



Personnel Policy Manual

Mission Statement

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.

Board Approved Policies

3/10/22

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IMPORTANT INFORMATION ABOUT THIS MANUAL

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

- ◆ These policies supersede all previous written and unwritten personnel related policies, memos and directives of the Board, Superintendent and other Leadership Team. In the event there is a conflict between the matters expressed in this manual and any other applicable laws or requirements, the applicable law or requirement shall prevail.
- ◆ The contents of this manual are presented as a matter of information only and do not, and are not intended to create any contractual obligations on the part of the Board or Program, or any of its representatives.
- ◆ Although each employee is expected to abide by these policies, the Superintendent, in the exercise of his own independent judgment, may, with or without prior notice, elect to modify, revise, waive, add to, apply or choose not to apply any of these policies, depending upon the circumstances of each individual instance.

SECTION 1
MANUAL INTRODUCTION

- A.** Comprehensive, up-to-date and clearly defined policies that are consistently and fairly administered are essential to the success of the Program in providing services to the public. Therefore, each employee, covered by this manual, is responsible for being thoroughly familiar with this manual's contents. Furthermore, all supervisors are charged with interpreting and administering these policies in a systematic, fair and impartial manner.
- B.** Situations will arise that require administrative interpretation of these policies. Every effort will be made to ensure that such decisions are made objectively, keeping the general intent of the particular policy in mind.
- C.** Questions regarding the interpretation and application of these policies shall be directed to the employee's supervisor.
- D.** Violation of any of these policies can result in disciplinary action, up to and including discharge.
- E.** References to the male [or female] gender used throughout this Manual (e.g., his, him, he, she, her) shall mean both the male and female gender, and are not intended, nor shall they be construed to be discriminatory in any manner.
- F.** References are made to the Superintendent and his obligations and responsibilities under these policies. Notwithstanding, except as otherwise required by law, the Superintendent may choose, at his option, to delegate any of these obligations and responsibilities to any supervisor or other employee under his authority. Delegation of these obligations and responsibilities may be made either on a case-by-case basis, or as a regular part of such employee's job duties. The Superintendent shall maintain ultimate authority and responsibility, however, for the proper and lawful disposition of all such delegated matters.

SCOPE OF COVERAGE

◆POLICY 1.02◆

- A.** These policies apply to *all* employees, both classified and unclassified, as well as all leadership and non-leadership level staff, except as otherwise specified herein.
- B.** These policies are not applicable, however, to members of the Board whose responsibilities and actions are specified by law.

- A. Each employee shall be made aware of this manual and be responsible for reviewing and understanding its contents.
- B. A copy of the manual will be assigned to the Administrative Office. Copy of the manual is available on the Intranet or at JK Evans and Associates LLC's website: www.jkevansandassociates.com. With prior approval from the employee's supervisor, an employee may review the manual during working hours. No employee may remove the printed manual which is linked from the Program's premises except as otherwise authorized by the employee's supervisor.
- C. New employees are required to review and understand all manual contents, and each will be given the opportunity to ask questions and solicit additional information pertaining to the manual. As a condition of employment, each new employee is required to sign a *Policy Review and Understanding* form, indicating the employee's understanding of and agreement to abide by these policies. **However, the employee's signing of the *Policy Review and Understanding* form 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 and the Program.** The signed *Policy Review and Understanding* form shall be retained in the employee's personnel file.
- D. This manual is the property solely of the Program. Unauthorized distribution, reproduction, or destruction is prohibited.

A. Unless otherwise specified in this policy manual, the following definitions shall apply.

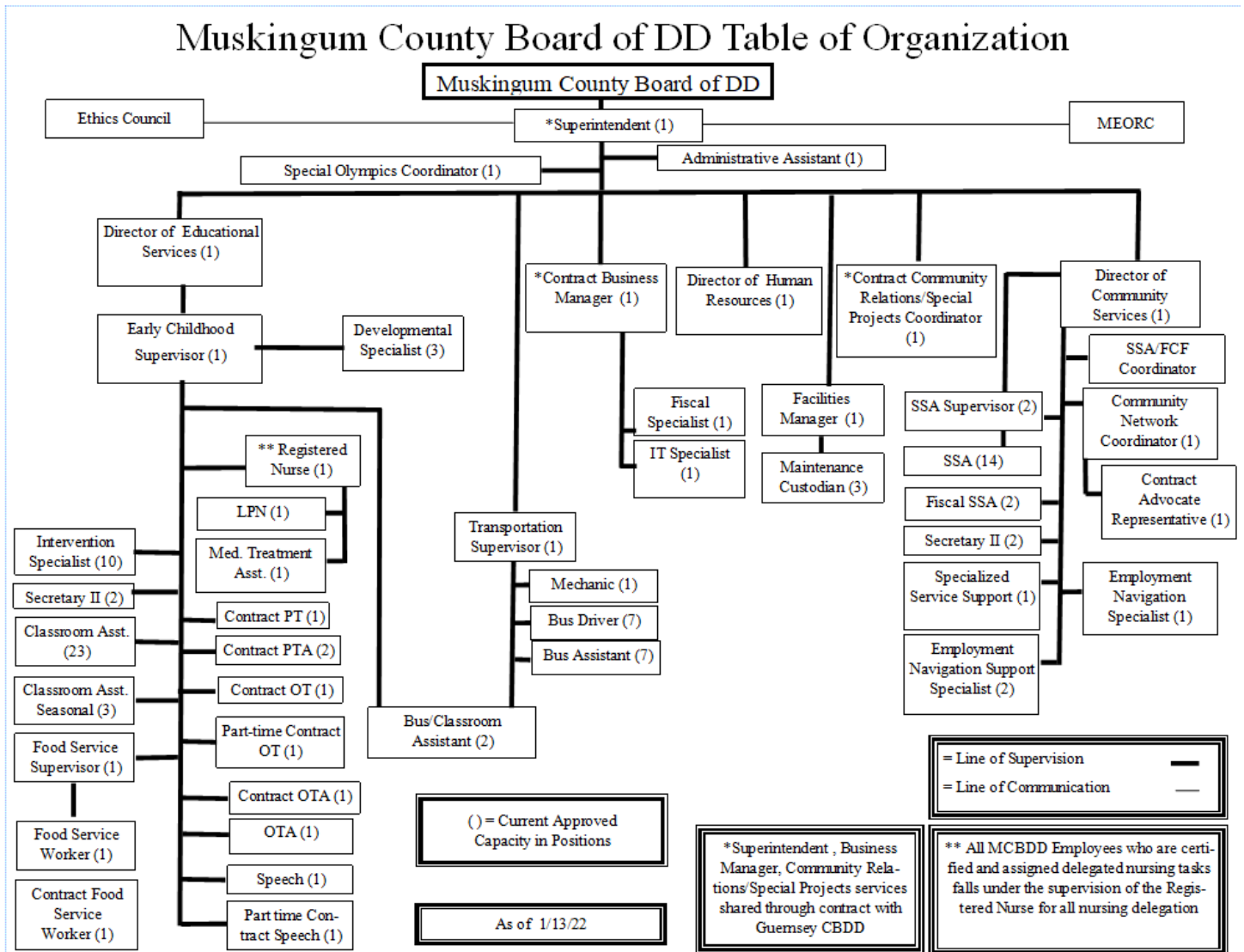
- **Board:** the Muskingum County Board of DD – A seven-member board, appointed pursuant to requirements specified in 5126.02 of the ORC. Such Board is the controlling body of the DD Program and services provided within Muskingum County, and appoints a Superintendent under contract pursuant to 5126.023, establishes his compensation, and may remove, suspend or demote the Superintendent, for cause, pursuant to section 5126.23 of the ORC.
- **Classification:** a group of positions that require similar job duties, responsibilities and qualifications, and which are designated by a job title, descriptive of job duties. A class may include only one position when no other positions require similar duties, responsibilities and qualifications.
- **County:** the County of Muskingum, State of Ohio.
- **Director of ODDD:** The Director of the Ohio Department of Developmental Disabilities
- **Employee:** a person who is appointed into a position with the Board of DD organization who is responsible for fulfilling the job duties and responsibilities of that position, as defined by the position description and as otherwise assigned by the Superintendent or supervisor.
- **Position:** a funded “slot” on the table of organization with a group of job duties, specifications, and requirements assigned, which are listed on a position description and performed by an employee assigned to that position and appointed by the Superintendent.
- **Program:** the organization and services established and under the general administration of the Board, and management of the Superintendent.
- **Superintendent:** the person, appointed by the Board, and charged with administering the work of the Board, subject to the Board’s rules, having the power of appointment to, or removal from, positions in the Muskingum County Board of DD. The Superintendent may delegate certain responsibilities to leadership or other staff, unless otherwise precluded from doing so by law.
- **Supervisor:** an employee who has been authorized by the Superintendent to manage and direct the work of assigned employees. A supervisor’s level of management authority and scope of supervision is defined in the supervisor’s position description.
- **Transfer:** The reassignment of an employee from one position to another, where there is no change in classification, level of responsibility, or salary

- A.** The Board maintains the authority to amend, revise, delete or add to these policies at any time, with or without prior notice. The Board shall consider policy drafts, and shall act upon such changes through passage of a resolution of adoption as it deems appropriate.
- B.** The Superintendent or designee may identify the need to initiate a policy change based upon changes in legislation, operational needs or other reasons. In such cases, the Superintendent or designee will normally draft a copy of the change for review, discussion and consideration of adoption by the Board.
- C.** When the Board has approved a policy change, the provisions of the new or revised policy shall be communicated to affected employees, prior to the policy change effective date, by the Superintendent, either directly or through the Leadership team. Policy revisions, additions, amendments or deletions will be posted on the Intranet site and linked to jkevansandassociates.com.
- D.** Simultaneously with communication of the policy as specified in subsection C, copies of the changed policy shall be distributed to Supervisors/Leadership Team, with the effective date of the new or revised policy appearing on each policy copy.
- E.** The official version of the manual, with all updated and approved policies, is located and can be accessed on the Intranet. Refer to the manual on the Intranet for guiding their work actions and decisions. In the event that there is a conflict between the policy and the policy language expressed in the Program's hard- copy manual or the Program's intranet or CD versions, the policy manual located on the Internet at <http://Jkevansandassociates.com> shall prevail.

SECTION 2
ORGANIZATIONAL STRUCTURE AND AUTHORITY

TABLE OF ORGANIZATION

A. The organizational structure of the Program is reflected on the table of organization.



POSITION DESCRIPTIONS AND CLASSIFICATIONS

◆POLICY 2.02◆

- A.** Position descriptions have been adopted for the Program which lists the essential and other position requirements of each position. Positions with substantially similar essential position requirements are grouped under common position titles called classifications.
- B.** Regardless of an employee's classification or position assignment, he is required to perform any position task specified in the employee's position description, as well as any related task required by the employee's supervisor. An employee who is regularly asked to work out-of-classification in job responsibilities not specified in, or related to the employee's position description, may request that his position be audited as provided for in Section G of this policy.
- C.** Positions and their classifications are shown on the table of organization which reflects the organizational structure, chain of command, and reporting relationships between positions.
- D.** All employees are hired into, or promoted to positions, and are assigned a classification. As a condition of employment, each employee is provided with a position description and is required to review and acknowledge an understanding of their position description, job duties, classification specification and table of organization. Such information shall be initially conveyed to new employees during his orientation period. Thereafter, the employee will be informed of his classification assignment as the employee is promoted or other personnel actions occur.
- E.** Official classification titles shall be used in all personnel and payroll matters.
- F.** The Superintendent will continually monitor the accuracy of position descriptions, classification assignments and the table of organization. The Superintendent maintains authority to restructure the table of organization and position descriptions, in accordance with applicable law, with any such changes communicated to affected employees in writing.
- G.** An employee may request that his position be audited, for a change in classification, by submitting a *Job Audit Request* form to the Superintendent. The employee shall complete and sign the request, and include information that documents the added work assignments or responsibilities which the employee is performing and which the employee feels may justify the audit. The Superintendent shall review the request, and using professionally accepted job analysis methods, decide whether the position description should be updated, and/or the employee reclassified. The employee shall be notified, in writing, of the Superintendent's decision, and a copy shall be retained in the employee's personnel file.

- A.** The Board and Superintendent each maintain authority and rights as specified by law and requirements. This authority generally includes the right to establish, interpret and administer all policies and procedures, within applicable laws and requirements, to direct every phase of operations, and to take any action which the Board or Superintendent determines to be in the best interests of the Program.
- B.** More specifically, Board rights include, but are not limited to the following.
- determination of the mission, functions and programs of the organization;
 - establishing services and service standards;
 - approving overall policy of the organization;
 - establishing compensation levels and policy;
 - approving the lay off of employees for lack of work, lack of funds, or job abolishment;
 - approving new positions;
 - establishing and approving the budget.
- C.** Authority and rights designated to the Superintendent include, but are not limited to the following.
- administering the work of the Board, subject to Board rules;
 - recommending to the Board changes necessary to increase the effectiveness of programs and services offered pursuant to Chapters 3323 and 54126 of the ORC;
 - employing persons for all positions authorized by the Board;
 - approving contracts of employment for Leadership employees;
 - approving personnel actions that involve employees in the classified civil service as may be necessary for the work of the Board including layoffs, disciplining, demoting and discharging classified employees;
 - approving and ensuring payment of compensation for employees within limits set by the salary schedule and budget set by the Board and in accordance with 5126.26 of the ORC.
 - authorize the payment of Board obligations by the County Auditor.
 - administering the approved budget;
 - effectively managing the workforce;
 - utilizing technology;
 - establishing organizational structure, assigning position requirements and determining the size of the workforce within approved budgetary and Board constraints;

- maintaining and improving the efficiency and effectiveness of operations;
- establishing work methods and procedures;
- assigning job duties and tasks;
- setting job performance standards;
- determining work schedules and priorities;
- establishing hours and status of employment;
- recommending and implementing Board approved policy, and establishing and implementing work rules and procedures consistent with approved policy;
- transferring employees;
- establishing expected standards of ethical conduct;
- selecting personnel into new and promotional positions; and
- assuming the authority to take any lawful action to carry out the mission of the organization.

D. Likewise, other Leadership staff assumes certain responsibilities and authority specified in B, as delegated by the Superintendent. Such responsibilities include, but are not necessarily limited to recommending policy, procedures and work rules, adhering to approved budgetary constraints, managing the workforce, assigning job duties and tasks, recommending selection of new hires, and for promotional positions; recommending or carrying out disciplinary actions, subject to the approval of the Superintendent.

SECTION 3
SELECTION AND EMPLOYMENT

EQUAL EMPLOYMENT OPPORTUNITY

◆POLICY 3.01◆

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- A. The Program is an equal employment opportunity employer. All personnel decisions in the areas of recruitment, selection, promotion, demotion, lay off, position upgrade, transfer, termination, discipline, as well as other personnel actions, shall be made based solely upon merit, fitness and other bona fide occupational qualifications, without regard to an individual's race, color, religion, sex, national origin, age, military status, veteran's status, genetic information or qualified mental or physical disability [except to the extent that physical ability to perform the job is a bona fide occupational qualification].
 - B. The Program will not discriminate against any person intending to become a citizen, insofar as that person has completed a declaration stating that he intends to declare US citizenship within six (6) months of eligibility for naturalization.
 - C. The Program will provide reasonable accommodations to otherwise qualified applicants and employees for disabilities for which the Superintendent is made aware. The Program is not required, nor shall it make, any accommodation which the Superintendent determines to create an "*undue hardship*" on the Program. If an employee [or applicant] seeks an accommodation, the employee shall so notify the Superintendent or designee who, in conjunction with the Superintendent, shall consider the disability and determine an appropriate reasonable accommodation, if any.
 - D. The Program shall maintain an Equal Employment Plan describing our goals and methods for the provision of equal employment opportunities for all persons under its authority. A copy of this plan shall be available in each facility where employees are assigned to work.
 - E. If an employee feels that he has been discriminated against contrary to the intent of this policy, he may seek consideration through the Complaint Procedure. If a supervisor or other employee is found, after an investigation, to have engaged in any unlawful [or inappropriate in light of this policy] discrimination, such supervisor shall be subject to appropriate disciplinary action, up to and including discharge from employment.
 - F. The Program also strives to provide to its employees a work environment - free from unlawful discrimination and hostility - as it pertains to the working relationships between employees and persons who do business with the Program such as vendors, contractors, and consultants. If an employee experiences *unlawful discrimination* or an *unlawful hostile work environment* in dealing with such non-employee doing business with the Program, the employee is encouraged to so notify the Superintendent or designee who shall be responsible for promptly investigating and appropriately resolving the problem. If the non-employee is found to have unlawfully discriminated against the employee, or created a unlawfully hostile work environment, the Superintendent shall resolve the problem by so informing the violator, and ordering him to cease and desist the unlawful behavior. Repeated unlawful discrimination or the continuation of creating an unlawful hostile work environment on the part of the non-employee shall result in the Program ceasing to do business with such person or firm.

JOB POSTINGS

◆POLICY 3.02◆

- A.** Positions that are vacant, or will become vacant, may be posted internally and may be posted externally at the discretion of the Superintendent.
- B.** When open positions are posted internally, a job posting announcing the opportunity, will be posted on a bulletin board at each location. When open positions are posted externally, the job posting may be advertised using various methods including, but not limited to local media, newspapers, free online job postings, MCBDD website, Facebook, Careerbuilder.com, and word of mouth. Each job posting shall specify the vacant position's classification title, essential job duties, required qualifications, and the deadline, method and place of application.
- C.** 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.
- D.** The Superintendent or 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 for the position. Those applicants not selected for interview may, at the option of the Superintendent or designee, be notified, in writing, to maintain good public relations or employee relations. Likewise, such notification may help manage and limit unsolicited inquiries by applicants seeking information regarding the selection decision.
- E.** The Superintendent or designee shall consider the results of the interview and other employment criteria, and shall review the employee's or outside applicant's work record, performance evaluations and other job related information when making a selection decision. The Superintendent 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 Superintendent 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 Superintendent or designee shall conduct six database checks, as required by the Ohio Administrative code, on any selected outside applicant. Database checks include:

 - 1. The list of excluded persons and entities maintained by the office of Inspector General in the United States Department of Health and Human Services pursuant to Section 1128 of the Social Security Act, 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, and Section 1156 of the Social Security Act, 96 Stat. 388 (1982), 42 U.S.C. 1320c- 5.
 - 2. Ohio Department of DD Abuser Registry pursuant to Section 5123.52 of the Ohio Revised Code.
 - 3. The Nurse Aid Registry established pursuant to Section 3721.52 of the Ohio Revised Code.

4. Attorney General's Crime Watch Database (Sex Offender and Child –Victim Offender) established pursuant to Division (A) (11) of Section 2950.13 of the Ohio Revised Code.
 5. The United States General Services Administration system for Award Management database.
 6. The Department of Rehabilitation and Correction database of incarcerated and supervised offenders established pursuant to Section 5120.066 of the Ohio Revised Code.
- F.** 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.
- G.** Once the applicant has been selected for appointment to the position, the Superintendent or designee shall so notify each interviewed applicant, in writing, of the selection decision.
- H.** 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.
- I.** 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.
- J.** 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 Program shall make any "reasonable accommodation(s)" to enable the newly appointed employee to perform such essential job duties. The Program is not required, nor shall it make, any accommodation which it determines to create an "*undue hardship*" on the Program.
- K.** 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.
- L.** 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.

- A. When a vacancy occurs, the Superintendent will determine the manner and means of advertising. Commonly used processes may include, but are not limited to: local media and newspapers, free online job posting sites, MCBDD website, Facebook, Careerbuilder.com, and word of mouth.
- B. Applicants, recruited from outside the Program, shall follow the instructions specified in the recruitment advertising to be considered for employment, including the completion of an application for employment. Any, all or no outside applicants may be required to submit additional information to assist the Superintendent in screening applicants. The most qualified applicants will then be selected for an employment interview with the Superintendent or designee.
- C. Outside applicants who are selected for employment, shall through the County Auditor, on his first day of work, be required to complete the ***I-9 Form*** and provide all necessary documentation necessary to comply with the requirements of the ***Immigration Reform and Control Act***. Failure to provide the required documentation within the specified timeframes shall result in the Superintendent rescinding the offer of employment.
- D. The selected new employee shall then be required to read and understand this Personnel Policy Manual, and to sign required documentation indicating such understanding.
- E. A new employee shall, whenever feasible, begin work on the first day of the payroll period, unless otherwise approved by the Superintendent. The new employee will be requested to complete all employment forms including OPERS and STRS, withholding and other documentation as required.
- F. The supervisor and other qualified designated employees shall provide to the new employee complete and proper orientation and training to perform job requirements. However, regardless of the amount and type of orientation provided to the new employee, the employee shall be *solely* responsible for performing all essential job duties to the required performance standards.

