement weather or other emergency conditions, the county board will remain open, unless otherwise directed by the Superintendent. Preschool, School-Age, and Transportation (9-month) employees shall observe a 183-day work schedule per the board approved annual calendar. During the use of calamity hours, these employees will not report to work. Administrative staff and all other 12-month employees will continue to observe their typical work schedule unless otherwise directed by the Superintendent. School calamity hours over thirty-nine and a quarter (39.25) student hours will be rescheduled either during school scheduled breaks or at the end of the school year, per the board approved Starlight School calendar.

Snow Emergencies - In the event the Muskingum County Sheriff declares a Level 1 or Level 2 snow emergency, the county board will remain open, unless otherwise directed by the Superintendent. Staff should proceed with caution. If staff are unable to report due to inclement weather, they are required to use either vacation or personal leave; or take the time as unpaid if they do not have leave available. In the event the Muskingum County Sheriff declares a Level 3 snow emergency, the entire county board and its facilities will close; at the discretion of the Superintendent.

In the event that the entire county board is closed due to inclement weather or other emergency conditions, employees will be paid for such time that they were scheduled to work. Part-time and Substitute employees who are not scheduled to work during the period of the closure, are not granted pay for such time. In cases where the entire Board closes, employees on scheduled vacation, sick, or personal leave will have such time added back into their leave balances.

If a scheduled employee is tardy, leaves work early, or is unable to come into work due to inclement weather or other emergency when the county board is not officially closed, the employee may, upon approval from their Supervisor, make up the time (if tardy) within their work day, or take available accrued but unused vacation or personal leave. Sick leave will not be approved for absences due to inclement weather and for emergency situations except, for those cases allowed for in accordance with Sick Leave Policy 14.03. If paid leave is not available, an FLSA non-exempt employee will take unpaid leave for time missed. If paid leave for an exempt employee is not available, the employee may be reduced in pay for absences constituting an entire day.

The Superintendent may, at their discretion, arrange transportation for an employee to be picked up at home or other location during an inclement weather or emergency situation.

Employees who are able to come into work on an inclement weather or other emergency day, may be required to work “out of classification” for such day(s) in order to adequately meet the immediate needs of the county board. Such employees will resume their regular job duties upon conclusion of the inclement weather or other emergency, and when county board needs can be met by regularly scheduled staff.

Approved as of 8/11/22

Revised 8/10/23

SECTION 2.25 CHANGES IN ASSIGNMENTS

The Superintendent will make assignments and promotions. The assignment of employees and/or their transfer to positions in the various programs shall be made by the Superintendent on the basis of the following criteria:

Assignments:

1. Contribution which the employee could make to the individuals in the new assignment;
2. Qualifications, including possession of any required licenses, certificates, and/or registrations, of employees compared to those outside candidates for positions to be vacated and for positions to be filled;
3. Opportunity for professional growth;
4. Desire of employees regarding assignment or transfer;
5. Ability to perform the essential functions of the position, with or without reasonable accommodation; and/or,
6. Previous evaluations and any disciplinary record.

Promotions:

1. Completing the probationary period satisfactory may be a consideration in promotion.
2. A current employee will be considered for promotion to a vacancy only when he/she is determined by the Superintendent to be fully qualified for the position.
3. Each employee who is promoted to a new position within the Board will have a probationary period in that position for a period of time to be set at the time of the promotion. Such a probationary period will be set for a period of time of three-hundred sixty five (365) working days.

Transfers:

1. An employee is considered to have been transferred when he/she is given a different assignment where there is no change in classification, salary or level of responsibility.

2. Transfers will be made at the discretion of the Superintendent.
3. A supervisor can initiate a transfer if the transfer would be in the best interest of the Board; however, the needs of the Board take precedence over the wishes of the employees.
4. A transferred employee will serve a probationary period as described in Section 3.01: Probation.

Temporary Job Assignments:

In order to provide required services, it may be necessary to temporarily assign an employee to a different job classification. When an employee is assigned to a different job classification, the employee will be compensated as follows:

1. If the employee's regular rate of pay is higher than the range for the temporary assignment, the employee will be paid his/her regular rate of pay.
2. If the employee's regular rate of pay is lower than the range for the temporary assignment, the employee will be paid at the minimum rate for the pay grade of the temporary assignment.

Voluntary Demotion:

1. An employee may, for any reason, request a demotion to a lower position by submitting a written request.
2. Approval of a voluntary demotion is at the discretion of the Superintendent.
3. A demoted employee will have his/her pay reduced to a level within the pay range of the lower classification.

Approved as of 8/11/22

SECTION 2.26 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

The HIPAA law was enacted to increase access to and the efficiency of the health care system in the United States. The HIPAA law does not replace any federal, state, or other laws that grant an individual even greater privacy protection. MCBDD will abide by all requirements for privacy and confidentiality set forth in HIPAA, and other applicable law(s). The Board will not use or disclose Protected Health Information (PHI) except in accordance with applicable requirements. All employees will receive the Notice of Privacy Practices. (See Appendix 2.26.1 Notice of Privacy Practices) This policy shall apply whether the Board is acting as a covered health care provider or a health plan under HIPAA. If the Board is acting in more than one capacity, the Board shall be subject to the requirements applicable to that function and shall use or disclose PHI only for the purpose related to the function being performed.

The MCBDD will comply with the Privacy rule as a healthcare provider or health care plan and will adopt the following policies and procedures:

1. In general, MCBDD will:
 - a. Notify individuals served or parents or guardians about the privacy rights and how their information can be used.
 - b. Adopt and implement privacy procedures for its practice, hospital, or plan.
 - c. Train employees, volunteers, and board members so that they understand the privacy policies and procedures.
 - d. Secure individual records containing individually identifiable health information so that they are not readily available to those who do not need them.
2. Confidentiality: All information in an enrollee's records, including electronic information, is confidential. Further, all conversations involving individually identifiable information are confidential.
3. Minimum Necessary Rule: The use and disclosure of PHI must be limited to the minimum necessary to satisfy the request or to complete the task, except in situations specifically identified by the HIPAA rules. The Privacy Officer shall implement safeguards and protocols to implement this policy.
4. Speaking with the Family and Friends of an Individual Receiving Services:

MCBDD personnel are permitted to verbally disclose protected health information to family, friends, caregivers and other persons involved with the care of an Individual being served, in specific situations, after giving the Individual receiving services the opportunity to either agree to or object to the disclosure.

5. Authorizations: All disclosures of PHI beyond those otherwise permitted or required by law require a signed authorization. MCBDD will use an authorization form that conforms to Ohio Laws, and the federal FERPA, IDEA and HIPAA regulations.
6. Verification: MCBDD will take reasonable steps to verify the identity and the authority of the person requesting Protected Health information (PHI) of an individual.
7. Minors, Personal Representatives and Deceased Individuals: Staff must follow applicable legal requirements to maintain confidentiality and to permit the legal release of protected health information (PHI) to minors and personal representatives, and for the release of PHI of deceased Individuals.
8. Duty to Report Violations: Confidentiality of PHI is taken very seriously at MCBDD. Employees are required to follow all policies. Any employee who becomes aware of a violation of any policy in this Confidentiality and Computer Security Policies manual is obligated to immediately report this violation. Violations will be investigated, and appropriate action will be taken.
9. Disclosures not requiring Authorization: MCBDD employees may use and disclose PHI in specific situations authorized by state and federal statute. In these cases, the Individual's authorization is not required. Staff will carefully follow specific requirements for these unusual and infrequent disclosures. These disclosures include the following:
 - a. When required by law.
 - b. For public health purposes such as reporting communicable diseases, work-related illnesses, or other diseases and injuries permitted by law; reporting births and deaths, and reporting reactions to drugs and problems with medical devices.
 - c. To protect victims of abuse, neglect, or domestic violence.
 - d. For health oversight activities such as investigations, audits, and inspections.

- e. To accrediting organizations.
 - f. For judicial and administrative proceedings.
 - g. For law enforcement purposes.
 - h. To coroners, medical examiners, and funeral directors.
 - i. For organ, eye or tissue donation.
 - j. To reduce or prevent a serious threat to public health and safety.
 - k. For Specialized government functions.
 - l. In connection with “whistleblowing”.
 - m. For workers’ compensation or other similar programs if applicable.
10. Individual’s Right to Access Records: Individuals served by MCBDD, and their personal representatives, have the right to access and/or inspect the PHI and/or Education Records contained in the designated record set, subject to any limitations imposed by law.
11. Individual’s Right to Request Amendment of Records: Individuals receiving services have the right to request that MCBDD amend PHI in the designated record set, or Education Records, that they believe are erroneous. MCBDD will use procedures compliant with HIPAA, FERPA and/or IDEA in processing any requests for correction.
12. Non-intimidation and Non-retaliation: MCBDD will not intimidate, threaten, coerce, discriminate against, or take other retaliatory action against Individuals receiving services who exercise any HIPAA-related right. Further, MCBDD will not intimidate or retaliate against staff or other persons who express the opinion that MCBDD policies are not consistent with the law, or not being implemented properly, or who file a whistleblower action. MCBDD will not require any Individual receiving services to waive any of his/her rights under HIPAA as a condition of education, treatment, or enrollment.
13. Policy Updating and Staff Training: MCBDD’s HIPAA Privacy Officer and HIPAA Security Officer shall collaborate to ensure that policies and procedures required by HIPAA, FERPA/IDEA and other laws are updated at least annually for compliance, and to train staff as necessary on these policies and procedures.
14. Executive Management and HIPAA Security Officer: MCBDD will appoint or designate a HIPAA Security Officer or Committee. The Officer or Committee will orchestrate the Agency’s security management process.

15. Technical Safeguards: Technical Safeguards will be employed as necessary to maintain the integrity of data, and to ensure the security of data during transmission.
16. If a member of the workforce or Business Associate violates any applicable law or Board procedures the Board shall impose sanctions. Sanctions will be defined by the Board and/or Committee. A Sanction will depend on factors such as severity of the violation, intent of violation, or violation indicating improper use or disclosure of PHI. Sanctions could range from warning to termination. Training will provide expectation.

Approved as of 8/11/22

SECTION 2.27 CONFIDENTIALITY

Most of the information (verbal, written and printed) and many of the events encountered by staff of the Board are considered to be of a confidential nature. All staff whose job assignments and/or job environments give them access to consumers' confidential matters are required to maintain the confidentiality of this information by revealing it only to authorized personnel. If uncertain as to whether a matter or information is confidential, the employee is required to contact his/her immediate supervisor, department head or the Superintendent for determination prior to revealing the information/situation to anyone. Expressing personal opinions about consumers' condition or treatment is considered to be in violation of this policy except when such is done within the facility with other staff. Having knowledge of and practicing specific procedures for maintaining confidentiality is the responsibility of each employee and his/her immediate supervisor. Staff members working regularly with matters of a confidential nature may be required to sign a statement pledging, under penalty of law, to maintain the security of the confidential data to which they have access. The release of information concerning the Board to the news media and general public must be approved by the Superintendent prior to such release.

All files, records and information (including but not limited to the following forms: audio, video, tapes, photographs, printed and written material and any waiting lists for services) bearing any personal information regarding a recipient of services provided by the Board (Service and Support Administration (Case Management)/Family Support Services, Residential Development, Early Childhood, School Age, Adult Services or other service) are considered confidential and are the Board property under the jurisdiction of the Board.

Any material bearing a consumer's personal information, considered either new data or completed product, and any other material designated confidential by the Superintendent, regardless of origin, shall be considered confidential.

Ohio law established child abuse and neglect reports as confidential and provides that a person who permits or encourages the unauthorized dissemination of a report's content is guilty of a misdemeanor of the fourth degree.

Employees are cautioned not to disclose Protected Health Information (PHI).

It is the responsibility of each employee to keep all materials safely and securely

stored under lock and key, whenever possible.

Permanent records or copies of enrollee's file materials shall not be removed from the grounds by staff without the written permission of the Superintendent or his/her designee. Confidential materials used in planning and implementing IFSP's, IEP's, or ISP's which need to be taken off the grounds will require a waiver approved by the Superintendent or his/her designee.

Compliance with employment/division procedures to maintain confidentiality shall be required by all staff, visitors, volunteers, consultants and families.

An employee employed for education, training, or other assigned purposes will have free access to an assigned individual's master files when such are needed to evaluate, develop and implement IEP's, IFSP's, or ISP's and to obtain evaluation data. Any other person wanting access to files must follow the specific procedures required by law and defined in the component/division holding the desired information.

With the written permission of the Superintendent or his/her designee, access to enrollee's files/materials will be approved for non-Board employees who are associated with planning or implementing IEP or IFSP and ISP goals or other legally acceptable assignments.

Service Support employees, in the course of their duties, may have need of consumer information from many sources. They may have free access to any information needed, but will comply with the established procedures for removal or release of the material/information.

During a Service Support Administration investigation, certain privileged information may be revealed between the consumer, family, staff and the SSA. In such instances, and for specific periods of time, privileged information may not be discussed or released outside the Service Support Division until the enrollee's protection is assured and he has signed a consent for a release of this information.

Any individual or agency legally authorized to request confidential information, in the course of his/its duties, may have access to such information by meeting the following conditions:

1. complying with the procedures of the holding component division;
2. producing the appropriate releases completed by the consumer or guardian;

3. duplicating only the materials specified in the release; and
4. having other legal authority to access the Board.

Only employees may make home visits, training visits or collateral calls. No children, significant others, relatives or friends may accompany an employee during work hours.

Confidentiality procedures and requirements are subject to change, either through legislation or administrative ruling. The Superintendent will communicate any such changes to employees.

Violation of this section may result in disciplinary action, up to and including immediate dismissal.

Approved as of 8/11/22

SECTION 2.28 OUTSIDE EMPLOYMENT

Secondary Employment/Outside Employment

An employee's full-time position with the Board shall be considered that employee's primary job, which takes precedence over all other employment. An employee may accept a secondary job, or engage in their own business, as long as such activities comply with the terms and conditions of this policy.

If an employee obtains a secondary job or starts their own business, the employee must notify the Superintendent, in writing (See Appendix 2.28.1 Outside Employment Verification Form), of where they will be working and what the job will entail.

Employees shall not accept employment or engage in any business that impairs the employee's 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 law or policy, or be contrary to any other policy specified in this Manual.

Employee's work demands sometimes require the employee to work evenings, Saturdays or Sundays to fulfill job requirements with the Board. Therefore, secondary employment entered into by an employee must be able to accommodate the extended workload and work schedule demands imposed by the employee's primary job with the Board.

The Board's computer equipment, printers, copiers, phones, Mi-Fi's, other Board owned equipment, materials and supplies are for the use of the Board's business only, and may not be used for the conduct of the secondary job. Likewise, the secondary job may not be performed during the employee's scheduled work time with the Board.

In the event that the secondary job presents an ethical, scheduling, or other conflict with the employee's primary job, the Superintendent shall advise the employee, and should the employee choose to accept or continue employment with the secondary employer, the employee shall be subject to termination by the Superintendent.

Educational Pursuits

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.

If an employee begins taking classes the employee must, in advance of taking the class, inform their Supervisor and Human Resources, in writing, of their class schedule.

Depending upon the circumstances, the Superintendent may approve a work schedule that accommodates the employee's school courses, but primary consideration must be given to the needs of the Board including the ability of the employee to effectively perform job duties, the provision of effective service to individuals served, and otherwise effective and timely fulfillment of job duties and responsibilities.

The Board's computer equipment, internet service, printers, copiers, Mi-Fi's, and all other equipment, materials and supplies are for the use of the Board's business only and may not be used for an employee's school work. Likewise, schoolwork shall not be performed during the employee's scheduled work time with the Board.

Approved as of 8/11/22

SECTION 2.29 NOTIFICATION OF CHANGES TO EMPLOYEE'S PERSONAL INFORMATION

All employees are responsible to give immediate written notice to the personnel office of any changes of address, telephone number, name of the person to contact in case of an emergency and/or any beneficiary. Employees are to complete/update the Employee Emergency Care Card form. (See Appendix 2.29.1 Emergency Care Card)

Approved as of 8/11/22

SECTION 2.30 IDENTIFICATION BADGE

To better assure the safety of our consumers and staff, this procedure is developed to establish requirements for the issuance, display and security of identification badges for Employees.

All employees will be issued an official employee identification badge, with photograph, by the IT department.

Identification badges are to be worn at all times while working for the Board, unless an employee's direct supervisor grants permission otherwise while working in the community.

Identification badge shall be displayed on the individual's front, upper torso, approximately between the waist and shoulders. Attaching the badge clip to an untucked blouse or shirt hem, which results in the badge being slightly below the waist, is acceptable, as is clipping to a belt, if such location better avoids interference with consumers or equipment.

Temporary identification badges will be issued to volunteers, interns and others working in the facilities for short times. Temporary identification badge will be issued by the IT Department.

Visitor's identification badges will be issued once the visitor signs in at the front office. A log will be maintained of all visitor's identification badges issued by the building secretary.

Employees who lose their identification badge will be issued another identification badge. Employees who lose their identification badge will be required to contact the IT department immediately for a replacement. If the lost badge is recovered after a replacement is issued, the employee must turn it into the IT department, where it will be destroyed.

Employees will be allowed one free replacement badge per program year. If an employee loses a subsequent badge, he/she will be charged five dollars (\$5.00) for replacement.

Clip devices for securing identification badge will be provided at the time of issue at no cost to employees. For workstation flexibility, breakaway lanyards will also be provided to be worn around the neck with the badge attached.

Employees choosing to wear the lanyard instead of the clip method shall use only lanyards issued by the Board to ensure the safety standard is maintained. Damaged clip devices and/or breakaway lanyards will be exchanged at no cost to employees. For safety reasons the Board encourages employees to wear breakaway lanyards.

Identification badges are to be returned upon the conclusion of employment to HR and prior to the issuance of the final paycheck. Employees engaging in a work stoppage are required to turn in their identification badge on the day prior to any scheduled work stoppage, which will be reissued to the employees when the work stoppage has concluded. It is the responsibility of the employee's immediate supervisor to ensure these items are returned.

It is the responsibility of an employee's immediate supervisor to ensure that the employees in his/her department wear their identification badge and to initiate disciplinary procedures when necessary.

Failure to comply with this policy will result in disciplinary action up to and including termination of employment.

Approved as of 8/11/22

SECTION 2.31 EMPLOYEE ORGANIZATION

The Board will not restrict or penalize any employee who exercises his right to organize, join or refrain from joining a union or like organization.

Employee's must abide by Board adopted work rules and solicitation policies, always keeping foremost in their minds that their duty is to the individuals served by the Board.

Approved as of 8/11/22

SECTION 2.32 EMPLOYEE MEMBERSHIP

Employees may seek membership into community, state or other clubs, organizations, or professional associations. Such membership may enhance the Board's image in the community and state, or may benefit the participant and the board by interacting with other persons of similar interests and needs through the sharing of ideas and solutions to problems. However, unless otherwise specified, such membership is entirely voluntary on the employee's part, and may not interfere with the employee's job performance or conflict in any way with the Board's interests.

The Superintendent may identify certain organizations which may benefit the Board, and designate himself or other employees for membership as board representatives. Persons so designated are expected to promote the board's interests and represent the board in a favorable and professional manner.

The Superintendent will normally consider the following factors when selecting organizations and designating employees as members:

- the nature and purpose of the organization;
- the potential benefit to the board, including the enhancement of the employee's job knowledge, skills, leadership, and other job-related factors;
- the cost to the board;
- the extent to which the board is already represented in the same or similar organization; and
- the employee's job responsibilities, FLSA exemption status, length of service, and overall qualifications for membership.

Whenever possible, the Superintendent shall designate FLSA exempt staff as members to organizations so that time committed to the organization and its services is not compensable time, other than the employee's regular salary.

If membership is required by the Board, any time spent by an FLSA non-exempt employee to meetings, services, studies or other activities to an 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.

The Superintendent shall periodically review the Board's representation in organizations and sponsorship of employee's for membership and will

reconsider sponsorship or membership as is deemed appropriate.

The Board may pay the membership fees of any organization that the Superintendent requires and which are of benefit to the Board. Should an employee wish to join an organization that he believes to benefit the Board, the employee shall submit to the Superintendent a request for payment with appropriate justification as to the benefit of membership to the Board. The Superintendent shall consider such a request and may approve or disapprove it at their discretion, in accordance with these policies.

Approved as of 8/11/22

SECTION 2.33 TELEWORK

The Muskingum County Board of Developmental Disabilities, hereafter referred to as the Board, has a telework program designed for staff that fill selected positions for the Board.

Definitions

- **Eligible Staff:** Staff filling a position identified by the Department Supervisor and approved by the Superintendent as being suitable for teleworking.
- **Alternate Workplace:** An approved worksite other than the staff's typical building assignment where official Board business is performed.
- **Telework:** A work arrangement in which staff perform their usual job duties away from their assigned building, in an alternate workplace, for a portion of the workweek. This work is performed in accordance with this policy and a signed telework agreement.
- **Occasional or Intermittent Teleworking:** A work alternative that the Board may approve for staff who occasionally work in an alternate workplace with prior approval from the Department Supervisor. It is an alternative method of meeting the needs of the organization and is not a position-specific privilege. Legitimate telework must be pre-arranged and planned for with specific work activities and accomplishments agreed to in advance.
- **Telework Agreement:** A Telework Terms & Conditions Agreement is required between staff and the Board that details an application to telework and the terms and conditions of work performed away from the assigned building.

General Provisions

The Superintendent is responsible for managing the affairs and operations of the Board and has sole discretion to:

- Designate positions for teleworking; and
- Approve and disapprove individual staff requests to telework.

In order for staff to telework, the following conditions must be met:

1. The staff member fills a position approved for teleworking; and

2. A Telework Agreement is completed and approved by the immediate supervisor and/or department supervisor, Human Resources, and the Superintendent.
3. The staff member has successfully completed their 6 months of full-time employment (mid-point evaluation period) and has not been disciplined in the past 12 months; and
4. Has no “Needs Improvement” or “Unsatisfactory” ratings (2 or below) in any area of the most recent performance evaluation; and
5. The staff member does not require any specialized equipment, furniture and/or supplies at both the alternate work location and the assigned building that would result in excessive cost to the Board; and/or
6. Any other objective criteria specific to the department and approved by the Superintendent may be applied.

Teleworking does not dictate an employee’s schedule; the people we support do. There may be times when a staff member is unable to telework in a week due to their work requirements. Teleworking is only acceptable if and when other in-person in office duties are not necessary on the day the staff member is teleworking. Teleworking days may not be flexed or transferred into a different week.

When a staff member submits their resignation, they are no longer eligible to telework to ensure all work responsibilities are completed.

- **Conditions of Employment:** Teleworking assignments do not change the conditions of employment. Compliance with policies, procedures and position specific expectations are still required. The teleworker’s job duties, obligations, and responsibilities are unaffected by teleworking.
- **Compensation and Benefits:** The teleworker’s salary or hourly wage, retirement benefits, and selected insurance coverage will remain unchanged by the teleworking arrangement.
- **Hours of Work:** The total number of hours that staff are expected to work will not change, regardless of the work location. While teleworking, staff must be available by phone or in person if needed during their scheduled

work hours.

The immediate supervisor must prior approve any overtime or flexing of the work schedule.

Teleworking will not be approved and is not permitted to serve as a substitute for child, adult, or pet care. The teleworker must make arrangements for child or dependent care to the same extent as if the teleworker was working at the assigned building.

- **Emergency Closing:** Staff that telework are subject to the provisions of Section 2.24 Board Cancellation.
- **Use of Leave:** Teleworking is not to be used in place of sick leave, Family and Medical Leave, Workers' Compensation leave, or other types of paid or unpaid leave. If a staff member must be absent any time while scheduled to telework, the immediate supervisor or Department Supervisor must be notified.
- **Sick Leave:** Should it become necessary to use sick leave due to an illness or doctor appointment, teleworkers are expected to comply with Section 5.03 Sick Leave. Staying at home to recover from an illness or care for an ailing family member requires the use of sick leave and will not be considered teleworking.
- **Attendance at Meetings:** Staff that telework will be required to attend all work-related meetings, as directed by the immediate supervisor and/or the Department Supervisor. Teleworking days are not guaranteed.
- **Mail:** Staff who telework will continue to receive mail at the assigned building.
- **Mileage Reimbursement:** Mileage reimbursement will be authorized in accordance with Section 4.05 Expense Reimbursement. Requests for approval of reimbursed mileage to or from home or alternate work location to an appointment requires that the trip gains efficiencies for the board, and must be pre-approved by the employee's supervisor. Supervisors will approve the most cost-conscious mileage reimbursement for the board.
- **Workers' Compensation Liability:** Injuries occurring in the course of and

arising out of the performance of official Board duties are covered by the Board's Worker's Compensation program. Should an accident or injury occur while teleworking, the staff member shall notify their supervisor and follow the Board's procedures for reporting the accident or injury. The Board is not liable for damages to the teleworker's personal or real property except to the extent adjudicated under Ohio law.

Equipment And Supplies

During designated work hours, staff that telework must be able to be reached by phone (residential or cell). Staff that telework must also have a designated workspace with appropriate equipment and supplies to do the assigned work. If the alternate work location is the staff member's home, a space that is free from distractions must be available.

A computer connection to Board information and files is available through the Board cloud configured storage accessible via Board provided equipment when staff are away from their assigned building. Personal health information and records of people supported shall only be accessed remotely using Board owned equipment. Board software and security features shall not be transferred to any non-board-owned computer.

The Board does not provide landline phones, desks, chairs, lights, storage containers or surge protectors for use at alternate work locations. Standard office supplies will be available from the assigned building. Supplies can be ordered through the established building procedures. Any supplies purchased by the Board remain the property of the Board if a staff member should cease to telework. The use of equipment, software, data, and supplies, if provided by the Board, is limited to use by authorized persons and for purposes related to Board business only.

Specific obligations and responsibilities relative to Board owned property are detailed in Personnel Policy 4.11 Employee Property Damage.

- **Costs Associated with Teleworking:** The Board is not responsible for utility costs, home maintenance, or other costs incurred by staff that use their homes as an alternate work location.
- **Agency Information:** Staff that telework must safeguard Board information and are responsible for the security and confidentiality of all work products.

Workspace

Employees are responsible for equipping and maintaining their home or alternate workspace so they can accomplish their work in an efficient manner. It is the responsibility of the employee to have an internet and phone connection while working out of the office.

The alternate workspace shall be maintained in a safe condition and free of hazards that might endanger a staff member and/or Board equipment, supplies, information, and work products. In the event a hazard is not corrected within a reasonable timeframe, the teleworking agreement will be terminated. Any attempt to mislead the Board about the status of a potential hazard at the alternate worksite will result in termination of the teleworking agreement. If it is not possible to correct a hazard, the staff member must return to the assigned building and suspend teleworking.

If a hazard is corrected at a later date, before teleworking can commence the immediate supervisor has the authority to terminate teleworking privileges if the alternate worksite is determined to be unsafe or inappropriate for any reason.

Staff who telework are responsible for discussing any proposed equipment and/or supply purchases with their immediate supervisor.

Worksite Assessments

Prior to approval of the Telework Agreement, an alternative worksite assessment will be conducted, either in person or virtually, by a staff member's supervisor to ensure that the requirements of the telework agreement are met. The Superintendent, Department Supervisor, Director of Human Resources and/or immediate supervisor, with reasonable notice, may make onsite visits to the alternate worksite used by teleworkers. Visits will only be made during the teleworker's scheduled work hours.

When an alternate worksite location changes, for example the staff member changes residency, a worksite assessment will be conducted at the new site. Staff are responsible to inform their supervisor if such a change occurs. A satisfactory onsite work assessment is needed for teleworking to continue.

Schedule

Staff that telework must have their work schedule approved in advance by their immediate supervisor. These schedules will be kept and updated in Outlook.

Changes to a schedule must be discussed with and reported to the immediate supervisor. If a teleworker is absent any time during scheduled work hours, notification must be made to the immediate supervisor.

Board Responsibilities

Work performed at alternate work locations is considered official Board business; therefore, there are specific conditions that apply to staff who telework.

- **Identification of Eligible Positions:** The Department Supervisor is responsible for identifying positions that are eligible for telework.
- **Telework Agreement:** Staff must agree to the terms of the telework agreement before participation. Terms include, but are not limited to, the duration of the agreement, work schedules, routine communication processes, applicable data security procedures, and safety requirements.
- **Termination of Agreement:** The Board may terminate the agreement at its discretion. When possible, two weeks advance notice will be given, but is not required. The Board reserves the right to take possession of any Board purchased equipment and/or supplies without advance warning.

Compliance with any other Board policies and procedures are unaffected by the teleworking agreement. The Board may take appropriate disciplinary action for failure to comply with the provisions of the Teleworking Agreement.

Adopted: 8/11/22

Approved as of 4/13/23

SECTION 3.01 PROBATION
(ORC 124.27)

Each newly hired, promoted or transferred permanent classified employee shall serve a probationary period. A probationary period begins on the first day of work. Probation is the “working test period” of an employee's performance on the job. The probationary employee shall be rated or evaluated with respect to performance efficiency twice during the employee's probationary period. The first evaluation is given within one week after the probationary period midpoint, and the second evaluation given two (2) weeks prior to the ending date of the probationary period. An appointment will not be final until the employee has successfully completed the probationary period for that position as listed:

Twelve Month Employees	One (1) Calendar Year
Nine-Month Employees	One (1) Calendar Year
Promoted Employees	One (1) Calendar Year

Unclassified employees do not have a probationary period as they serve at the pleasure of MCBDD, and their employment is at will.

Supervisors should use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring problems to the supervisor for resolution in order to enhance their performance. Supervisors have a responsibility to only recommend retention of those employees who meet acceptable work standards during their probationary period.

An employee may be separated at any time during their probationary period if MCBDD finds his or her service to be unsatisfactory.

No probationary period is required following a demotion.

An employee who is promoted or transferred to a new position within the program will have a probationary period of three hundred sixty-five (365) working days in that position. If unsatisfactory performance occurs during the promotional probationary periods the employee may, at the Superintendent's discretion, and in lieu of removal, may be reduced to the classification and salary held prior to the promotion. Time on non-paid leaves will not be counted toward completion of the probationary period.

Employees who are discharged or reduced during their probationary period do not have the right to appeal such discharge or reduction to the State Personnel Board of Review.

Approved as of 8/11/22

SECTION 3.02 PERFORMANCE EVALUATION

Each employee should be evaluated annually. Special evaluations may be conducted if authorized by the Superintendent as circumstances warrant. Probationary employees should be evaluated both at the midpoint of their probationary period and immediately prior to its completion. The end of the probation evaluation shall recommend retention or removal of the employee. Evaluation shall be conducted by the employee's immediate supervisor or as delegated by the Superintendent.

General:

1. The performance evaluation program of the Board is intended to be a system of communication between the supervisors and employees. The ratings are used in considering candidates for promotion and also as a basis for the continuance or discontinuance of employment.
2. The supervisor shall complete the Performance Evaluation to accurately reflect and document the employee's performance since the last review period on all performance criteria. If an employee has been reassigned to a new supervisor within the evaluation period, the new supervisor should consult with the previous supervisor when completing the evaluation as appropriate and necessary. Ratings should, in so far as possible, be supported by appropriate documentation (e.g., letters of commendation, disciplinary actions, sample work products, reports and other documentation). Supervisors should establish goals to align with employees' professional growth.
3. Each employee should be provided a copy of his performance evaluation. The supervisor shall discuss the report with the employee and shall counsel the employee regarding any improvement in performance that appears desirable or necessary. The employee, at this time, will be asked to sign the evaluation as acknowledgement that he has read the evaluation. The employee's signature on the evaluation does not signify agreement or disagreement with the ratings or reviews. The Supervisor will assure the employee receives a copy of the completed evaluation. No additional comments or changes shall be added after the employee/supervisor conference without approval of the Superintendent.
4. Employees dissatisfied with their performance evaluations should request a review of the evaluation with the Human Resources. Following review with

the Human Resources, employees may request a final review with the Superintendent.

5. The completed evaluation shall be retained in the employee's personnel file.

Types of Ratings:

1. Probationary Period Ratings:
 - a. Probationary staff is to be rated twice during the probationary period. The first rating is to be made at the end of the first half of the probationary period. The final rating is to be made within ten (10) days prior to the end of the probationary period. If the employee has been given a probationary removal between these two (2) dates, the final rating should be made at the time of the probationary removal.
 - b. If the probationary period has been satisfactorily completed, the entry "employee to be retained" shall be made on the last evaluation form and signed by the Superintendent. If the probationary period has not been satisfactorily completed, the entry "probationary removal" shall be made at that point.
2. Annual Ratings:
 - a. All employees who are not on probationary status are to be rated once a year. The rating should cover the staff member's performance during the entire year preceding the date of rating, or during the time since completion of his/her probationary period.
3. Special Ratings:
 - a. Use of additional rating procedures may be used at the discretion of the Superintendent.

Approved as of 8/11/22

Revised: 3/14/24

SECTION 3.03 TRAINING/STAFF DEVELOPMENT (ORC 5126.25)

On-the-job training prepares an employee to effectively perform the responsibilities required of his position. It allows the employee to learn his job duties, correct procedures, and identify expected performance levels, under the immediate direction of an experienced worker. It is the responsibility of supervisors under the direction of the administration to conduct such training.

Periodically MCBDD will provide employees with in-service training at which employee attendance is mandatory. Records of in-service participation shall be maintained in the personnel file of each employee. It is the employee's responsibility to submit such records to the Board Office in a timely manner. Employees, including intermittent (substitute) employees, who are required to attend these sessions, will be paid their regular wages. Intermittent employees who are not required to attend may do so on their own without compensation for their attendance.

Employee requests for attendance at external in-services, workshops, or conferences directly associated or deemed important to MCBDD's programs, may be granted at the discretion of the Superintendent based upon recommendations of the immediate supervisor, where applicable and in accordance with the Board's policy 4.05 Expense Reimbursement. When available, a description of the in-service, workshop, or conference should be attached to the request. Expenses for persons representing the Board shall be paid by MCBDD in accordance with policy. Employees may be asked to submit a report or give a presentation concerning their observations and learning experiences.

Although an employee may be fully certified and/or licensed for his/her position, the Superintendent may request and/or require additional coursework to be obtained in order to remain abreast of current information, improve upon weaknesses which appear in an employee's performance evaluation, and/or assist the employee in keeping up with changes in their position.

Non-exempt employees, including intermittent employees, who are required to attend workshops, in-services, or conferences outside of Muskingum County shall have their travel time considered as part of their work time as specified in policy.

Employee requests to attend external in-services, workshops, or conferences which offer a seminar required for the employee's registration or certification may be granted at the discretion of the Superintendent based upon recommendations of the immediate supervisor, where applicable. All such requests are to be made on MCBDD's timesheet application. When available, a description of the in-service, workshop, or conference should be noted in the leave request. Employees will be paid their regular daily wage for attendance in accordance with the Boards Professional Leave Policy.

Employees are responsible for securing documentation of their attendance at external in-services, workshops, or conferences. Copies of such documentation are to be submitted to Human Resources in a timely manner and will be maintained in the employee's personnel file.

Approved as of 8/11/22

SECTION 3.04 COURSEWORK REIMBURSEMENT

Eligibility

1. The eligibility period shall run on a calendar year from January 1 through December 31.
2. This policy will be subject to an annual review; renewal will be based on continued funding and/or budgetary considerations.
3. Service and Support Administration, Early Childhood, and Early Intervention registration and any courses needed for Developmental Disabilities certification renewal or upgrading shall be subject to the provisions of this Policy.
4. All full-time employees who have been employed with the Board for at least one (1) year and are in active pay status are eligible for a maximum allowable reimbursement of one thousand five hundred dollars (\$1,500.00) during the calendar year of coursework requested and completed through an accredited facility/university.
5. All coursework reimbursement requests must be received and approved by the Superintendent prior to the start date of the course.

Reimbursement

1. Reimbursement will be made to eligible employees based upon yearly Board approved budget allocations and until such time the total budgetary amount is exhausted. Upon exhaustion of the total budgetary amount, no further coursework reimbursement requests will be accepted.
2. Reimbursement is contingent upon receipt of documented proof of satisfactory completion of coursework with a grade of "C" or better or a grade of "pass" in a pass/fail course.
3. Reimbursement will be made by the Board within thirty (30) days of receipt of documented proof of satisfactory completion of approved coursework.
4. An employee who uses a partial amount of the approved maximum amount may apply for the remaining amount for another course.
5. An employee must remain employed by the Board for one (1) year

subsequent to completion of coursework. Failure to comply with this requirement will necessitate a full 100% reimbursement to the Board. Prior to receipt of reimbursement, the employee will be required to provide written authorization of the deduction of the amount reimbursed from the employee's final pay should the employee fail to remain employed by the Board for one (1) year subsequent to completion of coursework. Furthermore, reimbursement will not be made to an employee whose employment with the Board terminates prior to the completion of the coursework.

6. Depending upon tax laws at the time of the request, reimbursements may be subject to being taxed.

Procedure

1. Employees must complete a Coursework Reimbursement Application (See Appendix 3.04.1 Coursework Reimbursement Application) detailing a description of the course, accredited facility/university, and relevance and benefit to their job to be approved by the Superintendent. Each course must be applied for separately.
2. After the course is completed, employees must complete the Request for Coursework Reimbursement form (See Appendix 3.04.2 Request for Coursework Reimbursement) and include copies of documentation including:
 - a. Amount paid in the form of a bill from the accredited facility/university
 - b. Grade received for the course from the accredited facility/university
3. Registration, lab fees, books, travel, meals, lodging, and other miscellaneous expenses are not eligible for reimbursement.
4. Class and travel time is not to be considered paid work time.

Approved as of 8/11/22

SECTION 3.05 STUDENT LOAN REIMBURSEMENT

The Board values the education of our staff and will offer student loan assistance for those who have invested in their educational future by way of a college degree. This policy is adopted in accordance with Section 127 of the Internal Revenue Code and will be subject to an annual review; renewal will be based on continued funding and/or budgetary considerations.

Eligibility

Every full-time Board employee who has been employed by the Board for at least one (1) year and is in active pay status is eligible for student loan assistance, provided the loans are eligible student loans.

Eligible student loans are loans that are:

1. In the employee's name;
2. Utilized for the employee's education;
3. Currently in repayment mode (currently making payments on the loan);
4. Not in forbearance or deferment at the time of the request.

An employee must remain employed by the Board for one (1) year subsequent to receiving reimbursement. Failure to comply with this requirement will necessitate a full 100% reimbursement to the Board.

Reimbursement

1. A once per year request may be made by an employee for reimbursement for one monthly payment, made in the current calendar year between January 1 and November 30, up to a maximum of three hundred dollars (\$300.00). (See Examples).
 - a. Example: Your monthly student loan payment is one hundred forty eight dollars (\$148.00). The maximum amount that can be requested is one hundred forty eight dollars (\$148.00). An employee cannot request another payment for an additional month since your request was less than half the monthly maximum amount.
 - b. Example: Your monthly student loan payment is three hundred fifty-six dollars (\$356.00) per month. The employee may only request three hundred dollars (\$300.00).
 - c. Example: If an employee pays more than one (1) student loan per month, the employee may submit proof of the monthly payment for more than one loan, up to the maximum reimbursement amount of three hundred dollars (\$300.00).

2. To request reimbursement, the employee is required to submit the following to Human Resources:
 - a. A completed Student Loan Assistance Reimbursement form.
 - b. Proof of payment by providing an original document of the paid monthly statement or other terms proving that a payment was made prior to the request.
3. The employee will receive the reimbursement under this Policy as a tax-free fringe benefit in accordance with Section 127 of the Internal Revenue Code.
4. The reimbursement amount is subject to revision based on availability of funds as determined by the Board's annual budget. Approval for Student Loan Assistance does not obligate the Board to future or continued approval.
5. This Policy does not reimburse costs for tuition, fees, books, tools, supplies, meals, lodging, or transportation.

Approved as of 8/11/22

Section 3.06 EMPLOYEE REFERRAL PROGRAM

This program is created in an effort to recruit and retain employees as well as encourage and reward those employees who show an investment in the Board by referring an external candidate to fill an employment vacancy at the Board.

Current employees who refer full-time or part-time candidates for employment will be eligible to receive a referral payment for each external candidate hired and retained in accordance with this policy.

Employee Referral Terms & Conditions

1. The referring employee must be in active pay status on the date the referred candidate is hired and on subsequent 180 day and 365 day probationary dates of the referred candidate.
2. The referring employee shall not be an immediate family member of the referred candidate.
3. Employees involved in the selection process of referred candidates are excluded from this program and will not be eligible for the referral payment.
4. The Employee Referral Form (See Appendix) must be submitted by the referring employee during the recruitment process within 30 days prior to the referred candidate's hire. The Employee Referral Form will indicate acknowledgement of referral by both the referring employee and the referred candidate.
5. In the event that more than one Employee Referral Form is received for the same referred candidate, and the referred candidate confirms both as referrals, the referral payment will be divided equally between the referring employees.
6. The referral payment is issued as a stipend as a part of the referring employee's regular paycheck and subject to applicable taxes.
7. This program may be discontinued or extended upon approval from the Superintendent.

Referral Payment Terms & Conditions

The referral payment will occur on the referring employee's next scheduled

payroll following successful completion of the referred employee's 180 day midpoint probationary period and after successful completion of their 365 day final probationary period.

1. Referral Payment (after 180 day midpoint probationary period) \$ 100.00
2. Referral Payment (after 365 day final probationary period) \$ 200.00

Adopted: January 11, 2024

SECTION 4.01 COMPENSATION
(O.R.C. 4111.03, 5126.05)

Compensation, through salaries, wages and fringe benefits, for each job classification is based upon degree of responsibility and/or difficulty of work and assumes equal pay for equal work. Pay levels are not made in consideration of race, color, religion, sex, national origin, age, military status, veteran status, disability, or any other reason prohibited by applicable law. The Board shall establish salary ranges for all job descriptions. The Superintendent shall approve compensation for staff within the limits set by the salary range and budget set by the Board. FLSA non-exempt employees are paid on an hourly basis for each hour worked while FLSA exempt employees are paid on a salaried basis. There are normally twenty-six (26) pay periods per year. Employees are paid on a biweekly basis. Employees will be paid every other Friday for the two-week period ending prior to the payday. The workweek extends from Sunday through Saturday, with each new week beginning at 12:00 a.m. (Sunday). The Muskingum County Auditor requires direct deposit of paychecks. Necessary deductions for the Public Employees Retirement System, State Teachers Retirement System, Federal Withholding Tax, Medicare, State of Ohio Income Tax, and local tax will be made from each staff member's check.

The Superintendent shall notify all management staff of their salaries no later than thirty (30) days before the first day of the new contract year.

Any employee whose pay exceeds the maximum amount set for his/her salary schedule or wage range will be considered to have maximized his/her salary or wage and will be red-circled.

1. Red-circled employees are those who will continue to receive raises as approved by the Board. However, the raise will be payable in a one (1) lump-sum payment and will not be added on to their base wage.
2. If an employee is still in range, but will become out of range after the increase from the raise, they will be red-circled at the top of the range and then given a lump sum payment paid on the first pay date in January for the amount exceeding the top of the range.
3. Once the employee's pay comes back into range (as ranges are adjusted), the employee will begin receiving the raise as an addition to the annual rate, payable over twenty-six (26) pays.

No person shall be compensated by the Board if he/she does not hold the

certificate or license required for the position under the rules of the Ohio Department of Developmental Disabilities and/or the Ohio Department of Education. The Superintendent may employ and the Board shall compensate a person pending the issuance of an initial certificate or license if his/her education and experience meet the requirements for certification or licensure to the appropriate licensing authority, and the application has not been denied. A person's employment shall be terminated if a required license or certificate is suspended, permanently revoked or is not renewed.

Optional deductions may be made for staff organization dues and health insurance. Any other optional deductions made from paychecks will depend upon the approval of the Board and the Auditor as to the capabilities of the payroll department to make such deductions.

Time spent traveling from home to work and to work from home, as well as non-work time spent on overnight MCBDD business shall not be considered time worked for purposes of calculating overtime, except as noted in Section 4.04 On Call Duties. Time spent traveling to and from approved out-of-county in-services, workshops, or conferences shall be considered time worked.

An employee will be reimbursed for out-of-pocket expenses while traveling in official county vehicles, provided that the appropriate section is completed on the travel report.

Certain employees are considered to be 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.

Those lawfully designated as exempt shall be expected to work his assigned work schedule, plus any other hours necessary to successfully accomplish work requirements without being entitled to overtime compensation.

A non-exempt employee will be paid overtime or granted compensatory time in compliance with the Fair Labor Standards Act, including but not limited to 29 C.F.R. 553.27. As set forth in ORC 4111.03(C), this policy is in place of ORC 4111.03(B).

A non-exempt employee will be compensated for overtime for hours worked in excess of forty (40) hours in a seven day work week. Work weeks or days during which an employee utilizes sick, vacation, or personal leave time will not have

the hours or leave usage included for overtime calculation. Hours paid for vacation leave, personal leave, jury duty, holidays not worked, funeral leave and compensatory time shall not be considered hours worked for calculating overtime. Sick leave will not be counted as hours worked for calculating overtime. Also, time spent traveling to and from work, and non-work time spent overnight on official Board business shall not be considered time worked for purposes of calculating overtime. Non-exempt employees are entitled to overtime pay at one and one-half times their single rate of pay for all hours worked in excess of forty (40) hours in any given work week.

If a non-exempt employee is assigned or scheduled to work overtime, he is expected to report at the requested or scheduled time. Failure to do so may subject the employee to disciplinary action. No employee will be compensated for scheduled overtime that is later canceled.

The Superintendent, or designee, may adjust a non-exempt employee's schedule and reschedule hours of work so that the employee does not work more than forty (40) hours during a workweek, in so far as such adjustment occurs within the same workweek in which the employee worked outside of his scheduled hours. In order to accommodate issues that employees may face, MCBDD may allow or require an individual to "flex"/adjust his scheduled work week in the event that he is required to work more than his normal work hours/week. Such adjustment must be completed in the same workweek in which the additional hours occurred.

Employees who are called into work during their scheduled time off shall be paid for all time actually worked at their regular rate of pay or at the time and one-half rate, in accordance with FLSA overtime payment requirements. Such employees shall not be paid for travel to work from home or any other location.

Any employee required to work on one of the paid holidays shall receive compensation at the rate of one and a half times his regular rate of pay, in addition to receiving his holiday pay at the straight time rate.

Nothing contained in this policy shall be construed as a guarantee of overtime.

Overtime Approval

Overtime, and time worked beyond regular work schedule, is generally discouraged and must be approved by the employee's supervisor and the Superintendent, prior to its being worked, except in emergency situations.

Each employee and supervisor is expected to use his best judgment in determining whether or not overtime constitutes an emergency or urgent situation. The Superintendent reserves the right to evaluate the soundness of each employee's and supervisor's decision to take overtime which was not approved in advance, 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 or designee, and disciplinary action administered, the overtime eligible employee shall still receive overtime pay, for any time actually worked.

Approved as of 8/11/22

SECTION 4.02 PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement which accompanies his bi-weekly check.

Deductions include, but are not limited to:

- **OPERS or STRS:** Ohio Public Employees Retirement System (OPERS) and State Teachers Retirement System (STRS) membership is compulsory upon being employed with the Board except those employees specifically exempted under the provisions of Section 145.03 of the Ohio Revised Code. OPERS and STRS are entirely independent from the Federal Social Security System. Employees should note that retirement under OPERS may impact their eligibility for Social Security retirement benefits. Employees should direct questions about OPERS or STRS to Human Resources or contact the retirement system directly at:
 - Ohio Public Employees Retirement System
277 East Town Street
Columbus, Ohio 43215
1-800-222-7377
www.opers.org
 - State Teachers Retirement System of Ohio
275 E. Broad Street
Columbus, Ohio 43215-3771
1-888-227-7877
www.strsoh.org

It is the employee's responsibility to notify OPERS/STRS of any personal changes; i.e., dependents, beneficiary, name, address, etc.

- **Federal and State Income Taxes:** The Federal and State governments 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 Human Resources of any dependency change whenever a change occurs.
- **Medicare:** Employees hired after March 31, 1986, 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.

- **Garnishment/Child Support Deductions:** A court-ordered legal claim against the wages of the employee, by a creditor, for non-payment of debt and/or court-ordered payroll deductions for child support served by the constituted legal authority, are garnishments and must be recognized and executed by the County Auditor.
- **Miscellaneous:** Deductions, such as deferred compensation, credit union, other insurances, etc., may be refused if they are not required by law, are below a certain prescribed minimum amount, are at irregular intervals, or for other reasons that the County Auditor deems not in the best interest of the County.
- **Improper Deductions:** It is MCBDD policy to comply with the salary basis for the Fair Labor Standards Act (FLSA) and Ohio's wage and hour laws. Therefore, we prohibit all improper salary deductions. If you believe that an improper deduction has been made to your salary, you should report this information immediately to Human Resources. All reports of improper deductions will be investigated and reviewed promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction in your next scheduled paycheck or by the organization making such deductions.

All requests for payroll deductions must be presented to Human Resources who in turn will submit the request to the County Auditor.

Approved as of 8/11/22

SECTION 4.03 HOURS OF WORK AND SCHEDULING COMPENSATION

Each year the board will adopt calendars for the various programs. The work year for all full-time employees shall be for nine (9) or twelve (12) months depending on the employee's job description including board approved holidays and paid time off.

Time an employee is scheduled and required to be on duty and actually works, and at a prescribed workplace, as well as all time during which the employee is required or permitted to work for MCBDD, is work time and is compensable in accordance with this policy and the Fair Labor Standards Act.

The hours of work are determined by the Administration for each staff member's position and shall be assigned by the program authority within the total annual contracted hours. However, an employee may be required to work a flexible schedule to provide required services at times when MCBDD offices are closed or additional coverage is necessary. Each supervisor will set the work hours for his/her employees.

The work week for full-time employees shall be determined by MCBDD. There are many different jobs at MCBDD. The functions and job requirements for various positions in the program make it impossible to prescribe a uniform standard for hours of work. The usual working hours and/or method of scheduling shall correspond to the number of working days in MCBDD's applicable calendar of operations and shall not exceed forty (40) hours per week unless authorized by the Superintendent.

Hours of work for staff members shall be determined by each member's position and shall be as follows:

1. for management staff the hours are determined by their individual contract
2. for all other employees, hours of work are determined by their supervisor.

The administrative office is open from 8:30 a.m. to 4:00 p.m.

Employees whose job description requires them to be responsible for students for all or part of their work day, will be expected to eat lunch while working with students. For those employees who choose and the supervisor determines that their presence can be covered in a classroom, they may request one (1) thirty (30) minute unpaid lunch period. However, said employees will be required to make

up the thirty (30) minute at the beginning or end of the work day.

All other non-exempt employees who have a scheduled 7.5 hour work day shall receive a thirty (30) minute duty free lunch period.

Non-exempt employees whose job description requires them to work at least a 7.5 hour work day shall work a total of seven (7) hours in said day to receive the thirty (30) minute lunch period. If the employee works less than seven (7) hours and needs a 10-15 minute break, employees are required to get approval from their supervisor. Said employees will be relieved of all duties during said lunch break, and may be required to leave their work area during their lunch period.

No employee may work through a meal break in exchange for arriving at work late or leaving early, unless expressly authorized by their supervisor. MCBDD shall establish, and may adjust, the work schedule for employees, including days worked and hours of work.

Employees are expected to arrive at their designated starting time in order to commence duties promptly as scheduled. Cessation of duties, as well as departure, should not occur before lunch, or scheduled quitting time.

All scheduling shall be done by MCBDD Administration. If there is a change in the schedule, employees will be notified promptly of the change. Employees may be required to adjust or flex their schedule during the seven (7) day work period in order to accommodate department programs scheduled outside normal business hours or fluctuating needs of MCBDD. No adjustments may carry over to the following work week.

Approved as of 8/11/22

SECTION 4.04 ON-CALL DUTIES

The Superintendent or his/her designee may assign an employee to on-call status for specified periods. When in on-call status, the employee may be furnished with a MCBDD owned cell phone. On-call employees are free to engage in personal activities, but must remain available, without delay, to perform on-call duties, as necessary.