- A.** The Superintendent, with the possible recommendation of the supervisor, shall select (or not select) an applicant to fill a vacant position from the available pool of applicants, either from the job posting process or from outside recruitment. The filling of the position will be based solely on the applicant's knowledge, skills, abilities, fitness and job related qualifications. An applicant shall be eliminated from consideration if he:
1. does not possess the knowledge, skills and abilities necessary to effectively perform essential duties of the vacant position as measured by job interviews, evaluation of work record, job references, criminal background checks, driving record checks, or other bona-fide selection procedures;
 2. has made a false statement, committed or attempted to commit a fraudulent act of material fact on the resume, application form or otherwise during the selection process;
 3. is an alien without authorization to work in the United States;
 4. has not successfully passed any state or federally required medical examinations, or has failed an examination required after an offer of employment has been made. [Such examination, however, may only be required if the exam is given to all applicants who have been offered employment in the same job classification];
 5. does not possess [or is unable to obtain] any state or federally mandated licenses or certifications required to perform the job; or
 6. inauspicious professional references and/or job related criminal background check;
 7. any other reasonable and lawful grounds relating to failure to meet job requirements.
- B.** If an applicant is hired, and it is subsequently discovered that any disqualifying criteria apply, the employee may be discharged for dishonesty, incompetence, nonfeasance or malfeasance.
- C.** The Program shall, prior to employing an applicant, require the applicant to submit a statement that the applicant has not been convicted of or pleaded guilty to any of the following offenses:
1. been dismissed for good cause from any branch of public service if the reason for dismissal has a direct and substantial relationship to the position being filled;
 2. a driving record unacceptable to the Program insurance carrier for those applicants who are seeking a position in which driving is an essential component of the duties in the position; or

3. per ORC 5126.28, been convicted of or plead guilty to the violation of any of the following:
- a. any offense listed in RC 5126.28 (E)(1);
 - 1. The list of excluded persons and entities maintained by the office of Inspector General in the United States Department of Health and Human Services pursuant to Section 1128 of the Social Security Act, 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, and Section 1156 of the Social Security Act, 96 Stat. 388 (1982), 42 U.S.C. 1320c-5.
 - 2. Ohio Department of DD Abuser Registry pursuant to Section 5123.52 of the Ohio Revised Code.
 - 3. The Nurse Aid Registry established pursuant to Section 3721.52 of the Ohio Revised Code.
 - 4. Attorney General's Crime Watch Database (Sex Offender and Child – Victim Offender) established pursuant to Division (A) (11) of Section 2950.13 of the Ohio Revised Code.
 - 5. The United States General Services Administration system for Award Management database.
 - 6. The Department of Rehabilitation and Correction database of incarcerated and supervised offenders established pursuant to Section 5120.066 of the Ohio Revised Code.
 - b. any felony which bears a direct and substantial relationship to the duties and responsibilities of the position being filled; or
 - c. a violation of an existing or former law of this state, any other state, or the United States if the offense is substantially equivalent to any of the offenses described in Section 3(a) or 3(b) of this policy.
- D. All applicants will be required to sign an agreement stating that the applicant notify the Superintendent, if while employed by the Program, of any future formal charges, convictions or guilty pleas of any of the disqualifying offenses described in C(3) of this policy and that failure to report such charges may result in dismissal from employment.

- A. The Program complies with the requirements established by the ***Immigration Reform and Control Act of 1986*** (the "Act"). In general, the Program will not knowingly hire, recruit, or continue employment of any alien hired after November 6, 1986, without substantiating that alien's identity and employment eligibility to work in the United States. Therefore, as a condition of employment, the Program, through the County Auditor, shall verify the *identity* and *employment eligibility* of each newly hired employee, and shall maintain a recordkeeping system which documents compliance with the Act.
- B. Each newly hired employee shall be required, through the Auditor, on his first day of work, to complete the biographical information requested by ***Form I-9***. The new employee shall attest that he is eligible for employment in the United States, and has presented authentic, original documentation of identity and employment eligibility by placing an x in the appropriate box in Part 1 of the form. The new employee shall sign Part 1, and shall submit the form, with the required supporting documentation to the Auditor for review and verification of his identity and employment eligibility.
- E. If the new employee is unable to produce the required document(s) within 3 days of the date of hire, the Auditor shall require the employee to produce, within the first 3 days of employment, a receipt substantiating that the new employee has applied for the documents. The actual document(s) then must be produced within 90 days from the date of hire and submitted to the Auditor.
- F. If an alien attests that he intends to apply, or has applied, for legalization or amnesty, the Auditor need not require evidence of eligibility to work in the United States at the time of hire. The employee must, however, prior to hire, provide to the Auditor evidence of the employee's identity and the ***Form I-9*** will be completed omitting the work authorization data. The Auditor will update the ***Form I-9*** when work authorization documents are available.
- G. The Auditor shall physically examine the documentation presented by the newly hired employee and the remaining portions of Form I-9 shall be completed by the Auditor. The completed I-9 Form and copies of supporting documentation shall then be retained in a file, separate from the employee's personnel file, for at least a period of 3 years after the effective date of hire, or for 1 year from the date of the employee's separation from service with the Program, whichever is later. Such documentation shall be retained at the Auditor's Office.
- H. The 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.
- I. Should an employee be rehired by the Program within 1 year of the date of separation, the employee's original I-9 Form and supporting documentation may be used for the purpose of complying with the Act.

PROBATIONARY PERIODS

◆POLICY 3.06◆

- A. All newly hired and promoted *classified* employees [except those specified in section B] are required to serve a 180 day probationary period, beginning with the date of original appointment or date of promotion, whichever is applicable. Lengths of such probationary periods are calculated by applying the following procedures, depending upon the appointment status of the employee.
- **Full-time:** One hundred and eighty [180] consecutive calendar days, beginning with the date of original appointment or promotion.
 - **Part-time who regularly work a portion of a five day week:** One hundred and eighty (180) consecutive calendar days, beginning with the date of original appointment or promotion.
 - **Part-time who work less than a five day week & Intermittent employees:** served on the basis of time actually worked - 1000 hours for 180 day probationary period
- B. All certified, licensed, and registered staff are required to successfully complete a probation period of 300 calendar days, not including summer break.
- C. Time spent on approved unpaid leave does not count toward completion of the probationary period.
- D. During the probationary period, the supervisor will closely observe and evaluate the employee's performance and job aptitude. Likewise, the employee is encouraged to bring problems and questions to his supervisor to seek direction as necessary. The first half of the probationary period is considered an initial orientation and training period; consequently, newly hired and promoted employees will be evaluated halfway through the probationary period. The second half of the probationary period provides the employee with an opportunity to demonstrate the knowledge, skills, abilities, interests, and aptitudes [i.e., "qualifications"] required for effective and efficient job performance. Therefore, newly hired and promoted employees will again be evaluated by their supervisory within 10 days prior to the completion of their probationary period.
- E. The Program will retain only those *new hire* probationary employees who meet acceptable work standards during the probationary period. *Newly hired* employees may be separated at any time during the probationary period. A *newly promoted* employee who does not meet work standards during his promotional probationary period, will be reduced back to the position and pay from which he was promoted from. Newly promoted employees may be reduced at any time during the probationary period.
- F. Classified 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. Such employees may, at their option, appeal alternatively through the Complaint procedure.

- G.** The action of reducing a promoted employee back to the position from which he was promoted from shall not be considered disciplinary action or disqualify the employee from consideration for later advancement.

- H.** Unclassified employees do not serve in a structured probationary period, and may be discharged or reduced at the will of the appointing authority any time during employment. Accordingly, unclassified employees do not have the right to appeal to the State Personnel Board of Review.

MEDICAL EXAMINATIONS

◆POLICY 3.07◆

- A.** Physical and/or mental examinations may be required by the Superintendent, during employment, to ensure that current employees have the physical and mental ability (with or without a reasonable accommodation) to perform all required duties. Employees assigned to certain positions may be required by law or regulatory requirement to submit to a regularly scheduled examination during their period of employment with the Program.
- B.** Unless otherwise specified, the Superintendent shall select the physician to perform the examination and shall pay the cost.
- C.** The Superintendent may require a “post-job offer” medical examination to any job applicant, following a conditional offer of employment, provided the examination is required of all applicants in the classification. The results of such examination shall remain confidential except among the Superintendent and any supervisor or other employee who has a need to know about any job restrictions and accommodations.
- D.** The examination results shall be maintained in a file, separate from the employee’s personnel file. The results of the examination shall not be used to discriminate against any applicant with disabilities, except as they show that the individual is not qualified for the job.
- E.** The Superintendent may waive this medical examination requirement in cases of reinstatement within one (1) year of separation.
- F.** The examination may also be waived when an applicant or employee objects because of a bona fide religious tenet or religious affiliation. If an employee raises such objection, the Superintendent may require the employee to produce documentation, determined appropriate by the Superintendent, that substantiates the employee’s religious beliefs as it pertains to medical examinations. Information provided by the applicant or employee, in accordance with the requirements of this section, shall not be used by the Board for any purpose that is in conflict with the Board’s policy not to discriminate against employees or applicants on the basis of religion.

PERFORMANCE EVALUATIONS

◆POLICY 3.08◆

- A.** Each employee shall be evaluated, on an annual basis. Special evaluations may be given if authorized by the Superintendent. Probationary employees shall be evaluated both at the mid-point of the probationary period, and prior to its completion.
- B.** Evaluations shall be conducted by the employee's immediate supervisor. The supervisor shall complete the *Performance Evaluation Form* to accurately reflect and document the employee's performance 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.
- C.** Supervisors may informally meet quarterly with employees to review performance and goals. Ratings should, in so far as practicable, be supported by appropriate documentation (e.g., critical incident reports, letters of commendation, disciplinary actions, sample work products, operational records, reports and other documentation). This documentation shall be retained in the employee's personnel file.
- D.** Once the annual evaluation has been completed by the supervisor, the supervisor shall sign it, and discuss the evaluation with the employee. If warranted by the ratings, the supervisor may develop goals for the employee to adhere to address performance issues.
- E.** A copy of the completed evaluation shall be provided to the employee and the employee shall be required to acknowledge that he was given an opportunity to review and discuss the evaluation by signing in the appropriate space. At the employee's option, the employee may add appropriate comments. Refusal of the employee to sign his evaluation form shall be construed as a waiver of the employee's right to a reconsideration of the evaluation by the Superintendent as provided for in section I of this policy.
- F.** The supervisor shall also submit the completed evaluation to the Superintendent for review.
- G.** The completed evaluation shall be retained in the employee's personnel file.
- H.** Any employee who disagrees with any of his performance evaluation ratings, may seek reconsideration by submitting to the Superintendent a written request specifying which ratings are inaccurate, with appropriate documentation attached to justify reconsideration. The ratings in question may be reviewed and revised by the Superintendent, at his discretion. The Superintendent's decision shall be final.

Revised 12/15/15

SECTION 4
EMPLOYEE STATUS, ASSIGNMENTS & WORK
SCHEDULES

APPOINTMENT STATUS

◆POLICY 4.01◆

- A. All employees shall be categorized as **240 Day, 183 Day, part-time, temporary, or substitute [intermittent]**.

Full-time: 240 Day employees include employees who work in the following positions for the number of hours specified on a regularly scheduled basis:

37.5 Hours or more per week

Management
Secretary I & II
Human Resources Specialist Fiscal
Specialist
Information Technology Specialist Service
and Support Administrator Community
Services Fiscal Specialist SSA Supervisor
Transportation Supervisor UI
Coordinator
Community Network Coordinator Community
Network Support Specialist Community Service
Support Specialist Employment Navigation
Specialist Employment Navigation Support
Specialist Registered Nurse
Specialized Service Support Specialized
Service Technician Food Service
Supervisor Custodial/Maintenance
Supervisor Facilities Manager
Custodian I & II

35 Hours or more per week

Developmental Specialist
Intervention Specialist (preschool, school age & physical education) Classroom
Assistant (pre-school, school age)
Speech & Language Pathologist
Occupational Therapist Occupational
Therapist Assistant Physical Therapist
Speech Therapist
Medication/Treatment Assistant Food
Service Worker

28 Hours or less per week

Bus Driver Bus
Assistant

183 Day: an employee who works a full-time schedule but only for the duration of the school year.

Part-time: an employee who is scheduled to work less than 28 hours per week.

Temporary: an employee who works in a vacant position which needs filled for urgent reasons. The position is of a nonpermanent nature and exists for a duration of time, which is set by the Superintendent and does not exceed one hundred and twenty (120) days. Successive temporary appointments shall not be made.

- * A temporary appointment longer than one hundred and twenty (120) days may be made, if necessary, as determined by the Superintendent, by reason of sickness, disability, or other approved leave of absence of another employee. The temporary appointment may continue, at the discretion of the Superintendent, during the period of sickness, disability, or other approved leave of absence.
- * An employee who is appointed as a temporary employee may work either a full or part-time work schedule for the duration of the appointment.

Substitute or Intermittent: an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent or substitute employee may not work more than 1,000 hours within a twelve (12) month period.

- B.** A roster, specifying employee designations as full-time, part-time, 9 month, and other status of employment will be maintained at the personnel office.
- C.** An employee who is full or part-time, or is a 183 Day employee is considered to be "permanent." A 183 Day employee is permanent, but only works during the school year. The term "permanent" does not include temporary, intermittent, or substitute employees. Permanent employees work for an indefinite period of time, continuing until the employee resigns, retires, is discharged, laid off or is otherwise lawfully separated from service with the Program. ***Consideration as a "permanent" employee in no way should be construed to prohibit the Superintendent from exercising his management rights to lawfully discharge, suspend, demote or layoff a "permanent employee" in accordance with applicable Civil Service requirements and other requirements.***
- D.** Full-time permanent employees receive all benefits currently provided by the Board and the County. 183 Day employees receive all benefits, except they are not eligible for vacation leave. Part-time employees are eligible for only those benefits specified in this manual as applicable to part-time staff. Temporary and substitute [intermittent] employees are eligible for sick leave only.
- E.** Employees are also categorized as either ***classified*** or ***unclassified from civil service***.

Classified employees are provided civil service benefits and protection as provided for by the ORC, but are prohibited from participating in specified political activity. The ORC specifies which employees are designated as unclassified.

- F.** In addition to those positions specified above, all temporary, substitute and intermittent employees are unclassified, and therefore exempt from civil service. Accordingly, employees assigned to these classifications do not serve a probationary period since they can be discharged for any reason, with or without cause or prior notice.
- G.** On the date the Program appoints an employee to an unclassified position, the Superintendent shall provide the employee with written information describing the nature of the employment in the unclassified service. Failure to comply shall not confer any additional rights upon the employee in any appellate body with jurisdiction over an appeal of the employee.

CLASSIFIED & UNCLASSIFIED EMPLOYMENT ◆POLICY 4.02◆

- A.** Employees are presumed to be classified, unless lawfully exempted. Management employees, who are exempted, serve in the unclassified civil service at the pleasure of the Superintendent, and are employed at-will. The Superintendent will maintain a list of all employees who are unclassified.

- B.** Classified employees may only be disciplined for cause, and by following the procedures specified in Chapter 124 of the Ohio Revised Code, and are prohibited from participating in certain forms of political activity.

SENIORITY

◆POLICY 4.03◆

- A.** Seniority, except as otherwise specified below, is defined as an employee's uninterrupted length of continuous service with the Program. The application and use of such seniority to matters including, but not limited to vacation leave schedules, pay raises, transfers and other internally determined situations shall be at the sole discretion of the Superintendent.
- B.** For purposes of layoffs, seniority is defined as continuous service time with the Program, another Ohio county office, or a state-supported college or university where no break-in-service occurs.
- C.** Seniority for the purpose of retirement under OPERS or STRS is calculated according to the number of years service and contributions under the retirement system, in accordance with the retirement system's rules and regulations.
- D.** Seniority for the purpose of calculating vacation is determined according to the years of service with the Program, an Ohio county, the State of Ohio or any of its political subdivisions. This service need not be continuous; however, an employee does not earn vacation during any time spent away from public service. Completion of 1 year of service is required before eligibility for vacation is established.
- E.** For purposes of this policy, separation from employment lasting 30 days or less does *not* constitute a break in continuous service. Also, an approved leave of absence [including but not limited to Family and Medical Leave and unpaid leave] does *not* constitute a break-in-service, regardless of length, and seniority continues to accumulate during the term of the leave, provided that the employee complies with the terms and conditions of the leave. However, benefits, such as, but not limited to, vacation leave and sick leave, do not *accrue* when the employee is in approved unpaid leave status, or is absent without leave.
- F.** A break in service occurs if an employee is separated from service for any reason and is not *re-employed* within 30 days from the separation date. If the employee is *reinstated* back to his position within 1 year of the date of separation, the employee will be credited with continuous service time for previously accumulated seniority, but will not be credited with seniority for the time spent away from public service.

- A.** Employee work schedules and hours are established by the Superintendent and may be changed at his/her discretion, with or without prior notice. Notwithstanding the organization's regular hours of business, or the employee's normal work schedule, employees may be required, by the Superintendent or their supervisor, to work hours outside of their regular schedule, or normal work hours.
- B.** Employees are permitted a meal period each full work shift the scheduling and requirements of which shall be established by the Superintendent. The time-span for meal periods is thirty minutes unless the Superintendent or Supervisor authorizes a different amount of time for an employee's meal period. For the purpose of determining eligibility for a meal break, an employee will be considered to have worked a "full work shift" when that employee is scheduled to work 5 hours or more consecutive hours in the work day. When calculating the duration of a work shift, time spent taking a meal period is excluded. For example: If you start your work day after 11:15 am and if your normal work schedule typically ends at 4:00 pm, you would NOT be permitted a 30-minute meal period because you are not working at least a 5-hour day. The same would go for if you are planning on leaving early. If you are not working 5 hours in that specific day, then you would not be awarded a 30-minute meal period.
- C.** An employee does not have to actually complete the full five-hour work shift prior to taking a meal break, i.e., an employee may take a meal period during the five-hour period. However, in the event that an employee fails to return to work for any reason after an uninterrupted meal period, prior to working the full five hours, the employee will not be compensated for the meal period.
- D.** Teachers, Classroom Assistants and other classifications are required to eat lunch with students. Such time is compensable for all FLSA non-exempt staff and included as part of the salary for exempt positions.
- E.** For employees, not required to eat with students and assigned to FLSA non-exempt positions, lunch periods are paid, and employees will normally be relieved from duty. However, at the discretion of the employee's supervisor, employees may be required to work through all, or any portion of their lunchperiod.
- F.** Lunches and breaks shall not abut the start and end of the workday, except as otherwise authorized by the employee's supervisor in consideration of special circumstances deemed appropriate by the supervisor.
- G.** Each FLSA non-exempt employee is required to record the start and end of his workday on the "*Employee Time Record*," but is not required to record time taken for breaks and lunches, since such time is paid. Each employee shall complete his own time record. Filling out another employee's record, or falsifying any record is prohibited and shall subject the employee to appropriate disciplinary action. FLSA exempt employees must complete only the total time worked each workday on the *Employee Time Record*.
- H.** Employees are not to sign in any sooner than 7 minutes prior to the start of the work shift and are to sign out no later than 7 minutes after the work shift is over. Overtime eligible employees who voluntarily arrive early for their assigned shifts and/or voluntarily stay after the shift will be actively discouraged to do so by their immediate supervisor. Overtime eligible employees who voluntarily arrive early for work and/or voluntarily stay late after work are to spend this time in designated non-work areas.

Overtime eligible employees may only engage in work related activities that would result in overtime pay if they have prior written authorization to do so (see Overtime policy). Employees who violate this policy shall be subject to corrective action.

- I. Time records shall be checked and approved by the Superintendent or designee each biweekly pay period.