An on-call, non-exempt employee when called to duty will be compensated for all time actually worked, including travel time. Such time is considered "time worked" for purposes of calculating overtime for non-exempt employees. Exempt employees will be compensated through the flextime system, if time permits, but flextime is not a guarantee.

Service and Support Administrators (SSA) may be assigned to an on call status for specific periods. Service and Support Administrators will be compensated for being in an on-call status at a rate of \$10.00 per week day and \$15.00 per day on weekends and holidays. When a Service and Support Administrator is in an on-call status and is directed to perform his duties, he will be compensated for all time spent performing those duties, including driving to and from the location where the duties are to be performed. Compensation shall be in the form of compensatory time or flextime (if used within the week earned and approved by their supervisor) and will be awarded at a straight time rate unless the employee works more than 40 hours in a work week.

Compensatory time accumulated by the Service and Support Administrator shall be used in accordance with Section 4.01. The Service and Support Administrator must inform their supervisor in writing of the duties performed and the actual time spent in the performance of the job. The supervisor shall approve or disapprove the compensatory time and shall keep a record of all compensatory time accumulated by the employee.

Approved as of 8/11/22

SECTION 4.05 EXPENSE REIMBURSEMENT

Employees of MCBDD shall receive reimbursement for allowable expenses incurred while traveling on official and approved business. Employees are eligible for expense reimbursement only when travel has been authorized by the Superintendent or his/her designee, and in accordance with MCBDD Board Policy.

In cases where a credit card is used for a board-related purchase, the employee representing the board shall make known to the vendor that the purchase is for a tax-exempt organization. Further, every effort shall be made to secure tax-exempt status so that the board is not subject to a sales tax liability. However, in the event tax-status cannot be obtained, i.e., expenses related to lodging, meals, other miscellaneous travel expenses or internet purchases, the board will remit sales tax for this board-related expenditure. The liability for sales tax, in these cases, will not fall upon the credit card user or holder.

Mileage, Parking and Tolls

Employees shall be reimbursed for actual miles while on official and approved business at the rate of the standard mileage rate as issued by the Internal Revenue Service for the applicable year, when using their personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement (See Appendix 4.05.1 Mileage Reimbursement Form) is payable to only one (1) of two (2) or more individuals traveling on the same trip, in the same vehicle. Employees using their privately owned or leased vehicle while traveling on Board business may be covered by the Board's liability insurance - however, the employee's insurance carrier is the primary insurer. Employees who use their private vehicle for Board business are required to submit proof of current insurance coverage.

Mileage begins from the employee's building assignment, not from or to home, unless the employee is attending an out of county assignment, in which case, the mileage begins and ends from the employee's home, or the employee's building assignment, whichever is less mileage (Employees must obtain pre-approval from their supervisor, if they wish to start or end mileage from their home.). Employees are encouraged to conserve costs by riding together and when doing so on work assignments, mileage is calculated from the building assignment of the driver or from the driver's home. MCBDD reserves the right to utilize AAA or computer calculated mileage in any given circumstance and that right may not be appealed.

Subject to approval of County Commissioners, when an employee or an authorized individual is required to travel out of state on official and approved business, MCBDD may require such individual to use public transportation such as airlines, bus lines, and/or passenger service railways. Such public transportation may be required in lieu of a person using his personal or a MCBDD vehicle. Employees are required to submit a proposed travel itinerary to the MCBDD, at least thirty (30) days in advance of the departure date, if possible. Such itinerary will include the cost of a round-trip ticket (coach fare) or public transportation, the estimated round trip automobile mileage and miscellaneous expenses as needed. MCBDD shall review the itinerary and determine what type of travel shall be authorized. When determining/authorizing such travel, the cost of public transportation versus automobile mileage reimbursement, as well as travel time, shall be considered. Charges incurred for car rental, parking at the destination and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.

If a public carrier is approved by the Superintendent for travel, the employee shall be reimbursed for actual cost, receipts required. Employees shall be reimbursed at the current IRS reimbursement rate.

No expense reimbursements are paid for travel between home and office.

Meals

Meals will be reimbursed if out of county travel or stay extends through a mealtime in the maximum of thirty-five dollars (\$35.00) per day. Seven dollars (\$7.00) for breakfast, eleven dollars (\$11.00) for lunch, and seventeen dollars (\$17.00) for dinner. Meals may include a tip capped at 20% of the meal allowance. A receipt of meal cost and tip must be included. (Example: If an employee spends thirteen dollars (\$13.00) on lunch and tips 20%, the employee will be reimbursed eleven dollars (\$11.00) for the lunch and 20% tip of the eleven dollars (\$11.00). Additionally, if the employee's dinner is only nine dollars (\$9.00) the tip is on the nine dollars (\$9.00) not the maximum allowance of seventeen (\$17.00).

No reimbursements will be approved without original receipts.

No reimbursements will be approved for alcoholic beverages.

No reimbursements shall be provided for meals which are otherwise included in the cost of a hotel or in-service registration fee, including continental breakfasts.

In-county training where training breaks for lunch and lunch is not part of training lunch will not be reimbursed, unless it is work related in conjunction with your job duties. The board will continue to pay for all the registrations and mileage for in- county training conferences required by the board.

Reimbursements for meals when an overnight stay is not required by the employee are considered as taxable income, unless the charge for the meal is included in the registration fee of an event. Taxable meal reimbursements will be reported to the Internal Revenue Service as taxable income to the employee.

Overnight Expenses/Lodging

When an employee's travel in the sole opinion of MCBDD requires an overnight stay, lodging shall be reimbursed. MCBDD reserves the right to make reservations at accommodations if, in its judgment, the rate is favorable to taxpayers. Absolutely no lodging costs or cost increases will be reimbursed for anyone other than the employee.

Registration for meetings, conferences and conventions (Refer to 3.03 Training and Staff Development):

- The Board will pay the registration fees for meetings, conferences and conventions, upon the supervisor's and Superintendent's approval of an employee's request for attendance.
- Any employee desiring to attend a meeting, conference or convention related to his job responsibilities shall make an advance written application for approval. A copy of the function's agenda shall be included with the request, whenever possible. The request shall be signed by the employee and submitted to the supervisor and the Superintendent for consideration. The request shall be reviewed by the Superintendent, and shall be either approved or denied

Other

Notwithstanding the above, the Superintendent retains the authority to disapprove any expense, including (but not limited to) mileage, motel rooms and meals, which the Superintendent determines is inappropriate, insufficiently documented, or excessive.

Under no circumstances are employees permitted to use their personal loyalty rewards to gain personal benefit from said Board reimbursements. Additionally, employees are not

permitted to present their Board ID to receive government discounts for non work related travel.

Approved as of 8/11/22

SECTION 4.06 WORKERS' COMPENSATION (O.R.C.4123)

State law provides that a MCBDD employee may be eligible, pursuant to the Workers' Compensation regulations, for Workers' Compensation benefits as defined in Ohio Revised Code Section 4123.01. The Ohio Workers' Compensation Program is not based on fault. Its purpose is to protect both MCBDD and the employee from catastrophic losses due to a work-related injury. This policy is intended to explain the basic components of Workers' Compensation and eligibility, but it is not intended to interpret or supersede the governing law, but to give an overview and assist by being used as a guide for filing claims. It establishes procedures that employees and administrative staff must follow to process and check claims.

Compensable events fall into two (2) broad categories: injuries and occupational diseases. Injuries include any injury whether caused by external accidental means or accidental by character and result, received in the course of and arising out of, the injured employee's employment. Injury does not include: (1) psychiatric conditions where the conditions have arisen from an injury or occupational disease; (2) injury or disability caused primarily by the natural deterioration of tissue, organ or other part of the body; (3) injury or disability incurred in voluntary participation in an Employer-sponsored activity. For purposes of this section, MCBDD shall require employees engaging in such activity to sign a waiver of their right to workers' compensation or benefits under Ohio Revised Code Chapter 4123.01(C)(3) (also known as a C-159 form) prior to engaging in the recreation or fitness activity. Injuries are not compensable if self-inflicted.

Occupational diseases are diseases contracted in the course of employment, which by their causes and the characteristics of their manifestation, or the condition of the employment, result in a hazard that distinguishes the employment in character from general employment. The employment must also create a risk of contracting the disease to a greater degree and in a different manner than the public in general.

Should an employee be injured during the course of employment, the employee shall immediately notify the supervisor who shall in turn immediately notify Human Resources, and the employee shall complete a Muskingum County Employee's Report of Injury or Accident form (See Appendix 4.06.1 Employee's Report of Injury or Accident Form). This report shall be immediately completed,

regardless of whether medical attention is required. If there is a witness, a Statement of Witness to Accident form (See Appendix 4.06.2 Statement of Witness of Accident Form) shall also be completed. The supervisor must complete the Supervisor's Report (See Appendix 4.06.3 Supervisor's Report Following Incident) . All reports shall be forwarded to Human Resources, or designee, no later than 24 hours or the next business day after the accident.

In the event of serious injury, all reports shall be forwarded to Human Resources immediately so that, if necessary, an investigation may be initiated.

Human Resources must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing Human Resources with their expected date of return.

Any documents received from the injured employee, his physician, hospital, or the state, regarding Workers' Compensation claims, must be immediately forwarded to Human Resources.

Employees who incur a work-related injury who must leave work before completing their work period may be paid at their regular rate for the balance of time in their scheduled work day.

An injured employee may request to use accrued sick leave and/or approved vacation leave prior to receiving payments from Workers' Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

Employees who have follow-up doctor's appointments or treatments shall use their paid leaves, which may include sick leave, vacation leave, or other paid leave as approved by the supervisor.

Vacation pay benefits do not accrue to an employee on Workers Compensation who is in unpaid leave status.

A job-related injury should be reported immediately and **MUST** be reported within twenty-four (24) hours of the accident, unless circumstances prevent otherwise, by completing an accident report and submitting it to the staff member's supervisor, in accordance with 6.03 (Safety, Security, Health and Injury).

Employees are cautioned that the use of drugs or alcohol on the job may cause the employees ineligibility for Workers' Compensation benefits. (See article Current 6.11 Substance Abuse-Free Workplace)

MCBDD reserves the right to investigate and challenge any claims to compensation or benefits. MCBDD maintains an absolute right to access and receive reports from a claimant's treating physician. If MCBDD has reason to suspect that an employee's claim is not legitimate, MCBDD may contact the Bureau of Workers' Compensation ("Bureau") to explain its position and to ask the Bureau to investigate the matter, or MCBDD may require the claimant to submit to an examination on each issue asserted by the employee or his physician.

Rebuttable Presumption

Ohio Revised Code Section 4123.54(B) requires MCBDD to provide employees with notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury. Employees may be drug/alcohol tested in the event the employee is involved in a reportable accident or injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

Approved as of 8/11/22

Revised: 3/14/24

SECTION 4.07 UNEMPLOYMENT BENEFITS

Employees are covered by Unemployment Compensation and the regulations established by the Ohio Department of Job and Family Services. The determination of benefits and weekly amount paid are governed by state law.

Approved as of 8/11/22

SECTION 4.08 LIABILITY INSURANCE
(ORC 2744)

The Board shall defend and indemnify employees in accordance with ORC Chapter 2744.07.

Approved as of 8/11/22

SECTION 4.09 INSURANCE BENEFITS

The Board provides a comprehensive major medical health insurance plan, administered by the County, for each employee who works thirty (30) hours or more per week. Each eligible employee has the option to enroll dependents according to eligibility requirements listed in the County health plan document.

The Board shares the individual health insurance premium cost with eligible employees, the percentage of which is determined by the County.

When an employee is granted an approved unpaid medical leave of absence, that is not FMLA qualifying or if the employee is not eligible for FMLA and has exhausted all accrued time (sick, vacation, personal), the employee can pay to the County the equivalent of their payroll deduction amount to continue their medical insurance coverage for a period up to a maximum of sixty (60) days. After the sixty (60) day period, the employee has the option of insurance coverage under the provisions of the policy titled "COBRA." (The sixty (60) day period does not apply to employees who were eligible for FMLA and have exhausted their FMLA).

The Board provides to all full-time employees working 30 or more hours per week, term life insurance coverage. Intermittent and temporary employees are not eligible for life insurance coverage.

An eligible employee's health and life insurance becomes effective on the first of the month immediately following thirty (30) calendar days of employment with the Board.

If an employee has any questions about the health or life insurance that the Board provides, the employee should review the insurance booklet provided by the carrier or contact Human Resources or the Muskingum County Insurance Office.

Health Care Benefits Continuation. (Consolidated Omnibus Budget Reconciliation Act "COBRA")

The Board provides to each employee covered by the Muskingum County healthcare plan, and their dependents, if eligible, the opportunity to continue healthcare coverage for specified periods of time, ranging from eighteen (18) to thirty-six (36) months, after the employee or his dependents would otherwise

lose coverage. Continuation is at the employee's and/or dependents own expense, at a cost of their portion of the group plan premium, plus a 2% administrative charge. Continuation coverage is the same coverage available for and provided to employees who are currently employed by the County.

Insurance coverage for employees who separate from employment for any reason, other than retirement, will cease on the effective date of separation, and 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 PERS and/or STRS system.

The Plan Administrator is the Muskingum County Human Resources Department who shall inform employees and their dependents of their right to continue coverage under the health insurance group plan upon their becoming eligible.

Employees' spouses and dependent children, who are covered under the county's healthcare plan, shall be offered the opportunity to continue healthcare coverage according to the following schedule:

1. An employee, whose employment is terminated, (other than for gross misconduct) shall be eligible to purchase healthcare coverage for up to eighteen (18) months following the termination.
2. The eighteen (18) month period may be extended if other qualifying events occur during that eighteen (18) month period. The eighteen (18) month period may also be extended to twenty-nine (29) months for those persons deemed to be disabled under the Social Security Act, provided the Human Resources Department is notified within sixty (60) days of that determination.
3. The affected person must also notify the Human Resources Department within sixty (60) days of any final determination that the individual is no longer disabled.
4. An employee, whose total hours worked are reduced, which reduction causes him to be ineligible for continued healthcare coverage, shall be eligible to purchase healthcare coverage for up to eighteen (18) months following such reduction.

The spouse and dependent children of an employee shall be eligible to purchase

healthcare coverage for up to thirty-six (36) months when the employee:

1. dies;
2. The spouse and dependents would lose eligibility for continued coverage due to divorce or legal separation;
3. The dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.

In no event will continuation of coverage last beyond thirty-six (36) months from the day of the qualifying event that originally made an individual eligible to elect such coverage.

Employees who are terminated or reduced, and spouses and dependent children shall be notified by the Human Resources Department of the provision of this policy as follows:

1. Each covered employee shall be provided a notice of this policy and the provisions within it at the time they begin coverage under the County's healthcare plan.
2. Spouses of all covered employees shall be mailed a notice of this policy and its provisions, and thereafter, at the time family or spouse coverage begins under the county's healthcare plan. Notification to the employee's spouse shall be deemed to serve notice to the dependent children.

The Board must notify the County Human Resources Department of any event which might trigger the employee, spouse or dependent children continuation coverage under this Notification of such triggering events shall be made within thirty (30) days of the event and shall include:

1. Employee's death;
2. Termination
3. Hour reduction causing ineligibility for continued participation;
4. The fact that the employee has become eligible for Medicare; or
5. Any event which would require the employee and/or spouse to lose existing benefits due to the employee becoming inactive on payroll.

Each employee shall notify Human Resources of any action which might trigger a spouse or dependent child's eligibility to continue the healthcare plan. Such notice must be made by the employee immediately upon gaining knowledge of the event, which shall include divorce, legal separation, or loss of dependent eligibility under the County plan.

When notified of the triggering event, the County Human Resources Department shall notify the individuals who are eligible for continued healthcare plan coverage of the rights and obligations under this policy within fourteen (14) days receipt of the notice by which the employee, spouse, or dependent children must respond to the notice. The notice shall contain a final date by which the employee, spouse or dependent child must respond to the notice.

The eligible employee/individual shall notify Human Resources of the decision to continue coverage within sixty (60) days of the triggering event. If an eligible separated employee does not elect continuation coverage, dependents may elect such coverage.

Each qualified beneficiary is entitled to a separate election of continuation coverage. Furthermore, if options of plan coverage are available, dependents may select a coverage different from that selected by the separated employee.

As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but includes layoff, resignation, voluntary/involuntary leave without pay, removal, and any other termination which result in the employee's ineligibility for continued healthcare benefits. Employees who are separated under O.R.C. Section 124.34 or a collective bargaining agreement for gross misconduct are not normally eligible for continuation of health insurance coverage.

An employee, spouse or dependent child who elects for continued healthcare coverage shall only be eligible 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. Coverage is extended for up to twenty-nine (29) months due to a disability and there has been a final determination that the individual is no longer disabled.
6. Any person who is eligible and elects for continuing healthcare coverage shall pay the total premium for themselves and any other dependents, plus a two per cent (2%) administrative charge.
7. Payments of premiums by eligible employees/dependents must be made by the eligible employee/spouse to the county Human Resources Department in accordance with the instructions contained in the notification letter from the Human Resources Department in order for coverage to be extended. Should the payment not be received as instructed, the former employee or dependent will be deemed to have chosen to discontinue their insurance coverage.

Approved as of 8/11/22

SECTION 4.10 RETIREMENT BENEFITS

(ORC 2113.04; ORC Chapter 145; ORC Chapter 3309)

All Board employees, except those specifically exempted by law, are required to contribute into either the Ohio Public Employees Retirement System [OPERS] or State Teachers Retirement System (STRS).

Employees are required to contribute a specific percentage of their gross pay into their retirement system. The amount is deducted each pay period. The Board is also required to contribute a specific percentage of the employee's gross pay. The percentage of gross pay to be deducted from the employee gross pay and the percent paid by the Board is established by the retirement system and is subject to change.

Both OPERS and STRS are retirement plans independent from the Board. Therefore, the Board does not maintain records or have access to individual employee benefits, years of retirement system service, or other related information. Employees should contact their retirement system to obtain specific information concerning their retirement status and benefits. The OPERS and STRS websites provide general information about their retirement plans. An employee may contact the appropriate retirement plan when the employee has questions about personal eligibility, available benefits, or any other questions pertaining to the plan.

OPERS or STRS: Ohio Public Employees Retirement System (OPERS) and State Teachers Retirement System (STRS) membership is compulsory upon being employed with the Board except those employees specifically exempted under the provisions of Section 145.03 of the Ohio Revised Code. OPERS and STRS are entirely independent from the Federal Social Security System. Employees should note that retirement under OPERS may impact their eligibility for Social Security retirement benefits. Employees should direct questions about OPERS or STRS to Human Resources or contact the retirement system directly at:

- Ohio Public Employees Retirement System
277 East Town Street
Columbus, Ohio 43215
1-800-222-7377
www.opers.org
- State Teachers Retirement System of Ohio

275 E. Broad Street
Columbus, Ohio 43215-3771
1-888-227-7877
www.strsoh.org

It is the employee's responsibility to notify OPERS/STRS of any personal changes; i.e., dependents, beneficiary, name, address, etc.

Sick Leave Conversion

1. Upon retirement from active service with the Board under OPERS or STRS, an employee who has worked at least ten (10) years with Muskingum 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. The maximum of such payment, however, shall be thirty (30) days.
2. Payment shall be based on the employee's hourly rate of pay at the time of retirement, and payment shall be made only once, and shall eliminate all Sick Leave credit accrued by the employee.
3. Eligible County employees retiring from active service shall complete a Sick Leave Payment Upon Retirement form (See Appendix 4.10.1 Sick Leave Payment Upon Retirement form) to initiate the approval and payment process.
4. If an employee, who is eligible for retirement and Sick Leave conversion as provided for herein, dies while still in active service with the County, the surviving spouse or others [as specified in O.R.C. 2113.04] shall be granted a 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.
5. 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.

Retirement eligibility requirements, employer and employee contribution percentages and other terms and conditions of these retirement systems may be changed by the retirement system as it determines necessary to remain solvent

and in accordance with its requirements and applicable law.

Approved as of 8/11/22

SECTION 4.11 EMPLOYEE PROPERTY DAMAGE

Employees are to be aware of possible damage to personal apparel or effects in the course of employment and, accordingly, are expected not to outfit themselves with items of unusually high value for the work required.

An employee's personal property authorized for use in the course of employment which is damaged by an individual served by the Board while the employee is performing normal job duties shall be replaced or repaired by the Board at the least costly alternative without cost to the employee. Employees are advised the full reimbursement will not be made for unusually expensive clothing. The incident involving damage must be properly reported and documented.

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; and employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work. Discretion shall be used in wearing any apparel, rings, bracelets, earrings, necklaces, watches, and any other jewelry that could be easily damaged; these items will not be replaced or reimbursed if lost, damaged, or stolen. Jewelry, including watches, is not considered necessary for use at work and is exempt from reimbursement.

Reimbursement of damaged or destroyed items will be based upon comparable worth. An employee requesting reimbursement will be expected to attempt to utilize insurance benefits prior to submitting requests for reimbursement (e.g., submitting a claim to the MCBDD's vision insurance carrier for the replacement of glasses). MCBDD shall reimburse a maximum of three hundred dollars (\$300) for the repair or replacement of damaged or destroyed eyeglasses or hearing aids and a maximum of one hundred dollars (\$100) for other covered property (taxes not included); provided the board receives a copy of the workplace accident/injury form describing details of the incident and a copy of receipt of purchase to replace the item.

In order to apply for reimbursement for repair or replacement of damaged or destroyed personal property, the following conditions must be met:

1. The damage/destruction must have occurred during an employee's regularly scheduled work time;

2. For other than eyeglasses or clothing, the damaged/destroyed item must have been required by the employee's position to be used for the purpose of the employee's job duties;
3. The employee requesting reimbursement must submit in writing to their supervisor a description of the damaged/destroyed item, how the damage/destruction occurred, and an estimate of repair or replacement value. The supervisor will forward this information to the Superintendent with recommendations. The Superintendent shall have final authority to grant approval for reimbursement; and
4. Upon approval for reimbursement, the employee shall provide a receipt for the repair or replacement of the item before payment is made.

In the event that the damage or destruction of an employee's personal property is determined to have occurred as a result of negligence on the part of the employee, a request for reimbursement shall be denied.

Approved as of 8/11/22

SECTION 5.01 HOLIDAYS
(O.R.C. 325.19)

MCBDD shall observe the eleven (11) holidays designated by state law. All twelve-month employees of MCBDD have designated the following paid holidays:

- | | |
|--|--------------------------------------|
| 1. New Year's Day | January 1 |
| 2. Martin Luther King Day | 3 rd Monday in January |
| 3. Washington-Lincoln (Presidents) Day | 3 rd Monday in February |
| 4. Memorial Day | Last Monday in May |
| 5. Juneteenth Day | June 19 |
| 6. Independence Day | July 4 |
| 7. Labor Day | 1 st Monday in September |
| 8. Columbus Day | 2 nd Monday in October |
| 9. Veterans' Day | November 11 |
| 10. Thanksgiving Day | 4 th Thursday in November |
| 11. Christmas Day | December 25 |

Holidays which fall on Saturday will be observed on the preceding Friday. Holidays which fall on Sunday will be observed on the following Monday. A part-time employee will be paid holiday pay for that portion of any holiday for which he/she normally would have been scheduled to work.

If a holiday occurs during a period of paid sick leave or vacation, the employee will be entitled to the holiday pay and will not be charged for any sick leave or vacation leave for that day. An employee absent without approved paid leave on a scheduled workday immediately preceding or following a holiday or scheduled break will normally be denied pay for the holiday.

A full-time employee who works the holiday shall be paid at 1 ½ times their normal hourly rate for time actually worked on the holiday, plus shall receive holiday pay as provided in this policy. Part-time and temporary employees who work the holiday shall receive their regular pay for actual time worked, at the time and one-half rate.

Special religious holidays may be observed by employees and charged to accrued vacation leave, personal leave, or taken without pay. This must be done with notification to the employee's supervisor or the Superintendent. Employees may not use sick leave for such holiday observances.

Approved as of 8/11/22

Revised: 3/14/24

SECTION 5.02 VACATION

(O.R.C 325.19; O.R.C. 9.44)

Full-time employees who work a permanent schedule of 35 hours or more per week on a 12-month basis are eligible for paid vacation leave according to the guidelines presented in this policy, ORC 325.19, and ORC 9.44.

Eligibility

1. Service time for the purpose of calculating vacation leave for all eligible employees is determined according to the total service credit with the county, state, or Ohio political subdivision thereof. Prior service credit need not be continuous. Employees must complete one (1) total year of service to be eligible to use vacation leave. It is the employee's responsibility to secure proof of prior vacation service credit.
2. An individual hired to a full-time position with the county board who has less than one (1) year of service with a county, state, or Ohio political subdivision thereof at the time of the transfer will be eligible after completing one (1) year of service.
3. An employee who has retired in accordance with the provisions of OPERS, STRS, or any retirement plan offered by the State, and who is subsequently hired by the county board shall not have the employee's prior service with the county, state, or any political subdivision thereof counted for purposes of computing vacation leave. Vacation accrual for such employee shall be based only upon the service that he is currently accruing with the county board.
4. Any person removed for conviction of a felony within the meaning of Ohio Revised Code 124.34 and who is subsequently reemployed by the county board shall only be qualified to accrue vacation as if he is a new employee, and will receive no credit for prior service.

Accrual

1. Vacation Leave is granted to employees based upon length of service, and number of hours worked in a bi-weekly pay period. Employees eligible for paid vacation leave shall accrue according to the following schedule:

Years of Service	Vacation Accrual	Accrual
At 180-Day Mid-Point Probationary Period	1 Week (Up to 40 Paid Hours)	Lump Sum Accrual Provided for Immediate Use
After 180-Day Mid-Point Probationary Period	Hourly Vacation Accrual Each Pay, Which will Equal 2 Weeks (Up to 80 Hours) by the one-year anniversary, and 2 Weeks (Up to 80 Hours) every year thereafter	.03875 Per Hour
After 8 Years	3 Weeks (Up to 120 Paid Hours)	.0575 Per Hour
After 15 Years	4 Weeks (Up to 160 Paid Hours)	.0775 Per Hour
After 25 Years	5 Weeks (Up to 200 Paid Hours)	.09625 Per Hour

2. Eligible employees who are in active pay status shall earn vacation leave at the per hour accrual rate based on the schedule above and rounded to one-hundredth of an hour (two decimal places) to align with the Muskingum County Auditor payroll system. An employee is not entitled to receive vacation leave until the successful completion of the 180-Day mid-point of their probationary period, at which time, the employee is credited with the lump sum number of accrued hours not to exceed one week of vacation leave (employees with prior public service of one year or more may accrue and begin use of vacation immediately upon re-employment in public service OAG 82-064. Therefore, vacation shall be accrued at the rate prescribed herein.) However, upon completion of the eighth, fifteenth, and twenty-fifth years of service, an employee will be credited with one week of vacation, in addition to the vacation accrued during the course of the previous year.
3. For purposes of calculating vacation, active pay status shall be defined as

hours actually worked which also includes paid sick leave, vacation leave, personal leave, authorized paid holidays, and county board approved paid time off.

4. Part-time employees do not earn vacation while employed on part-time status.
5. Additional vacation leave is not accrued through the accumulation of paid overtime.
6. Vacation leave is not earned while an employee is not in active pay status (unpaid leave of absence, unpaid disciplinary suspension, etc.).
7. An employee hired to a full-time position with MCBDD who has less than one (1) year of service with a county, state or any political subdivision of the state thereof at the time of the transfer will be eligible for the first vacation after completing one (1) year of service.

Charging of Vacation Leave

1. Approved vacation leave shall be charged against an eligible employee's available vacation leave balance in minimum units of half ($\frac{1}{2}$) an hour. Only vacation leave accrued as of the most previous pay period may be used. Vacation leave may not be advanced.
2. If a holiday or program cancellation occurs while a full-time employee is on approved vacation, such vacation leave shall not be charged against the employee's vacation leave balance.

Requests and Scheduling

1. Vacation leave must be scheduled in accordance with the workload requirements of the county board. The county board reserves the right to deny, cancel or change vacation requests/approvals. Vacations shall be scheduled on a "first come, first serve" basis.
2. Eligible employees shall be paid at their regular hourly rate or salary for all time spent on approved vacation leave.
3. All vacation leave must be requested in the timesheet application and approved by the employee's supervisor in advance of the employee taking paid vacation leave.

4. Employees wishing to take vacation leave of one (1) day or less shall make such request at least forty-eight (48) hours in advance. Employee's wishing to take more than one (1) day shall make a request at least one (1) week in advance. When a notice as required is not possible due to extenuating circumstances, the employee may discuss the request with the employee's immediate supervisor. If granted, the exception shall not constitute a precedent or establish a practice.
5. Employees may be granted emergency leave of one (1) day with less than a two (2) day notice based on verbal request with the approval of the immediate supervisor.
6. Postponement or rescheduling of previously approved vacation leave is subject to the approval of the immediate supervisor.
7. Vacation leave taken which has not received prior approval as specified in this policy is not acceptable and shall be subject to appropriate disciplinary action.

Usage Period and Carry Over

1. Employees shall utilize vacation leave in the year that it is earned and prior to the next occurrence of the anniversary date of the employee's service as mentioned in "Eligibility Guidelines" above.
2. In special and meritorious cases, the Superintendent may permit the carryover of more than one year's accumulation of the employee's vacation leave to the following year. The employee must submit the request in writing to the Superintendent. In no event will vacation be carried over for more than three (3) years nor shall it be available for use after that time.
3. Employees who have in excess of one year's accumulation of vacation leave near their anniversary date may have their vacation leave scheduled for them by their immediate supervisor so as not to exceed one year's accumulation.
4. Any vacation leave over what is permitted on their anniversary date will be paid at their next regularly scheduled payroll date.

Separation, Termination, Position Transition, or Death of an Employee

1. When terminating employment in regards to discharge, resignation, and retirement; any accrued but unused vacation shall be paid to the employee at the employee's current rate of pay at the time of termination.
2. Full-time employees who move to a part-time or intermittent position shall be paid their vacation balance at the employee's full-time position current rate of pay.
3. An employee who has completed their 180-Day Mid-Point Probationary Period is entitled to compensation at their normal rate of pay, for the portion of any earned but unused vacation leave for the current year to their credit at the time of resignation, discharge, layoff, transfer, or retirement.
4. In the case of the death of an employee, up to three (3) years' worth of earned but unused vacation leave shall be paid in accordance with ORC 2113.04.

Vacation Leave Buyouts

1. Any employee eligible for vacation leave shall be permitted to request a vacation buyout payment once per year at the employee's current rate of pay for any vacation time earned but not used.
2. The request for a vacation buyout (See Appendix 5.02.1 Vacation Buyout Request Form) must be completed and returned to the business office by November 1st. All requests are contingent upon approval of the Superintendent. If the request is not approved, the employee will be notified in writing.
3. Approved vacation leave buyouts will be paid to employees on the first payroll in December.
4. OPERS and STRS does not apply to a vacation buyout amount, however, applicable federal, state, and local taxes will be assessed.

Approved as of 8/11/22

Revised as of 8/10/23

SECTION 5.03 SICK LEAVE

(O.R.C. 124.38)

Sick leave is a benefit for employees. Use of Sick leave is permitted only if first requested and subsequently approved by the Employer.

Employees are responsible for submitting sick leave requests properly completed and during the payroll period in which the usage occurs. A description of the sick leave usage reason must be entered into the memo section of the electronic sick leave request. In case of a death in an employee's immediate family, the relationship must be specified.

Employees who are off work and utilizing paid sick leave are expected to be at home or traveling to or from a physician's office, pharmacy, hospital or such facility. Employees should make every effort to schedule appointments at times that cause the least disruption to their work responsibilities.

Uses of Sick Leave

An employee may request sick leave for absences resulting from illness as described below, provided the employee follows the proper notification procedures outlined in this section. Sick leave may be requested for the following reasons:

1. Illness or injury of the employee or a member of the employee's immediate family (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member);
2. Exposure of employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
3. Death of a member of the employee's immediate family for a reasonably necessary time, after exhaustion of funeral leave and with necessary physician's excuse.
4. Medical, psychological, dental, or optical examinations or treatment of the employee or a member of the employee's immediate family (where the employee's presence is reasonably necessary); or
5. Pregnancy, childbirth, and/or related medical conditions of the employee,

or an immediate family member (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member).

For purposes of this policy, the "immediate family" is defined only as an employee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

When sick leave is requested for the care of a member of the immediate family, the Superintendent may require a physician's, dentist's, or licensed practitioner's certificate stating that the presence of the employee is necessary for the care of the ill immediate family member.

An employee who is unable to report to work and who is not on a previously approved use of sick leave, shall be responsible for notifying his/her immediate supervisor's office within one (1) hour before his/her scheduled work starting time. Employees who do not call one (1) hour prior to the start of their shift may have their sick leave denied and/or may be subject to disciplinary action.

Any twelve (12) month employee who uses no sick leave during a three (3) month period, as determined by a quarterly payroll report, shall be paid a stipend within the Board approved amount or approved reimbursement.

Any nine (9) month employee who uses no sick leave during the first and/or second half period of the school year, as determined by a bi-annual payroll report that begins the start of the school year through December 31st and/or begins January 1st through the end of the school year), shall be paid a stipend within the Board approved amount or approved reimbursement for each period.

Sick Leave Accrual

An employee earns .0575 hours of sick leave for each hour in active pay status. For purposes of this policy, active pay status includes hours actually worked, paid leave time, and paid holiday time. For each completed eighty (80) hours in active pay status, an employee earns 4.616 hours of sick leave. For pay periods that are different than eighty (80) hours, the rate of accumulation shall be .0577 times the hours of active pay status. Non-Exempt employees in active pay status shall be paid .0577 times the hours worked in active pay. Exempt employee's sick leave accrual will be 4.616 hours of sick leave per pay. Active pay status is

defined as hours worked, hours on vacation, hours on holiday leave, hours on paid personal leave, and hours on paid sick leave. The amount of sick leave time an employee may accrue is unlimited.

Previously Accumulated Sick Leave

An employee who transfers from another public agency to the County, or who has prior service with a public agency in Ohio, shall receive credit for any unused, unconverted sick leave. No credit shall be received for sick leave earned and converted with a previous employer.

The previously accumulated sick leave of an employee who has been separated from Ohio public agency service shall be placed on his credit upon his reemployment with the Employer provided such reemployment takes place within ten (10) years of the date on which the employee was last terminated from public service. However, any person removed for conviction of a felony, within the meaning of Ohio Revised Code 124.34, who is subsequently reemployed by MCBDD will only be qualified to accrue sick leave as if he were a new employee and will receive no sick leave credit for prior service. For the purpose of this policy, "public agency" shall mean state agencies, counties, municipalities, civil service townships, and boards of education. It is the employee's responsibility to request that sick leave from prior service be transferred and to provide documentation concerning the balance to be transferred.

Charging of Sick Leave

Sick leave shall normally be charged in minimum increments of half ($\frac{1}{2}$) an hour. An employee shall be charged for sick leave only for days which the employee is scheduled to work. Approved sick leave payment shall be at the employee's regular hourly rate. Advance use of sick leave will not be permitted.

Exhausted Sick Leave Credit

Accumulated but unused vacation leave or paid personal leave must be used for sick leave purposes after sick leave is exhausted. Employees experiencing illnesses after exhaustion of all available paid leave and unpaid leave under the Family and Medical Leave Act may be considered for Disability Separation.

Evidence Required for Sick Leave Approval and Return to Work

Upon return to work, an employee shall submit a leave request in the timesheet application to justify the use of sick leave. If medical attention is required, a certificate stating the nature of the illness from a licensed physician, dentist, or other licensed practitioner shall be required to justify the use of sick leave. It is

the employee's responsibility to submit the leave request immediately upon return to work.

When an employee is reasonably suspected of having misused or abused sick leave as determined by the Superintendent or her designee, the employee may be required to obtain a certificate from a licensed physician, dentist, or other licensed practitioner. In order to receive pay for sick leave usage, an employee must comply with all Board rules and regulations governing application and use. Falsification of an application for sick leave or a practitioner's statement shall be grounds for disciplinary action, up to and including termination.

Employees may be required to provide a medical release prior to returning to work.

In the event an employee calls off sick prior to or after a scheduled leave, i.e., holiday, vacation, spring break, winter break, etc; the Superintendent or the Superintendent's designee may require a written certificate from a licensed physician, dentist or other licensed practitioner with justification for that employee's absence. Failure to provide a written certification, as described, will result in not being paid for the day of scheduled leave immediately preceding or following the call off.

Notification for Extended Sick Leave

In the case of a condition exceeding three (3) or more consecutive work days, a licensed practitioner's statement specifying the employee's inability to report to work and the probable date of return to work may be required.

Misuse or Abuse of Sick Leave

Employees failing to comply with sick leave rules and regulations shall not be paid and may be disciplined. Application for sick leave with intent to defraud may result in dismissal and refund of salary or wage paid, if any. This section shall not be construed as a limitation on the definition of the terms misuse or abuse.

Patterned or excessive absences, as determined by MCBDD, or the misuse or abuse of sick leave will be carefully reviewed, and as circumstances warrant, sick leave may be denied. Employees shall be counseled as to any inappropriate use of sick leave benefits and may be subject to disciplinary action for misuse or abuse of sick leave as well as denied payment for sick leave. In the event sick leave is approved and it is later learned that the sick leave was misused or

falsified, or if the use establishes a pattern, the granting of sick leave does not prevent discipline.

Disclaimer

Nothing in this policy shall be construed to mean that paid sick leave shall automatically be granted to an employee upon request. Paid sick leave shall be granted only if the employee follows the procedures set forth in this policy. It is within the discretion of MCBDD to disapprove as well as approve requests for paid sick leave.

Furthermore, MCBDD reserves the right to investigate sick leave to ensure its appropriate use and may require an employee to submit to examinations, inquiries or visits as MCBDD deems necessary.

Adopted 8/11/23

Revised 3/9/23

SECTION 5.04 INTENTIONALLY LEFT BLANK

SECTION 5.05 SICK LEAVE DONATION

(O.R.C. 124.391)

Employees may donate accrued sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave and is employed by the MCBDD who is subject to this rule and pursuant to the provision of Section 124.391(C) of the Ohio Revised Code.

The intent of the sick leave donation policy is to allow MCBDD employees to voluntarily provide assistance to their full-time or part-time permanent co-workers who are in critical need of leave due to a catastrophic illness and injury of the employee, employee's spouse or a child of the employee all of whom must live in the home.

Definitions: For the purpose of this policy the following shall apply:

- **Program Year:** January 1 to December 31
- **Serious Health Condition:** a catastrophic illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment and also includes continuing treatment of chronic or long-termed incurable conditions.
- **Transferee:** the employee in need and approved to receive donated sick leave.
- **Transferor:** the employee volunteering to donate their sick leave.
- **Hours Transferred:** Any hours transferred shall be transferred on an hour for hour basis.

Receiving Leave

Transferee may receive total donated leave equivalent up to twelve (12) normally scheduled weeks if the following criteria are met:

1. the employee has been on approved medical leave for twelve (12) consecutive weeks; and

2. has no other paid leave; and
3. has completed his or her new hire probationary period; and
4. has applied for any paid leave, Workers' Compensation, or benefits program for which the employee is eligible; and but only eligible for sick donation while in waiting for the applied for benefit; and
5. has no abuse or patterned use of sick leave; and
6. has provided written verification from an attending medical physician certifying that a long-termed medical injury or illness exists; and
7. the illness or injury will require the employees to be off work at least ninety (90) calendar days; and
8. this section will not apply to employees who have or will file for disability retirement due to their illness; and
9. utilization of this donation program is limited to two (2) times during the employee's employment with MCBDD; and
10. Solely for employee, employee's spouse or a child of the employee all of whom must live in the home with accompanying physician statement requires employee's continued leave or to care for said family member; and
11. prior to receiving a sick leave donation, the employee must have exhausted all paid time off, including sick leave, personal days, compensatory time, and vacation leave; and
12. agrees to accept the leave under the terms of this policy and complete an Application to Receive Donation Leave form (See Appendix 5.05.1

Application to Receive Donation Leave form) and an Application for Leave form.

Donating Leave

Transferor may donate leave if:

1. donates a minimum number of hours equivalent to one (1) work day of the transferor, and cannot donate more than a maximum of number of hours equivalent to fifteen (15) workdays during a program year.
2. retains a sick leave balance of hours equivalent to four (4) weeks of sick leave credit hours after the donation.
3. complete an Application to Donate Leave (See Appendix 5.05.2 Application to Donate Leave) form and an “Application for Leave” form; and
4. Any unused sick leave remaining after the transferee is returned to work shall be returned to all transferors on a pro-rated basis.
5. Transferor will forfeit his/her sick leave stipend for usage of sick leave donation during each quarterly period of donation usage.

Administration

The sick leave donation program shall be administered on a pay period to pay period basis. HR shall review the Application to Receive Donated Sick Leave and the Application to Donate Sick Leave to assure compliance with this policy.

Donations of sick leave will be recorded in the order of their submission, and will not be considered actually donated nor be deducted from the transferor’s balance or credited to the transferee’s balance until the pay period such leave is actually used. Unused donation application shall be returned to the transferor. A transferee using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Vacation and sick leave accrued by an employee while using donated

sick leave shall be used, if necessary, in the following pay period before additional donated sick leave may be received.

Donated sick leave shall be considered sick leave but shall never be converted into a cash benefit. The Business Manager of the MCBDD shall maintain such records as are necessary for the administration of this program.

Certification

Transferors who wish to donate sick leave shall certify:

1. the name of the Transferee for whom the donated leave is intended; and
2. the number of hours to be donated; and
3. that they will retain a sick leave balance of hours equivalent to four (4) weeks of regularly scheduled workdays after donation.

Confidentiality

Superintendent shall ensure that no transferors are forced to donate leave. Superintendent shall respect an employee's right to privacy, however, Superintendent may, with the permission of the transferee who is in need of leave, inform employees of their co-worker's critical need for leave donation. The donation of sick leave shall occur on a strictly confidential and voluntary basis.

Application

Employees wishing to donate or receive donated sick leave may pick up applications from the Administrative Assistant or Human Resource Administrator of the MCBDD.

Approved as of 8/11/22

SECTION 5.06 FUNERAL LEAVE

An employee who has a death in his immediate family as defined below and attends the funeral or is required to assist in making funeral arrangements shall be granted funeral leave as follows:

Each employee will be granted three (3) days of funeral leave not deducted from their accumulated sick leave total providing one (1) of the three (3) days paid leave is the day of the funeral which the employee must attend within a two hundred (200) mile radius from Zanesville Ohio. If the day of the funeral is on a Saturday or Sunday, employees will be granted one (1) day of funeral leave not deducted from their accumulated sick leave total providing the funeral is within a two hundred (200) mile radius from Zanesville, Ohio.

Each employee who must travel outside the two hundred (200) mile radius may receive up to five (5) days funeral leave providing one (1) day is the day of the funeral, and the two additional days are deducted from the employee's sick leave accumulation. If the day of the funeral is on a Saturday or Sunday, Employee may receive up to three (3) days of funeral leave and the one (1) additional day is deducted from the employee's sick leave accumulation.

Employees who must request sick leave for funeral leave may be required to provide proof of death and proof of relationship upon return.

For purposes of this policy, the "immediate family" is defined only as an employee's spouse, parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

Approved as of 8/11/22

SECTION 5.07**BEREAVEMENT LEAVE**

MCBDD employees shall be granted two (2) days of Bereavement Leave annually for the death of persons not covered under the sick leave article to attend calling hours and/or funeral service, provided they have applied for such time off at least twenty-four (24) hours in advance. Employees will submit the MCBDD application for leave form and under the category death – list name of the deceased and the date of the funeral.

Approved as of 8/11/22

SECTION 5.08 PAID PERSONAL LEAVE

All nine (9) month permanent employees will be granted the equivalent of two (2) personal days per program year. All twelve (12) month permanent employees will be granted the equivalent of three (3) paid personal days per program year. This leave is to be non-accumulative and is not to be taken in less than half ($\frac{1}{2}$) hour increments. For the purposes of this policy, the program year is defined as January 1 through December 31.

Newly hired employees shall be credited with personal day(s) prorated depending upon their hire date of the current program year and will thereafter follow the personal leave schedule as specified above.

Employees must submit all Personal Leave requests in the timesheet application (written notice). Scheduling is subject to the approval of the employee's supervisor and the Superintendent, who may deny any request based upon the Board's operational needs, workload requirements or other Board related reasons. No employee shall take Personal Leave prior to notification of approval by their supervisor and the Superintendent.

The reason for a request to use paid personal leave shall be at the discretion of the employee; however, the request for leave must be approved twenty-four (24) hours in advance by the Superintendent before using this benefit. Seventy-two (72) hours written notice must be given to the Superintendent to use two (2) consecutive personal days. One (1) week written notice for three (3) consecutive personal days. The approval of paid personal leave shall be based on the ability of the Board to maintain adequate staffing levels.

Employees may be granted paid personal leave in an emergency based on a verbal request with the approval of the Superintendent. The request for leave shall be completed upon return from the leave.

Employees taking paid personal leave shall be compensated at their current rate of pay only for the hours they would have been regularly scheduled to work.

Employees not scheduled to work during a declared program cancellation because of scheduled personal leave will not have the cancellation of time deducted from their leave balances.

Any employee who has remaining unused full personal day(s) on the books at the end of the program year may be paid at the following rate according to the chart below:

9 Mo Employee (5 Hour Scheduled Work Day)	\$40.00 per Personal Day
9 Mo Employee (7 - 7.5 Hour Scheduled Work Day)	\$60.00 per Personal Day
12 Mo Employee (7.5 - 8 Hour Scheduled Work Day)	\$60.00 per Personal Day

Request for payment of personal leave as defined above shall be requested in writing by the last working day of the program year (Dec 31st). Personal leave not used or requested for payment by the end of the program year will be forfeited.

Approved as of 8/11/22

SECTION 5.09 MILITARY LEAVE

Military leave is governed by several sections of federal and state law including the Uniformed Services Employment and Reemployment Rights Act and Ohio Revised Code Chapter 5903, 5906 and 5923 (specifically ORC 5923.05). Generally, the state provisions mirror federal laws, except ORC 5923.05 grants a limited amount of compensation to public employees.

Approved as of 8/11/22

SECTION 5.10 COURT LEAVE

The Board shall grant court leave with full pay to an employee who is summoned for jury duty by a court of competent jurisdiction during working hours.

Any compensation or reimbursement for jury duty, when such duty is performed during an employee's normal working hours, shall be remitted by the employee to the County Treasurer and credited to the Board's funds.

Any employee who is subpoenaed to appear in a legal matter by the Board shall be granted leave with pay. An employee who is subpoenaed to appear in a legal matter by someone else involving an individual served by the MCBDD shall be granted leave with pay. Employer versus employee proceedings are not subject to these provisions.

Leave without pay, vacation, or personal leave shall be granted to staff members subpoenaed in other legal matters.

If the employee elects to receive his regular salary or wage, he will report for work following jury duty, testifying as a witness, or being released by the Court. Employees called for court jury duty or to testify in a court of law shall notify their immediate supervisor and provide a copy of the subpoena.

Time served by an employee for court jury duty or court service shall not be considered hours worked for purposes of calculating overtime, unless such court service was required as a part of the employee's work duties.

Approved as of 8/11/22

SECTION 5.11 LEAVE WITHOUT PAY

Upon written request from a full-time or part-time permanent employee, the Superintendent may grant an employee a leave without pay for any personal reasons of the employee, subject to the provisions contained within this policy. The employee shall provide MCBDD with as much advance notice as is feasible of their need to request leave without pay. The approval of a request for leave without pay is solely a matter of administrative discretion, and each request will be considered upon its own merits.

Leave without pay cannot be utilized until all other available forms of accrued leave balances (e.g., vacation, personal, and sick leave, if applicable) have been exhausted. Sick leave may only be used as an available form of approved leave as defined in Section 5.03.

All requests for leave without pay shall include the following elements:

1. A written request from the employee indicating the specific dates of the request and the recommendation of the employee's supervisor.
2. If approved, the employee must submit a leave request.

Concurrent with FMLA, if applicable, leave may be granted for a maximum of six (6) months. An employee may return to work before the scheduled expiration of the approved leave without pay if requested by the employee and approved by the Superintendent.

If it is determined that the employee is abusing the approved leave without pay and is not actually using the leave for the purpose specified, the Superintendent may cancel the leave and direct the employee to report to work by providing written notice to the employee.

Upon completion of an approved leave without pay, the employee will be returned to the position he formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave may be terminated in accordance with the

MCBDD's layoff procedures upon reinstatement of the employee from leave without pay. The terminated employee may be considered for other vacancies on the MCBDD's table of organization for which the terminated employee is qualified.

An employee who fails to return to work following an approved leave without pay without explanation to and approval from the Superintendent may be removed from his position in accordance with ORC 124.34. An employee who fails to return to service from an approved leave without pay and is subsequently removed or voluntarily resigns from service is deemed to have a termination date corresponding to the starting date of the leave without pay.

Approved as of 8/11/22

SECTION 5.12

MATERNITY LEAVE/PATERNITY LEAVE.

Upon written request to the Superintendent, a pregnant employee shall be granted a leave of absence without pay. The unpaid leave of absence shall be limited to the period of time that the pregnant employee is unable to perform the substantial and material duties of the staff member's position. This period may include reasonable pre-delivery, delivery and recovery time as certified by a physician, for a six (6) month period, and may be extended up to one (1) year. After the six (6) month period the employee may be given a disability separation.

A pregnant employee requesting an unpaid leave of absence must present at the time the request is made, a physician's certificate stating the probable period for which the employee will be unable to perform the substantial material duties of the staff member's position due to pregnancy, childbirth, or other related medical conditions. Upon request and in accordance with procedures contained herein, the Superintendent shall grant a pregnant employee use of any or all of the employee's accumulated sick leave credit only for the period of time, as certified by the physician's certificate, that the employee is unable to work as a result of pregnancy, childbirth, or other related medical conditions.

An employee, at the discretion of the Superintendent, may be granted an unpaid leave of absence of up to twelve (12) weeks within the first year of the child's life for the purposes of childcare and/or bonding with the child. Such leaves of absence shall be considered on a nondiscriminatory basis without regard to the sex of the employee. An adoptive parent may request a leave of absence for the purpose of childcare. The employee shall be considered on the same basis as a biological parent under similar circumstances.

Employees granted an unpaid leave of absence shall not be entitled to the same benefits as employees in active pay status, including insurance (except when the absence is also covered by available unpaid leave under the FMLA), sick leave accumulation, personal leave, vacation time and holiday pay.

While on maternity leave or any other unpaid leave of absence, employees may continue their health and medical benefits by paying their premiums directly to the County Auditor or Fiscal Officer, if allowed by the insurance carrier.

Upon the expiration of any unpaid leave of absence, employees shall have the right to return to the same or similar position they held within their classification prior to taking said leave.

Approved as of 8/11/22

Revised: 11/9/23

SECTION 5.13 ASSAULT LEAVE

In the event of a physical attack by an individual served by the MCBDD causing injury to an employee, the employee shall receive full pay and benefits for up to three (3) days, which shall not be deducted from sick leave. A physician's statement concerning the nature of the injury shall be required stating both the necessity to be absent from work and the duration of the absence. MCBDD reserves the right to require a second independent physician statement of injury and required leave and agrees to pay for the second opinion. In order to receive assault leave, the employee shall file a detailed Injury/Accident Report about the facts of the incident with the Superintendent by the end of the next working day of the occurrence.

Approved as of 10/13/22

SECTION 5.14 ADMINISTRATIVE LEAVE
(O.R.C. 124.388)

The Superintendent may, in her discretion, place an employee on administrative leave with pay. Administrative leave with pay will be used in the 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. Compensation for administrative leave with pay shall be equal to the employee's base rate of pay. The length of administrative leave with pay is solely at the discretion of the Superintendent, but shall not exceed the length of the situation for which the leave was granted.

An employee placed on administrative leave with pay shall, during the duration of the leave, receive full pay and benefits to which he is otherwise entitled and shall make himself available to MCBDD during such leave. The employee may be required during his normal working hours to remain at his residence and be available for and respond to phone calls, emails or other communications.