Transfers within the Program

- A. Employees are normally assigned to a position within an organizational work unit of the Program. Occasionally, however, an employee may be transferred from one position to another to enable the Program to meet workload needs, operational requirements or for other job-related reasons. A transfer may be made on either a permanent or temporary basis.
- B. An employee who is transferred shall retain the same classification title and assignment, and the employee's rate of pay shall remain the same. Also, a transfer does not affect an employee's seniority with the Program.
- C. The Superintendent maintains complete control and authority, and discretion in requiring and approving transfers within the Program. The supervisor, however, is delegated the authority to approve all transfers that will extend for one pay period, or less. For transfers extending for more than one payperiod, the supervisor will provide to the Superintendent a memo requesting approval of the transfer. Such memo will include the names of the employee[s] to be transferred, starting and ending dates, substantiating reasons, and any other pertinent data. No such transfer shall be made prior to receipt of approval by the Superintendent.
- D. An employee may request a transfer, which will be considered for approval or disapproval by the Superintendent, based upon the needs of the Program. When two (2) or more employees request transfer to the same position, and the Superintendent determines that a transfer is in the Program's best interests, the Superintendent will make the determination as to which employee is most appropriate for transfer.

Inter-agency Transfers

- A. Employees in the classified service, who have satisfactorily completed his probationary period, may be transferred from the Program to a position of similar classification and having similar qualifications in another agency of Muskingum County, or in another county, or in an agency of the state government, upon approval of the Superintendent and the other affected appointing authority, and in accordance with the approvals and requirements specified herein. Inter-agency transfers may be either on a temporary or permanent basis.
- B. Temporary inter-agency transfers of 30 days or less may be made without the consent of the employee. The employee shall have no right to appeal such temporary transfer unless the employee receives another temporary transfer within a 6-month period.
- C. Temporary transfers for periods of more than 30 days and less than ninety days may be made only with the prior written consent of the employee.
- D. A permanent inter-agency transfer is any transfer in excess of 30 days, unless the employee has consented to a longer temporary transfer not exceeding ninety days. Such transfers may only be made with the prior written consent of the affected employee.
- E. Written notice of an inter-agency transfer and the reasons therefore shall be given to the affected employee. This notice shall be given at least 14 calendar days prior to the effective date of the change, except when an emergency renders it impracticable.

ON-CALL STATUS

◆POLICY 4.06◆

- A.** 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 a 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.
- B.** 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.
- C.** 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 the weekends and holidays. When a Service and Support Administrator is in an on-call status and is directed to perform his/her duties, he/she will be compensated for all time spent performing those duties, including driving to and from the location where the duties are to be performed.
- D.** 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 11 Employee Compensation Personal Policies. 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.

Adopted 6/13/19

SECTION 5
RECORDS ADMINISTRATION

- A.** Official personnel files are maintained for each employee within the Program. Such files shall include, but may not be limited to: individual employment data; payroll information; references, work time schedules; records of additional deductions made; application forms; records pertaining to employment including W-4 forms, promotions, demotions, transfers, layoffs, discipline, and other pertinent or required information. The Superintendent, or designee, shall be responsible for maintaining records of personnel actions for each employee.
- B.** An employee has the right to make a reasonable inspection of his official personnel file upon advance request. The employee shall be permitted to copy any document in his file and to attach letters of explanation to documents when the employee believes an explanation is necessary. The inclusion of defamatory explanations or scurrilous attacks upon any person will not be permitted.
- C.** Employees must keep the Superintendent advised of any change in:
1. name;
 2. home address;
 3. marital status;
 4. telephone number;
 5. tax exemptions;
 6. citizenship;
 7. selective service classification;
 8. birth or death in their immediate family if it affects insurance coverage of the designated beneficiary;
 9. beneficiary for life insurance;
 10. dependents for group medical insurance;
 11. person to be notified in case of emergency;
 12. dependents' status (including changes due to age, marital status, educational status, and legal proceedings such as adoption or legal guardianship).
- D.** After advance reasonable request, personnel and other public records shall be made available, upon payment of a reasonable fee, to any member of the general public at reasonable times for inspection. The Superintendent shall refuse to disclose records pertaining to adoption, probation and parole proceedings, medical records and records the release of which is prohibited by state or federal law.
- E.** The Superintendent or designee, prior to making any personnel file public, will review and remove from such file those records that are confidential by law. Where lawfully confidential information [such as the employee's social security number] is a part of a record that also contains public information, the Superintendent will make a complete copy of such record, and shall completely remove the lawfully confidential information

from such copy. This record, with the confidential information removed, shall then be made available for public review in accordance with the policy specified in this manual.

- F.** Nothing herein shall prevent the dissemination of impersonal statistical information.

SECTION 6
STAFF TRAINING AND DEVELOPMENT

Pre-Hire Procedures

- A.** The HR Director shall provide a written offer of employment, signed by the Superintendent, to the selected applicant for hire. The offer letter includes wage and probationary information and specifically states that the offer of employment will be contingent upon successfully passing a physical, drug/alcohol, BCII, TB test, Nurse's Aide Registry, Sex Offender Registry, ODDD Abuser Registry Verification, U.S. Department of Health & Human Services, United States General Services Administration System, Database of Incarcerated and Supervised Offender, and BMV Driver's Abstract. It is also states that it is the responsibility of the applicant to secure and maintain any certification(s), registration(s)/licenses as required by the position they are obtaining; failure to do so will result in termination of employment.
- B.** In accordance with 5123-4-01(L)(1); upon receipt of selected applicant's BCII results, the HR Director shall enroll each new employee in the Ohio attorney general's retained applicant fingerprint database ("Rapback") prior to date of hire.
- C.** In accordance with 5123-4-01(L)(2); The HR Director shall provide, prior to the date of hire, an affidavit with the requirement for each staff member to report in writing to the county board, if he or she is formally charged with, convicted of, or pleads 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 within fourteen calendar days after the date of such charge, conviction, or guilty ple

New-Hire Procedures

- A.** The Superintendent, HR Director, Administrative Services Director, Supervisors, and other qualified designated employees shall provide to each newly hired employee complete and proper orientation and training to familiarize the employee with the program, its operations and purpose, as well as expected job requirements and standards. However, regardless of the amount and type of orientation provided to the new employee, the employee shall be solely responsible for performing all essential job duties to the required performance standards.
- B.** Orientation training officially begins the first day of the employee's probationary period and continues through its end. It commonly consists of, but is not limited to, on-the- job training under the supervision of a more experienced employee. Thereafter, the employee may be provided training as deemed necessary by the Superintendent or Department Director. Such training may include new job methods or systems, changing job standards, equipment and other matters affecting the employee's job or as otherwise deemed necessary by the Superintendent.
- C.** In accordance with 5123-4-01(L)(2); The HR Director shall provide upon the date of hire, and annually thereafter, a written notice to each staff member explaining the conduct for which the staff member may be placed on the abuser registry.
- D.** New employee orientation includes, but is not limited to the following:
 - Intranet website general orientation which includes Program overview, Mission Statement, Table of Organization, Board of DD structure, [including appointments, powers, and duties], overview of Developmental Disabilities, Health and Safety Training, and UI/MUI training.

- Required signatures/acknowledgements including: Review of all personnel policies and signature of the Policy Manual Review and Understanding. Review and discussion of employee's job description and job requirements and signature of their position description indicating understanding.
 - Review of Drug and Alcohol Policies [8.05 and 8.06], and acknowledgement of the Drug & Alcohol Agreement Review and acknowledgement of the Outside Employment verification information. Review and acknowledgement of the Confidentiality & HIPAA information and any other individual policy acknowledgment forms as applicable.
 - Review of Health and Safety includes Bloodborne Pathogens, Epi-Pen/Severe Allergic Reaction, Seizure Care, and other general Health and Safety Training including but not limited to: emergency procedures, fire exits, alarms, management of communicable diseases, Universal Precautions, Hazard Communication, OSHA, GHS 5.01 Do Not Resuscitate, comfort care procedures, Health Care Guidelines, Seizure Action Plan and log, Disaster, Vagal Nerve Stimulator and Procedures for Allergic Reactions.
 - Review of Major Unusual Incidents and Unusual Incidents training includes: incidents affecting the welfare and individuals served, reporting requirements, definitions of Abuse and Neglect categories and directions for completing MUI and UI forms, patterns and trends, rights of people with disabilities, abuser registry, resolution of complaints and appeals of adverse action, confidentiality, and health and welfare alerts.
 - CORSA training including, but not limited to: sexual harassment, diversity in the workplace, and computer security.
 - Hands-on training to include but not limited to: past, present, and future for people with developmental disabilities, person-centered thinking, positive culture, community partner and MCBDD building tours, self-advocacy, FANS, The Good Life, community connections, health and safety training (direct-care positions only), behavior support training (direct-care positions only), employment first and department-specific training as required.
 - The Program will provide to an unclassified employee written information that describes the nature of employment in the unclassified civil service, upon the date that an employee is appointed to an unclassified position. In addition, on the date of appointment [or in no case later than within 30 days after the date of appointment] the Program will provide to the employee a job description that describes the duties of the unclassified position. Demonstration of job duties, work methods, and discussion of employee's performance expectations.
 - Review of proper equipment use and maintenance.
 - Discussion of paydays, pay increases, benefits, and other related matters.
 - Review of any other matters deemed appropriate by the Superintendent.
- E. The HR Director shall maintain a new hire checklist for each and every new employee hired by MCBDD which shall ensure that all pre-hire and hire procedures are followed according to this policy and according to 5123-4-01.

TRAINING

◆POLICY 6.02◆

- A. The Superintendent shall examine current and proposed training to determine the Program's relevance to the Board's needs and objectives, and shall approve requests for training on that basis, as well as budget, workload and other constraints and factors.
- B. Upon initial employment with the Program, and at the employee's own cost, an employee shall be responsible for possessing or obtaining the training, courses and certifications required for entry into the position. Thereafter, employees may be required to attend job-related training courses, workshops, seminars and other in- services. If such training is required by the Superintendent, training expenses shall be paid by the Board.
- C. Employees must participate in any in-service classes required by the Superintendent.
- D. All employees learn on-the-job, as well as possibly through formal training or education provided by the Superintendent. As part of the employee's training however, the Superintendent, may at his discretion, assign a more experienced employee to provide direction, correct work methods, train and otherwise monitor performance to help the employee effectively perform job responsibilities.
- E. Training Programs conducted for FLSA non-exempt employees during their regular working hours constitute work time and shall be compensated at an employee's regular hourly rate. After-hours training shall also be compensable for FLSA non- exempt employees unless all of the following apply:
 - 1. attendance is entirely outside of the employee's normal working hours
 - 2. attendance is completely voluntary on the employee's part [*attendance shall not be considered voluntary if the employee is led to believe by the Superintendent or supervisor that attending is critical to his job*]
 - 3. the training is not directly related to the employee's current job and
 - 4. the employee does not do any productive work which benefits the Program during the training.

If an employee plans to voluntarily take a training course that is directly related to the employee's current job with the Board, then the employee is required to request approval from the Superintendent, prior to signing-up for the course.

- F. ***Regardless of the amount and type of training, if any, provided to an employee, the employee shall be solely responsible for performing all essential job duties to the required performance standards.***

MEMBERSHIP IN ORGANIZATIONS AND ASSOCIATIONS

◆POLICY 6.03◆

- A.** 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 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.
- B.** 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.
- C.** The Superintendent will normally consider the following factors when selecting organizations and designating employee's 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.
- D.** 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.
- E.** 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.
- F.** 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.
- G.** 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 request and may approve or disapprove it at his discretion, in accordance with these policies.

SECTION 7
SEPARATION FROM EMPLOYMENT

RESIGNATION

◆POLICY 7.01◆

- A.** Any employee who plans to voluntarily resign shall notify the Superintendent, in writing, at least two weeks in advance of the effective date of resignation. Such notification shall include a statement indicating the employee's intention to resign, the date the notice was given, the effective date of resignation, the reason for the resignation, and the employee's signature.
- B.** Failure to give proper notification may result in ineligibility for reinstatement. A person who resigned in good standing [i.e., good work record and proper notification] may be reinstated to his former position, at the discretion of the Superintendent, within one year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the interests of the Board.
- C.** Upon receipt of the letter of resignation, the Superintendent shall acknowledge the receipt of the letter in writing. Also, the Superintendent will direct scheduling adjustments, selection processes, payroll changes and other procedures to meet the operational and staffing needs of the department.
- D.** The letter of resignation shall be retained in the employee's personnel file.
- E.** The resigning employee must turn in all assigned keys, key card or fob, equipment, or any other Program property to the Superintendent on the last day worked, or as otherwise directed by the Superintendent. The Program may deduct the cost of any unreturned property from the employee's remaining paychecks if an employee does not return all of the Program'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.
- F.** All electronic and hard-copy versions of work products and files are the property of the Program. Upon separation from service, the employee is prohibited from removing any such work product or files from the Program's property. Likewise, all proprietary property, as well as other materials that were used off of the Program's property during the course of employment shall be returned.
- G.** An employee who is absent for a period of 3 consecutive scheduled work days, without giving proper notification of absence, shall be considered as having resigned without notice. The effective date of resignation in such case shall be the last day on which the employee worked prior to the unauthorized absence.

RETIREMENT

◆POLICY 7.02◆

- A.** Any employee who plans to retire from service under OPERS or STRS shall notify the Superintendent, in writing, at least four weeks in advance of the effective date of retirement. Such notification shall include a statement indicating the employee's intention to retire, the date the notice was given, the effective date of retirement, and the employee's signature.
- B.** Upon receipt of the letter of retirement the Superintendent shall acknowledge receipt of the letter in writing. Also, the Superintendent shall direct scheduling adjustments, selection processes, payroll changes and other procedures to meet the operational and staffing needs of the Program.
- C.** The letter of retirement shall be retained in the employee's personnel file.
- D.** The retiring employee must turn in the policy manual, assigned keys and all personally assigned equipment to the Superintendent on the last day worked, or as otherwise directed by the Superintendent. The Program may deduct the cost of any unreturned property from the employee's remaining paychecks if an employee does not return all of the Program'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.
- E.** All electronic and hard-copy versions of work products and files are the property of the Program. Upon retiring from service, the employee is prohibited from removing any such work product or files from the Program's property. Likewise, all proprietary property, as well as other materials that were used off of the Program's property during the course of employment shall be returned.

LAYOFF

◆POLICY 7.03◆

- A.** The Board may layoff classified employees due to a lack of work; lack of funds; or job abolishment to increase efficiency or economy of service. Unclassified employees may be laid off at the will of the Superintendent.
- B.** In the event that a layoff or job abolishment is necessary, ORC Section 124.321 shall be followed.
- C.** Employees will not be laid off for disciplinary reasons.
- D.** The employee must turn in all assigned keys, policy manuals, equipment, or any other Program property to the Superintendent on the last day worked, or as otherwise directed by the Superintendent. The Program may deduct the cost of any unreturned property from the employee's remaining paychecks if an employee does not return all of the Program'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.
- E.** All electronic and hard-copy versions of work products and files are the property of the Program. Upon separation from service, the employee is prohibited from removing any such work product or files from the Program's property. Likewise, all proprietary property, as well as other materials that were used off of the Program's property during the course of employment shall be returned.

SEPARATION PAY

◆POLICY 7.04◆

- A.** An employee shall be paid for any accrued but unused Vacation Leave at the employee's current rate of pay, upon resignation, retirement, discharge, or any separation from employment, for any reason.

- B.** Upon retirement from active service with the Board, an eligible employee shall 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 [See section titled "Sick Leave Conversion"].

DEATH OF EMPLOYEE

◆POLICY 7.05◆

In the event an employee passes away, this policy defines the processes and timelines for connecting with the deceased employee's family, removing the deceased employee's belongings, clearing offices/workspaces, supporting staff, and transferring work responsibilities.

A. Notifications

1. The Director of Human Resources shall be notified immediately by the department director or supervisor of an employee passing.
2. All employees shall be notified promptly with as much information as appropriate indicating that any funeral arrangements will be forthcoming as available.
3. The department director or supervisor shall communicate sensitively to staff the transition of the deceased employees' work responsibilities.
4. The Director of Human Resources is responsible for communicating all payroll and benefits information to the deceased employee's family and/or beneficiaries within 72 hours after the death.
 - a. If staff are asked to provide specifics about such benefits, they shall refer all inquiries to the Director of Human Resources.

B. Work Responsibilities and Continued Service

1. It is the responsibility of the department director or supervisor to ensure consistent and timely continued services.
2. 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.
3. 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.

C. Personal and Office Items

1. Office space and personal items of the deceased employee shall not be disturbed for at least one week unless family members have designated a different timeframe.
2. The department director or supervisor (or designee) shall assume responsibility for separating the deceased employee's personal belongings from county board-owned items.
3. The department director or supervisor and the Director of 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.

D. Recognition and Remembrances

1. The department director or supervisor shall be responsible for overseeing or monitoring any fund-raising collections or charity activities.

2. 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.

Adopted 3/12/20

SECTION 8
EMPLOYEE CONDUCT

ATTENDANCE AND TARDINESS

◆POLICY 8.01◆

- A.** The success of the Program is dependent upon each employee effectively fulfilling his job responsibilities. Likewise, coworkers depend upon each other, since employees work as a team in providing a stimulating, safe, and comfortable environment for enrollees and performing related service, operational, and administrative responsibilities.
- B.** Dependable attendance is fundamental to performing job responsibilities and providing services to enrollees. Therefore, attendance is considered to be an essential job function, and employment with the Program carries with it the personal responsibility of each employee to arrive at the job on time, every scheduled workday.
- C.** The Superintendent or designee establishes daily work schedules and maintains employee attendance records. Employees are expected to arrive to work on time, each scheduled workday. When an employee reports to work after his scheduled starting time, he shall be considered tardy. Tardiness on a regular basis is not acceptable. Whenever an FLSA non-exempt employee is tardy, that employee will be subject to a reduction in pay corresponding to the amount of time he was late, and at the discretion of the Superintendent, appropriate disciplinary action.
- D.** The Program recognizes that there are occasions when an employee is not able to come to work because of illness, injury, weather emergencies or other occasions specified in this manual. Leaves are provided for these instances, however abuse of sick leave or other leaves is strictly prohibited. Employees are required to report absences from work in accordance with the notification and approval requirements.
- E.** Use of paid or unpaid leaves for any reason not authorized in this manual is considered to be abuse of leave - a serious infraction that not only constitutes inappropriate payment of payroll and tax dollars, but also adversely affects or impacts upon coworker workloads, and services to enrollees. Accordingly, the Program will deal severely with abuse of sick leave and other leave abuse through application of appropriate disciplinary action, up to and including discharge.
- F.** Any employee who is absent from work for three or more successive scheduled days, without notifying the Superintendent in accordance with these policies, or without approved leave, shall be considered to have resigned, effective as of the last day actually worked.

NOTIFICATION OF ABSENCE

◆POLICY 8.02◆

- A.** An employee who is unable to report for work, and who is not on a previously approved day of vacation, sick leave, leave of absence, or other approved leave shall notify his supervisor or other person designated by the Superintendent that he will be unable to report for work. Such notification must be made, as established by each department's guidelines.
- B.** In the case of a sick leave condition exceeding three consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be required.
- C.** Only absences logged by the supervisor or designee, in accordance with this notification policy, will be considered for approval.
- D.** When an employee returns to work following sick leave, the employee must immediately report to his supervisor or designee. The employee shall be issued a Request for Time Off form to complete, which requests an explanation for the absence and other pertinent information. A physician's statement may be required if medical attention was sought, or if it was otherwise required by these policies. Any documentation that substantiates the employee's reason for the absence shall be submitted with the completed form. The completed form must be submitted back to the employee's supervisor no later than 1 working day after the return from absence.
- E.** The form and other documentation will be reviewed by the supervisor or designee to determine whether the absence will be approved. Any absence that is not approved will be made a part of the employee's record, and can result in appropriate disciplinary action.

- A.** All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the state of Ohio and other rules and regulations established by the appointing authority.
- B.** 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:
1. Conduct himself in any manner that discredits the operations or ethical standards of the Board.
 2. Engage in any activity that is illegal or offensive to other employees or general public.
 3. Use his position with the Program for personal gain or engage in any transaction that conflicts with the proper discharge of his duties.
 4. Except as permitted by law, have an interests 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.
 5. 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.
 6. 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.
 7. 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 in not agreed to through competitive bidding, if competitive bidding is legally required.
 8. Occupy, during his employment or within one 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.
 9. Without proper legal authorization, disclose confidential or proprietary information about the property, business, operations, or affairs of the Program. Nor shall he use such information to advance the financial or other private interest of himself or others.
 10. 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 Program.

11. Accept any gift, favor, or item of value that may tend to influence him the discharge of his duties.
 12. Grant, in the discharge of his duties, any improper favor, service, or item of value.
 13. Accept from any contractor or supplier, doing business with the Program, any material or service for the private use of the employee.
 14. Represent any private interest in any action or proceedings against the Program.
 15. Have a financial interest in companies that do business with the Program, except as allowed for by law.
 16. Engage in employment, or accept private employment with, or render services for a private employer, when that employment or service is incompatible with the proper discharge of his independent judgment or action in the performance of his official duties.
- C.** The Superintendent, or designee, shall provide new employees with a copy of Chapter 102 and 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 of these items in writing.
- D.** 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 Program. The Superintendent maintains the right, however, to determine when an employee's activities or actions are in conflict with the interests of the Program.
- E.** 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, he may confer with the Prosecutor. Violations of this policy may result in disciplinary action, up to and including discharge.
- F.** Employees will be provided periodic training regarding ethical conduct to increase employees' understanding of expected ethical conduct.
- G.** 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 positive manner at all times. Employees will be provided with an Official Code of Conduct upon hire and annually thereafter to acknowledge their commitment to this objective.

CONFIDENTIAL & SENSITIVE INFORMATION

◆POLICY 8.04◆

- A.** As employees fulfill their responsibilities to Muskingum County citizens, it is possible for employees to gain access to confidential or sensitive information.
- B.** It is essential to the reputation of the Program, as well as its ability to properly serve the public that the confidentiality of such information be maintained, and that it not be disclosed with other persons outside of the Program, except as otherwise authorized by the Superintendent.
- C.** Likewise, such confidential or sensitive information is to be shared with other employees solely on a "need to know" basis, and only in connection with carrying out official job duties and responsibilities.
- D.** Employees are prohibited from attempting to obtain confidential information for which they have not received authorization.

Substance Abuse Free Workplace

- A.** The Board is well aware of the disastrous effect that drug abuse can have upon employees personally and upon their ability to safely and efficiently perform their job duties. As a public employer, the Board believes that it has a responsibility to assume a leadership position in the community's efforts to eliminate drug abuse. Accordingly, the Board is determined to do everything it can to comply with the *Drug-Free Workplace Act of 1988*.
- B.** 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 also prohibits the use, possession, and distribution of equipment, paraphernalia, or literature encompassing the use of illegal drugs or substance abuse within the workplace.
- C.** In addition to this policy, employees are also subject to the provisions specified in the policies titled "Drugs and Alcohol; "Drug Testing", and as applicable to CDL drivers, "Drug & Alcohol Testing for CDL Drivers.
- D.** Any conduct that is in violation of any of these drug and alcohol policies will subject the offending employee to appropriate disciplinary action, up to and including discharge from employment. In addition, and conduct that involves the use of illicit drugs could subject the employee to possible criminal prosecution.

Policy Communication and Understanding

- A.** Prior to performing any work, all conditionally hired employees will be provided with a copy of this and each of the other drug and alcohol policies. As a condition of employment, the conditionally hired employee will be required to review each of these policies and then sign an "Agreement and Understanding to Abide by the Board's Drug and Alcohol Policies". This signed form is retained indefinitely in the employee's personnel file.
- B.** All employees, who are employed by the Program on the effective date of this policy, will also be subject to the provisions of section B of this policy, as a condition of continuing employment.
- C.** In addition, upon hire, and annually throughout the course of employment, employees will be issued a copy of this this policy and other drug and alcohol policies, information concerning the dangers of workplace drug abuse, and available information concerning local substance abuse assessment and rehabilitation services

Employee Notification Responsibility

- A.** If an employee is convicted of violating a federal or state criminal drug statute, the employee must notify the Superintendent of that conviction within five calendar days immediately following the conviction if the offense occurred within the workplace.
- B.** If an employee fails to notify the Superintendent of a conviction, the employee will be subject to disciplinary action, up to and including discharge. If discharged, the employee will be forever barred from future employment with the Board. The employee may also be held civilly liable for any loss of federal funds resulting from a failure to report the conviction.
- C.** Employees may possess legal prescription drugs and medications within the workplace, provided they follow the conditions and requirements specified in this manual.

Commitment to a Drug & Alcohol Free Workplace

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

Prohibited Substance Use and Abuse

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

Policy Violations

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

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

Voluntary Assessment or Rehabilitation

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

Returning to Work Following Assessment or Rehabilitation

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

Prescriptions and Over-the-Counter Medications

- A. Workplace production and safety can also be adversely affected by the side effects of properly used and legally prescribed drugs. Therefore, an employee is prohibited from working while under the influence of an over-the-counter or prescription drug which impairs the employee's ability to perform his job properly; or which affects the safety of others.
- B. An employee is responsible for conferring with his medical practitioner, upon being prescribed medication, or when the employee takes over-the-counter medication to assess and determine if the medication could affect job performance or safety.

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

Prescribed Medical Marijuana

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

Policy Violations and Workers' Compensation & Unemployment Compensation

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

Introduction

- A. In the spirit of maintaining a drug and alcohol abuse-free workplace, and as a condition of initial and continued employment, each employee is expected to support and cooperate fully with drug and alcohol testing processes specified in this policy.
- B. The Program does not knowingly hire any employee who currently uses illegal drugs either in their personal or professional life. Therefore, all newly hired employees are required to submit to and test negative to a battery of drug tests as a condition to their initial employment. Thereafter, each employee is required to follow the drug and alcohol policies specified in this manual, with their continued employment possibly conditional upon compliance.
- C. If an employee's job requires a commercial driver's license (CDL), the employee must comply with the regulations of this policy as well as the regulations of policy titled: "Drug and Alcohol Testing" for CDL License Holders.

Testing laboratory

- A. Drug and alcohol tests are conducted off-site by a recognized testing provider[s] selected solely by the Program. Tests are conducted under the guidelines and procedures set forth and adopted by the testing provider[s].
- B. The testing laboratory shall be certified under the "Mandatory Guidelines for Federal Workplace Drug Testing Programs" and will have a clear and well-documented procedure for collection, accounting, handling, and accessing of urine specimens, with procedures including an evidentiary chain of specimen sample custody and control. The laboratory's collection site is solely responsible for maintaining the integrity of the specimen collection and transfer process.
- C. Only the authorized testing provider[s] will conduct testing on behalf of the Program. No test results submitted by any other laboratory will be recognized and used as a basis for making employment decisions.
- C. Urine tests may be used to test employees and conditional employees for use of controlled substances. Breath or blood tests are used to test for alcohol.
- D. Testing procedures shall be outlined in writing by the laboratory and provided to the Program and the employee.
- E. Alcohol testing may be conducted by the laboratory selected by the Program, as well as any law enforcement officer certified in use of the breathalyzer.

Authorization

- A. Each current employee and all conditionally hired employees are required to read and understand this policy.
- B. Upon understanding, each employee and conditionally hired employee will be required to sign a "Drug and Alcohol Test Consent Form" to authorize drug and/or alcohol testing as specified in this policy, gives authorization to the testing laboratory to release test results to the Superintendent, holds the Program free of any and all liability in regards to the tests and how they are used in making employment decisions, and other relevant information.
- C. The signed form will be retained in the employee's personnel file.

- D. Refusal of a job applicant or conditionally-hired employee to sign the test consent form will result in disqualification for the position, or rescinding employment offer made conditionally. Each current employee is also responsible for giving signed authorization, and cooperating fully with this testing program throughout the employee's period of employment, and as a condition of continued employment.

Drug and Alcohol Testing

- A. An employee who is subject to testing is expected to cooperate by submitting urine and/or breath or blood samples under the following guidelines.
- B. Employees, subject for drug and/or alcohol testing, who are taking a prescription or over-the-counter drug, shall so inform the laboratory prior to taking the test and shall submit a copy of the prescription to the laboratory upon request.

1. Conditional-Offer Drug Test:

- a. At the Program's expense, each conditionally-hired employee is required to submit to drug testing as a condition of employment.
- b. A positive test result will result in rescinding the conditional offer of employment.

2. Reasonable Suspicion Drug and Alcohol Tests:

- a. During the course of employment, an employee will be tested for alcohol and controlled substances when there is reasonable cause to suspect that the employee may be in violation of the Program's alcohol or drug policies.
- b. Reasonable suspicion tests must be prior approved only by the Superintendent.
- c. Examples of instances when an employee may be referred for a reasonable suspicion test include, but are not limited to:
 - Observed symptoms of substance use or abuse, or of being under the influence while the employee is at work including symptomatic behaviors, speech, odors or other observations that raise question as to whether the employee is under the influence of alcohol or drugs.
 - Direct observation of use of a controlled substance or alcohol, or possession of alcohol or a controlled substance while at work.
 - Direct observation of illegal drug use or abuse of prescription drugs while the employee is on personal time.
 - A pattern of abnormal conduct or erratic behavior.
 - Work performance or conduct issues that can be reasonably attributed to use of a drug or alcohol.
 - Arrest or conviction for a drug-related offense, or identification of an employee as the focus of a criminal investigation into illegal controlled substance possession, use, or trafficking.
 - Discovered evidence that an employee had tampered with a required test.

If an employee is referred for reasonable suspicion testing, the employee will be driven to and from the testing location to ensure the employee's safety and the safety of the driving public.

3. Post-Accident Drug and Alcohol Tests:

- a. A post-accident test will be required when an employee is involved in a vehicle accident while driving on the job that results in:
 - a fatality;
 - bodily injury to any person involved in the accident that requires more than basic first aid;
 - significant property damage beyond minor dents and scratches to a vehicle body or other structure;
 - any injury for which the employee is likely to file for worker's compensation; or
 - a citation issued to an employee for any moving violation arising from an accident.
- b. Following a workplace accident, the employee is required to report the accident to the employee's supervisor. If the employee is unable to report the accident because of injury, a coworker shall be responsible for reporting the accident.
- c. Only the driver of the vehicle is normally subject to post-accident testing. Passengers, in the vehicle are not normally subject to drug or alcohol testing, except if they are reasonably suspected of being under the influence and in violation of the Program's drug and alcohol use policies.
- d. An employee who is involved in a workplace accident is prohibited from drinking alcohol for a period of 8 hours following the accident, or until the employee undergoes the drug and alcohol tests, whichever is first.
- e. If the employee is injured in the accident, the employee is to receive necessary medical care prior to being required to submit to drug and alcohol tests.
- f. As soon as feasible, the employee will be driven to the authorized testing facility by another assigned employee, who was not involved in the accident, to undergo post- accident drug and alcohol testing.
- g. Alcohol breath tests shall be administered by a trained Breath Alcohol Technician [BAT] or a law enforcement officer certified to conduct such tests. Drug testing will be conducted in accordance with process and requirements specified for pre- employment testing.
- h. If an employee suffers a workplace injury and tests positive for using alcohol or a controlled substance, the employee may be found by the Bureau of Workers' Compensation to be ineligible for Workers' Compensation benefits.
- i. Employees whose position requires a Commercial Driver's License (CDL) must comply with the regulations of this policy and the regulations of policy titled "Drug and Alcohol Testing for CDL License Holders".

4. Return-To-Duty Drug & Alcohol Testing:

- a. Prior to returning to work from a paid or unpaid leave taken for the purpose of substance abuse assessment and rehabilitation, the employee will be required to submit a certification from the employee's substance abuse professional that verifies that the employee is now in active recovery, and is ready to return to perform job duties and responsibilities in accordance with performance and policy standards.
- b. On the first day upon returning to work, and before the employee begins work, the employee will be required to undergo testing for alcohol and controlled substances. The employee will not be permitted to return-to-duty unless the alcohol test results are in a concentration less than the cutoff established by the testing provider and drug test results are negative.

- c. Thereafter, the employee will be responsible for remaining substance abuse-free and for performing his job and conducting himself in accordance with this and other policies and work standards as substantiated by periodic Reasonable Suspicion Drug and Alcohol testing at intervals and duration as determined by the Superintendent.

Drugs Tested

- A. Tests that are administered to determine the presence of illegal drugs specifically are the following.
- Amphetamines
 - Opiates
 - Marijuana
 - Cocaine
 - PCP
- B. Any other drugs that could be tested using the same methods used to test for these controlled substances are not tested, but if found, will not be reported or used as a basis for making employment decisions.
- C. Alcohol is not tested as part of post-offer testing, but is tested along with illegal drugs in connection with reasonable suspicion, post-accident, or return-to-work tests.

Failing a Drug or Alcohol Test

- A. A test will be determined to have been failed when:
1. The result of the test and any retest sample is positive.
 2. The employee or conditionally hired employee:
 - a. fails to arrive to the testing site as required by this policy;
 - b. is found to have altered or substituted a test sample, or otherwise interfered with the accuracy of the result;
 - c. refuses to submit a urine and/or breath sample, or otherwise refuses to cooperate during a test;
 - d. refuses to cooperate, or engages in any form of conduct that obstructs the testing process; or
 - e. refuses to give authorization for a drug or alcohol test required in accordance with this policy.
- B. The laboratory will inform both the employee and the Program of the results of the drug test. When the results are negative, and all other conditions of employment are passed, the Program will so inform the employee and specify that the conditions of initial employment have been passed.
- C. When a reasonable suspicion, post-accident, or return-to-work drug or alcohol test is failed, the process specified in the Drugs and Alcohol policy will be followed.
- D. A refusal to submit to a pre-employment drug test or refusal to fully cooperate or release the results to the Program shall be sole and sufficient grounds for disqualification for the position, regardless of the conditional employee's job qualifications, education, experience, knowledge and skills. Conditionally hired employees who fail the conditional hire drug test will not be considered eligible for referral to assessment and rehabilitation.

Retests

- A. An employee may be retested at the employee's request provided the laboratory has collected sufficient sample so that a sample remains after the test, so that the initial test can be retested and validated.

Costs

- A. The Program assumes all costs incurred for drug and alcohol testing that it requires. If the first test is positive, the employee will be given the opportunity to be retested, with the costs of the retest assumed by the employee if the retest is positive. If the retest is negative, then the Program will pay for the costs.

Confidentiality

- A. The privacy interests of employees and the legitimate interests of the Program in implementing and maintaining a substance abuse program is accomplished by limiting disclosure of, and access to, information to the Superintendent and to others only on a business need-to-know basis. in connection with the administration of this policy, management of the Program, or other business reason.
- B. Test results may also be made available to the subject of the test, persons designated and authorized by such person, the employee's physician, employee's counselor or upon order of a Court.

DRUG & ALCOHOL TESTING FOR CDL LICENSE HOLDERS

◆POLICY 8.08◆

- A.** 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.
- B.** 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.
- C.** Pursuant to federal statutes and regulations, all vehicle operators, working for the Program 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.
- D.** 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.
- E.** Specific requirements pertaining to vehicle operator alcohol use are specified below. A vehicle operator is prohibited from:
 - 1)** using alcohol while performing safety-sensitive functions
 - 2)** performing a safety-sensitive function within four (4) hours after using alcohol
 - 3)** reporting to duty or performing a safety-sensitive function with an alcohol concentration of .04 BAC percent or greater
 - 4)** using alcohol eight (8) hours following an accident or until tested when required to be tested
 - 5)** possessing alcohol while on duty in the vehicle
- F.** Specific requirements pertaining to vehicle operator's drug use are specified below. A driver is prohibited from:
 - 1)** using or possessing any illicit drug; or using prescription or other drugs that can affect the vehicle operator in performance of safety sensitive duties.
 - 2)** testing positive for drugs specified in this policy
 - 3)** 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 Program 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.
- G.** In general, a driver is further prohibited from:
 - 1)** manipulating, switching or committing other misconduct related to a urine, breath, saliva or blood specimen or test
 - 2)** refusing to submit to a required test

- 3) 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"
- H. Each regular and substitute bus driver, as well as any other staff member who is required by the Program to hold a CDL license, shall be tested, as specified herein, for the presence of alcohol in his system, and for the presence of the following controlled substances.
- Marijuana
 - Cocaine
 - Opiates
 - Amphetamines
 - Phencyclidine [PCP]
- I. 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 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.
- J. Drug and alcohol tests shall be conducted as follows, in accordance with Federal and State regulations, using the "split sample" method of collection.
- 1) 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.
 - 2) 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
 - 3) Bus Drivers who are involved in an accident will be subject to an alcohol and/or 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.
 - 4) 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.

- 5) A driver will be tested for drugs or alcohol prior to, and as a condition of reinstatement back into his position after being placed on leave, suspended or separated from duty for alcohol or drug abuse in violation of this policy, after receiving assessment and successful treatment by a qualified substance abuse professional, and after approval to return by the Superintendent.
 - 6) All Bus Drivers, referred by the Superintendent to treatment, and who successfully complete a treatment program for drug or alcohol abuse and are permitted by the Program to return to work, will be subject to unannounced drug and alcohol testing for a period of twenty-four (24) months following their return to work.
- K.** A refusal to submit to a reasonable suspicion, post-accident, random or follow-up test is considered a positive verified drug test or alcohol test.
- L.** The Board has established policies and practices in order to protect its students, clients, employees and Board from the effects of substance abuse. When there is a violation of this policy, the violation will serve as a basis for discipline, up to and including discharge, even for a first offense. The degree of the action chosen will depend on the circumstances of each case.

DISCRIMINATION & HARASSMENT

◆POLICY 8.09◆

MCBDD is committed to providing an organization that is safe and free from unlawful discrimination and harassment. Unlawful discrimination and harassment is behavior directed toward an employee with the basis of discriminatory treatment, in whole or in part, on the person'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. Discrimination, harassment, and inappropriate conduct in the workplace is strictly prohibited and will not be tolerated. Violation of this policy is subject to disciplinary action, up to and including termination.

Verbal Harassment

No employee shall harass another employee with comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, age, sex, sexual orientation, gender identity, pregnancy, appearance, disability, marital status or other protected status, including slurs, and negative stereotyping.

Non-Verbal Harassment

No employee shall harass another employee with distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, sex, sexual orientation, gender identity, pregnancy, appearance, disability, marital status or other protected status.

Sexual Harassment

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is made explicitly or implicitly a term or condition of employment, is used as a basis for an employment decision, or unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.

No employee shall sexually harass another employee with innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats, requests for any type of sexual favor, distribution, display, or discussion of any written or graphic material that are sexually suggestive or show hostility toward an individual or group because of sex, suggestive or insulting sounds, leering, staring, whistling, obscene gestures, or any unwelcome or unwanted physical contact of any kind.

Furthermore, no employee shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect that employee's job, evaluation, compensation, advancement, assigned duties, work shifts, or any other condition of employment or career development.

Inappropriate Conduct and Disruptive Behavior in the Workplace

Inappropriate conduct and disruptive behavior will not be tolerated. Employees have different levels of comfort and different senses of humor when it comes to workplace interactions. What may seem to be a harmless joke or prank can lead to allegations of harassment, discrimination, assault, infliction of emotional distress, or other unintended causes of action. If inappropriate conduct occurs, all complaints will be taken seriously, investigation will occur and any appropriate immediate action will take place. Prohibited inappropriate conduct and disruptive behavior includes, but is not limited to the following:

- A. Destruction of property.
- B. Interruption of one's ability to complete a job or interfere with a deadline.
- C. Disruptions that impact work productivity, cause bodily injury, affect the health and welfare of a person, or harm the county board.
- D. Conduct that focuses on a person's national origin, race, color, religion, age, sex, sexual orientation, gender identity, pregnancy, appearance, disability, marital status or other protected status
- E. Pranks that include insinuating an employee has been terminated, demoted, or ineligible for retirement.
- F. Any behavior that creates a hostile work environment.

Reporting Discrimination or Harassment

If an employee believes they have been discriminated against or harassed, the employee is required to report the alleged incident immediately to their Supervisor or Human Resources.

All complaints of incidents will be investigated immediately. Investigations will be treated as confidentially as possible and information will be disclosed strictly on a need-to-know basis. If, after investigation and careful consideration of the facts, it is established that the employee has been discriminated against or harassed, the employee, who committed the act of discrimination or harassment, will be subject to disciplinary action, up to and including termination.

Witnessing and Testifying to Discrimination or Harassment

Employees, who witness sexual, racial or other forms of harassment of another employee or person, are required to report the incident immediately to their Supervisor or Human Resources. If called upon, an employee is expected to cooperate during the investigation. If an employee hinders the investigation or fails to cooperate, they may be subject to disciplinary action, up to and including termination. Likewise, any employee, who retaliates against another employee for filing a harassment complaint, serving as a witness, or otherwise cooperating during an investigation, is subject to disciplinary action, up to and including termination.