An employee who has been charged with a violation of law that is punishable as a felony may be placed on administrative leave without pay for a period not to exceed two months. If the employee subsequently does not plead guilty or is not found guilty of a felony with which the employee is charged or any other felony, the appointing authority shall pay the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

Approved as of 8/11/22

SECTION 5.15 FAMILY AND MEDICAL LEAVE

Eligible employees may request unpaid time off for family and/or medical leave of absence with job protection and no loss of accumulated service, provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

Definitions

As used in this policy, the following terms and phrases shall be defined as follows:

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee’s child and in order to care for the child.
 - b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of their position because of the employee’s own serious health condition.
 - e. Service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or being notified of an impending call or order to covered active duty in the Armed Forces. In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single 12-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave and ends twelve (12) months later, regardless of the 12-month period established for other types of FMLA leave.

3. “Per year”: A rolling 12-month period measured forward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2020, four (4) weeks beginning June 1, 2020, and four (4) weeks beginning December 1, 2020, the employee would not be entitled to any additional leave until February 4, 2021.
4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than three consecutive calendar days that also involves:
 - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatment by a health care provider on an occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity that is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.

- f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three (3) days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
- 5. "Licensed health care provider": A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- 6. "Family member": Spouse, child, parent or a person who stands "in loco parentis" to the employee.
- 7. "Covered Service Member": Means either:
 - a. A member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.
- 8. "Outpatient Status": The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
- 9. "Next of Kin": The term "next of kin" used with respect to a service member means the nearest blood relative of that individual.
- 10. "Serious Injury or Illness" (For purposes of the 26-week military caregiver leave) means: for active service members, an injury or illness incurred in the

line of duty or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty and that may render the service member medically unfit to perform the duties of the member's office, grade, rank, or rating. For purposes of a veteran, a qualifying injury or illness that was incurred in the line of duty or that existed before the beginning of the service member's active duty and was aggravated by service in the line of duty and manifested itself before or after the member became a veteran.

11. "Covered Active Duty": (For purposes of the 12-week qualifying exigency leave) is defined as either duty during the deployment of a regular member with the Armed Forces to a foreign country; or duty during the deployment of a reserve member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in § 101(a) (13) (B) of Title X, of the United States Code.
12. "Qualifying Exigency": (For purposes of the 12-week qualifying exigency leave) includes any of the following:
 - a. Up to seven (7) days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days' notice.
 - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active-duty status of a covered military member.
 - c. Qualifying childcare and school activities arising from the active duty or call to active-duty status of a covered military member, such as arranging for alternative child care, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary

due to circumstances arising from the active duty or call to active duty of the covered military member.

- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active-duty status of the covered military member.
- f. Rest and recuperation leave of up to five (5) days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Any qualifying exigency which arose out of the covered military member's active duty or call to active-duty status.

Leave Entitlement

To be eligible for leave under this policy, an employee must meet all of the following conditions:

- 1. Worked for the county board for at least twelve (12) non-consecutive months, or fifty-two (52) weeks;

2. Actually worked at least one thousand two hundred fifty (1,250) hours during the 12-month period immediately prior to the date when the FMLA leave is scheduled to begin; and
3. Work at a location that Muskingum County employs fifty (50) or more employees within a seventy-five (75) mile radius.

The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the 12-month period following such birth or placement. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

Use of Leave

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave benefits (sick, vacation, personal, etc., but not compensatory time) concurrent with the use of unpaid FMLA leave for the remainder of the 12-week period. That is, FMLA leave runs concurrently with applicable paid and unpaid leave benefits. Employees may, at their option, also use compensatory time concurrent with the use of unpaid FMLA leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's 12-week FMLA entitlement will be counted against such time.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his or her child must use all applicable and available accrued paid leave

benefits concurrent with the use of unpaid FMLA leave. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must use all available accrued paid vacation and personal leave concurrent with the use of unpaid FMLA leave.

3. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of their serious health condition or the serious health condition of their family member must use all available accrued paid sick, vacation, and personal leave concurrent with the use of unpaid FMLA leave.

FMLA and Disability/Workers' Compensation

An employee who is eligible for FMLA leave because of their own serious health condition may also be eligible for workers' compensation if the condition is the result of a workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's 12-week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the workers' compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can MCBDD require the employee to do so, while the employee is receiving compensation from such a program.

Procedures For Requesting FMLA Leave

Requests for FMLA leave must be submitted in writing at least 30 days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted to Human Resources. Human Resources will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's 12-week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the leave so as not to unreasonably interfere with MCBDD's operations.

Certification of Need for FMLA Leave

An employee requesting FMLA leave due to their own or their family member's serious health condition must provide a certification of health care provider of the serious health condition, which must designate that the employee's presence is reasonably necessary. Forms are available from Human Resources. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by MCBDD. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by MCBDD. During the pendency of the second medical opinion, the request for FMLA leave shall be conditionally granted. If the first and second opinions differ, MCBDD, at its own expense, may require the binding opinion of a third health care provider approved jointly by MCBDD and the employee. During the pendency of the third medical opinion, the request for FMLA leave shall be conditionally granted. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, MCBDD may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.) or if MCBDD receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to MCBDD within fifteen (15) calendar days.

Intermittent/Reduced Schedule Leave

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee, unless specifically authorized in writing by MCBDD. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least 30 days prior to taking leave or as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by MCBDD establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with MCBDD or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt MCBDD's operations.

Employee Benefits

Except as provided below, while an employee is on FMLA leave, MCBDD will continue to pay its portion of premiums for any life, medical, vision, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts that he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave. MCBDD will not continue to pay MCBDD's portion of premiums for any life and health insurance, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for their portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, MCBDD may seek reimbursement from the employee for any amounts paid by MCBDD for insurance benefits the employee received through MCBDD during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits that are based on length of service. However, specific leave times (i.e., sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave unless such FMLA leave is run concurrently with paid leave.

Reinstatement

An employee on FMLA leave must give MCBDD at least two business days' notice of their intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position that entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by MCBDD.

An employee will not be laid off as a result of exercising their right to FMLA leave. However, MCBDD will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of their position, with or without reasonable accommodation.

Records

All records relative to FMLA leave will be maintained by MCBDD as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

Approved as of 8/11/22

SECTION 6.01 GENERAL STANDARDS OF CONDUCT AND EXPECTED JOB-RELATED BEHAVIOR

Public Trust and Confidence

In order for MCBDD to effectively and efficiently operate, it is important that actions that have or may have the potential to cause a disruption of the organization, could have an adverse impact on MCBDD, or could create a negative image for MCBDD, be kept to a minimum. MCBDD, in an attempt to identify what it believes are standards of conduct, which if violated, may upset the organization and its goals, has set forth those standards and categorized them by degrees of importance. These standards are how employees should conduct themselves. These standards are not meant to be all inclusive nor concrete in the categories listed. Employees shall make every effort to conduct themselves professionally, treating everyone with respect, and with attention to common courtesy and common sense. Employees are expected to serve efficiently and with good behavior.

Standards of Conduct

1. Employees shall show every courtesy and respect to the individuals served by the MCBDD, their families/ guardians, and other MCBDD employees and officials as well as other members of the public.
2. Employees shall fully perform the duties of their position.
3. Employees shall commence duties at the beginning of assigned work periods and shall continue working until the end of the assigned work period.
4. Employees shall not leave the job or work area during regular working hours, unless necessary for the performance of duties or with authorization.
5. Employees shall refrain from making preparations to leave or quit work without specific prior authorization before the lunch period, a break time, or scheduled quitting time.

6. Employees shall consistently and timely report for work and complete an electronic or paper timesheet by 10:00a.m. on the Friday of the current pay period.
7. Employees shall refrain from distracting the attention of others, unnecessary shouting, or other behavior that causes a demonstration or disruption on the job.
8. Employees shall refrain from mischief, horseplay, wrestling, or other undesirable childish, or unsafe conduct, including using profane or abusive language.
9. Employees shall not intimidate, coerce, or interfere with subordinates, individuals, coworkers, supervisors or the general public.
10. Employees shall cooperate with all other employees.
11. Employees shall exercise reasonable care in the use of MCBDD property and equipment.
12. Employees shall avoid using or possessing another employee's equipment without authorization.
13. Employees shall observe official safety rules and common safety practices and maintain neat, clean, sanitary and safe facilities.
14. Employees shall observe all agency rules and regulations.
15. Employees may not obligate MCBDD for any expense, service, or performance, unless authorized via a requisition request.
16. Employees shall immediately report all accidents, injuries, and/or equipment damage.

17. Employees shall consistently, expeditiously, and accurately perform all job duties and responsibilities.
18. Employees shall attempt to perform the highest quality work in a timely fashion.
19. Employees shall not use the Employer's telephone, computers, cell phones, radios, etc., for anything other than business purposes unless authorized.
20. Employees shall only smoke in designated areas.
21. Employees shall not change or amend work schedules without prior consent.
22. Employees shall not sleep during working hours.
23. Employees shall always report to work fit for duty.
24. Employees shall refrain from possessing, using or being under the influence of drugs, including misuse or abuse of prescription drugs, or alcoholic beverages during working hours.
25. Employees shall not use department property or equipment without authorization.
26. Employees shall not perform private work or personal business on department time or with any MCBDD equipment, supplies, etc.
27. Employees shall report for overtime work as instructed by supervisors.
28. Employees shall not make or publish false, vicious, or malicious statements concerning employees, supervisors, their department, or

- MCBDD's operations. An exception to this prohibition exists if the statements are made or published in order to engage in activity protected by R.C. Chapter 4117, including, for example, statements concerning health, safety and/or working condition concerns, work-related issues and/or other protected concerted activities.
29. Employees shall give factual and honest testimony during conduct investigations, pre-disciplinary hearings, and complaint or grievance investigations or hearings and accident investigations.
 30. Employees shall not post, remove, or change notices or signs on bulletin boards unless authorized.
 31. Employees shall not distribute or post any written or printed material on MCBDDs premises unless first receiving authorization.
 32. Employees shall not disregard policies, procedures, rules, or regulations.
 33. Employees shall follow the political activity policies of MCBDD policy and the Ohio Revised Code.
 34. Unless specifically authorized, Employees shall not disclose or distribute any MCBDD records or reveal confidential information regarding individuals' personal information.
 35. Employees shall comply with the Public Records policy and shall release records only if authorized to do so.
 36. Employees shall report off work for any absence each scheduled work day, unless otherwise authorized.
 37. Employees shall request the approval of the Superintendent for all preparation and distribution of materials to the Board population or

community concerning Boards and changes in the operation of the Boards or services prior to release.

38. Employees shall forward all requests from the news media to the Community Relations/Special Projects Coordinator who will secure approval of the Superintendent before releasing information/statements to the news media.
39. Employees are cautioned that any contact with the media must be tempered by the fact that each employee's actions in their private life shall not negatively impact the reputation of the Board.
40. Employees shall not be negligent in the performance of assigned duties or in the care, use, or custody of MCBDD property or equipment, nor abusive, intentionally, negligently or deliberately be destructive in any manner of MCBDD property, tools, equipment, or the property of employees.
41. Employees shall sign their own time sheet or reporting forms.
42. Employees shall always be honest when questioned concerning accidents, when being investigated, and when handling MCBDD records, including performance and application records.
43. Employees shall not make false claims or misrepresentations in an attempt to obtain MCBDD provided benefits.
44. Employees shall not gamble during business hours.
45. Employees shall not steal or act in a similar manner including destroying, damaging, or concealing others' property or MCBDD property.

46. Employees shall not use or be under the influence of narcotics or alcohol or other illegal or controlled substances at work, nor possess or sell the same on the premises.
47. Employees shall not fight or instigate a fight or altercation nor attempt to cause injury to other employees, supervisors, or persons.
48. Employees shall not carry or possess firearms, explosives, or weapons in MCBDD facilities at any time without authorization.
49. Employees shall not conceal a communicable contagious disease.
50. Employees shall not misuse or remove MCBDD records or information without prior authorization.
51. Employees shall be honest and shall not commit any dishonest action.
Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness from work.
52. Employees shall always follow written or oral, assigned work and/or instructions, from supervisors.
53. Employees shall not engage in unlawful harassment or discrimination, including but not limited to sexual harassment, or create a hostile work environment.
54. Employees shall not commit a felony or any other criminal offense the violation of which may adversely affect the public's trust in the employees' abilities to perform the duties of the positions.
55. Employees shall maintain and/or report loss of required licenses, certifications and other qualifications required to perform assigned duties.

56. Employees shall maintain the highest possible ethical and moral standards and perform within state, federal, and local laws, rules, and regulations.

Muskingum County Board of DD takes pride in being a Person Centered Organization. Therefore, the expectation of all employees will be to represent the board in a positive manner at all times. Employees will be provided with and must acknowledge receipt and understanding of an official Employee Code of Conduct (See Appendix 6.01.1 Employee Code of Conduct Acknowledgement) upon hire and annually thereafter to acknowledge their commitment to this objective.

Approved as of 8/11/22

SECTION 6.02 ATTENDANCE AND TARDINESS

Employee attendance is a critical element in delivering quality services to individuals served by the Board. An employee's absenteeism severely impairs the Board's ability to provide quality care by destroying the continuity of the program. Absenteeism increases the workload of other employees and thus affects the quality of services being provided. Good attendance habits are encouraged and required.

Each employee has regularly scheduled hours to work and it shall be his/her responsibility to be present on his/her job during these regularly scheduled hours. Whenever circumstances prevail that an employee must be absent from work, it is the sole responsibility of the employee to notify their immediate supervisor or designee (at the Supervisor's home or at work) or the Superintendent of the absence no later than one (1) hour prior to the start of the employee's workday. Advance notification of an employee's absence shall be given to the Supervisor or the Superintendent whenever possible. Provision governing absences due to sickness, vacation and approved unpaid leaves of absence are covered under the appropriate headings in these personnel policies.

Immediately upon return to work following leave, an employee must submit a leave request for the leave used, update their timesheet, and provide any required documentation that substantiates the reason for absence, including a physician's excuse if required.

Any employee who is absent without approved leave, who fails to contact their immediate supervisor or designee, or the Superintendent regarding their absence in a timely manner as outlined in the paragraph above or fails to work, as scheduled shall be subject to disciplinary action.

An employee shall be expected to maintain good records of attendance and timely appearance for work. Each employee is responsible for initiating the report of any incident of his tardiness or absenteeism, which shall be recorded and made part of the employee's personnel record. Excessive tardiness and

absenteeism may be grounds for disciplinary action, up to and/or including termination.

In the event an employee calls off sick prior to or after a holiday, scheduled break, i.e: spring break, summer break, winter break, etc. The Superintendent or designee shall require a doctor's statement for justification for that employee to receive sick leave pay.

In the event an employee is not able to work for three consecutive calendar days or more due to a sick leave condition, a physician's statement specifying the employee's inability to report to work and the probable date of return to work is required.

Regular, and punctual attendance is an essential function of every job.

MCBDD shall establish daily, weekly, and monthly schedules and shall maintain employee attendance records. Attendance under this policy includes not only regular appearance at work but means following rules pertaining to breaks, lunches, meetings, etc.

Employees are expected to make all possible necessary arrangements outside of work hours which limit them from meeting this required commitment. This includes scheduling medical and dental appointments, as well as other personal business appointments, whenever possible, outside of scheduled working hours. Employees should not normally miss the entire work day for scheduled appointments.

In order to maintain accurate records of attendance, employees must accurately report when leaving the facility. Employees must ensure their timesheet accurately reflects their attendance at work.

Employees are required to consistently maintain a phone number(s) on file with the MCBDD, including cell phone number(s) on file with MCBDD, where the

employee can be reached. Employees are expected to timely respond to calls or contacts from their supervisors.

Violation of Policy

Absenteeism and tardiness shall not be tolerated. Employees are expected to consistently and timely report for work as scheduled. The approval of leaves as contained herein shall not render an employee immune from investigation or charges of absenteeism.

Employees may be disciplined for tardiness or absenteeism. Patterned use, abuse or misuse of sick leave may also be the grounds for disciplinary action. Approval of sick leave will not preclude discipline if it is learned that there has been abuse or misuse.

Supervisory Responsibilities

Each supervisor of MCBDD should exemplify good attendance. It is the supervisor's responsibility to investigate employee attendance violations and to report such to the Superintendent or designee.

Approved as of 8/11/22

SECTION 6.03 SAFETY, SECURITY, HEALTH, AND INJURY

Employee work safety and health is a primary concern, therefore, the Board strives to provide safe and healthy working conditions for every employee. However, it is each employee's ultimate responsibility to follow all safety and health practices, and to assist the Superintendent and other supervisory staff in identifying and correcting any existing or potential health or safety hazards. Likewise, supervisors are charged with monitoring safety conditions and enforcing safety practices and rules.

New employees will receive training regarding safety rules and practices during their orientation program. After initial training, each employee will receive additional training, as needed, to keep current.

All working conditions or equipment believed to be unsafe must be reported to the employee's supervisor in charge as soon as the unsafe working conditions, areas, or equipment is known. Complaints involving alleged unsafe working conditions or equipment must be reported by the employee to his immediate supervisor or the appropriate manager. The supervisor will promptly investigate all reports of unsafe working conditions, areas, or equipment in a timely manner and will make every reasonable effort to correct any which are found and see that the safety rules and safe working methods are followed by all employees.

Protective devices and other equipment, as determined by MCBDD to be necessary to protect employees while in performance of their duties, shall be provided by the MCBDD, and such equipment shall be used by employees.

Adequate first aid kits shall be made available at MCBDD facilities to all employees during working hours.

An employee who is negligent or careless in following safety practices [including operating equipment resulting in damage or an accident] may be subject to appropriate disciplinary action. An employee who willfully ignores such safety practices may be subject to discharge.

All employees are to know and follow the Program's health and safety policies.

General safety and health rules include, but are not limited to the following:

- Employees who drive Program vehicles (or personal vehicles on Program business) must adhere to posted speed limits, and follow all traffic rules and regulations. Employees shall operate vehicles in a safe and controlled manner, with driver, passenger and public safety first and foremost in mind.
- 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.
- The use of portable electric, kerosene, propane or any personal space heater is prohibited.
- Employees must report to their supervisor any equipment that is not working properly and any unsafe conditions.
- Office work areas must remain clean, neat and orderly. All aisles, stairwell fire doors, fire equipment and exits must remain clear of obstructions. In case of fire or tornado, established evacuation/protective procedures shall be followed.
- Employees must read and understand procedures for lockdown and lockout. Employees must be aware of the nearest location of Go/ALICE buckets and barricade locations. Additionally, employees must be able to operate the barricade locking system.
- 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.

- Employees must follow all instructions and procedures for use of equipment, supplies, and other items, including but not limited to, general and safety instructions, and adhere to product warning labels.
- Building Entrances safety procedures:
 - All full-time employees are issued a key card or fob to enter the building to which they are assigned. The security and safekeeping of a key card or fob is the responsibility of the person to which it is assigned. Key cards or fobs may not be loaned or given to any other person.
 - If an employee loses or damages the assigned key card or fob, the employee must immediately notify Human Resources. The employee may be responsible to pay the replacement cost. If the employee chooses not to pay for a new key card or fob, the employee must enter the building by pushing the reader. All Program building doors are to be closed and locked at all times. Full-time employees are to enter a building at the designated door by swiping their key card or fob over the reader which will open the door. Substitutes and transportation employees, and the general public will push on the reader and the employee, who is responsible for monitoring entrance to the building, will activate the door.
 - When more than one employee is entering the building, one employee may use the assigned key card or fob to permit all to enter at the same time. If a non-employee is accompanied by an employee for business reasons, the employee is permitted to allow access to this person who will then be escorted to the office where the visitor may sign in.
 - An employee who changes jobs within the Program, is assigned to a different building, or who is assigned to work a different work schedule is required to notify the Information Technology

Specialist, the Director of Human Resources, and the Secretary of the Administration Office.

- Upon resignation, discharge, or separation from employment for any reason, the employee is to return the key card or fob to the employee's supervisor or manager on the last day of work, or earlier as required.

Additional specific safety rules may be issued, with such rules distributed to affected employees by means deemed appropriate by the Superintendent including, but not limited to posting on employee bulletin boards, disseminating by memo or policy or meeting personally with staff.

Each employee may be evaluated, in part, on his efforts to follow safe work practices, and safety and health policies. Questions or concerns regarding safety rules or practices should be directed to a supervisor or the Superintendent. Each Employee is required to read, understand, and follow the processes specified in the Boards Procedures for Safety and Building Emergency Plans. (See Appendix 6.03.1 Safety & Building Emergency Plans) This document is posted on the Board's Intranet.

Any accident or injury occurring during working hours, or while using MCBDD equipment or vehicles shall be immediately reported by the employee to his immediate supervisor. The supervisor shall notify Human Resources and or designee. The employee shall immediately complete an Employee Report of Incident and Injury form. This report shall be completed, regardless of whether medical attention is required. If there is a witness, a Statement of Witness to Accident form shall also be completed. All reports shall be forwarded to Human Resources, or designee, no later than 24 hours or the next business day after the accident.

Approved as of 8/11/22

SECTION 6.04 INTENTIONALLY LEFT BLANK

SECTION 6.05 LACTATION

The Board provides a supportive environment to employees who are nursing mothers to express their milk during work hours.

In accordance with the Fair Labor Standards Act (FLSA), Section 4207 of the Affordable Care Act (ACA), and the Providing Urgent Maternal Protections (PUMP) Act, employees must be provided with an unpaid, reasonable break time to express breast milk each time the employee has a need to express milk for one year after the child's birth. These protections are extended to all employees, nonexempt and exempt; and include an employee's on-site work location and telework location.

Reasonable Lactation Breaks:

- The nursing employee must be provided with an appropriate functional space, other than a restroom, that is shielded from view and free from intrusion from co-workers and members of the public.
- The frequency and duration of a 'reasonable break' may vary in frequency or duration depending on the individualized situation. Factors such as location of the space, steps reasonably necessary to express milk, may also affect the duration of time an employee needs to express milk.
- These breaks should, if possible, run concurrently with the paid lunch break time available to the employee (example: thirty (30) minute lunch break could be split out over the workday). Breaks should be taken at times during the work day to be as non-disruptive to the work day as possible. For time that may be needed beyond the usual lunch-break time, employees may use personal or vacation leave or may work a flexible schedule to accommodate their needs as approved by their Supervisor. Otherwise, breaks for nonexempt employees will be unpaid, unless the break is under twenty (20) minutes, in which case the break will be paid.
- Nursing employees must be completely relieved from duty during the entirety of the break. If a nonexempt employee continues to work or is

interrupted during the break, they must be paid for the entire break.
Exempt employees continue to receive their full salary regardless of any break.

It is the responsibility of the employee to keep Human Resources informed of their needs so that appropriate accommodations may be made to satisfy the needs of both the employee and the Board.

Approved as of 8/11/23

Revised: 6/8/23

SECTION 6.06 USE OF MCBDD VEHICLES

Agency vehicles shall be restricted for business purposes only.

An employee in need of an agency vehicle for official MCBDD business shall sign out the vehicle, prior to issuance and use.

Employees who operate agency vehicles or their private vehicles for MCBDD business must maintain a valid driver's license and be insurable under MCBDD's insurance plan.

If an employee's position requires that the employee be able to operate vehicles and the employee no longer maintains a valid driver's license and/or becomes uninsurable under MCBDD's insurance plan, the employee may be separated from employment.

Employees who are required to use their privately owned vehicles for MCBDD business are required to carry, as a minimum, vehicle liability insurance in accordance with Section 4509.51 of the Ohio Revised Code.

Employees shall immediately inform Human Resources of any changes in their driver's license or insurance coverage. Examples of these changes include, but are not limited to, revocation or suspension of license or cancelation of insurance coverage.

To be eligible for mileage reimbursement the employee will provide proof of insurance coverage, as stipulated above, to the Board's business office.

Employees operating a motor vehicle to perform MCBDD business are required to have a proper and valid motor vehicle operator's license and shall either provide or authorize MCBDD to obtain a copy of their annual Motor Vehicle Report. Further, employees shall notify their immediate supervisor of any citation or arrest for any traffic violation immediately of such violation and/or conviction. If violation occurs outside of work hours, employees must notify their supervisor prior to reporting to work.

Employees are required to use privately owned vehicles for purposes of getting to and from work and for any other personal travel. Agency vehicles are not to be used for this purpose unless the Superintendent specifically authorizes for a specific use.

Any employee who operates an agency vehicle shall exercise caution and responsibility and shall adhere to all safety regulations. Reckless, negligent, or destructive operation of vehicles are grounds for disciplinary action up to and including termination.

Employees who operate an agency vehicle, or a privately owned motor vehicle on MCBDD business, shall be required to wear seat belts and shall ensure that other passengers wear seat belts. Employees are reminded that the use of seat belts is the law.

Employees while driving during MCBDD business are required to adhere to all laws related to hands free technology. Violations of this policy shall be grounds for disciplinary action up to and including termination. Distracted driving of any kind is unsafe and can violate Ohio distracted driving and texting laws.

Specifically, employees are prohibited from driving while using any electronic wireless communication device such as a cell phone, a text messaging device, a laptop computer or computer tablet, or any similar device that is designed or used to communicate text or voice messaging, except an employee may use a voice activated device or hands-free device that allows use an electronic wireless communications device without the use of either hand except to activate, deactivate, or initiate a feature or function, provided such use can be done safely.

Other prohibited forms of driver distraction under Ohio law can include any activity that is not central to driving.

While operating a vehicle on Board business, the employee is to be aware of, and comply with any municipal ordinance or other State law that prohibits or restricts cell phone use or any other form of distracted driving. The employee

may also be subject to appropriate disciplinary action, up to and including discharge for failure to follow safe driving standards and this policy.

Smoking in County Vehicles is strictly prohibited. Smoking is also prohibited in any private vehicle that is used for Board business when one or more occupants object to the smoking.

Employees shall not use or permit the use of an agency vehicle for any purpose other than MCBDD business.

The need for routine repair or vehicle maintenance of agency vehicles shall be reported to the Mechanic. Employees who fail to properly report maintenance problems of agency-owned vehicles, may be subject to disciplinary action.

Traffic fines and arrests for illegal or improper use of vehicles in the scope of an employee's job are the sole responsibility of the employee and may subject the employee to disciplinary action.

Hitchhikers or other passengers not on official MCBDD business are not permitted in agency-owned vehicles.

No unauthorized drivers are permitted to operate an agency vehicle at any time.