Discrimination or Harassment Involving the General Public

The prohibitions and requirements specified in this policy also apply to sexual, racial or other forms of harassment of a citizen by an employee. Also, any employee who feels that he has been harassed by a member of the general public is required to report such incident as provided for in this policy.

Assurance of No Retaliation

Employees are required to report incidences of discrimination or harassment when employees believe, in good faith, that they or another employee have been subject to discrimination or harassment. Reporting an incident of discrimination or harassment, in good faith, will in no way be used against the employee or have an adverse impact on the individual's employment status. Anyone who retaliates against another employee for filing a harassment complaint, serving as a witness, or otherwise cooperating during an investigation, is subject to disciplinary action up to and including termination.

Filing a false report against someone is a very serious matter. If it is discovered that an employee has filed a fraudulent or intentionally false report of discrimination or harassment, the employee will be subject to disciplinary action up to and including termination.

GAMBLING

◆POLICY 8.10◆

- A. The Board does not permit illegal gambling among employees during work hours.

POLITICAL ACTIVITY

◆POLICY 8.11◆

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

Adopted 8/25/03

BULLETIN BOARDS

◆POLICY 8.12◆

- A.** The Program provides and maintains a bulletin board in the lobby and break room as a means for communicating information to and between employees. These bulletin boards are to be used for official Program business only, and material may not be posted or removed with the prior approval of the Superintendent. Bulletin board materials are the property of the Board.
- B.** The Superintendent maintains authority to determine how long materials may be posted. Outdated material, or material that has been posted longer than is permitted by the Superintendent, may be removed from the bulletin board with the Superintendent's approval.
- C.** In general, materials posted on bulletin boards may not:
 - 1. contain any personal attack upon any employee, public official, or any other person
 - 2. be scandalous or derogatory toward upon any employee, public official, governmental unit or agency, or any other person
 - 3. attack, or make any unfavorable comment regarding a candidate for public office
 - 4. be morally offensive
 - 5. adversely reflect upon the integrity or reputation of the Board, Board or County officials, management, employees, or any other person
 - 6. include advertisements or other solicitations for sale of products or services by any vendor, firm or company.
- D.** Employees are also permitted to use bulletin boards, located in their individual offices, to post work memos or notes, and personally owned items, such as pictures, calendars, or certificates, in so far as that items posted comply with section C of this policy.

Adopted 8/25/03

Secondary Employment

- A. An employee's full-time position with Program 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 his own business, as long as such activities comply with the terms and conditions of this policy.
- B. If an employee obtains a secondary job or starts his own business, the employee must notify the Superintendent, in writing, of where he will be working and what the job will entail.
- C. 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 Program. Likewise, secondary employment may not interfere with the employee's work schedule with the Program, present a conflict of interest, violate the *Ethics* policy, or be contrary to any other policy specified in this Manual.
- D. Employee's work demands sometimes require the employee to work evenings, Saturdays or Sundays to fulfill job requirements with the Program. 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 Program.
- E. The Program's computer equipment, printers, copiers, other equipment, materials and supplies are for the use of the Program'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 Program.
- F. In the event that the secondary job presents an ethical, scheduling, or other conflict with the employee's primary job, the Superintendent shall so advise the employee, and should the employee choose to accept or continue employment with the secondary employer, the employee shall be considered to have resigned from the Program.

Educational Pursuits

- A. An employee may take classes or pursue a degree during off work time in so far as such activity does not interfere with the effective and timely performance of job duties and responsibilities with the Program.
- B. If an employee begins taking classes the employee must inform the Superintendent, in writing, of his class schedule.
- C. Depending upon the circumstances, the Program may be able to approve a work schedule that accommodates the employee's school courses, but primary consideration must be given to the needs of the Program including the ability of the employee to effectively perform job duties, the provision of effective service to enrollees, and otherwise effective and timely fulfillment of job duties and responsibilities.
- D. The Program's computer equipment, Internet service, printers, copiers, computer disks, and all other equipment, materials and supplies are for the use of the Program'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 Program.

- A. The Program conducts its operations, business, and services for the citizens of Muskingum County, and its ability to maintain cordial and positive relations with the news media is essential to earning the public's support, and for promoting the Board's reputation as an effective and responsive governmental entity.
- B. Unless otherwise specified, the Superintendent is the official spokesperson of the Program. Consequently, no other employee is to discuss Program issues with any representative of the news media, unless and until the Superintendent has specifically given such employee permission to do so. If such permission is granted, the employee must keep uppermost in mind that each, every, and all remarks, comments, and conjecture he might offer could be construed as being "*on the record.*"
- C. The Superintendent, at his option, may choose to grant a "blanket approval" for specified employees to speak for the Program to the news media, rather than granting approval on an "each case" basis. Also, the Superintendent may limit such employees to the type and extent of the information to be provided to the press.
- D. From time to time, employees will be asked questions about the status of Program issues or other matters by members of the general public who do not have a vested interest other than mere curiosity. Employees are required to answer such questions in general terms, and without disclosing any confidential or sensitive information. General questions regarding the Program or any of its personnel must also be answered in a positive and supportive manner.
- E. Questions regarding the status of issues or situations by citizens having a vested interest shall be referred to the Superintendent.
- F. Employees are certainly free to associate with individuals and organizations of their choice outside the working environment [***in-so-far as such association does not adversely affect the Program's reputation and/or is in conflict with its purpose***] therefore, nothing in this policy or this manual is intended to restrict any employee's rights of free speech and association. However, employees are cautioned that their use and/or access to the news media, as a private citizen, must be kept separate and distinct at all times from their employment with the Program, and that any contact with the media, as a private citizen, must be tempered by the fact that each employee's actions in their private life may not impact negatively upon the reputation of the Program.
- G. Employees have a responsibility when expressing opinions in a public forum, which shall include but is not limited to letters to the editor and personal or other web pages, to make clear whether the opinion is a personal one, or one, which represents the Program. Any public communication which might be construed to be representing the Program must be prior approved by the Superintendent.

DRESS CODE

◆POLICY 8.15◆

A. Reasonable and Appropriate Dress, Hygiene and Grooming

The Superintendent reserves the right to propose reasonable and appropriate dress, grooming, and hygiene standards for all employees. These standards are conducive to the safe and effective performance of required job duties; based on the ability to perform job duties with undue effort, to prevent distractibility, and to project a favorable image of the Board at all times. Dress should be consistent with each person's role with the Board and should be functional and professionally appropriate for the job duties of the position. All employees shall comply with the following minimum standards (Sections B – E).

B. Clothing

1. Clothing must be neat, clean, appropriate, and in good repair.
2. Business Casual is defined as: jeans, dress pants, capris, khaki pants, dresses, skirts, button-up shirts, polo shirts, appropriate tops or blouses, and sweaters.
 - Jeans may be worn provided they do not have rips, frays, holes, whitewash fading, and do not drag the ground.
 - Leggings may be worn provided both the front and backside is covered with an appropriate long shirt, tunic, or dress.
3. Prohibited Clothing
 - Shorts (including Bermuda shorts), miniskirts (no shorter than 2" above the knee), spandex dress, bib overalls, baggy sweatpants, pajama pants, tube tops, halter tops, spaghetti strap dresses or tops, muscle shirts, hats, low-rise pants that reveal underwear or skin.
 - Garments that are see-through or show cleavage, bare-backs, or midriffs
 - Exposed undergarments
 - Clothing that is either torn, frayed, ripped, or has holes,
 - Clothing that is too tight and limits movement
 - Apparel with wording or pictures that are obscene, profane, pornographic, immoral, or advertise tobacco products, alcoholic beverages, or drugs.

C. Footwear

1. Footwear must be clean and in good repair.
2. Footwear must be functional, and professionally appropriate for the job duties being performed and must show the greatest degree of flexibility and safety.
3. Business casual footwear includes: boots, dress shoes, dress sandals, flats, casual clean canvas shoes (i.e. Keds)
4. Prohibited Footwear
 - Flip flops (sandals that go between your toes and do not have a back-strap), rubber beach-like shoes and sandals, croc-like shoes, high heels higher than 3", and athletic slides are not professional attire and are prohibited in all positions.

D. Jewelry and Tattoos

1. Employees are permitted to wear jewelry and display tattoos at the workplace; however, jewelry and tattoos shall not pose a conflict with the employee's job performance or

work environment.

2. Prohibited Jewelry and Tattoos

- Any jewelry or tattoo that could be functionally restrictive, dangerous or unsafe, affect job performance and/or productivity, cause damage to company property, 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.
 - Facial jewelry is not professionally appropriate and could be a safety hazard and therefore is not permitted during business hours – such as eyebrow rings, nose rings, nose studs, lip rings, lip studs, tongue rings, and tongue studs.
3. If management determines that an employee's jewelry or tattoos could present a conflict as described above, the employee will be directed to identify appropriate options, such as removal of excess or offensive jewelry, covering of tattoos, or other reasonable means to resolve the conflict.
 4. The Board will not be responsible for repair or replacement of any jewelry damaged during the course of the employee's job, including damage to watches.

E. Hygiene & Grooming

1. Employees are expected to engage in appropriate standards of cleanliness and good hygiene.
2. Each employee, regardless of their position, shall come into work clean, using generally accepted personal hygiene standards.
3. Hair, including facial hair, will be clean and well-groomed. Long hair shall not interfere with job duties or create safety hazard.

F. Position-Specific Requirements and Allowances

In addition to the general standards for all employees as defined above, specific departments may have requirements or allowances based upon their job duties.

1. School Direct-Care Staff (including Intervention Specialists, Classroom Assistants, Food Service Staff, and Therapists)
 - Clothing must be comfortable and functional.
 - No open-toed shoes or sandals. Tennis shoes may be worn.
 - No jewelry that could be easily yanked, grabbed, pulled, or broken.
 - On days where there are parents meetings, or the schedule requires – business casual shall be worn. (See B-2 for Business Casual Description)
 - Adaptive PE Intervention Specialist is permitted to wear shorts of appropriate length (no shorter than 2" above the knee) and athletic clothing and footwear.
 - Food Service staff must keep hair pulled back away from the face and wear a county board provided visor and apron at all times when working in the kitchen.
2. Administrative/Clerical/Early Intervention/Office/Community Services Staff
 - Business casual dress and footwear shall be worn. (See Section B-2 and C-3 of this policy for a description of business casual dress and footwear)
 - Fridays are considered to be a "dress-down" day, with the exception that appropriate t-shirts and tennis shoes may be worn.
3. Nursing Staff

- Scrubs shall be worn at all times.
 - No open-toed shoes or sandals. Tennis shoes may be worn.
 - No jewelry that could easily be yanked, grabbed, pulled, or broken.
4. Transportation/Maintenance/Custodial Staff
- Clothing must be comfortable and functional.
 - No open-toed shoes or sandals. Tennis shoes may be worn.
 - No jewelry that could be easily yanked, grabbed, pulled, or broken.
 - Hats may be worn.
 - Shorts may be worn during the summer months, provided they are fingertip length when arms are extended at both sides.

G. Dress Code Monitoring

1. Management are expected to monitor staff and caution any employee whose dress or hygiene is not in compliance with this policy. The employee will be sent home and not permitted to work until dressed appropriately. An employee will not be paid for time away from work as a result of violating the dress code policy. Repeated violations or continued abuse of these standards are subject to disciplinary action.
2. If an employee questions their dress as to compliance of this policy, they are expected to obtain permission prior to coming to work.

H. Exceptions and Accommodations

1. Occasionally, exceptions to the dress code 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.
2. Those requesting an exception or accommodation must inform their Supervisor and the Director of Human Resources and receive prior approval.

NON-EMPLOYEES

- A. The Board strives to maintain a productive, safe and secured working environment. Therefore, the Board prohibits solicitation and distribution by non-employees on its premises.
- B. 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.
- C. Should a non-employee attempt to solicit or distribute items on the Program'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.
- D. The Program expects its employees to make reasonable efforts to discourage telephone solicitation during their workday. Calls from sales representatives, recruiters, or other persons disrupt work, and may not be in the interest of the Program. Therefore, employees should promptly and courteously inform the caller that the Program does not permit telephone solicitations and disengage the call.

EMPLOYEES

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

IN GENERAL

- A. 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.
- B. Non-working time shall include any lunch period and authorized break times while work time is all other time that the department is open, excluding any time specified as non- working.
- C. 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, pagers, 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).
- D. 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.

PERSONAL PROPERTY

◆POLICY 8.17◆

- A.** The Board recognizes that employees may need to bring into work certain personal items. However, employees are prohibited from bringing into work any item, which is inappropriate, unnecessary, or contrary to any policy specified in this manual.
- B.** The Board specifically prohibits personal property that is sexually suggestive, offensive or demeaning to specific individuals or groups, disrupts work or poses a safety risk to other employees.
- C.** 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.
- D.** If prescribed personal items that are essential to be worn due to a medical reason (such as glasses, contacts, hearing aids, medical bracelets, or adaptive apparel) are damaged due to a direct-care work-related incident, the board will reimburse, up to, but not to exceed two hundred dollars (\$200) per incident; 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.
- E.** Employees utilizing the Board parking lot do so at their own risk and are encouraged to lock their cars at all times when left in the parking facilities. The Board assumes no responsibility for any damage to, or theft of, any vehicle or personal property left in the vehicle while on the parking lot.
- F.** To maintain security, the Board reserves the right to inspect all personal property brought onto the Board's premises, including vehicles, packages, briefcases, backpacks, purses, bags and wallets when there are reasonable grounds for suspecting that such a search will turn up evidence of work-related misconduct.
- G.** In addition, the Board may inspect the contents of file cabinets, desks and work stations at any time and remove all Board property and other items that violate Board rules and policies.
- H.** Personal property which is found on Board premises should be returned to the rightful owner if known, or to the Superintendent. Inquiries regarding lost property may be directed to the Superintendent.

- A.** Program management and staff strives to be public service oriented and to maintain the goodwill of the general public. Employees are expected to treat members of the general public courteously and with respect at all times.
- B.** All employees shall represent the Program in a positive manner, and employees with public contact as part of their job duties, are expected to be knowledgeable and helpful in providing the services. Employees are encouraged to seek new and better ways to serve the public, however, deviations from policy or normal procedure must be approved by the Superintendent.
- C.** Employees are required to report recurring public relations problems to the Superintendent or designee, and are encouraged to make suggestions for bettering public service policy and procedure.
- D.** Employees should listen carefully to public complaints, and are expected to deal with complaints within the scope of their authority in a helpful, courteous, and professional manner. If the resolution of the problem extends beyond the employee's authority, the employee should refer the complaint to his supervisor or other authorized employee. Members of the general public who become abusive, unreasonable, or harassing should be referred to the Superintendent or designee.
- E.** Most members of the general public speak English, therefore employees are expected to know and speak English when dealing with the general public as part of their job responsibilities. The Program will not discriminate against any employee [or applicant], however, because of that person's accent when speaking the English language, as long as the employee is able to be generally understood and communication is an important part of the employee's job. In situations where the member of the general public speaks a language other than English, the employee may speak that language if it is known to the employee.
- F.** No member of the general public will be discriminated against in services provided because he does not speak the English language or speaks with an accent. The Superintendent will make every effort to accommodate such person so that he may receive the services to which he is otherwise entitled.

USE OF INTERNET, E-MAIL, & SOCIAL MEDIA WEB SITES

◆POLICY 8.19◆

Internet Access and Use

- A.** The Program provides Internet access to employees, as a support resource and communication option. Internet use is provided for business use only. Surfing the Internet or accessing web sites for other than business purposes is prohibited. Video and audio live streaming use significant amounts of bandwidth. You will not use video or audio streaming programs unless it is necessary for the performance of your duties.
- B.** During work time, employees are prohibited from accessing personal web sites on Program computers or from their personal or board issued cell phones, or other devices that access the Internet; therefore, employees may not play games, access inappropriate web sites or download personal files including personal e-mail messages, videos, and pictures while working. Personal cell phones are to be turned off during an employee's work time, with the exception of those employees authorized to use their cell phones for business purposes.
- C.** Designated employees may download business-related information and material from the Internet into the computer system, but may not download software, including screen savers, without prior written authorization from the Superintendent.

E-mail

- A.** Business e-mail 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.
- B.** 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.
- C.** 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.
- D.** 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.
- E.** 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.
- F.** No personal emails may be sent or received by employees during work time either on Program computers or other Internet accessible devices.

Social Media Web Sites

- A.** The Program has a legitimate business interest regarding comments made by its employees on the Internet, and therefore prohibits its employees from writing comments or

discussing matters pertaining to the Program on the Internet on such sites as Facebook, Twitter, MySpace, YouTube and other social networking sites, personal web pages, blogs and any other means of communicating on the Internet. Specifically employees are prohibited from commenting or discussing on the Internet or any other public forum work policies, problems, complaints and issues, coworkers, supervisors, and other proprietary, confidential or sensitive information.

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

SECTION 9
EQUIPMENT

- A.** The use of Program vehicles will be strictly controlled by the Superintendent and shall be restricted for official Program business only.
- B.** No employee is permitted to operate any Program vehicle [or a personal vehicle for Program use] unless he/she has a proper, appropriate, and valid operator's license pertinent to the operation of that vehicle. If an employee does not possess a vehicle- operating license that is pertinent to his/her job duties, He/she is subject to disciplinary action, including discharge. An employee is required to submit his/her license when renewed to the Superintendent or designee, for review and verification prior to receiving authorization to operate a Program vehicle [or personal vehicle for Program use]. The Superintendent or designee shall retain a copy of the license in the employee's personnel file.
- C.** An employee may be required to use his/her personal vehicle for Program use. An employee using a personal vehicle for Program use will be required to substantiate proof of liability insurance and ownership of the vehicle at the time of renewal.
- D.** Employees shall inform the Superintendent 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 cancellation of insurance coverage.
- E.** Employees are required to use their privately owned or leased vehicles for commuting to and from work, and Program vehicles are not to be used for this purpose unless the Superintendent specifically authorizes such use.
- F.** Any vehicular accident, involving a Program vehicle [or private vehicle for Program use] must be immediately reported to the Superintendent, or designee, by the involved employee(s). The Superintendent, or designee, shall then notify the County Insurance department, when the vehicle is owned by the County.
- G.** Additionally, any staff who is involved in a vehicle accident while driving on County business, or while in a County vehicle, on or off duty, is to immediately notify the appropriate law enforcement agency and must file an accident report. At no time should staff fail to involve law enforcement or agree not to file areport.
- H.** Damage to any Program vehicle, and needed maintenance or repairs, are to be reported on the employee's incident/accident report. This information must be communicated promptly, on the day that the damage is incurred, or on the day that the need for maintenance/repairs is initially noticed.
- I.** Program vehicle interiors are to be kept in neat and clean condition. Each employee is responsible for cleaning trash and other items out of the interior of the assigned vehicle, after returning the vehicle to the assigned parking area.
- J.** Eating, drinking, and smoking are not permitted in any county vehicle.
- K.** When operating a vehicle on Board business, employees must exercise caution and adhere to all rules, safety practices, regulations, and laws. Employees are expected to be courteous to other drivers and pedestrians and are to focus on safe driving practices and avoid unnecessary distractions. Distracted driving of any kind is unsafe and can violate Ohio distracted driving and texting laws. Likewise, the driver and all passengers are required to use seatbelts at all times while the vehicle is moving.
- L.** 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.

- M.** Should an employee be found to be in violation of any traffic law, including Ohio's texting or distracted driving laws while driving on the job, the employee shall be solely responsible for any fines or penalties that may be imposed by the law or a court. 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.
- N.** 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 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.
- O.** When driving a vehicle on Board business, the employee is required to first safely pull over and stop the vehicle in a safe location, prior to making or receiving a cell phone call, or using a cell phone or any other electronic device to check or write an e-mail, text, access the Internet or for any other use. The employee is required to remain parked during the entire time that the device is being used.
- P.** Careless, reckless, or destructive vehicle operation will result in disciplinary action.