In the event of an accident, the employee should:

1. call EMS and, if necessary;
2. call the appropriate law enforcement agency;
3. immediately fill out an accident report and write down facts:
 - a. other driver's name, address, telephone number, and name of his insurance company;
 - b. names of injured persons, address, telephone number; and names of witnesses, addresses, telephone numbers;

4. not admit liability, but should give the other party name, address, driver's license number, and vehicle license number;
5. notify Human Resources and your Supervisor as soon as possible;
6. employee shall not operate a MCBDD vehicle until Superintendent or designee gives authorization or approval;
7. as soon as practical following an accident in which the driver is determined to be at fault, the driver shall be tested for alcohol and controlled substances.

Agency vehicle interiors are to be kept neat and clean. Each employee is responsible for cleaning trash and all belongings out of the assigned vehicle, upon return of vehicle to the Board.

Approved as of 8/11/22

SECTION 6.07 EMPLOYEE DRIVER ABSTRACTS AND INSURABILITY

All employees in positions which require a driver's license and/or CDL are required to maintain insurability with Muskingum County's insurance carrier.

Employees operating a vehicle on behalf of the board are expected to operate the vehicle in a responsible manner. Driving abstracts will be requested by MCBDD, and will be obtained at the following times:

1. Employment is contingent on receipt of a satisfactory driver abstract as a condition for initial employment as required by the job description.
2. Abstracts are obtained by Muskingum County's insurance carrier for every new employee upon hire. The Muskingum County insurance carrier will send the Director of Human Resources for the Board of County Commissioners updates as soon as any employee receives any violations.
3. All employees must report all moving violations in writing to their supervisor immediately. The supervisor will inform Human Resources of the violation. Human Resources will request a driving abstract from the Muskingum County insurance carrier.

The following is a listing of motor vehicle related occurrences (convictions and/or points accumulations), the appearance of which on the driving record of a County Board employee may result in denial of employment or suspension of the employee's driving privileges:

A conviction for:

- driving under the influence of alcohol or drugs;
- vehicular homicide;
- leaving the scene of an accident;
- attempting to elude or flee law enforcement after a traffic violation;

- drag racing;
- speeding within a school zone;
- a four (4) point or higher speeding violation (speed exceeded the lawful limit by thirty (30) mph or more);
- having physical control of a vehicle while under the influence; or
- other intentional and dangerous use of a motor vehicle.

Two or more “at-fault” accidents, the nature and severity of the accidents to be taken into consideration by the Superintendent or designee.

Three or more moving violations, the nature and severity of the violations to be taken into consideration by the Superintendent or designee.

One “at-fault” accident and two moving violations, the nature and severity of which to be taken into consideration by the Superintendent or designee.

In a case where the Superintendent has suspended the employee’s driving privileges and driving is an essential function of the employee’s position, the Superintendent may take appropriate disciplinary action, up to and including termination, as permitted by the County Board’s personnel policy, and the laws and regulations of the state of Ohio.

All applicants applying for a position in which driving is an essential function of the position will have a Motor Vehicle Report checked for accidents and violations to determine eligibility for the position. An applicant may be denied employment on the basis of an unsatisfactory driving record, within the discretion of the Superintendent, without regard to the number of points or violations or whether they occurred within the BMV three year reporting period.

The minimum following action should occur in the event that an employee who drives on behalf of the county board has a vehicle accident or violation. The driving record should consider the immediate past thirty-six (36) months and will apply whether an incident occurred in Ohio or elsewhere.

Recommended Minimum Action:

- Two Points (2) or less –No action required.
- Three - Five Points (3-5) –
 - The driver will meet with Human Resources.
 - Discuss possible consequences of additional convictions.
 - Have driver take remedial defensive driving course (at employee's expense).
 - Progressive Discipline according to policy.
- Six Points (6) –
 - Discuss action with Human Resources and/or legal counsel.
 - Meet with driver with Human Resources and/or legal counsel.
 - Thirty (30) Day suspension from driving for a definite period of time and/or other appropriate action.
 - Have driver take remedial defensive driving course (at employee's expense) prior to driving for, or on behalf of the County Board.
 - Automatic suspension if offense was driving under the influence of alcohol or drugs.
- More than Six Points (6+ points) –
 - Discuss action with Human Resources.
 - The driver will meet with Human Resources.
 - 180-365 Day suspension from driving on behalf of the County Board at least until points acquired reduce to less than six (6) points and/or other appropriate action, which should include counseling.
 - Have driver take remedial defensive driving course (at employee's expense) prior to driving for, or on behalf of the County Board.

Approved as of 8/11/22

SECTION 6.08 TRANSPORTATION OF INDIVIDUALS

Employees must periodically provide the Board with information required for insurance purposes and to evaluate driver safety. Only authorized Board employees may transport individuals.

Employees authorized to transport individuals must:

1. Have an acceptable driving record.
2. Be a minimum of eighteen (18) years of age and have a valid Ohio driver's license;
3. Operate the vehicle in a cautious and safe manner, observing all safety regulations;
4. Always use the Board-required restraint systems; and
5. All children less than four (4) years of age, or weighing fewer than forty (40) pounds, must be transported in an approved child safety seat.
6. All children less than eight (8) years of age, unless they are at least four (4) feet, nine (9) inches tall must use a booster seat.
7. Children ages 8 - 15 years of age must use a child safety seat or safety belt.
8. All adults must use seat belts.
9. Be able to verify acceptable liability insurance on private vehicles that are used for job-related travel. (See Section 6.06)

Approved as of 8/11/22

SECTION 6.09 EMPLOYMENT OF PROGRAM INDIVIDUALS BY EMPLOYEE'S AND BOARD MEMBERS

It is the intent of this policy to inform Board employees and Board members that engagement of the services of Board individuals served by MCBDD to perform tasks outside the normal service scope is viewed as employment. Employment as used in this section means engagement in work for which remuneration is customary including, but not limited to, babysitting, lawn mowing, assistance with moving, janitorial/custodial tasks.

Remuneration of at least minimum wage or prevailing rate, is expected for Board participants who perform personal work for Board employees or Board members.

Services of an enrollee are to be approved through the Superintendent and the Ethics Committee to ensure compliance with ethical and legal standards.

Approved as of 8/11/22

SECTION 6.10 NO SOLICITATION / NO DISTRIBUTION

In order to maintain a productive, appropriate and safe working environment, MCBDD reserves the right to govern solicitation and distribution by employees and non-employees.

Non-Employees

1. The Board prohibits solicitation and distribution by non-employees on its premise. This section does not apply to vendors of goods and services for business purposes or vendors sanctioned by MCBDD.
2. Any violation of this policy should be reported to the Superintendent immediately. Violators will be subject to removal from Board premises, legal action and/or loss of solicitation rights.
3. Should a non-employee attempt to solicit or distribute items on the Board's property, each employee is authorized to respectfully request such person to cease such activity and to leave the premises. Any person who refuses to leave, or otherwise fails to comply with this policy, shall be immediately reported to the Superintendent, or designee, who shall request that violators leave the premises.
4. The Board expects its employees to make reasonable efforts to discourage telephone solicitation during the workday. Calls from sales representatives, recruiters, or other persons disrupt work, and may not be in the interest of the Board. Therefore, employees should promptly and courteously inform the caller that the Board does not permit solicitations and disengage the call.

Employees

1. Employees are prohibited from soliciting or distributing non-work related materials for any purpose or cause during working time in working areas.

2. 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.
3. Employees are expected to respect the wishes of other employees who express that they do not wish to participate in solicitations or distributions of materials during their non-working time. Solicitation is subject to supervisor approval.
4. Use of board equipment is strictly prohibited for any non-work related solicitation.

In General

1. The Superintendent shall designate which areas are working and non-working areas, for purposes of this policy. In general, a non-working area means any area in which work is not performed such as a restroom or break area. A working area shall cover all areas on the Board's premises that are not specified as a non-working area.
2. Non-working time shall include any lunch period and authorized break times while work time is all other times that the department is open, excluding any time specified as non-working.
3. The Board maintains various communication systems to communicate Board information to employees and to disseminate or post notices required by law. The communication systems (including bulletin boards, mail, electronic mail, express mail courier services, fax machines, computer networks, on-line services, computer files, telephones and cellular telephones) are for business use only and may not be used for solicitation or distribution of non-business information. The unauthorized use of communication systems or the distribution or postings of non-business-related notices, photographs or other materials on any Board property is prohibited (see Bulletin Board and Use of Communication Systems).

4. Any violation of this policy should be reported to the Superintendent immediately. Violators may be subject to disciplinary action and/or loss of future solicitation or distribution rights.

Approved as of 8/11/22

SECTION 6.11 SUBSTANCE ABUSE FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

MCBDD hereby affirms its position in support of the federal Drug-Free Workplace Act of 1988. In accordance with the Act, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that occurs within the workplace is strictly prohibited. This policy prohibits the use, possession, and distribution of equipment, paraphernalia, or literature encompassing the use of illegal drugs or substance abuse within the workplace.

Zero-Tolerance

The Board has a zero-tolerance policy for employees who are under the influence of illegal drugs and alcohol while at work. Employees who use medical marijuana pursuant to a medical marijuana card under ORC Chapter 3976 or who use, possess, or distribute adult-use cannabis in compliance with ORC 3780 are NOT exempt from this policy in any way. The use of marijuana, in any form, with or without a card or compliance with Ohio law, will be treated the same as the use of all other controlled substances, illegal drugs, or the abuse of legal drugs.

The Board is not required to permit or accommodate an employee's use, possession or distribution of either medical marijuana or adult-use cannabis. The Board is permitted by law to refuse to hire, discharge, discipline, or otherwise take an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment with the Board because of that individual's use, possession, or distribution of either medical marijuana or adult use cannabis. An employee's use, possession or distribution of adult use cannabis in the Board's buildings and on the Board's grounds is prohibited, and employees are not permitted to use medical marijuana or adult use cannabis while on lunch or other breaks.

Any conduct that is in violation of this policy will subject the offending employee to appropriate disciplinary action, up to and including termination from

employment. In addition, conduct that involves the use of illicit drugs could subject the employee to possible criminal prosecution.

Prohibited Substance Use and Abuse

- Reporting to work intoxicated, or under the influence of illegal drugs or alcohol
- Using alcoholic beverages on the Board's premises: This includes use during both working and non-working hours
- Using any illicit drug: including use during working and/or 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, prescription, or over the counter drug that impairs the employee's ability to perform their job safely, or threatens the safety, productivity, public image or property of the Board or its employees.
- Abusing prescribed medication contrary to the frequency and/or amount prescribed by a physician lawfully permitted to prescribe the medication;
- Possessing alcohol at any time or anywhere on the Board premises or job sites, including Board buildings, properties, vehicles and the employee's personal vehicle while engaged in Board business;
- Possessing, using, selling, purchasing or delivering any illegal drug at any time and at any place except as may be necessary in the performance of duty;

- Failing to report to the employee's supervisor any known adverse side effects of medication or prescription drugs, which the employee is taking.

Drug and Alcohol Testing

It is the policy of the Board that the public has the absolute right to expect persons employed by the Board will be free from the effects of drugs and alcohol. The Board, as the Employer, has the right to require its employees to report for work fit and able for duty and to set a positive example for the community. The purposes of this policy shall be achieved in such a manner as not to violate any established constitutional rights of the employees of the Board.

All new hires shall be tested prior to starting employment with the Board. When there is reasonable suspicion to believe that an employee is being affected by the use of alcohol at work; has abused prescribed drugs; or has used drugs, the Board shall have the right to require the employee to submit to alcohol or drug testing as set forth in this policy. The Board may also require employees in safety sensitive positions to randomly submit to alcohol or drug testing.

Within forty-eight (48) hours of the time the employee is ordered to testing authorized by this Personnel Manual, the Board shall provide the employee with a written notice setting forth the facts and inferences which form the basis of the order to test. Refusal to submit to such a test may subject the employee to discipline, but the employee's taking of the test shall not be construed as a waiver of any objection or rights that he or she may possess. Employees injured on the job, who refuse to be tested, will be subjected to the Bureau of Workers' Compensation standard that it is a rebuttable presumption that the use of alcohol or drugs may have caused the accident. The Board will provide transportation to the licensed medical facility to obtain bodily fluid or material samples.

An employees' use of prescription or over the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical physician. Employees must inform the Board if

they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed physician indicating that they are capable of performing the essential functions of their job, without reasonable accommodation.

Board Obligations

- Use only a clinical laboratory or hospital facility, which is certified to perform drug and/or alcohol testing. The licensed medical facility will serve as a collection site and to a laboratory designated by the Board will conduct the required testing of samples.
- Establish a chain of custody procedure for both the sample collection and testing that will ensure the integrity of the identity of each sample and test result.
- Collect a sufficient sample of the same bodily fluid or material from an employee to allow for initial screening, a confirmatory test, and a sufficient amount to be set aside reserved for later testing if requested by the employee.
- Collect samples in such a manner as to preserve the individual employee's right to privacy while ensuring a high degree of security for the sample and its freedom from adulteration. Employees shall not be witnessed by anyone while submitting a sample except in circumstances where the laboratory or facility does not have a "clean room" for submitting samples or where there is reasonable suspicion that the employee may attempt to compromise the accuracy of the testing procedure.
- Confirm any sample that tests positive in initial screening for drugs by testing the same sample by gas chromatography/mass spectrometry (GC/MS) or an equivalent or better scientifically accurate and accepted method that provides quantitative data about the detected drug or drug metabolites.

- Provide the employee tested with an opportunity to have the additional sample tested by a clinical laboratory or hospital facility of the employee's choosing, at the employee's own expense; provided the employee notifies the Board within seventy-two (72) hours of receiving the results of the test.
- Require that the laboratory or hospital facility report to the Board that a blood or urine sample is positive only if both the initial screening and confirmation tests are positive for a particular drug. The parties agree that should any information concerning such testing or the results hereof be obtained by the Board inconsistent with the understandings expressed herein (i.e., billing for testing that reveals the nature or number of tests administered), the Board will not use such information in any manner or form adverse to the employee's interest.
- Require that with regard to alcohol testing, for the purpose of determining whether the employee is under the influence of alcohol, test results showing a presence of alcohol.
- Provide each employee tested with a copy of all information and reports received by the Board in connection with the testing and the results.
- Ensure that no employee is the subject of any adverse employment action except that emergency temporary reassignment or relief of duty during any pending testing procedure.
- Take no adverse employment action against any employee who, prior to committing a violation of this policy, voluntarily seeks treatment, counseling or other support for an alcohol or drug-related problem, other than the Board may require reassignment of the employee with pay if they are unfit for duty in their current assignment if an assignment is available. The foregoing is conditioned upon:
 - The employee agreeing to appropriate treatment as determined by the physician(s) involved;
 - The employee discontinues use of illegal drugs or abuse of alcohol;

- The employee completes the course of treatment prescribed, including an “after-care” group for a period of twelve (12) months;
- The employee agrees to submit to random testing during the hours of work during the period of “after-care”.

Return to Work Following Assessment or Rehabilitation

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. 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.

Employees who do not agree to or act in accordance with the foregoing shall be subject to discipline, up to and including discharge. This policy shall not be construed as an obligation on the part of the Board to retain an employee on active status throughout the period of rehabilitation if it is appropriately determined that the employee’s current use of alcohol or drugs prevents such individual from performing the duties of their position or whose continuance on active status would constitute a direct threat to the property and safety of others. Such employee shall be afforded the opportunity, at his/her option, to use accumulated paid leave or take an unpaid leave of absence pending treatment. If an employee has a second violation of this policy, the employee shall be disciplined with no right to the treatment option.

Drug & Alcohol Testing for CDL License Holders

The Board expects to maintain a safe, healthy, and efficient work environment for its employees, enrollees and the public, and to protect its property, operations, and reputation.

Consistent with this philosophy, the Board believes that the safety of students, while being transported to and from school, or school activities, is of fundamental importance and priority. Student safety, while riding in a bus, van or other vehicle is the primary responsibility of the vehicle operator. Accordingly, each operator must be generally mentally and physically alert, at all times, while on duty. This includes each operator's responsibility for complying with drug and alcohol abuse requirements and this policy.

Pursuant to federal statutes and regulations, all vehicle operators, working for the Board and who are required to have a commercial driver's license (CDL) regulated by the Department of Transportation, are subject to alcohol and drug use prohibitions and restrictions.

Regulations expressly prohibit certain conduct of employees whose job requires possession of a CDL, and mandate consequences that will follow any violations of its regulations. These consequences do not replace, but are in addition to, the conduct prohibited and the disciplinary actions set forth under the policies of the Board.

Specific requirements pertaining to vehicle operator alcohol use are specified below. A vehicle operator is prohibited from:

- using alcohol while performing safety-sensitive functions
- performing a safety-sensitive function within four (4) hours after using alcohol
- reporting to duty or performing a safety-sensitive function with an alcohol concentration of .04 BAC percent or greater
- using alcohol eight (8) hours following an accident or until tested when required to be tested
- possessing alcohol while on duty in the vehicle

Specific requirements pertaining to vehicle operator's drug use are specified below. A driver is prohibited from:

- using or possessing any illicit drug; or using prescription or other drugs that can affect the vehicle operator in performance of safety sensitive duties.
- testing positive for drugs specified in this policy
- being convicted of an illegal drug offense, under any state or federal drug statute, for a violation occurring in the workplace, or occurring while conducting Board business, and failing to notify the Superintendent of such a conviction within five (5) calendar days of the conviction as required in the Drug-Free Workplace policy specified in this manual.

In general, a driver is further prohibited from:

- manipulating, switching or committing other misconduct related to a urine, breath, saliva or blood specimen or test
- refusing to submit to a required test
- disclosing information about an individual's alcohol or drug testing referral or results of said testing or treatment referrals to anyone without a "need to know"

Each regular and substitute bus driver, as well as any other staff member who is required by the Board to hold a CDL license, shall be tested, as specified herein, for the presence of alcohol in their system, and for the presence of the following controlled substances:

- Marijuana
- Cocaine
- Opiates
- Amphetamines
- Phencyclidine [PCP]

Whenever an employee receives notification of a positive, primary specimen test result, the employee will be immediately suspended from driving a school vehicle. The employee may request that the split sample be tested in a different DHHS-certified laboratory. This request must be made within seventy-two (72) hours after the Bus Driver received notification of the positive test result. Any test requested by the employee will be performed at the employee's expense.

Drug and alcohol tests shall be conducted as follows, in accordance with Federal and State regulations, using the "split sample" method of collection:

- Prior to, and as a condition of original employment; or for current employees, prior to being appointed to a position that requires a CDL license. Outside and internal applicants for a position requiring a CDL, who fail a pre-employment test, will not be appointed. Further, a current employee who fails a drug test may be subject to appropriate disciplinary action, up to and including discharge.
- Whenever a supervisor has reasonable suspicion to believe that the driver's behavior or appearance indicates drug use and/or alcohol misuse, the supervisor shall so notify the Superintendent who will determine if there is reasonable suspicion to merit a drug or alcohol test
- Bus Drivers who are involved in an accident will be subject to an alcohol and drug test, following the accident, whenever the driver receives a citation, under state or local law, for a traffic violation arising from the accident, or whenever the accident involves a fatality. The driver will be immediately suspended from driving a Board vehicle, and then must submit to an alcohol test within eight (8) hours following the accident. The employee shall not consume any alcohol for the eight (8) hours following the accident, or until the driver submits to an alcohol test and is no longer on duty. Likewise, a driver must submit to a drug test within thirty-two (32) hours following the accident.
- All Bus Drivers will be subject to unannounced drug and alcohol testing. Each will have equal probability of being selected for testing and will

remain in the pool during the course of their CDL required employment with the Board. In accordance with DOT regulations, the number of random alcohol tests to be performed annually will be equal to, or exceed a number to 25% of the total number of drivers. In accordance with DOT regulations, the number of random drug tests to be performed annually will be equal to, or exceed a number of 50% of the total number of drivers.

Approved as of 8/11/22

Revised 1/11/24

SECTION 6.12 POLITICAL ACTIVITY
(O.R.C. 124.57)

Employees in the classified service ORC 124.11(B) are prohibited by Ohio Revised Code 124.57 from engaging in political activity.

"Political activity" and/or **"politics"** shall be defined as partisan activities and will refer to campaigns and elections involving primaries, partisan ballots at primary, special, or general election, and/or partisan candidates.

Activities permitted for employees in the classified service are as follows:

1. registration and voting;
2. expression of opinions, either oral or written;
3. voluntary financial contributions to political candidates or organizations;
4. circulation of nonpartisan petitions or petitions stating views on legislation;
5. attendance at political rallies;
6. signing nominating petitions in support of individuals;
7. display of political materials in the employee's home or on the employee's property;
8. wearing political badges or buttons, or the display of political stickers on private vehicles;
9. serving as a precinct election official under Ohio Revised Code 3501.22;
and
10. engaging in other activities permitted by ORC 124.57.

Activities prohibited for employees in the classified service are as follows:

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. circulation of 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. acceptance of 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 or candidate success;
8. solicitation, either directly or indirectly, or any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;
9. solicitation of the sale, or actual sale, of political party tickets e.g. fundraising;
10. partisan activities at the 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; and
13. engaging in other activities prohibited by law.

Unclassified staff are not restrained from taking part in partisan politics by this section.

Employees may not, at any time, utilize board owned vehicles, equipment, supplies or facilities to influence the outcome of a partisan election or to further the cause of a political party or candidate.

An employee in the classified service who engages in any of the prohibited activities listed above is subject to removal from his position in the classified service in accordance with Ohio Revised Code 124.57.

Approved as of 8/11/22

SECTION 6.13 DRESS AND HYGIENE

Reasonable and Appropriate Dress, Hygiene and Grooming

MCBDD employees must project a professional image at all times. Clothing shall be functional, professionally appropriate, and conducive to the safe and effective performance of required job duties; based on the ability to perform job duties with undue effort, prevent distractibility, and project a favorable image of the Board. Employees shall model appropriate business casual attire unless otherwise noted below. Clothing must be consistent with each employee's role with the Board. This policy must be followed for duties performed on and off of Board premises.

Clothing

- Clothing must be neat, clean, appropriate, and in good repair. Clothing which is dirty, torn, or frayed is not permitted.
- Dresses and skirts must be of modest length. Skirts shall be no higher than four (4) inches above the knee.
- Jeans must be clean with no holes.
- Clothing that reveals too much cleavage, stomach/midsection, or undergarments are not permitted. (ex. no tank tops, or shirts with spaghetti straps)
- Failure to wear undergarments is considered inappropriate workplace attire and is not permitted.
- Loose clothing styles or accessories which could be caught on wheelchairs or braces, or become choking hazards, and tight-fitting clothing which could limit movement shall not be worn.
- Spandex is prohibited. Leggings may be worn provided both the front and backside is covered with an appropriate long shirt, tunic, or dress.

- When working in an area where heavy equipment, power tools and/or chemicals are being used, long pants must be worn and appropriate safety equipment must be used.
- Maintenance staff must dress appropriately dependent upon specific job assignments.
- Nursing staff may wear scrubs.
- Food Service staff must keep hair pulled back away from the face and wear a county board provided visor and apron while working in the kitchen.
- The Adaptive PE Teacher is permitted to wear shorts (no shorter than four (4) inches above the knee). For any other position, shorts may only be worn in the rare instance that it is appropriate for the work function and climate, in which case, prior approval from the Supervisor and Human Resources is required. Short shorts or spandex bicycle shorts are not permitted.

Footwear

- Footwear must be clean, in good repair, functional, and professionally appropriate for the job duties being performed and must show the greatest degree of flexibility and safety.
- When conducive to duties performed and work function, heels may be worn, but are not to exceed three (3) inches.
- Open-toed shoes or sandals are only to be worn when conducive to duties performed and work function; Flip-flops (meaning any sandal that is secured on the foot by a thong between the first two toes, and does not have a back-strap) or beach type sandals or slides are prohibited.

- Open-toed shoes or sandals are prohibited when working in a direct-care or safety sensitive setting.

Jewelry and Tattoos

Employees are permitted to wear jewelry and display tattoos in the workplace, however, jewelry and tattoos may not pose a conflict with the employee's job performance or work environment. Employees may be required to cover tattoos and/or remove body piercings/gauges while at work or while identified as a MCBDD employee. The standards shall be determined with consideration of work environment, safety, contact with public, and nature and/or content of the tattoos and piercings.

- Any jewelry that could be functionally restrictive, dangerous, unsafe, affect job performance and/or productivity, inhibit working with individuals with developmental disabilities safely, or cause damage to company property is prohibited.
- Jewelry of any type that could be broken, grabbed, or pulled (including, but not limited to: earrings that hang below the jawline or facial piercings such as eyebrow, nose, lip, or tongue) should be carefully considered before being worn. Section 5.13 Assault Leave will not be applicable for injuries sustained due to wearing jewelry of this type; additionally, resulting workers compensation claims may be denied.
- Any jewelry or tattoo that could be offensive to co-workers, customers, vendors or others in the workplace based on racial, sexual, religious, ethnic, or other characteristics or attributes of a sensitive or legally protected nature is prohibited.
- The Board will not be responsible for repair, replacement, or reimbursement, of any jewelry or watches damaged during the course of the employee's job.

Hygiene & Grooming

- Employees are expected to engage in appropriate standards of cleanliness and good hygiene.
- Each employee, regardless of their position, shall come into work clean, using generally accepted personal hygiene standards.
- Hair, including facial hair, will be clean and well-groomed. Long hair shall not interfere with job duties or create safety hazards.

Monitoring

Supervisors will closely monitor employees and will caution any employee whose dress and/or hygiene is not in compliance with this policy. Violation of this dress code will subject the employee to being sent home to obtain proper attire. The employee will not be compensated for such time spent away from work. Continued violations may result in disciplinary action.

Employees must exert judgement in their choice of clothing or shoes to wear. If employees are uncertain about what is acceptable attire, they must ask their supervisor or Human Resources prior to coming to work.

Exceptions and Accommodations

Occasionally, exceptions to this policy may be approved in consideration of:

- An employee's work assignment.
- An employee's medical need.
- An accommodation for an employee's religious beliefs provided it does not create an undue hardship.

Those requesting an exception or accommodation must inform their Supervisor and Human Resources and receive prior approval.