- A.** This policy applies to all county employees who operate a county vehicle or operate their own vehicle on behalf of the county, except employees whose position requires a commercial driver's license (CDL). CDL holders will continue to follow the policy specific to their department and position.
- B.** Employees operating a vehicle on behalf of the County Board are expected to operate the vehicle in a responsible manner. An individual's driving record as maintained by the State of Ohio Bureau of Motor Vehicles will be used as an indication of the individual's ability to responsibly operate a vehicle.
- C.** 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 the suspension of the employee's driving privileges:
- A conviction for
 - driving while under the influence of alcohol or drugs;
 - vehicular homicide;
 - leaving the scene of an accident;
 - attempting to elude or flee a police officer after a traffic violation;
 - drag racing;
 - 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.
- D.** 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.
- E.** 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 position (must be reviewed before their start date).
- F.** 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.
- G.** When persons, who drive on behalf of the County Board, have accidents and violations on their driving records and the department does not have driver guidelines, the following guidelines will be observed. Driving record should consider

the immediate past thirty-six (36) months. Applies whether incident occurred in Ohio or elsewhere.

RECOMMENDED MINIMUM ACTION:

- Two Points (2) or less –
 1. No action required.

- Three - Five Points (3-5) –
 1. The driver will meet with Human Resources.
 2. Discuss possible consequences of additional convictions.
 3. Have driver take remedial defensive driving course (at employee's expense).
 4. Written Warning.

- Six Points (6) –
 1. Discuss action with Human Resources and/or legal counsel.
 2. Meet with driver with Human Resources and/or legal counsel.
 3. 30 Day suspension from driving for a definite period of time and/or other appropriate action.
 4. Have driver take remedial defensive driving course (at employee's expense) prior to driving for, or on behalf of the County Board.
 5. Automatic suspension if offense was driving under the influence of alcohol or drugs.

- More than Six Points (6+ points) –
 1. Discuss action with Human Resources.
 2. The driver will meet with Human Resources.
 3. 180-365 Day suspension from driving on behalf of the County Board at least until points acquired reduce to less than six points and/or other appropriate action, which should include counseling.
 4. Have driver take remedial defensive driving course (at employee's expense) prior to driving for, or on behalf of the County Board.

- A.** Tools, supplies and equipment are provided for employees' use in the performance of their job duties. Supervisors are responsible for monitoring and ensuring their safe and proper use.
- B.** Misuse, neglect, theft, and abuse of equipment, tools and supplies is prohibited. Accidents that stem from the misuse or abuse of those items constitute the basis for disciplinary action.
- C.** Employees may be required to pay for tools, supplies and equipment that may be lost or damaged as a result of their negligence or carelessness. Whether, and to what extent, employees will be assessed for such loss or damage are matters that are within the Superintendent's discretion.
- D.** Personal use of the Program's tools, supplies, and equipment is prohibited.
- E.** All personally owned tools, equipment and supplies utilized by an employee in performing work for the department must be prior approved, in writing, by the Superintendent, or designee.

- A.** The Program uses various communications systems and equipment to help conduct Program business. Communication systems include mail, electronic mail, fax machines; computer networks, on-line services and computer files [see “Use of Computers”], telephones [see “Use of Telephones”] and cellular telephones [see use of cell phones]. Most communication services have charges or other usage related expenses, therefore, use of these services is restricted for only business use, except in emergency situations or as otherwise provided for by policy.
- B.** 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 Program. An employee should consult with his supervisor if there is a question as to the proper mode of communication.
- C.** All Program communications services and equipment, including the messages transmitted or stored by them, are the sole property of the Program. The Program may access and monitor employee communications and files as it considers to be appropriate.
- D.** Employees may not use Program letterhead, envelopes and postage for personal correspondence since such use could be construed as an official Program communication. Personalized business cards, notepads and other similar materials shall only be issued by the Program.
- E.** Employees may not use the Program’s address for receiving personal mail.
- F.** Use of cell phones issued by the Program, and carrying personal cell phones on duty, are covered under the provisions specified in that policy.
- G.** Improper use of communication services and equipment, including any content which is harassing, offensive, demeaning, insulting, intimidating, or sexually suggestive is prohibited.

USE OF COMPUTERS, MOBILE DEVICES & TELEPHONES

◆ POLICY 9.04 ◆

The county board provides computers, mobile devices, telephones, and other related devices so that employees may efficiently and effectively perform job duties and responsibilities. The security and integrity of any computer or mobile device system, files, or data contained therein is the extremely important and valuable to the county board's operation. Therefore, each employee is expected to understand and follow these standards.

County Board Owned Computers and Mobile Devices

- A.** Use of county board owned computers, mobile devices, telephones, and other related devices are provided solely for the county board's operational needs. Therefore, use of these items for personal use, for any other purpose than county board business, or for any purpose that is contrary to these policies or to the interests of the county board is strictly prohibited.
- B.** 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 designee 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.
- C.** The county board purchases computer software and licenses determined to be appropriate for the conduct of county board business. Therefore, any software that is not purchased by the county board shall not be installed on county board computers or mobile devices without prior approval from the Superintendent.
- D.** The county board purchases and installs printers, modems, backup systems and other peripheral equipment to interface with its computer system for business use. Therefore, no other such equipment is permitted to be installed onto the county board's systems except with prior approval from the Superintendent and will be installed by the IT Specialist only. Any software installed without prior approval from the Superintendent may result in disciplinary action up to and including termination.
- E.** Stationary county board owned computer hardware, software, and other computer supplies shall not be removed from the county board premises.
- F.** Computers and mobile devices which are provided to county board employees, may be removed from the county board premises for business use only. These devices are the property of the county board and must be returned when not in use, or when the employee's immediate supervisor instructs the employee to do so.
- G.** 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.

- H. When an employee assumes responsibly 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.

Telephones

Use of telephones (both county board owned and personal cell phones) used for personal reasons shall be kept to a minimum during normal working hours. Employees who are expecting an emergency call shall notify their supervisor of those circumstances.

Personal Cell Phones

The use of a personal cell phone for county board purposes presents a significant risk of unauthorized persons accessing or obtaining confidential information. Eligible (exempt status positions only) county board employees who are approved to use a personal cell phone for county board use must agree to abide by the personal cell phone agreement guidelines as follows and will sign an acknowledgement stating such.

- A. An employee who is authorized to use their personal cell phone for county board use shall not leave the cell phone unattended without a lock feature enabled. Employees shall maintain the confidentiality of their personal cell phone password and shall not store the password on or with the device.
- B. Due to text messaging being a generally insecure method of communication, text-to-text messages for county board purposes are discouraged and should only occur in an instance of an emergency; in which case a screen shot of all messages must be saved and documented in case-note format and are subject to a public records request. Messages must never contain confidential information such as names of individuals served, diagnoses, or discussion of incidents. Individuals, parents, and guardians must be informed of the risks associated with text messaging.
- C. The Superintendent reserves the right to audit the employee's personal cell phone, as it relates to county board use, as deemed appropriate.
- D. Loss or theft of a personal cell phone being used for county board use; containing any confidential or personal health information, is a security incident and shall be reported immediately. In the event a personal cell phone is lost or stolen, the phone is subject to being wiped or deleted. Additionally, employees must not sell, transfer, dispose of, or recycle their personal cell phone without first consulting the county board to ensure all security measures and/or factory resets have occurred.

Security Risks

The use of mobile devices presents a significant risk of unauthorized persons accessing or obtaining confidential data. Therefore, the following mobile device security procedures shall be followed and all suspected security breaches or incidents must be reported immediately.

- A. An employee who is authorized to use a county board computer, mobile device or cell phone shall not leave the device unattended. When the assigned employee is not performing work on their assigned computer, mobile device, or cell phone and it is out of the employee's sight or possession, it shall be locked or placed in a secure location.
- B. Employees shall not leave county board owned computers, mobile devices, or cell phones in a vehicle overnight. If it is necessary to leave the device in an unattended vehicle during

the day, the employee shall store the device in a locked trunk or other locked compartment of the vehicle and the vehicle shall remain locked at all times.

- C.** Employees shall maintain the confidentiality of the county board owned computer, mobile device, or cell phone password and shall not store the password on or with the device.
- D.** Employees shall maintain the security of county board computer hardware, software, mobile devices, storage devices, MiFi's and other related items. Such items shall be stored in a secure location when not in use.
- E.** County board computer, mobile device, and telephone users shall not disable or alter any security safeguards, such as virus detection software, installed on such devices.

Employee Responsibility

- A.** The loss, damage or theft of a county board owned computer, mobile device, or telephone puts the confidential information contained at risk of loss, disclosure or compromise. Therefore, employees are responsible for securing, protecting, and preventing damage to these items at all times.
- B.** An employee shall immediately report to their immediate supervisor any incident of tampering, damage, loss or theft of a county board owned computer, mobile device, or telephone as well as a personal cell phone being used for county board.
- C.** Employees shall not connect any equipment not owned by the county board, including but not limited to printers, scanners, wireless devices, or flash drives to any county board owned computer, mobile device or telephone.
- D.** 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.
- E.** 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.
- F.** 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.

SECTION 10
WORKPLACE HEALTH AND SAFETY

- A.** 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.
- B.** 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. Employees are encouraged to recommend to their supervisor specific training topics which they feel may be needed. The Superintendent, however, has sole authority to approve all safety and health training programs.
- C.** 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.
- D.** All employees are to know and follow the Program's health and safety policies.
- E.** 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, stairways fire doors, fire equipment and exits must remain clear of obstructions.
 - Supplies and materials must be stacked neatly, with all piles stable and built to safe heights.
 - Employees shall follow safe lifting practices.
 - "Horseplay" is prohibited.

- 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.
- F.** 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.
- G.** 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.

BLOODBORNE PATHOGENS & OTHER COMMUNICABLE DISEASES

◆POLICY10.02◆

- A.** The Program 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 are protected by the Americans With Disabilities Act.
- B.** An employee with an infectious 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.
- C.** An employee, who is afflicted with a blood-borne pathogen or other 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 he determines to be reasonable. The Superintendent shall not make any accommodation which creates an undue hardship upon the Program.
- D.** 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, the employee may request Family and Medical Leave to run concurrently with the 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 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.
- E.** The Program will support, where feasible and practical, education to enhance employee understanding and awareness of communicable diseases in the workplace.
- F.** 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.
- G.** Employees who are diagnosed with a contagious disease are required to so notify the Superintendent, immediately upon learning of the diagnosis. The matter shall be handled sensitively by the Superintendent, who shall follow the standards of confidentiality specified in this policy. The Superintendent may choose to review with the employee this policy, his leave benefits, and rights to a reasonable accommodation, if necessary. The employee may be requested, at the discretion of

the Superintendent, to provide a medical statement from the employee's physician to specify to the Superintendent any job restrictions, or other matters which will assist the Superintendent in handling the situation in a lawful, appropriate manner.

- H.** Employees who are concerned about becoming infected with a serious disease by a co-worker, citizen, or other person, should convey this concern to the Superintendent. Employees who refuse to work with, or perform services for a person known or suspected to have a serious disease, without first discussing this concern with the Superintendent, may be subject to disciplinary action. In addition, where there is little or no evidence of risk of infection to the concerned employee, the employee's continued refusal, after consultation with the Superintendent, may result in disciplinary action, up to and including discharge.
- I.** The medical condition and records of employees afflicted with HIV, AIDS or other communicable diseases shall be confidential, and shared with staff members only on a need-to-know basis as it relates to the carrying out official Program business, and for determining whether or not the employee poses a threat of contagion.
- J.** 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.
- K.** Employees are discouraged from discussing, providing information, gossiping, or provoking discussion of any employee's disease or medical condition. Such matters are private and may not be discussed in the workplace, except as such discussion relates to the conduct of official management responsibilities.

Introduction

- A.** The Program makes reasonable efforts to provide for the safety and security of its employees and to the general public while on Board premises. Employees, likewise, are expected to take reasonable care for their own protection and that of their personal property.
- B.** During off-duty time, employees may enter into the Board's premises to conduct business with the Program as a private citizen, but may not loiter on the Board's premises or disrupt the work of other employees or Program operations.
- C.** The Program has adopted and communicated to employees various safety and security procedures including, but not limited to: active shooter, bomb and other threats of terrorism, fire exit and tornado plans, and procedures for responding to other reasonably foreseeable emergencies. Each employee is responsible for knowing and following this policy and all emergency and security procedures. The Program has likewise adopted various procedures to safeguard the Board's hardcopy and electronic files, documents and confidential information.

Building Entrances

- A.** All full-time employees are issued a key card or fob to enter the building to which they are assigned. The security and safe keeping 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.
- B.** If an employee loses or damages the assigned key card or fob, the employee must immediately notify the Door Access System Administrator. The employee will 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.
- C.** 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.
- D.** 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.
- E.** 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.
- F.** 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.

Verbal and Physical Altercations

- A. Employees are prohibited from physically fighting or assaulting a co-worker, supervisor, member of the general public or other person while on working time, or anywhere on the Board's premises.
- B. Employees are likewise required to refrain from any verbal or physical behavior or conduct which is offensive, harassing, threatening or undesirable, or which in any way may risk the security, safety or well-being of any person.

Weapons

- A. The Board has posted at its entrances that firearms and other weapons are not permitted in any Board building. Accordingly, all persons (except certified law enforcement officers and military personnel authorized by Ohio's concealed carry law) are prohibited from possessing firearms or other weapons within any of the Board's buildings. Therefore, except as permitted by law as specified in the "Concealed Carry Holder" section of this policy, no employee or other person is permitted to:
 - possess or carry a firearm or any other weapon anywhere on Board property, or
 - carry a firearm or any other weapon in a Board-owned vehicle or in that person's own personal vehicle when traveling on Board business.
- B. For the purpose of this section, "weapons" include but are not limited to any firearm, knife, metal knuckles, straight razors, explosives, noxious irritants or poisonous gasses, poisons, and illegal drugs.

Concealed Carry Holders

- A. An employee or other person, who holds a current concealed carry license, is permitted to store the handgun, authorized by the concealed carry law, within that person's personal vehicle while parked on the Board's parking area. Likewise an employee, with a current concealed carry license, may store the concealed weapon in the employee's personal vehicle when traveling on Board business.
- B. When exercising these concealed carry rights, the employee or other person must meet the following conditions and be otherwise compliant with the Ohio concealed carry law and regulations as it pertains to possession and use of the handgun
 - Each firearm and all of the ammunition must remain inside the vehicle while the person is physically present inside the vehicle, or each firearm and all ammunition must be locked within the trunk, glove box, or other enclosed compartment or container within or on the vehicle.
 - The vehicle is in a location where it is otherwise permitted to be.
 - A firearm that is authorized to be stored on the Board's parking area, or which is transported while on Board business, must be the type of firearm covered and permitted for storage and transport under Ohio's concealed carry law.
- C. Employees, who are active duty military members, are permitted to carry a concealed handgun provided the military member has a valid Ohio License to carry a concealed handgun. The military member is subject to the same requirements and limitations as apply to any other person with a valid concealed carry license. In addition, active duty military members are required to carry military identification and paperwork substantiating that the member has had firearm training equivalent to that required of other licensees. The term "active duty" means full-time duty training duty, annual training duty, and attendance, while in the active military service, at a school

designated as a service school by law or by the Secretary of the military department concerned. The term “active duty” does not include full-time National Guard duty.

Safety and Security Breaches

- A.** Employees are required to promptly report to the Superintendent or designee, or Program Director regarding any breach of security or safety to the public or employees. The Superintendent and/or supervisor will take appropriate action to lawfully and appropriately resolve the matter within their scope of authority.
- B.** 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. As appropriate to the situation, the Superintendent may order a lock down, lock out, evacuation, or other action to ensure the safety employees, consumers and others.
- C.** If the threat is immediate, the Superintendent, Program Director 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. The contacting of law enforcement will be documented on the Unusual Incident Report form, including the nature of the incident, the date it was reported and to whom and other relevant or required information.
- D.** Critical phone numbers and procedures for addressing fire, explosions, hazardous materials, tornados, bomb threats, rapid evacuation, earthquakes, nuclear attack, utility emergencies or power failures, poisoning and emergency closings are located in the booklets that are located at each telephone. Employees are to review and understand these procedures so to be able to efficiently follow them in the event of an emergency.
- E.** As appropriate to the situation, employees, who are at risk, are to mitigate the situation including by clearing the area to a safe location or by evacuating the facility. Employees are not to attempt to disarm, or otherwise engage the offender.
- F.** After the issue is resolved, the incident shall be documented on an Unusual Incident Form. The Superintendent will review the matter and determine if policies or procedures were appropriately addressed and resolved, or if policy or procedure revisions, training or other strategies are needed to ensure safety and security.

Board Procedures for Safety and Building Emergency Plans

- A.** Each employee is required to read, understand and follow the processes specified in the “Board Procedures for Safety and Building Emergency Plans”. This document is posted on the Board’s Intranet.

SMOKING & TOBACCO USE

◆POLICY 10.04◆

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.

- A.** 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.
- B.** 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.
- C.** 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 30 minute paid lunch break, or to be made up at the beginning or end of the work day.
- D.** 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.
- E.** Any violation of this policy will result in disciplinary action, up to and including termination.
- F.** 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.

Revised 2/11/21

SECTION 11
EMPLOYEE COMPENSATION

- A. The Board shall establish compensation for all staff. The Superintendent shall approve compensation for staff within the limits set by the salary schedule/wage 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. An employee's pay rate is determined by his/her job classification and the pay philosophy, policy and procedures adopted by the Board. Compensation through salaries, wages, and fringe benefits, for each job classification is based upon the 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, or disability.
- B. 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 in 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 26 pays.
- C. No person shall be compensated if he/she does not hold the certificate or license required for the position under the rules of the Ohio Department of Education and/or the Department of Developmental Disabilities. 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 permanently revoked or is not renewed.
- D. Non-exempt employees will be compensated for overtime if they exceed forty (40) hours in a work week. Hours must be approved in advance by his/her staff Supervisor. Overtime provisions will comply with the Fair Labor Standards Act. (See Overtime Policy 11.03).
- E. There are typically twenty-six (26) pay periods per year, with a payday every other Friday. Paychecks are direct deposited on a bi-weekly basis for a ten (10) day work period. Paystubs are available to be picked up at the employee's respective department on payday. If a holiday occurs on a Friday in which a payday falls, paychecks will be issued on the preceding Thursday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.
- F. Necessary automatic deductions for the Public Employee Retirement System (PERS) or State Teacher's Retirement System (STRS), Federal Withholding Tax, State of Ohio Income Tax, and applicable local tax will be made from each employee's paycheck.

Any other optional deductions will depend upon the approval of the Board and the Auditor as to the capabilities of the payroll department to make such deductions. (See Payroll Deductions Policy 11.02)

- G.** In accordance with ORC 124.38 and 124.39, an employee with ten (10) or more years of service with the Board is eligible for a lump sum payment for his/her accrued but unused sick leave at the time of retirement. (See Sick Leave Conversion Policy 14.04)
- H.** The Business Office is to receive any questions regarding employee's pay and will make the necessary explanations or inquiries to resolve the matter.
- I.** Pay advances are not permitted.
- J.** If an employee, in good faith, files a complaint regarding a FLSA violation that is committed by the Program, the employee is assured of no retaliation due to filing the complaint.

- A.** 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:** Membership in one of these systems is compulsory upon being employed with the Program except those employees specifically exempted under the provisions of Section 145.03 of the Ohio Revised Code. A general summary of OPERS and STRS benefits is included in this Manual.
 - **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 the Superintendent, or designee, of any dependency change whenever a change occurs.
 - **Medicare:** Employees hired after March 31, 1986, and the County, are subject to matching Medicare contributions of 1.45% of the employee's wage base (as defined for social security purposes), for a total contribution by the county and employee of 2.9% of the employee wage base. Medicare contributions are not required, or made, with respect to employees who were hired and performing substantial and regular services prior to April 1, 1986.
 - **Miscellaneous:** Examples include garnishments, hospitalization insurance, child support, and other lawful and authorized deductions.
- B.** The County Auditor may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the County Auditor determines not to be in Muskingum County's best interest. All requests for payroll deductions must be presented to the Superintendent, or designee, who in turn will submit the request to the County Auditor.