Approved as of 8/11/22

Revised: 6/8/23

SECTION 6.14 BULLETIN BOARDS

All county notices, state or federal required notices, and required legal notices shall be posted by designated representatives of MCBDD on the official bulletin boards or other designated area. Information not directly related to the conduct of Board business shall not be posted on official bulletin boards.

Official bulletin boards shall contain the most up-to-date postings including but not limited to:

1. Minimum Wage/Wage and Hour Laws;
2. Child Labor;
3. Employment Discrimination, including the Americans with Disabilities Act;
4. Workers Compensation;
5. Unemployment Compensation;
6. Family and Medical Leave Act; and
7. Public Employment Risk Reduction Act.

Materials posted without prior approval will be removed from the bulletin boards.

Supervisors have the responsibility of maintaining the bulletin boards and keeping them current at all times. Outdated materials will be removed. Employees shall not remove anything from the bulletin boards without the permission of their supervisor or the Superintendent. Employees are required to submit all materials to their supervisors before posting.

Board and county equipment other than bulletin boards shall not have any signs or messages posted on it other than approved official notices. Employees violating this policy may be subject to discipline.

Employees are expected to consult the bulletin board regularly.

Approved as of 8/11/22

SECTION 6.15 TOBACCO POLICY

The purpose of this policy is to provide a safe and healthy environment for employees and the public. Ohio laws regarding smoking will apply and be enforced.

1. Smoking or the use of tobacco products, including electronic cigarettes and vapor devices, in county board facilities and on county board premises is prohibited, with the exception of the designated smoking area.
2. Smoking or the use of tobacco products, including electronic cigarettes and vapor devices, in county board vehicles is prohibited, including all privately owned vehicles being driven in the course and scope of employment when one or more passengers object.
3. Employees who wish to smoke or use tobacco products must do so on approved breaks in the designated smoking area. These breaks are not additional breaks in an employee's work day. They are to be deducted from the thirty (30) minute lunch break, or to be made up at the beginning or end of the work day.
4. Employees must be respectful of the property surrounding the designated smoking area and must dispose of cigarette debris safely and appropriately in the smoking receptacle.
5. Any violation of this policy will result in disciplinary action, up to and including termination.
6. This prohibition extends to all volunteers, vendors, contractors, visitors, and the general public. Failure to comply will result in a directive to leave the property. Failure to leave as directed will result in a report being filed with the appropriate law enforcement authorities.

Approved as of 8/11/22

SECTION 6.16 AUDIO AND/OR VIDEO RECORDING

The MCBDD is committed to providing a safe and secure environment for its employees, visitors and individuals supported by the MCBDD.

Due to the potential for issues such as invasion of privacy of employee and/or individuals supported by the MCBDD, unlawful harassment as defined by MCBDD policy, as well as to protect confidential client information, it is the policy of the MCBDD that no person, including employees, volunteers, individuals supported by the MCBDD, or visitors, shall record; by any means including audio and/or video (collectively referred to as “record” or recording”) within the workplace, during working time, without advance permission of the Superintendent or her designee.

Definition

“Workplace” for purposes of this policy, includes the premises of the MCBDD, any other location where any MCBDD employee is present and conducting his or her job duties, any MCBDD owned vehicle, or any other vehicle while it is being used for MCBDD purposes.

Exceptions

An exception to this prohibition exists if an employee is recording in the workplace in order to engage in activity protected by R.C. Chapter 4117, including, for example, conversations concerning health, safety and/or working condition concerns, work- related issues and/or other protected concerted activities. In the event that an employee makes a recording under this exception, the recording may qualify as a public record of the MCBDD which requires that the recording be maintained by the MCBDD pursuant to Ohio’ Records Retention Act and the MCBDD’s records retention policy. Accordingly, a copy of any recording made in the workplace must be provided within twenty-four (24) hours to the Human Resources Department.

Other

All employees are required to continue to follow the MCBDD Relations Release form.

While within the workplace of Private Providers, all MCBDD employees are expected to be aware of, as well as to follow, any and all applicable policies of the Provider Agency, in addition to this policy.

Violations of any part of this policy may subject an employee to discipline, up to and including termination.

Approved as of 8/11/22

SECTION 6.17 PUBLIC RECORDS REQUEST
(O.R.C. 149.43)

The MCBDD and its employees will comply with the Ohio Public Records Law.

Any request for the release or inspection of public records will be directed to the MCBDD Human Resources. Upon the request and within a reasonable period of time, the records must be made available to view at no cost and when copies are requested a fee must be charged five cents (\$0.05) per page/copy.

If the person chooses to obtain copies of the records, the Board or person responsible for the records must permit the person to choose to have the records duplicated; as such

1. Upon paper;
2. Upon the same medium upon which is kept;
3. Upon another medium which the public office/person responsible for the record determines that it is reasonable, can be duplicated as an integral part of operations.
4. Records may be mailed to the person requesting the records at the cost associated with mailing the documents.
5. A limit will be placed to ten requests per month for any given person that requests documents unless such person certifies that the documents are not for commercial use.

Exception to documents

1. The MCBDD shall withhold or redact any records that are responsive to a public records request which are exemptions to the definition of a public record as set forth in R.C. 149.43.

2. If a public record contains information that is exempt from disclosure and some information that is not, the information that is exempt must be redacted (black out).

Employees may not copy or remove any record, with the exception of an approved written request for the employee's own medical records as defined under R.C. 4113.23, or an approved request for the employee's own payroll records as defined under R.C. 4111.14(G) or writing for personal use or for the personal use of another employee, even those regarded as "public records," without first obtaining advanced written permission from their supervisor, or without going through the process for obtaining public records outlined above.

Except for official MCBDD business or records obtained through a response to a public records request or as a part of discovery in a legal proceeding, including but not limited to a pre-disciplinary, or arbitration procedure, employees may not have any MCBDD writing or document in their possession, unless obtained through this policy.

Any employee who is discovered to have violated any of the above provisions may be disciplined up to and including termination.

Any questions regarding public records policy should be directed to the Superintendent or designee.

Approved as of 8/11/22

SECTION 6.18 TOOLS, SUPPLIES AND EQUIPMENT

Tools, supplies and equipment are provided for employees' use in the performance of their job duties. It is the employee's responsibility to use tools, supplies and equipment in a safe manner.

Misuse, neglect, theft, and abuse of tools, supplies, equipment, computers, and telephones and accidents involving misuse of tools or equipment will be cause for disciplinary action. Employees shall only use tools, supplies, and equipment necessary to perform their job, as approved or assigned by MCBDD. Use of tools, supplies and equipment for other than agency business purposes, without prior supervisory approval, shall result in disciplinary action. Loss of tools, supplies, and/or equipment may require payment by the employee for those items lost, at the discretion of MCBDD.

All personally owned tools, supplies and equipment utilized by an employee in performing work for the department must be prior approved, in writing, by the Superintendent, or designee. In such instances, it shall be the responsibility of the employee to insure said tools/equipment and supplies. Cost of such insurance shall be borne by the employee.

Employees are not permitted during work hours to access the internet, electronic mail (e- mail), online service account, or social media on any Board issued or personal electronic device for personal business unless given permission by your supervisor.

An employee shall return all agency equipment, including keys/fobs, credit cards, notary stamps, and identification badges upon termination of employment or if otherwise ordered to do so by the Supervisor or designee.

Employees may not use any agency property, supplies or equipment, to conduct personal business. Employees may make or receive calls on agency telephones at any time when an emergency exists. Excessive use of agency telephones may be grounds for discipline. Employees may not use Board letterhead, envelopes and postage for personal correspondence since such use could be construed as an

official Board communication. Employees may not use the Board's address for receiving personal mail.

Employees should inform those individuals who may potentially attempt to conduct personal business with them that they should avoid contacting them during working time. Violation of this policy is considered as a restriction on or interference with work. Employees violating this policy may be subject to discipline.

Employees must report lost, broken, or damaged equipment to their supervisor. The Board reserves the right to search and retrieve any information received on the board owned computers. Any information sent through the board owned computers should be appropriate for a business environment and devoid of material that could bring discredit upon the Board.

Upon separation from employment, the separated employee shall immediately surrender any county board owned computer, mobile device, and telephone to their immediate supervisor. At that time, the separated employee's physical and electronic access to sensitive data will be blocked, and the employee shall be revoked of all computer, network, and data access the employee has for both internal and external systems and remote access and wireless access shall be removed.

When an employee assumes responsibility for a county board owned computer or mobile device, the employee shall not permit use by any other person without authorization from the employee's immediate supervisor.

Approved as of 8/11/22

SECTION 6.19 INTERNET, TECHNOLOGY, AND EMAIL

Employees are provided with internet access and electronic communication services such as computers, email, cell phones, etc. as required for the performance and fulfillment of job responsibilities. All employees are obligated to make effective, safe and responsible use of this technology.

This technology is for the purpose of increasing productivity and enhancing operations by enabling users to locate and retrieve information and to communicate more effectively. 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.

Internet connection offers an opportunity for unauthorized users to view or access information stored in the system. It is important that all connections be secured, controlled and monitored.

There shall be no expected right of privacy for any matter related to using equipment provided, including no personal privacy right in any matter passing through, viewed, downloaded, printed, created, stored, received, sent or otherwise transmitted from agency technology and equipment. MCBDD reserves and intends to exercise the right to monitor, review, intercept, access and disclose all internet usage, email communications sent and received, and phone usage, if necessary, to ensure that the system is being used for business purposes in compliance with this policy and to ensure that all other policies, such as harassment and discrimination, are being followed. Audits on internet activity and other electronic communications may be implemented to identify and properly address unauthorized activity.

Emails may be public records under State Law and may be subject to public records requests. Employees are reminded that all MCBDD communications are

subject to public records disclosure and our email system is used for our official record.

MCBDD is the owner of all work products developed by an employee including, but not limited to, all property, programs, systems, devices, patents, applications, hardware, products and all other things which are created, made, enhanced, modified, or improved by employees during employment with MCBDD.

Employees may not transfer, sell, lease, license, patent, use, franchise, or gift such work product nor shall employees permit any other party to obtain the beneficial use of such work product without the express permission of MCBDD.

Limited personal use is permissible, with prior supervisor approval, as long as it does not result in the disruption of network operation or interfere with productivity at work.

Personal use of agency technology and electronic devices must be kept to a minimum amount of time needed to address a situation. Excessive use may result in disciplinary action.

All files and information stored and accessed in county board computers and mobile devices are the sole properties of the county board. Accordingly, the Superintendent or designees may at any time, and without prior notice, access and monitor any county board computer and the information contained within it. Therefore, employees should expect no right to privacy pertaining to any information or files stored therein, or accessed by any county 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 county board computers and mobile devices.

Business email correspondence, generated by employees, represents the Program in the same manner as traditional written correspondence. Therefore, e-mail must always be appropriate and represent the Program in a positive, supportive and professional manner.

E-mail correspondence shall not include content that is harassing, suggestive, demeaning, insulting, defaming, intimidating, racist, illegal or otherwise in violation of any policy in this manual.

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.

An employee will not be held accountable for unsolicited spam mail that violates the Program's standards. The employee, upon receiving such spam mail, must promptly delete the e-mail from the system.

Employees need to be cautious and take every reasonable effort not to open e-mail that may contain viruses. If an employee receives an e-mail that he suspects contains a virus, the employee shall delete it immediately from the system, without opening it. If an e-mail containing a virus is inadvertently opened, the employee shall immediately notify their supervisor so that security measures can be taken to protect the integrity of the Program's computer files.

No personal emails may be sent or received by employees during work time either on Program computers or other Internet accessible devices.

By using MCBDD's electronic equipment, the user agrees to indemnify MCBDD of any losses, costs, or damages, including attorney fees incurred relating to or arising out of any breach of this policy.

Prohibited usage includes, but is not limited to:

1. Conducting personal business activities, seeking personal financial gain, soliciting money for personal ventures, or promoting religious or political causes.
2. Playing games, surfing, shopping, checking personal email, etc.

3. Conducting illegal activities.
4. Receiving, transmitting, downloading, viewing, or printing offensive materials including obscene or pornographic materials.
5. Receiving, transmitting, downloading, viewing, or printing any materials of a derogatory, inflammatory, discriminatory, harassing, sexually explicit, obscene, defamatory, violent or threatening in nature, or other material which is inappropriate including any content regarding an individual's or group's race, color, religion, gender, national origin, age, disability, military status, genetic information, sexual orientation, gender identity, protected veteran status or other characteristics protected by law.
6. Downloading or installing software, games, screensavers, files, or programs that could potentially change system configuration.
7. Removing or copying software, shared files or programs.
8. Streaming data/music or using websites that impair system operations on all MCBDD internet connections including WiFi.
9. Downloading, distributing or printing copyrighted materials, which include articles, software or intellectual property, in violation of copyright laws.
10. Copying programs from the agency system for personal use or non-Board use.
11. Spamming email accounts or forwarding chain letters.
12. Disclosing confidential information.
13. Accessing or attempting to access another user's computer/email without authorization from the Information Technology Coordinator.

14. Vandalizing data of another user, including uploading or creating computer viruses.
15. Violating any state or federal laws.
16. Storing data to removable media, such as flash drives, CDs, DVD or portable hard drives.
17. Making modifications to the contents of MCBDD website, any official blogs and MCBDD official social sites without authorization.
18. Using a personal email address for MCBDD business.
19. Texting and making or receiving phone calls while driving.

MCBDD cautions employees “Friending” individuals served by MCBDD, or the parent/guardian of an individual being served. MCBDD expects employees to maintain an acceptable professional boundary with individuals and families being served.

Employee responsibilities:

1. Maintaining and following a higher standard of conduct and public image.
2. Ensuring the security of passwords. Passwords should not be shared between users or be in plain sight. Notify the Information Technology Coordinator if your password has been compromised.
3. Maintaining the integrity and confidentiality of all Board information.
4. Checking email daily.
5. Writing emails in a professional manner.

6. Encrypting emails that contain information about individuals served. Use "Secure" or "Zix" in the subject line.
7. Storing data on the server only.

Violations:

If it is determined that a user has violated any of the above policy guidelines, the user will be considered to have misused MCBDD property and will be subject to disciplinary action, up to and including termination, as well as the loss of electronic communications privileges.

Approved as of 8/11/22

SECTION 6.20 SOCIAL MEDIA

Public employees have responsibilities, higher standards of conduct, and a public image to follow and maintain.

The Superintendent is the official media contact and spokesperson for the Board, unless otherwise specifically indicated by the Superintendent.

Employees may participate in any of these forms of communication using personal equipment during their personal non-work time.

MCBDD has the right to make sure that no employee has made unauthorized use of or discloses confidential information (e.g., personal and protected information about employees and/or individuals served by the board). Employees are cautioned that they should have no expectation of privacy while using the public Internet, even on their own personal time, and even when using their own personal equipment. Employees' public postings on social media and other internet sites can be viewed by anyone.

The following guidelines apply to all use of social media or the public internet by employees, even when on their own personal time and on their own personal equipment:

1. Employees are prohibited from transmitting any Protected Health Information (PHI)/confidential information obtained through their employment about individuals served, MCBDD employees, Board members, or the families of any of the aforementioned individuals through social media.
2. Employees may not use social media/internet messaging for MCBDD communications. Employees are reminded that all MCBDD communications are subject to public records disclosure and our email system is used for our official record. Further, social media/internet messaging does not utilize encryption which is required by HIPAA for transmission of PHI over an open communications network.

3. Employees are free to identify themselves as an employee if they wish. However, they should state that their views are their own, and do not reflect those of MCBDD.
4. If an employee sees a posting on the internet from a member of the public that speaks adversely about any MCBDD operation or service, they should forward the post to their supervisor instead of responding directly to the poster.
5. Employees may not claim to speak on behalf of MCBDD in an official capacity on the public internet or in any social networking service unless they have been specifically authorized to do so by the Superintendent. This includes the use of MCBDD's name, the names of any of MCBDD's programs, the MCBDD logo, or any other identifying feature of MCBDD.
6. Employees may not post or view any content on social media sites or to the public internet during working time, except as part of the employee's official assigned job duties.
7. Employees are advised that Board policies specified in this manual, including but not limited to those pertaining to harassment and ethics, apply to comments and actions made not only on Board property and work time, but also on personal time, and on personal devices.
8. Employees may not post any threats of violence or any unlawfully harassing or discriminatory content about any of their coworkers, or any person.
9. Employees are prohibited from using video recording or photography devices, including cell phones on the Board's property and are prohibited from posting recordings pertaining to the Board on the internet without prior approval of the Superintendent or designee.

10. Employees are free to associate with people and organizations of their choice as long as such association does not adversely affect the Board's reputation. Nothing in this policy or manual is intended to restrict employees' rights of free speech and/or association. However, employees are cautioned that their use and/or access to 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 must not negatively impact the reputation of the Board.
11. Employees are required to report any violation of this policy to their supervisor, Human Resources, or the Superintendent as soon as possible after they become aware of the violation.

Any employee found to be violating this Policy is subject to immediate disciplinary action, up to and including termination.

Approved as of 8/11/22

SECTION 6.21 CELL PHONE AND AGENCY PHONE USAGE

While at work, employees are expected to exercise the same discretion in using personal cell phones/electronic devices as is expected for the use of agency telephones. Excessive personal calls and electronic device use during the workday interferes with productivity and may distract others. Employees must limit personal calls and electronic device use to non-working time (authorized breaks and lunch periods) and ensure that friends and family members are aware of this policy. Flexibility will be provided in emergency situations.

Board employees are prohibited from using personally-owned equipment for Board business unless approved by the Superintendent, and the equipment has been properly equipped with mobile device management (MDM) software. Employees may not use personally-owned equipment to text Protected Health Information. If texting is used for messages other than PHI, the employee must screenshot the text and save the message for case notes, then delete the message. Whenever possible, employees should use their work computers to send text messages by using “email to text”.

Employees making personal long distance calls on agency phones must reimburse MCBDD for the cost of such calls on a monthly basis via the Business Office.

If a public records request reveals inappropriate personal use of the Board owned cell phone, the employee will be subject to disciplinary action, up to and including termination.

When using a cell phone in a vehicle, employees are required to follow the hands free technology laws in place. At no point shall employees manually use cell phones for talk, text or media while driving.

Employees shall be responsible to schedule use of Mi-Fi devices with their immediate supervisor’s secretary and to use the Mi-Fi no longer than scheduled. Mi-Fi devices shall not be used to enhance internet connection on any computer

or mobile device other than the authorized county board computer or mobile device and may not be used for personal use.

Employees shall not store the county board's computer, mobile device, or cell phone in extreme heat, cold or humid conditions, including but not limited to a vehicle during hot, cold or humid weather conditions.

An employee may be subject to being responsible for costs involved of a damaged, lost, or stolen computer, mobile device, or telephone and/or may be subject to disciplinary action.

Approved as of 8/11/22

SECTION 6.22 NO PRIVACY EXPECTATION

All employees must understand that they have no expectation of privacy regarding the use of desks, lockers, computers, vehicles, MCBDD-issued cell phones, or electronic devices and other such MCBDD property, even if keys are issued to lock a desk, locker, etc.

MCBDD reserves the right to open/access and examine any contents contained in MCBDD-owned equipment, cell phones, computers, MCBDD-issued electronic devices or MCBDD property, facilities or locations.

Approved as of 8/11/22

SECTION 6.23 CONCEALED WEAPONS

The MCBDD is committed to providing a safe and secure environment for its employees, visitors and individuals we serve. Pursuant to Ohio law, the MCBDD is required to take certain actions and post certain notices with respect to the carrying of concealed weapons.

It is the policy of MCBDD that no person, including employees, volunteers, individuals, or visitors, shall carry, convey, or possess a deadly weapon or dangerous ordnance while on MCBDD premises or while engaged in business for MCBDD except for persons falling within an exception set forth in this policy.

Other Buildings

No person, except law enforcement officers acting in the scope of their official duty and those given specific approval by the Superintendent, shall possess, have under their control, convey, or attempt to convey a deadly weapon or dangerous ordinance into any building owned, leased, or controlled by MCBDD.

In accordance with ORC §2923.1212, the following language or substantially equivalent language shall be posted at the entrance of every MCBDD owned building and at the entrance to the portion of any building which is not owned by MCBDD but is leased by MCBDD: "Unless otherwise authorized by law, pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises."

No person shall have a deadly weapon or dangerous ordnance in any vehicle leased or owned by MCBDD.

No employee, contractor, or agent of MCBDD shall violate any part of this policy.

Non-employees who violate any part of this policy shall be asked to leave. Failure to comply with these policies by non-employees will be subject to criminal prosecution.

Employees who violate any part of this policy are subject to criminal prosecution and may be subject to discipline, up to and including termination of their employment.

Any person witnessing a violation or potential violation of any part of this policy is encouraged to report the violation to the Superintendent and/or to notify appropriate law enforcement personnel. Employees are required to report violations or potential violations to their immediate supervisor.

Exceptions

Law enforcement officers who are acting in the scope of their official duty are permitted to carry weapons onto MCBDD premises, property, buildings, and within school safety zones.

In compliance with ORC §2923.1210, employees and persons who have a lawfully obtained and valid license to carry a concealed weapon in Ohio and active-duty military members carrying a valid military ID and proof of equivalent small arms training, as well as any employees and persons who satisfy the criteria necessary to be a “qualifying adult” as defined in ORC 2923.111, may transport and store their firearms and ammunition in their personal motor vehicle so long as the following two conditions are met:

1. Each firearm and all of the ammunition remains inside the person’s privately owned motor vehicle while the person is physically present inside the motor vehicle, or each firearm and all of the ammunition is locked within the trunk, glove box, or other enclosed compartment or container within or on the person’s privately owned motor vehicle when the person is away from their motor vehicle;
2. The vehicle is in a location where it is otherwise permitted to be.

This exception does not apply to MCBDD owned or operated motor vehicles. Further, an employee or person with a valid license to carry a concealed weapon,

as well as an employee or person who satisfies the criteria necessary to be a “qualifying adult” as defined in ORC 2923.111, is prohibited from removing the weapon from their personal motor vehicle and from carrying the weapon into MCBDD-owned or leased property, premises, buildings, school safety zones or otherwise while engaged in business for MCBDD.

If an employee is transporting individuals or other employees in the employee’s privately owned motor vehicle, firearms and ammunition must remain locked within the trunk, glove box or other enclosed compartment as if they were not in the vehicle.

Approved as of 8/11/22

SECTION 6.24 WORKPLACE VIOLENCE

The safety and security of individuals, employees, citizens, contractors, and the general public are of vital importance to MCBDD. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found to have violated this policy may be subject to disciplinary action up to and including termination of employment, and possible criminal prosecution, depending on the nature of offense.

Employees experiencing violence issues or possibly subject to violence issues off duty should consult with their supervisor or Human Resources so that precautions may be taken in the workplace. Employees must immediately provide copies of civil or criminal protection orders, ("CPO"), to their supervisor or Human Resources.

The word "violence" in this policy shall mean an act or behavior that:

1. is physically assaultive;
2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
5. a reasonable person would perceive as intimidating or menacing;
6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or

7. consists of a communicated or reasonably perceived threat to destroy property.

The Employer prohibits the following:

1. any act or threat of violence by an employee against another person's life, health, well-being, or property;
2. any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
3. any act or threat of violence which endangers the safety of employees, citizens, contractors, or the general public;
4. any act or threat of violence made directly or indirectly by words, gestures, or symbols; and
5. use or possession of a weapon on County property, on an Employer controlled site, or an area that is associated with County employment. (This provision does not apply to law enforcement officers or except for instances addressed in 6.23 Concealed Weapons policy under "exceptions".)

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on MCBDD property as described herein shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

In accordance with this policy, all employees must report any behavior that compromises the MCBDD's ability to maintain a safe work environment. All threats to an employee's personal safety or to the safety of others are to be promptly reported to the employee's supervisor, who will promptly report the matter to the Superintendent or Human Resources. As appropriate to the situation, the Superintendent may order a lock down, lock out, evacuation, or other action to ensure the safety of employees, consumers and others.

All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior that they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on a MCBDD-controlled site, or is associated with MCBDD employment.

Warning Signs and Risk Factors

The following are examples of warning signs, symptoms and risk factors which may indicate an employee's potential for violence. Employees should be aware of these indicators. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify his supervisor if he witnesses any of the following behaviors:

1. Dropping hints about a knowledge of firearms.
2. Making intimidating statements such as "You know what happened in Oklahoma City," "I'll get even," or "You haven't heard the last from me."
3. Keeping records of other employees the individual believes to have violated departmental policy.
4. Physical signs of anger, such as, hard breathing, reddening of complexion, menacing stares, loudness, and profane speech.
5. Acting out violently either verbally or physically.
6. Excessive bitterness by a disgruntled employee or an ex-employee.
7. Being a loner, avoiding all social contact with co-workers.
8. Having a romantic obsession with a co-worker who does not share that interest.

9. History of interpersonal conflict.

10. Domestic problems, unstable/dysfunctional family.

11. Brooding, depressed, strange behavior, a “time bomb ready to go off.”

All incidences of suspected or potential violence should be reported to the employee’s immediate supervisor and Human Resources. Do not take the position that the incident is too minor to report or that it does not appear to be a “real problem.” Do not wait until it is too late to be proactive. If the threat is immediate, the Superintendent, Designee, or other employees may take any lawful and appropriate action to ensure personal safety and the safety of coworkers, consumers and others. Each employee is authorized to call 911 if it is reasonably believed that intervention by law enforcement is appropriate for diffusing or addressing the situation.

All employees who apply for, obtain, or are the subject of a restraining order that lists department locations as being protected areas, must provide Human Resources with a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order that is granted, and a copy of any protective or restraining order that is made permanent.

Approved as of 8/11/22

SECTION 6.25 CONVICTION OF A FELONY
(O.R.C. 124.34)

Any employee convicted of a felony immediately forfeits his status as an employee on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

An employee may not be hired or continue to work for MCBDD if convicted of or having plead guilty to charges as defined in Ohio Revised Code 959, 2901, 2903, 2905, 2907, 2909, 2911, 2913, 2917, 2919, 2921, 2923, 2925, 2927, and 3716.

Employees must inform Human Resources of any charges, pleas, and or convictions of any of the above offenses within 3 days of the offense. Failure to report formal charges, a conviction, or a guilty plea may result in dismissal from MCBDD employment.

Conviction of a felony is a separate basis for reduction in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by the Employer as a result of the employee's conviction of a felony. If an employee is removed for any other reason listed in Ohio Revised Code Section 124.34, and is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action.

As used in this policy, "felony" means any of the following:

1. a felony that is an offense of violence as defined in Ohio Revised Code 2901.01;

2. a felony that is a felony drug abuse offense as defined in Ohio Revised Code 2925.01;
3. a felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
4. a felony involving dishonesty, fraud, or theft; or
5. a felony that is a violation of Ohio Revised Code 2921.05, 2921.32, or 2921.42.

Approved as of 8/11/22

SECTION 7.01 DISCIPLINE
(O.R.C. 124.34 and 5126.23)

The standards for discipline result from the standards of conduct expected of employees. Discipline will be considered in conjunction with the standards of conduct expected of employees. These standards of conduct are outlined throughout this manual. Common sense and expectations of employees will also be considered.

The following guidelines apply to the standards of discipline and progressive discipline:

1. Employees should be aware of and are responsible for expected job behavior and performance, the types of conduct that MCBDD has determined to be unacceptable, and the penalties for such unacceptable behavior.
2. Discipline should be applied uniformly and consistently.
3. Each offense should be addressed objectively, taking into account the nature of the violation, the employee's record of discipline, the employee's position and duties, and the employee's record of performance and conduct.
4. Discipline should be progressive but, depending on the severity of the offense, may proceed immediately to removal.

The Superintendent may take disciplinary action against any employee for cause.

Causes for disciplinary action shall include, but not be limited to: incompetency, inefficiency, unsatisfactory performance, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of R.C. Chapter 124.34, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of a felony while employed in the civil service. Further, any violation of the MCBDD

Personnel Policies and Procedures, Board Policies, or Operations Policies, or other good cause, are grounds for disciplinary action.

It is the intent of the Board that, where applicable, the purpose of discipline is to correct a staff member's behavior. Generally, discipline will be applied uniformly and consistently. Unless warranted by the particular circumstances, discipline will be administered on a progressive basis as outlined in Section 7.02.

Certain instances may arise wherein, for the good of the program, an employee should be removed immediately from the premises of the program prior to a suspension hearing. The Superintendent shall take such action when necessary. An employee so removed shall be afforded his/her rights in accordance with Section 7.04 of these Policies. The Superintendent also retains the right to reassign an employee pending the outcome of an investigation. Employees charged with a felony may be placed on an unpaid administrative leave without pay for up to two (2) months for alleged violations of law involving acts committed which do not involve the employees' assigned work duties. Employees found not guilty of the felony charges may be reimbursed their pay at the employee's base rate of pay plus interest.

The Superintendent or designee is obligated to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Staff members must provide complete and accurate information during any investigation.

Employees are reminded that, by law, any employee who suspects or is aware of abuse, neglect or a major unusual incident involving individuals receiving services must report the abuse, neglect or major unusual incident, as set forth in the Ohio Revised Code and the Ohio Administrative Code. Failure of an employee to make such a report, or to report other violations of Board policies or the law that endanger the health and well-being of individuals receiving services, may result in discipline.

Approved as of 8/11/22

SECTION 7.02: PROGRESSIVE DISCIPLINARY POLICY
(O.R.C. 5126.23; O.R.C. 124.34; O.A.C.124-3)

Discipline will be administered in successive steps, with due regard for the severity of the violation. Progressive discipline shall take into account the nature of the violation, the employee's position and duties, as well as the employee's record of discipline/corrective action, and his record of performance and conduct.

Forms of disciplinary actions are:

1. caution and instruction/oral reprimand;
2. written reprimand;
3. suspension with or without pay or demotion;
4. discharge from employment.

Notice of potential caution and instruction or written reprimand shall be given to the affected employee in a timely manner. A meeting between the affected employee and the immediate supervisor regarding the oral or written reprimand shall be held after the notice of potential oral or written reprimand is provided.

Procedure for removal, suspension, or demotion of a classified employee who has completed their probationary period:

- Prior to the removal, suspension, or demotion of a classified employee who has completed their probationary period, the employee shall be notified in writing of the charges against the employee and will be provided the opportunity to participate in a pre-disciplinary conference to provide the employee an opportunity to refute the charges against the employee.
- The conference shall take place no earlier than seventy-two (72) hours after written notice of the charges against the employee and notice of the opportunity to participate in the pre-disciplinary conference is given. The conference shall be held by the superintendent or a person the superintendent designates. While the employee has a right to be

represented by his or her own attorney during the conference, the attorney is not permitted to examine or cross-examine any witnesses.

- Any removal, suspension, or demotion subsequently issued shall be issued in conformance with R.C. § 124.34 and O.A.C. 124-3.

Procedure for removal, suspension, or demotion of management employees or superintendent:

- A management employee may be removed, suspended or demoted for violation of written rules set forth by the Board or for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or any other acts of malfeasance, misfeasance, or nonfeasance.
- Prior to the removal, suspension, or demotion of a management employee as defined in R.C. 5126.22, the employee shall be notified in writing of the charges against the employee. Except as otherwise provided below, not later than thirty days after receiving such notification, a pre-disciplinary conference shall be held to provide the employee an opportunity to refute the charges against the employee. At least seventy-two (72) hours prior to the conference, the employee shall be given a copy of the charges against the employee.
- If the removal, suspension, or demotion action is directed against a management employee, the conference shall be held by the superintendent or a person the superintendent designates, and the superintendent shall notify the management employee within fifteen (15) days after the conference of the decision made with respect to the charges. If the removal, suspension, or demotion action is directed against a superintendent, the conference shall be held by the members of the Board or their designees, and the Board shall notify the superintendent within fifteen (15) days after the conference of its decision with respect to the charges.

- Within fifteen (15) days after receiving notification of the results of the pre-disciplinary conference, an employee may file with the Board a written demand for a hearing before the Board or before a referee, and the Board shall set a time for the hearing which shall be within thirty (30) days from the date of receipt of the written demand, and the Board shall give the employee at least twenty day notice in writing of the time and place of the hearing.
- If a referee is demanded by an employee or the Board, the hearing shall be conducted by a referee selected as set forth below; otherwise, it shall be conducted by a majority of the members of the Board and shall be confined to the charges enumerated at the pre-disciplinary conference.
- Referees for the hearings required by this section shall be selected from the list of names compiled by the superintendent of public instruction pursuant to section 3319.161 of the Revised Code. Upon receipt of notice that a referee has been demanded by an employee or the Board, the superintendent of public instruction shall immediately designate three (3) persons from such list, from whom the referee for the hearing shall be chosen, and the superintendent of public instruction shall immediately notify the designees, the Board, and the employee. If within five (5) days of receipt of the notice, the Board and employee are unable to agree upon one (1) of the designees to serve as referee, the superintendent of public instruction shall appoint one (1) of the designees to serve as referee. The appointment of the referee shall be entered in the minutes of the Board. The referee appointed shall be paid the referee's usual and customary fee for attending the hearing which shall be paid from the general fund of the Board.
- The Board shall provide for a complete stenographic record of the proceedings, and a copy of the record shall be furnished to the employee.
- 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 on their behalf upon subpoena to be issued by the Board. If any person fails to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the Board or the referee may administer oaths to witnesses. After a hearing by a referee, the referee shall file a report within ten (10) days after the termination of the hearing. After consideration of the referee's report, the Board, by a majority vote, may accept or reject the referee's recommendation. After a hearing by the Board, the Board, 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 the minutes and, if the employee has suffered any loss of salary by reason of being suspended, the employee shall be paid the employee's full salary for the period of such suspension.

Any employee affected by a determination of the Board as set forth above may appeal to the Muskingum County Court of Common Pleas within thirty (30) days after receipt of notice of the entry of such determination. The appeal shall be an original action in the court and shall be commenced by the filing of a complaint against the board, in which complaint the facts shall be alleged upon which the employee relies for a reversal or modification of such determination. Upon service or waiver of summons in that appeal, the Board immediately shall transmit to the clerk of the court for filing a transcript of the original papers filed with the Board, a certified copy of the minutes of the Board into which the determination was entered, and a certified transcript of all evidence adduced at the hearing or hearings before the Board or a certified transcript of all evidence adduced at the hearing or hearings before the referee, whereupon the cause shall be at issue without further pleading and shall be advanced and heard without delay. The court shall examine the transcript and record of the hearing and shall hold such additional hearings as it considers advisable, at which it may consider other evidence in addition to the transcript and record.

Upon final hearing, the court shall grant or deny the relief prayed for in the complaint as may be proper in accordance with the evidence adduced in the hearing. Such an action is a special proceeding, and either the employee or the Board may appeal from the decision of the court of common pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, Chapter 2505. of the Revised Code.

Notwithstanding the above, the 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 (15) days of the execution of the agreement. Chapter 2711. of the Revised Code governs the arbitration proceedings.

Approved as of 8/11/22

SECTION 7.03 WORK RULES

The orderly and efficient operation of the MCBDD requires reasonable standards of discipline and conduct. In order to minimize the likelihood of any staff members becoming subject to disciplinary action, the following represents the work rules which govern employee conduct.

These work rules do not and could not cover every act or omission that might be considered wrongful. If wrongful acts or omissions occur which are not specifically on this list of work rules, reasonable disciplinary action will be taken.

For the guidance of staff, the usual penalty which will result from violation of the work rules is listed. These penalties are not exclusive, and may be modified or changed in cases involving either aggravated or mitigating circumstances. Repeated, deliberate and/or flagrant violations will subject the offender to disciplinary suspension and discharge from employment. Penalties may involve suspensions with pay (working suspension), docking regular pay, vacation or longevity pay, and suspensions without pay.

In addition to disciplinary action, any cases of alleged illegal activity or items identified as a Major Unusual Incident will be turned over to investigative agents and/or law enforcement for possible investigation.

Group One

First offense calls for instruction and cautioning. Second offense calls for a written reprimand. Third offense calls for disciplinary time off up to three (3) consecutive days suspension without pay. Fourth offense calls for disciplinary time off up to ten (10) days suspension without pay. Fifth offense calls for discharge from employment.

Repeated, deliberate, and/or flagrant violations will subject the offender to disciplinary suspension and discharge from employment.

Some examples of Group One Offenses are:

1. Habitual leaves without pay, including excessive tardiness.

2. Reporting late for work without prior approval. An employee may be docked a portion of his regular pay for arriving late for work beyond the ten (10) minute grace period, leaving work before the regular quitting time, and/or exceeding the regular allotted lunch period. Infractions resulting in any employee being docked three (3) times within any six (6) month period may result in disciplinary action under this Work Rule.
3. Failing to return to work as directed or scheduled following vacation or leave of absence without prior approval of the Superintendent, or designee.
4. Failure of an employee to sign the attendance sheet or punch the timecard when reporting for work.
5. Poor productivity or poor workmanship.
6. Failure of an employee to be in his/her designated work area ready to work at his/her specified starting time.
7. Leaving the work area before specified quitting time.
8. Circulating petitions or distributing literature or articles of any kind on county property without written authorization of the Superintendent.
9. Violating the Solicitation Policy of the Board as contained in Section 6.10 of these Policy and Procedures Manual.
10. Unauthorized use or possession of county equipment or Board property.
11. Failure to observe accepted standards of sanitation, cleanliness and general health.
12. Failure to report an accident or injury as soon as possible.

13. Failure to cooperate with other staff members as required by job duties.
14. Neglect or carelessness in signing in or out.
15. Neglect or carelessness in observing safety rules.
16. Failure to observe proper rules and regulations.
17. Obliging the Board for any expense, service or performance without prior authorization.

Group Two

First Offense calls for a written reprimand. Second Offense calls for disciplinary time off, up to three (3) days suspension without pay. Third Offense calls for disciplinary time off, up to ten (10) days suspension without pay.

Fourth Offense calls for discharge from employment. Some examples of Group Two Offenses are:

1. Being absent without just cause.
2. Taking more than the authorized lunch period or failing to return to work after the lunch period without permission of the supervisor or the Superintendent.
3. Performing personal work on Board time without the written authorization of the supervisor or the Superintendent.
4. Failing to follow the instructions of or to perform work assigned by the supervisor or the Superintendent.
5. Posting, defacing, mutilating or removing notices or signs on bulletin boards, other Board property or property in the custody of the Board at any time without the written authorization of the Superintendent or designee.

6. Contributing to unsanitary conditions.
7. Reading newspapers, magazines, books or other literature while at work, except as required by work assignment.
8. Wasting Board time by loafing, loitering, engaging in unauthorized visiting during working hours, or in any way interfering with the performance of the duties of other staff.
9. Engaging in "horseplay."
10. Bringing a television to work, playing the radio, or utilizing the internet or otherwise using a cellular phone or computer such that they interfere with the performance of duties of other staff.
11. Violation of confidentiality.
12. Violation of the "Tobacco" policy.
13. Knowingly concealing a communicable disease, such as TB, which may endanger other staff members.

Group Three

First Offense calls for disciplinary time off, up to three (3) days suspension without pay. Second Offense calls for disciplinary time off, up to ten (10) days suspension without pay. Third Offense calls for discharge from employment.

Some examples of Group Three Offenses are:

1. Reporting for work or working while unfit for duty.
2. Illegal use of narcotics or drugs, possessing or being under the influence of narcotics or drugs, or attempting to bring it onto Board property.

3. Knowingly signing another staff member's name on an attendance sheet, punching time cards or having one's name signed, and/or altering any time sheet for any reason whatsoever.
4. Working in an unsafe manner that endangers one's self, fellow staff members, or persons served.
5. Gambling or participating in any other game of chance on Board property at any time other than when such is authorized as a charity fundraiser.
6. Participating in a work stoppage, interruption or impeding of work of other employees.
7. Using abusive or threatening language toward a fellow employee, supervisor, Superintendent or an enrollee; coercing a fellow employee, supervisor, the Superintendent or an enrollee in any way.
8. Sleeping on county property during working hours.
9. Excessive absenteeism.
10. Failing to report in any manner which results in potential or actual harm to a person served.
11. Late or delayed reporting of an incident to a supervisor or other authority which results in actual harm to an individual.
12. Failure of an employee to report employee or person served accidents or incidents involving employees or person served directly under their supervision.
13. Making personal or long distance telephone calls on the Board's telephones, unless authorized by a supervisor or the Superintendent.

14. Violation of the Board's Prohibited Discrimination Harassment/
Inappropriate Conduct policy.

Group Four

First Offense calls for up to Removal.

Some examples of Group Four offenses are:

1. Deliberate dishonesty or falsification of Board records, including but not limited to time sheets, time clock cards, reports, allowance forms, employment application records (including medical records), purchase orders and receipts and falsifying accident reports.
2. Sabotage, meaning the deliberate or intentional destruction or damage of Board property, property of staff, consumers or employees, or property in the custody of the Board, including tampering with equipment so it does not work properly.
3. Fighting, provoking or instigating a fight, any act of violence, or threatening to do bodily harm to any person on Board property or at Board sponsored events.
4. Abusing, threatening or assaulting a supervisor, staff member, or other individual.
5. Verbal abuse which is defined as purposely using words or gestures to threaten, coerce, intimidate, harass or humiliate a person served.
6. Physical or sexual abuse of any time or nature to an individual under the supervision or care of the Board.
7. Possession of firearms, other weapons, or explosives on Board property or at county board sponsored events without the written authorization of the Sheriff or the Superintendent.
8. Immoral conduct or indecency.

9. Theft or misappropriation of Board property, property of staff members or property in the custody of the Board.
10. Inciting, instigating, leading and/or arranging a work stoppage, interruption or impeding of work.
11. Selling or distributing narcotics or prescription drugs on Board property.
12. Giving false information in an attempt to be reimbursed for time not worked or for higher pay rates or in an attempt to obtain any benefit.
13. Making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work.
14. Misuse, destruction, or removal from Board property of any Board record, including time clock cards or confidential information of any nature without written authorization.
15. Conviction of a criminal charge which leads to the employee being unable to report for work.
16. Insubordination, meaning disregarding, disobeying or refusing an order or instruction of a supervisor.
17. Bringing, consuming, possessing or being under the influence of intoxicants on Board property during working hours or at Board sponsored events.
18. Failure to supply the program with yearly updates or proof of required certification(s), registration(s) and/or license(s).
19. Verbal and/or physical abuse of enrollees.

20. Any other activity not heretofore set forth which severely hampers the work effort of the staff members or which causes the county to be in an unfavorable light with the public, including the sexual harassment of other staff members.
21. Gambling during working hours either with other employees or over the Internet.
22. Conviction of a serious traffic offense that leads to a loss of driving rights, vehicle license or insurability under the County's insurance policy.
23. Keeping inappropriate pictures of a graphic nature that are racist, sexually explicit or demeaning to an individual or their national origin.
24. Being convicted of any felony.

Approved as of 8/11/22

SECTION 7.04: EQUAL EMPLOYMENT OPPORTUNITY (EEO) COMPLAINT

Filing a Discrimination Complaint

1. Any employee, or applicant having a complaint of discrimination based on race, color, religion, sex, national origin, handicap and/or disability, veteran status, military status, age (40 and over), or any other reason for which discrimination is made unlawful by federal, state, or local law, may file a written discrimination complaint with the Equal Employment Opportunity (EEO) Coordinator/Human Resources. A compliant form is available for this purpose and can be obtained from the EEO Coordinator/HR.
2. The EEO Coordinator/HR shall acknowledge receipt of the complaint in writing and inform the complainant in writing of the complaint procedure.

Complainant's Right to Compensation

At any time during the course of the procedure, the complainant shall be given a reasonable amount of time off work during normal working hours to present the complaint. Time spent during non-working hours to prepare the complaint will not merit compensation under this policy.

Rejection of a Complaint

1. The EEO Coordinator/HR may reject a complaint which is deemed insufficient for the purpose of conducting an investigation.
2. The EEO Coordinator/HR shall reject those complaints which do not allege discrimination on the basis of race, color, religion, sex, national origin, handicap and/or disability, veteran status, military status, age (40 and over), or any other reason for which discrimination is made unlawful by federal, state, or local law, or which are identical to a previous complaint filed by the same complainant which is pending or has been decided under this procedure.

Resolution of a Complaint

1. Upon receipt of a complaint, the EEO Coordinator/HR shall promptly investigate and attempt to resolve the complaint informally. If an informal resolution of the complaint is achieved, the terms of the resolution shall be set forth in writing, made a part of the complaint file and a copy shall be provided to the complainant.
2. If an informal resolution of the complaint is not achieved, the EEO Coordinator/HR shall notify the complainant in writing:
 - a. of the proposed disposition of the complaint; and
 - b. of his right to a meeting with the Superintendent, or if the Superintendent is the subject of the Complaint, a meeting with the hearing before the Personnel Committee of the Board if the complainant notifies the Board's Personnel Committee Chairperson in writing.

Freedom from Retaliation

Complainants and all who participate in any investigation of a complaint shall be free from retaliation at all times. Any employee who believes that they have been subjected to retaliation shall file a complaint in the same manner as a discrimination complaint is to be filed as set forth above.

Approved as of 8/11/22

**SECTION 8.01 RESIGNATION/RETIREMENT/VOLUNTARY
DISABILITY SEPARATION**

(OAC 123:1-30-03; OAC 123:1-30-04)

Employees who plan to voluntarily resign or resign in order to retire under OPERS or STRS shall notify the Superintendent at least two (2) weeks in advance of the effective date of resignation.

Unclassified employees under contract with MCBDD are required to provide notice as indicated in their specific employment contract of resignation or retirement. Failure to give proper notification shall result in the monetary penalty per their contract which shall be deducted from any funds due to the employee at the termination or resignation.

Resignation should be in writing and submitted to the Superintendent or her designee for acceptance.

A written resignation or resignation in order to retire should include:

1. a statement indicating the employee's intention to resign from MCBDD service;
2. the date the notice was given;
3. the effective date of the resignation and, if applicable, effective date of retirement;
4. the reason for the resignation/retirement (optional); and
5. the employee's signature (unless the writing is via email)

An employee who does not resign in good standing is ineligible for reinstatement.

MCBDD shall notify the Auditor's Office of the pending resignation or resignation to retire so that payroll records may be updated and appropriate documents processed.

The letter of resignation shall be retained in the employee's personnel file.

The employee who has given notice of a resignation must turn in (the policy manual), assigned keys and/or fobs/badges and all personally assigned equipment to the Superintendent or her designee on the last day worked, or as otherwise directed by the Superintendent. 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.

Abandonment/Absent without Leave

Any employee who is absent from duty habitually or for three (3) or more successive duty days, without approved leave and without approval of the Superintendent may be subject to removal for neglect of duty. This policy does not require the Superintendent to initiate removal action if it is determined to be unwarranted nor does it preclude removal action for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the Superintendent. An employee who has abandoned his/her position is not eligible for future employment with the Board.

Voluntary Disability Separation

An employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury or condition.

The Superintendent may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination as set forth in OAC 123:1-30-03. If the examination supports the

employee's request, the employee's request for voluntary disability separation will be granted. If the medical examination does not support the employee's request, the request for voluntary disability separation will not be granted.

An employee who is granted a voluntary disability separation waives the right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.

An employee that is granted a voluntary disability separation shall retain the right to be reinstated to his or her position for two years from the date that the employee is no longer in active work status due to a disabling illness, injury or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the procedure set forth in OAC 123:1-30-04.

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SECTION 8.02 INVOLUNTARY TERMINATION

Probationary Removal

Any employee in the classified position shall serve an initial probationary period following any original appointment. Each employee in the classified position shall serve a probationary period following each promotion. If an employee's services are found unsatisfactory, the employee may be removed, or reduced in accordance with O.R.C. 124.27, at any time during a probationary period.

Whenever an employee is given a probationary removal or reduction, notice of such action shall be given to the employee by the Superintendent.

Disciplinary Discharge

Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate behavior, or when a serious infraction so warrants.

The discharge of a classified employee may be appealed to the State Personnel Board of Review.

Layoff

Employees may be laid off due to a lack of funds, State or Federal grants terminating, lack of work, or for reorganization of the program for a more efficient operation. When reduction in force occurs, the Superintendent will follow the appropriate procedures under the Ohio Revised Code and Board Policy.

Involuntary Disability Separation

A classified employee who is unable to perform the essential job duties of the position due to a disabling illness, injury or condition may be involuntarily disability separated pursuant to R.C. 124.32(B). An involuntary disability separation occurs when the Board has received substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition.

The employee may be requested to submit to a medical or psychological examination, conducted as set forth in OAC 123:1-30-03, prior to the involuntary disability separating the employee unless:

1. The employee is hospitalized at the time such action is taken,
2. The employee has exhausted his or her disability leave benefits, or
3. Substantial credible medical evidence already exists that documents the employee's inability to perform the essential job duties.

Human Resources shall institute a hearing prior to involuntarily disability separating an employee. The employee shall be provided written notice at least seventy-two (72) hours in advance of the hearing. If the employee does not waive the right to the hearing, then at the hearing the employee has the right to examine the appointing authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

After weighing the testimony presented and the evidence admitted at the pre-separation hearing, the determination will be made as to whether the employee is capable of performing the essential functions of their job. If it is determined the employee is unable to perform the essential job duties, they will be issued an involuntary disability separation order and notify the employee of the required procedures for reinstatement.

The effective date of separation, for purposes of reinstatement, shall be based on the date in which the employee was no longer performing in active work status due to the disabling illness, injury or condition. An employee who has been involuntarily disability separated is not prohibited from applying for disability leave benefits. The total time of absence due to the disabling illness, injury or condition shall not exceed two years from the date of separation for purposes of reinstatement rights under this chapter. If an employee attempts to return to work but fails to perform the essential job duties for six consecutive months, the employee's effective date of separation does not change except as provided in paragraph (F) of OAC 123:1-33-08.

An employee so separated shall have the right to appeal in writing to the state personnel board of review within ten days following the date the order is served.

Death of Employee

In the event an employee passes away, processes and timelines are defined for connecting with the deceased employee's family, removing the deceased employee's belongings, clearing offices/workspaces, supporting staff, and transferring work responsibilities.

Notifications

- Human Resources shall be notified immediately by the department director or supervisor.
- All employees shall be notified promptly with as much information as appropriate indicating that any funeral arrangements will be forthcoming as available.
- The department director or supervisor shall communicate sensitively to staff the transition of the deceased employees' work responsibilities.
- Human Resources is responsible for communicating all payroll and benefits information to the deceased employee's family and/or beneficiaries within seventy-two (72) hours after death.
 - If employees are asked to provide specifics about such benefits, they shall refer all inquiries to Human Resources.

Work Responsibilities and Continued Service

- It is the responsibility of the department director or supervisor to ensure consistent and timely continued services.
- Arrangements shall be made by the department director or supervisor to intercept and redirect phone, voicemail, email, and mail communications to ensure customer service is not diminished.

- If the department director or supervisor finds it necessary to close a particular department, or reduce hours for the memorial or funeral services, prior approval must be gained from the Superintendent.

Personal and Office Items

- Office space and personal items of the deceased employee shall not be disturbed for at least one (1) week unless family members have designated a different timeframe.
- The department director or supervisor (or designee) shall assume responsibility for separating the deceased employee's personal belongings from county board owned items.
- The department director or supervisor and Human Resources shall coordinate the accumulation of the deceased employee's personal belongings and make arrangements to be picked up by the family of the deceased employee and ensure all county board owned items (laptop, phone, files, etc) are returned.

Recognition and Remembrances

- The department director or supervisor shall be responsible for overseeing or monitoring any fundraising collections or charity activities.
- If a memorial is established in the department to celebrate the deceased employee's life, it shall remain intact for a maximum of one month.

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SECTION 8.03 EXIT INTERVIEW

Upon separation from employment, an employee must meet with his/her supervisor, Human Resources, or with the Superintendent to process paperwork and return Board property.

Human Resources will inform the employee of all separation benefits, verify forwarding addresses for the employee and any dependents and get necessary signatures.

The employee will relinquish all identification cards, equipment and keys.

If the separation is voluntary, the employee will be asked to complete an exit interview questionnaire and will be given an opportunity to discuss their responses during an exit interview. Information gathered in exit interviews will be used to evaluate Board practices and identify areas requiring action to make the Board a more attractive employer. Exit interview questionnaires will not be placed in the employee's personnel file.

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