- A. The workweek extends from Sunday through Saturday, with each new week beginning at 12:00 a.m. [Sunday].
- B. 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.
- C. 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.
- D. *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 40 hours in any given work week.
- E. Non-exempt employees are not to sign in any sooner than 7 minutes prior to the start of the work shift and are to sign out no later than 7 minutes after the work shift is over. Overtime eligible employees who arrive early for their assigned shifts and/or stay late will be actively discouraged to do so by their immediate supervisor. Overtime eligible employees who voluntarily arrive early for work and/or voluntarily stay after work are to spend this time in designated non-work areas, and shall not perform work on behalf of the Board, unless otherwise authorized.
- F. For the purposes of calculating overtime, approved paid sick leave, holidays, vacation, overtime, personal leave and other paid leave time shall *not* be considered time worked. Also, time spent traveling to and from work, and non-work time spent overnight on official Program business shall not be considered time worked for purposes of calculating overtime.
- G. 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.
- H. The Superintendent, or designee, may adjust a non-exempt employee's schedule and re-schedule 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.
- I. 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.
- J. Any employee required to work on one of the paid holidays shall receive compensation at the rate of 1½ times his regular rate of pay, in addition to receiving his holiday pay at the straight time rate.
- K. Nothing contained in this policy shall be construed as a guarantee of overtime.

OVERTIME APPROVAL

◆POLICY 11.04◆

- A.** Overtime, and time worked beyond regular work schedule, is generally discouraged and must be prior approved by the employee' s supervisor and the Superintendent, prior to its being worked, except in emergency situations.
- B.** 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 prior approved, and may, at his option, discipline the employee in situations where non-emergency overtime is taken without prior approval.
- C.** Although overtime may not be subsequently approved by the Superintendent or designee, and disciplinary action administered, the employee shall still receive overtime pay, for any time actually worked.

- A.** Employees receive reimbursement for authorized expenses incurred while traveling on official Program business but are eligible for expense reimbursement only when travel has been approved, in writing, by the Superintendent, or designee.
- B.** Expenses shall be considered for approval or disapproval following submission of a *Travel Expense Report*, with true and actual receipts attached which document the business expense. Expenses, which are approved, shall be reimbursed in the following manner.
- Mileage:** Employees shall be reimbursed for actual miles traveled, while on official Program business, at the per mile rate established by the County, when using their personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, insurance, depreciation, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, and in the same automobile. An account of actual miles traveled showing the starting point, destination, and total miles traveled, must be provided by the employee. Employees using their privately owned or leased vehicle while traveling on Program business may be covered by the Board's liability insurance - however, the employee's insurance carrier is the primary insurer.
 - Fuel:** Program vehicles, used for business, should be fueled at the Board's gas pumps.
 - Tolls:** Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking and highway tolls are required.
 - Commercial Air Flights:** Air travel may be approved when such travel is less expensive than mileage for an employee's personal vehicle, or trip expenses for a Program vehicle. Such travel shall be by coach or second class and to the most direct airport available. Tickets may be purchased by the employee, and shall be reimbursed by the Board upon the employee's submission of a receipt.
 - Meals:** Expenses incurred for meals [excluding lunch] while on official over- night Program business will be reimbursed at actual cost [plus a tip (capped at 20%)]. A detailed receipt for the meal must be attached to the employee's expense sheet. It is expected and required that employees order reasonably priced meals while traveling at Board expense. Unreasonably expensive meals may not be approved for reimbursement, at the discretion of the Superintendent. Employees will not be reimbursed for meals, when meals are included in the cost of a conference or meeting.
 - Overnight Expenses:** Expenses covering the actual cost of a motel room will be reimbursed, in full, when an employee travels out of Muskingum County on official business, and such travel requires an overnight stay.

- Non-reimbursable Expenses:** include alcoholic beverages, entertainment, dry cleaning, laundry, room service, and tips [other than for meals]. Telephone calls are reimbursable but only if necessary for the conduct of official Program business. No expense reimbursements are paid for travel between home and the Program's facilities.
- C.** Notwithstanding the above, the Superintendent retains 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.
- D.** Employees should make every attempt to submit a sales tax exemption form to restaurants and hotels when applicable. Submission of this form will eliminate the need to pay sales tax when traveling on Program business.
- E.** Employees must submit their receipts to the business office according to the approved schedule. Expenses will not be reimbursed without proper documentation and receipts.
- F.** Registration for *meetings, conferences and conventions*:
 - The Program 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 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.
- G.** **Membership Dues:** Dues for memberships to any organization shall only be paid by the Program when such membership is job related and the procedures followed that as specified in the policy titled "Membership in Clubs, Organizations and Associations."

INCLEMENT WEATHER & OTHER EMERGENCIES

◆POLICY 11.06◆

- A.** 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 45 (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.
- B.** Snow Emergencies - In the event the Muskingum County Sherriff 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 Sherriff declares a Level 3 snow emergency, the entire county board and its facilities will close; at the discretion of the Superintendent.
- C.** 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 program closes, employees on scheduled vacation, sick, or personal leave will have such time added back into their leave balances.
- D.** 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.
- E.** The Superintendent may, at his/her discretion, arrange transportation for an employee to be picked up at home or other location during an inclement weather or emergency situation.
- F.** 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.

Revised 9/9/21

GARNISHMENTS

◆POLICY 11.07◆

- A.** A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is a garnishment, and must be recognized and executed by the County Auditor and the County Board.
- B.** When a garnishment is received for an employee, the following procedure of notification will apply.
- C.** The County Auditor will notify the Superintendent of the garnishment. The Superintendent may request that the Auditor provide information as to whether the employee has had previous garnishment of wages.

SECTION 12
COMPLAINTS AND APPEALS

- A.** Every employee, including newly hired probationary employees, may file complaints, without prejudice, so that any misinterpretation or misapplication of law, policy, procedure, work rule, or regulation may be promptly acknowledged, and corrective action taken when appropriate. The Superintendent shall ensure that employee's questions and complaints that develop in day-to-day activities are promptly heard and answered.
- B.** A complaint is "a disagreement between an employee and management as to the interpretation or application of: policies; rules and regulations; state civil service laws; county resolutions; state or federal laws relating to terms or conditions of employment; or other disagreements stemming from perceived unfair or inequitable treatment during employment with the Program.
- C.** If an employee reasonably believes and can substantiate that any member of management or fellow employee has violated any law, ordinance or requirement that is of the type specified in the section of this Manual titled "Reporting Violations," the employee is encouraged to file a complaint through the procedures specified in that section, rather than the procedures outlined herein.
- D.** All employees shall have the right to file complaints without prejudice. No employee shall be disciplined, harassed or dealt with in any unfair manner, as a result of filing a complaint or testifying in a complaint hearing.
- E.** Nothing in this policy denies employees redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction [in the case of classified employees], the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court or regulatory agency of competent jurisdiction. However, once an employee elects as his remedy the provisions or procedures of any of the above named agencies or courts, he is denied the remedy of the Complaint Procedure provided herein. Any complaints filed prior to such appeal shall be considered withdrawn.
- F.** In those situations where more than one employee has the same, or a substantially similar complaint arising from the same incident, and where each employee involved is affected in the same way, the entire group of employees must select one from among them, who will then process the complaint on behalf of the entire group. However, each employee in the group must sign the group complaint. An employee's failure to sign will be considered a waiver of the complaint by that employee.
- G.** Where a complaint cites issues of law that the respondent (individual hearing the complaint) cannot address, the respondent may elect to forward the complaint to the Muskingum County Prosecutor for an opinion before proceeding. All time limits set forth in this procedure shall be in abeyance until a response from the County Prosecutor is received.
- H.** Time limits as set forth in the procedure may be extended by mutual agreement of the parties in writing. Written time extensions must: **<1>** clearly identify the particular complaint; **<2>** specify the dates from and to which the extension applies; **<3>** indicate what required action is being extended.

- I. Complaints relating to issues of health and/or safety shall be expedited through the levels of the procedure.
- J. Employees shall not lose pay or benefits for time spent in complaint hearings. The expense of any legal representative(s) shall be borne by the party calling them. Witnesses may be called by both parties. If an employee representative is chosen, the complainant must notify his supervisor, in advance of the hearing, so that the employee representative may be relieved of duty to attend the hearing.
- K. All complaints filed under this procedure shall be legibly written on the authorized *Complaint Form* only.
- L. Complaints are to be settled at the earliest possible level of the procedure. Except as otherwise specified, the complainant must proceed through the levels, as noted below, in proper order, and within the prescribed time limits. However, in instances where the complaint involves, or is against an immediate supervisor who is designated to hear the complaint at level 1 of this procedure, the complainant, at his option, may choose to bypass level 1 and proceed directly to level 2.

COMPLAINT PROCEDURE

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

LEVEL 1- Immediate Supervisor

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

LEVEL 2 - Superintendent

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

LEVEL 3 - Board

Where the complainant is not satisfied with the level 2 response, the complainant may submit the complaint to the Board within five (5) working days of the receipt of the Level 2 answer. The Board will review the complaint and all responses and shall issue a decision, in writing on the Complaint Form, and shall so notify the complainant and all involved parties. The Board's decision shall be final and binding on the parties.

- A.** The Board intends to obey all laws, ordinances and requirements, and any violation thereof is strictly unintentional. Therefore, employees are encouraged to report any violations to the Superintendent, in accordance with the provisions of this policy, so that it might have an opportunity to investigate and correct those that are substantiated.
- B.** In the spirit of encouraging employees to report perceived violations, the Superintendent, or any other employee, shall not take any disciplinary or retaliatory action against a classified or unclassified employee for making a report in accordance with the provisions of this policy, provided the employee has made a reasonable and good faith effort to determine the accuracy of the information reported. If an employee reports a violation and fails to make such an effort, he may be subject to appropriate disciplinary action for reporting information without a reasonable basis for doing so. Likewise, no retaliatory or disciplinary action may be taken against a classified or unclassified employee for making an inquiry, or taking any other action necessary to ensure the accuracy of a perceived violation, so long as the employee's inquiry or action complies with this policy.
- C.** If an employee reasonably believes and can substantiate that the Program has violated any law, ordinance or requirement that the Superintendent, or other employee has the authority to correct, and that the perceived violation is either:

 - 1. a criminal offense that is likely to cause an imminent risk of physical harm to any person
 - 2. a hazard to public health or safety, or
 - 3. a felony

the employee is encouraged to notify the Superintendent or other persons as provided in this policy.
- D.** To report a violation, an employee must first gather information to substantiate it, and then present it to the Superintendent in a verbal report. The employee must follow this verbal notification with a written report submitted to the Superintendent; or, if the employee chooses, the written report may be submitted instead of the verbal notification. Whether it is verbal or written, the report must fully identify and describe the violation. The written report must specify the date and time of its filing, while the Superintendent must make such a notation and record in the event of a verbal report.
- E.** The Superintendent, within twenty-four (24) hours after receipt of the verbal or written report, whichever is presented earlier, will decide the validity of the alleged violation, and, if appropriate, will either correct the violation or make a reasonable and good faith effort to correct it.
- F.** When an employee files a report, the Superintendent will notify the employee, in writing, of efforts made to correct the violation, or of his determination that no violation has occurred. The employee will be notified within twenty-four (24) hours

after the verbal or written report was received, or by the close of business on the next regular business day following the day on which the verbal or written report was received, whichever is later.

- G.** If the Superintendent does not correct a violation, or otherwise make a reasonable and good faith effort to correct the violation within the specified time frames, the employee may file a written report to the Prosecuting Attorney, or any other appropriate public official or agency that has regulatory authority over the Program, or its services.
- H.** If an employee becomes aware of any criminal violation by the Program of environmental laws relating to air pollution control, solid waste disposal, safe drinking water, and water pollution control, as specified in ORC 3704, 3734, 6109, and 6111, the employee may submit a written report directly to any public official or agency that has regulatory authority over Program or its services, without first notifying the Superintendent as required for other types of violations.
- I.** If an employee becomes aware of a violation by a fellow employee of any state or federal law, ordinance, or regulation of a political subdivision, or any Program rule or policy, and the employee reasonably believes that the violation is a criminal offense that:
 - 1. is likely to cause an imminent risk of physical harm to any person
 - 2. is a hazard to the public health or safety
 - 3. is a felony, or
 - 4. is a violation of federal, state or local laws not specifically covered by this policy

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

Fraud Reporting

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

- A.** Affected classified and unclassified employees may file a complaint through the Complaint Procedure to appeal personnel actions, including any disciplinary action, layoff or other complaints related to the terms and conditions of employment.
- B.** Removals, suspensions of twenty-four (24) hours or more for FLSA non-exempt employees, suspensions of forty (40) hours or more for FLSA exempt employee, demotions, pay reductions, layoffs, reclassifications and other actions under the authority of the State Personnel Board of Review [SPBR] may be appealed by classified employees to that body in accordance with its rules. The SPBR will not hear appeals of employees exempted from Civil Service, but maintains authority to determine whether any position falls within the exemptions specified within chapter 124.11 of the ORC, as well as other applicable sections.
- C.** A personnel action that is initially appealed to the SPBR cannot be later appealed through this Complaint Procedure. However, if an employee initially appeals through this Complaint Procedure, he is not barred from appealing to the SPBR, provided he complies with all SPBR procedural requirements and timeframes.
- D.** Appeals for removals, demotions, or suspensions must be filed not later than ten (10) calendar days after the order is filed with the SPBR. Appeals from layoffs, abolishments and displacements must be filed within ten (10) calendar days after the employee receives notice of the action. Timeframes for filing appeals for other reasons are specified in section 124-1-03 of the Ohio Administrative Code.
- A.** The SPBR has authority to decide whether an appeal warrants a hearing. On appeal, the Program's action may be affirmed, disaffirmed, or modified by the SPBR.
- B.** If a discharge was based upon a last chance agreement, the SPBR will only determine if the employee violated the agreement, and thus affirm or disaffirm the Superintendent's decision.

SECTION 13
DISCIPLINE

- A.** The discipline process is a tool to be used to correct an employee's misconduct or inadequate performance. In an effort to encourage acceptable performance and conduct, the Superintendent, or designee, may determine to apply discipline in a corrective, progressive, and uniform manner. In so doing, the Superintendent will, in addition to other considerations, take into account the nature of the misconduct or inadequate performance, the employee's record of prior discipline, and his record of prior performance, conduct and service.
- B.** This policy is a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Superintendent's and Board's statutory rights as set forth in the Ohio Revised Code.
- C.** The Superintendent or designee may discipline an employee. Employees will be advised of expected job behavior, as well as conduct that is considered unacceptable.
- D.** Discipline may be administered to a classified employee for any just cause which is listed under section 124.34 of the Ohio revised code or DAS rules which include the following:
- incompetence;
 - inefficiency;
 - dishonesty;
 - drunkenness;
 - immoral conduct;
 - insubordination;
 - discourteous treatment of the public;
 - neglect of duty;
 - failure of good behavior;
 - misfeasance;
 - malfeasance;
 - nonfeasance;
 - conviction of a felony [as defined in section 124.34 of the Ohio revised code];
 - violation of any County policy or work rule.
- E.** This discipline policy may be applied to an unclassified employee, at the discretion of the Superintendent, or designee, or the unclassified employee may be discharged at any time, with or without cause or prior notice, at the pleasure of the Superintendent.
- F.** Each offense shall be dealt with as objectively as possible, with immediate attention normally given to disciplinary matters. Discipline is to be applied uniformly and consistently, and deviations from standard procedure will normally be justified and documented.
- G.** An employee's supervisor and the Superintendent shall be responsible for administering discipline. Supervisors have authority to issue Informal Counseling, "Instruction and Cautioning," and Written Reprimands. Only the Superintendent may

administer and approve suspensions and discharges. However, supervisors may effectively recommend suspension and discharges.

- H. Except in extreme cases, discipline is to be administered privately, out of the sight and sound of other employees and non-employees, with disciplinary action taken as soon as it is practical to do so.
- I. Depending on the seriousness of the offense, disciplinary action will usually involve one (1) of the progressive disciplinary levels listed below. ***However, nothing in this policy shall be construed as preventing the Superintendent or supervisor from omitting, skipping or repeating any of these levels, depending upon the circumstances involved, or the severity of the offense.*** For example, a major offense may subject an employee to immediate discharge on the first offense, without going through any of the progressive disciplinary levels. Other offenses may subject an employee to an immediate suspension, without Informal Counseling, Instruction and Cautioning, or Written Reprimand. In cases where the penalty deviates from the progressive levels, the reason(s) for the deviation may be noted, in writing, by the supervisor or Superintendent.
- J. Additionally, the Superintendent may implement a last chance agreement. A last chance agreement may be used in conjunction with a disciplinary suspension and it describes the type of behavior or circumstances that, if it occurs, will automatically lead to the discharge of the employee. The agreement shall be signed by both the Superintendent and the employee.
- K. Disciplinary actions shall be considered in determining Merit Pay for staff using the following guidelines:
 - 1. An Informal Counseling will not result in a reduction in a Level 1 or 2 increase.
 - 2. An Instruction and Cautioning will result in a 25% reduction in a Level 1 or 2 increase.
 - 3. A Written Reprimand will result in a 50% reduction in a Level 1 increase.
 - 4. A suspension will result in no increase.

DISCIPLINARY LEVELS

LEVEL 1 INFORMAL COUNSELING

When a performance or conduct problem is first identified, the problem may be brought to the attention of the employee by his supervisor. This may be sufficient to prompt the employee to willingly correct the problem. A notation of this counseling will be included in the employee's personnel file, reflecting the specific nature of the problem, as well as the date, time, place and content of the counseling.

LEVEL 2 INSTRUCTION AND CAUTIONING

During an Instruction and Cautioning, the employee's supervisor will meet with the employee and discuss the problem, using the following format.

- 1. The problem will first be reviewed, that will include a summary of previous disciplinary actions, as well as the events that have occurred leading to the Instruction and Cautioning. The employee will be given an opportunity to

explain why the problem has occurred, and in the case of a prior informal counseling, why it has not been corrected.

2. The employee will be clearly advised that the problem must be corrected.
3. The specific corrective action required of the employee will be identified and outlined, and the supervisor will inform the employee that failure to take the action required will result in further disciplinary action.
4. The employee must sign an *Instruction and Cautioning Notice* that will be placed in his personnel file.

LEVEL 3 WRITTEN REPRIMAND

When issuing a *Written Reprimand*, the supervisor will use the official form, and meet with the employee to outline the specific actions the employee is expected to take to achieve satisfactory performance or correct the misconduct.

The employee must next review the *Written Reprimand*, and, after doing so, he may then enter comments therein. After signing and dating the reprimand, the supervisor will give a copy to the employee. The employee is then required to acknowledge receipt by signing the original.

LEVEL 4 SHORT TERM SUSPENSION

FLSA NON-EXEMPT EMPLOYEE

An FLSA non exempt employee may be suspended for up to, but less than, twenty- four (24) hours, without pay. Prior to ordering a suspension, for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre- disciplinary conference is not required for an unclassified employee.

The Superintendent will determine the appropriate, if any, disciplinary action to be taken. If such employee is to be suspended, the Superintendent will develop a written Plan of Corrective Action that the employee will be required to carry out upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon acceptance, the employee agrees to abide by the terms of the plan, as well as all policy, performance and conduct expectations.

The suspension will be documented on the *Order of Discipline* form, which is to be signed by the employee and placed in the employee's personnel file. The employee will be given a copy of the order.

FLSA EXEMPT EMPLOYEE

An FLSA exempt employee may be suspended for up to, but less than, forty (40) hours, in full day increments, without pay. Prior to ordering a suspension, for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not required for an unclassified employee.

The Superintendent will determine the appropriate, if any, disciplinary action to be taken. If such employee is to be suspended, the Superintendent will develop a written Plan of Corrective Action that the employee will be required to carry out

upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon acceptance, the employee agrees to abide by the terms of the plan, as well as all policy, performance and conduct expectations.

The suspension will be documented on the *Order of Discipline* form, which is to be signed by the employee and placed in the employee's personnel file. The employee will be given a copy of the order.

LEVEL 5 LONG-TERM SUSPENSION

FLSA NON-EXEMPT EMPLOYEE

An FLSA non-exempt employee may be suspended for twenty-four (24) or more hours, without pay. Prior to ordering a suspension, for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not required for an unclassified employee.

The Superintendent will determine the appropriate, if any, disciplinary action to be taken. If the employee is to be suspended, the Superintendent will develop a written Plan of Corrective Action that the employee will be required to carry out upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon acceptance, the employee agrees to abide by the terms of the plan, as well as all policy, performance and conduct expectations, as a condition of further employment.

The suspension will be documented on the required *Order of Removal, Reduction, Suspension, Involuntary Disability Separation* form [for all classified employees]. A copy of the order shall be provided to the employee and the original shall be retained in the employee's personnel file. Suspensions of unclassified employees will be recorded on the County's *Order of Discipline*. A copy of the order shall be provided to the employee and the original shall be retained in the employee's personnel file.

FLSA EXEMPT EMPLOYEE

An FLSA exempt employee may be suspended for forty (40) or more hours, in full day increments, without pay. Prior to ordering a suspension, for a classified employee, the Superintendent will schedule a pre-disciplinary conference. A pre-disciplinary conference is not required for an unclassified employee.

The Superintendent will determine the appropriate disciplinary action, if any, to be taken. If the employee is to be suspended, the Superintendent will develop a written *Plan of Corrective Action* that the employee will be required to carry out upon return from suspension. This plan will be presented to the employee, who will have the option to accept it or resign. Refusal to accept the plan will be considered a resignation. Upon acceptance, the employee agrees to abide by the terms of the plan, as well as all policy, performance and conduct expectations, as a condition of further employment.

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

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

LEVEL 6 DISCHARGE

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

The Superintendent will determine the appropriate, if any, disciplinary action to be taken. If the Superintendent determines that discharge is appropriate, the discharge will be documented on the required State *Order of Removal, Reduction, Suspension, Involuntary Disability Separation* form, with copies distributed within the required time frames and to the parties specified on the form. In the case of unclassified employees, the discharge will be documented on the *Order of Removal*, with a copy disseminated to the employee and the original retained in the employee's personnel file.

PREDISCIPLINARY CONFERENCE

◆POLICY 13.02◆

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

ADMINISTRATIVE LEAVE

◆POLICY 13.03◆

Paid Leave

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

Unpaid Leave

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

SECTION 14
EMPLOYEE BENEFITS

VACATION LEAVE

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

- A. 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 any political subdivision thereof. Prior service credit must 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.
- B. 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 any political subdivision thereof at the time of the transfer will be eligible after completing one (1) year of service.
- C. 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.
- D. 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

- A. 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	Per Hour Accrual Rate
After 1 Year	2 Weeks (Up to 80 Paid Hours)	.03875
After 8 Years	3 Weeks (Up to 120 Paid Hours)	.0575
After 15 Years	4 Weeks (Up to 160 Paid Hours)	.0775
After 25 Years	5 Weeks (Up to 200 Paid Hours)	.09625

- B. 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. Upon an employee's 1st year anniversary date, the county board shall credit the employee's vacation balance with two weeks of leave. Upon an employee's completion of the 8th, 15th, and 25th years, on their anniversary dates, the county board shall credit the employee's vacation balance with one week of leave.
- C. 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.

- D. Part-time employees do not earn vacation while employed on part-time status.
- E. Additional vacation leave is not accrued through the accumulation of paid overtime.
- F. Vacation leave is not earned while an employee is not in active pay status (unpaid leave of absence, unpaid disciplinary suspension, etc).

Charging of Vacation Leave

- A. Approved vacation leave shall be charged against an eligible employee's available vacation leave balance in minimum units of ½ an hour. Only vacation leave accrued as of the most previous pay period may be used. Vacation leave may not be advanced.
- B. 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

- A. 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.
- B. Eligible employees shall be paid at their regular hourly rate or salary for all time spent on approved vacation leave.
- C. All vacation leave must be requested in writing and approved by the employee's supervisor in advance of the employee taking paid vacation leave.
- D. 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.
- E. Postponement or rescheduling of previously approved vacation leave is subject to the approval of the immediate supervisor.
- F. 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

- A. Employees shall utilize vacation leave in the year that it is earned and prior to the next occurrence of the anniversary of the employee's employment.
- B. 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.

- C. 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.

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

- A. 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.
- B. 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.
- C. 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

- A. 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.
- B. The request for a vacation buyout 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.
- C. Approved vacation leave buyouts will be paid to employees on the first payroll in December.
- D. OPERS and STRS does not apply to a vacation buyout amount, however, applicable federal, state, and local taxes will be assessed.

HOLIDAYS

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

HOLIDAY	DATE
New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Washington-Lincoln (Presidents) Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in Sept.
Columbus Day	2nd Monday in October
Veterans' Day	November 11
Thanksgiving Day	4th Thursday in Nov.
Christmas Day	December 25

- B. 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
- C. 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 paid leave on a workday immediately preceding or following a holiday will normally be denied pay for the holiday.
- D. A full-time employee who works the holiday shall be paid at 1½ 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.
- E. 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.

- A.** An employee may request Sick Leave for the following reasons:
1. Illness or injury of the employee or a member of his immediate family - in case of a member of the immediate family not living in the same household as the employee, the Superintendent may grant Sick Leave when he determines that it is justifiable to do so, but each case will be carefully reviewed, and the Superintendent's decision in a given situation creates no precedent or practice.
 2. Exposure to contagious disease that could be communicated to and/or jeopardize the health of other employees.
 3. Medical, dental, or optical examinations, or treatment of the employee or a member of his immediate family that cannot be scheduled during non- work hours - employees should make every effort to schedule appointments at times that cause the least disruption to their work responsibilities.
 4. Pregnancy and/or related medical conditions
 5. Fathers shall receive up to three (3) paid sick leave days for the birth of their child, any additional time desired must be requested as vacation or personal leave.
 6. Grandparents shall receive one (1) paid sick leave day for the birth of their grandchild, any additional time desired must be requested as vacation or personal leave.
 7. Bereavement Leave [Sick Leave usage limited in accordance with Bereavement Leave policy].
- B.** For purposes of this policy, "immediate family" is defined only as an employee's: mother; father; legal guardian; or other person who stands in the place of a parent [in loco parentis]; sister; brother; child; current spouse or significant other [as used in this definition one who stands in place of a spouse and who resides with the employee]; grandchild; grandparent; step-child; step-parent, step-sibling; mother- in-law; father-in- law; sister-in-law; brother-in-law; daughter-in-law; or son-in-law.
- C.** An employee earns .0575 hours of Sick Leave for each hour in active pay status. For purposes of this Sick Leave policy, "active pay status" includes hours actually worked, Sick Leave, paid Holidays, Personal Leave, Bereavement Leave and Vacation Leave.
- D.** If a person transfers into the Program from another public agency, he will receive credit for the unused balance of his Sick Leave that he accrued with that other agency. If a person is re-appointed, reinstated, or hired for the first time by the Program, he shall be credited with the entire balance of his Sick Leave that he accrued in any prior public service, provided that he is re-appointed, reinstated,

or hired within ten (10) years of the date on which he was last separated from public service. Public agency, as used in this policy includes the State of Ohio, and any Ohio County, Municipality, Board of Education, Library and Township.

The employee is required to submit to the Superintendent a statement on the agency's letterhead [from where the employee is transferring Sick Leave], signed by the agency's head or other authorized person, which states the amount of unused Sick Leave that the employee has accrued and should be transferred, and the starting and ending dates of the employee's employment with that agency. The Superintendent may, at his option, contact that agency representative to confirm the amount of Sick Leave to be transferred, the employee's employment dates and other pertinent information.

- E.** Sick Leave accrues without limit and is charged in minimum units of a half hour.
- F.** While on Sick Leave, employees are paid at the same basic hourly, daily, or bi-weekly rate as when they are working. An employee is charged for Sick Leave only on those days when he would have been regularly scheduled to work. Sick leave shall not exceed the amount of time an employee would have been regularly scheduled to work in any pay period.
- G.** With the Superintendent's or designee's approval, Vacation Leave may be used for Sick Leave purposes at the employee's request. If an employee exhausts all Sick Leave and accrued vacation, but remains unable to return to work due to his medical condition, he may be eligible to take the remaining balance of unused Family and Medical Leave, or at the discretion of the Superintendent, be granted an Unpaid Leave for a period not to exceed six months.
- H.** The Superintendent may investigate any employee's absence. Failure to comply with Sick Leave rules and regulations will disqualify an employee from use of Sick Leave. Application for Sick Leave with intent to defraud shall result in disciplinary action and refund of Sick Leave pay.
- I.** The Superintendent may, at his option, require an employee to furnish a satisfactory written signed statement to justify the use of Sick Leave. If professional medical attention is required by the employee or a member of the employee's immediate family, a certificate from a licensed physician stating the nature of the condition may be required by the Superintendent to justify the use of Sick Leave. In the case of a condition exceeding three consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be required.
- J.** The Superintendent may disregard a written, signed statement when an investigation discloses facts inconsistent with proper use of Sick Leave. Failure to submit a required physician's certificate will result in denial of Sick Leave. If an overpayment results from denial of a written Request for Sick Leave, the overpayment will be deducted from the employee's next paycheck.
- K.** Altering a physician's certificate, or submitting a false physician's certificate, is grounds for immediate discharge.

- L.** The Program shall maintain records pertaining to Sick Leave earned, used and balances for each employee of their respective departments.
- M.** Supervisors and the Superintendent will enforce this policy in a fair and uniform manner, and will determine when absence is abuse, excessive or indicative of a pattern. Abuse of Sick Leave, usage patterns or excessive absenteeism shall be cause for disciplinary action based on neglect of duty or failure of good behavior. Attendance is considered an essential job function, and will be a factor in consideration of promotions.

SICK LEAVE CONVERSION

◆POLICY 14.04◆

- A.** Upon retirement from active service with the Program 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.
- B.** 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.
- C.** Eligible County employees retiring from active service shall complete a "Sick Leave Payment Upon Retirement" form to initiate the approval and payment process.
- D.** 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 section 2113.04 O.R.C] 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.
- E.** Upon resignation, layoff, discharge or other separation from employment with the Program [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.

PERSONAL LEAVE

A. The Program will provide the following paid personal days, credited as specified, for each of its 183 Day and 240 Day permanent employees.

- Employees shall receive personal leave credit each calendar year in accordance with the following:

Employees	Date	Days Credited
183 Day	January 1	2 days
240 Day	January 1	3 days

- Newly hired employees shall be credited with one personal day to be used during their probationary period. Upon completion of their probationary period, newly hired employees shall receive the number of days to be credited in that calendar year, and will thereafter follow the personal leave schedule as specified above.

B. Personal leave may be taken in minimum units of one half hour. Employees must submit all Personal Leave requests in writing. Scheduling is subject to the approval of the employee's supervisor and the Superintendent, who may deny any request based upon the Program's operational needs, workload requirements or other business reason. *No employee shall take Personal Leave prior to notification of approval by his supervisor and the Superintendent.*

C. Employees shall be paid their regular hourly rate or salary for all time spent on approved Personal Leave.

D. An employee who does not use all of their personal leave during the calendar year in which it was credited, shall have up to two days of the unused personal leave carried over into the next calendar year. Any additional unused personal time shall be converted to sick leave.

BEREAVEMENT LEAVE

◆POLICY 14.06◆

- A.** The Program provides up to 5 days of paid bereavement leave to employees, with the approval of the Superintendent, in the event of a death in the employee's immediate family. For purposes of this policy, "immediate family" is defined only as an employee's: mother; father; legal guardian; or other person who stands in the place of a parent [in loco parentis]; sister; brother; child; current spouse or significant other [as used in this definition one who stands in place of a spouse and who resides with the employee]; grandchild; grandparent; step-child; step-parent, step-sibling; mother-in-law; father-in-law; sister-in-law; brother-in-law; daughter-in-law; or son-in-law.
- B.** Bereavement Leave shall normally be used within the 5-day period that immediately follows the death of an immediate family member. However, bereavement leave may be requested at other times for the purpose of attending a memorial or funeral service that is scheduled during a time other than the 5-day period following the death of the immediate family member.
- C.** Bereavement leave, as provided for in section A, shall be deducted from the employee's accrued, but unused sick leave.
- D.** In the event that an employee does not have enough sick leave to cover the length of bereavement leave, the employee may use, for the balance of the leave, accrued but unused vacation leave or personal leave.
- E.** Additional time for bereavement purposes, deducted from vacation leave or personal leave, may be granted at the discretion of the Superintendent or designee, upon request of the employee. With the Superintendent's or designee's approval, an employee may also use his accrued, but unused vacation leave or personal leave to attend the funeral of a friend or any other person not specified in this policy.

- A. If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular working day, for:
- matters not related to the official discharge of duty, or
 - for non-personal matters

the employee will receive his regular wage, in full, for such time, from the Program, however all monies received as compensation for court service shall be turned over to the business office.

- B. If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his regularly scheduled working hours, related to the matters specified in Section A, all monies received as compensation for such court service shall be retained by the employee.
- C. Employees shall not be entitled to paid Civil Leave, when appearing in court for criminal or civil cases, when the case is being heard in conjunction with the employees' personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, or when the employee is one of the principals in the case. These absences will be considered as Unpaid Leave, or the employee may elect to request accrued, but unused vacation for such time.
- D. An employee who is granted time off for Civil Leave in accordance with the policy specified above will be expected to report for work after being released by the Court if a reasonable amount of time remains during his scheduled workday.
- E. If an employee is subpoenaed to testify in a court of law in matters related to the official discharge of duty, the employee will receive his regular wage for such time. If such testimony occurs outside of the employee's normal work hours, the employee shall be paid his regular hourly rate of pay for such time actually worked. Also, when the employee works over 40 hours in that work week, the employee may be eligible for overtime in accordance with the provisions of that policy.

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

However, no employee shall receive such payments if the sum of his gross military pay and allowances received in a month exceeds his gross monthly wage or salary as an employee of the department.

- C.** Individual and family insurance coverage may be provided by the military for employees called to active duty. Therefore, such employees are encouraged to participate in the military insurance plan [and to suspend the County insurance] during the period that they are active in the military. However, at the request of any employee, who is called to active duty, [as provided in section 1 above], or at the request of the spouse or dependent of that person, the Program shall continue the health, medical and hospital benefit coverage for the duration of the time the person is on active duty. The person or spouse or dependent thereof who requests the continuation of coverage and the Program each shall be liable for payment of the same costs for the coverage as if the person were not on a leave of absence.
- D.** Should the employee on active duty choose to suspend insurance coverage with the Program, upon reinstatement to service following active military duty, the employee's insurance coverage with the Program shall be reactivated.
- E.** Employees, who are members of the Ohio National Guard, will be granted Emergency Military Leave for mob, riot, and flood control, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave shall be without pay if it exceeds the authorized paid Military Leave for the calendar year, in which the emergency occurs. This Emergency Military Leave will cover the official period of the emergency so long as the employee's presence is required by his commanding authority.

- F.** The Program shall grant a leave of absence, without pay, to an employee who enters active military service (without being "called to active duty" as herein above provided), and the Program shall also recognize such employee's re-employment rights in accordance with applicable federal law.

- G.** When called to active duty, a reservist employee is required to submit to the Superintendent a copy of his induction notice.

Adopted 8/25/03

Eligible employees may request 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:

- A. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to 12 weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
- Upon the birth of an employee’s child and in order to care for the child.
 - Upon the placement of a child with an employee for adoption or foster care.
 - When an employee is needed to care for a family member who has a serious health condition.
 - When an employee is unable to perform the functions of their position because of the employee’s own serious health condition.
 - Service member leave.
- B. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to 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 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 12 months later, regardless of the 12-month period established for other types of FMLA leave.
- C. “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 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 4 weeks of FMLA leave beginning February 4, 2020, 4 weeks beginning June 1, 2020, and 4 weeks beginning December 1, 2020, the employee would not be entitled to any additional leave until February 4, 2021.
- D. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
- Inpatient care.
 - Any period of incapacity of more than three consecutive calendar days that also involves:
 - Two or more treatments by a health care provider, the first of which must occur within 7 days of the first day of incapacity and both visits must be completed within 30 days; or
 - Treatment by a health care provider on an occasion that results in a regiment of continuing treatment under the supervision of a health care provider.
 - Any period of incapacity due to pregnancy or for prenatal care.

- 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.
 - 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.)
 - Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than 3 days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
- E. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- F. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
- G. “Covered Service Member”: Means either:
- 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
 - 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.
- H. “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.
- I. “Next of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
- J. “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.
- K. “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.
- L. “Qualifying Exigency”: (For purposes of the 12-week qualifying exigency leave) includes any of the following:
- Up to 7 days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on 7 or fewer days’ notice.

- 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.
- 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.
- 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.
- 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.
- Rest and recuperation leave of up to 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.
- Attending certain post-deployment activities within 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.
- 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:

- Worked for the county board for at least 12 non-consecutive months, or 52 weeks;
- Actually worked at least 1,250 hours during the 12-month period immediately prior to the date when the FMLA leave is scheduled to begin; and
- Work at a location that Muskingum County employs 50 or more employees within a 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 12 weeks (rather than 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:

- Generally: An employee is only entitled to take off a total of 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) prior to using unpaid leave for the remainder of the 12-week period. That is, FMLA leave runs concurrently with applicable paid leave benefits. Employees may, at their option, also use compensatory time

prior to using unpaid leave for the period of Family Medical 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. The only exception to this requirement is when an employee has requested bonding leave. Should an employee request bonding leave, the requirement that all accumulated sick leave be exhausted shall not apply. Any time off that may legally be counted against an employee's 12-week FMLA entitlement will be counted against such time.

- **Birth of An Employee's Child:** An employee who takes leave for the birth of their or her child must use all applicable and available accrued paid leave benefits prior to using unpaid leave for the remainder of the 12-week period. For example, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to first exhaust all of her sick leave, then available vacation leave benefits before using unpaid leave for the remainder of the 12-week period.
- **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 first use all available accrued paid vacation and personal leave prior to using unpaid leave for the remainder of the 12-week period.
- **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 prior to using unpaid leave for the remainder of the 12-week period.

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 doctor's certification 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.

MCBDD, at its discretion, may require the employee to sign a release of information so that Human Resources can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have 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. 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. 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 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 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.

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.

Revised 5/13/21

OHIO MILITARY FAMILY LEAVE

♦POLICY 14.10 ♦

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

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

- A. When an employee becomes physically or mentally unable to perform the essential duties of his position, and except for the disability, as defined in the ***Americans with Disabilities Act (ADA)***, is otherwise qualified to perform essential job duties, he may request a reasonable accommodation to assist in performing essential job duties [see ADA Accommodations]. Such request should be in writing, directed to the Superintendent, and must specify which essential job duty(s) need accommodation, and the suggested method(s) of accommodation. The Superintendent may consider the proposed accommodation and will either approve or disapprove the request. Accommodations will not be approved that the Superintendent determines will create an *undue hardship*. In the event that a request for an accommodation is denied, the employee may, at his option, file a grievance through the ADA Grievance Procedure for reconsideration.
- B. If an employee is unable to physically or mentally perform the duties of his position, the employee may request sick leave, vacation leave, personal leave, or Family and Medical Leave when the requested leave qualifies under the Family Medical Leave Act. Such requests must be in writing, and must include evidence as to the probable date on which the employee will be able to return to the same or similar position. The request for leave shall be submitted to the Superintendent, with supporting evidence attached, for consideration of approval or disapproval.
- C. If an employee has exhausted all available paid leave time, he may request an unpaid leave as specified in this manual. In the case of a disability that extends [or is anticipated to extend] beyond the 6 months designated for an unpaid leave for medical purposes, the employee may choose to do the following.
- The employee may request to perform the duties of another position in the Program, for which the employee is qualified, and capable of physically and mentally capable. Such position may include appointment into a position that is equal to, or lower in pay than the position from which the employee currently holds. Such request shall be in writing, stating the reason for the request, and shall be submitted to the Superintendent for consideration of approval or disapproval.
 - In the event that a voluntary reduction is not requested or approved, a physically or mentally disabled employee may, upon exhaustion of all available paid leave, and when no reasonable accommodation is available, request to be placed on a disability separation as provided for herein.
 - Apply for disability retirement under OPERS or STRS.
- D. **Voluntary Disability Separations:** A voluntary disability separation can occur when the employee does not dispute his inability to perform essential job duties of his position because of a disabling illness, injury or condition. A voluntary disability separation may be requested by the employee when the employee is declared physically or mentally incapable of performing the duties of his position by a licensed physician. The Superintendent may consider the request and grant it, or may require the employee to submit to a medical or physical examination as provided for in these policies. If the examination supports the employee's request, the Superintendent shall approve the disability separation. If the medical

examination does not support the request, the Superintendent shall not approve the disability separation, and shall direct the employee to work.

- E. Involuntary Disability Separations:** In the event that an employee is unable, or unwilling, to admit his physical or mental incapacity, the Superintendent may request that an employee submit to a medical or psychological examination, as provided for in these policies, unless such action is contemplated at the time that the employee is hospitalized. When results of such examination have been received, that confirms that the employee is unable to perform essential job functions, the Superintendent may institute pre-separation proceedings. Under these proceedings, a hearing shall be scheduled and advance written notice of at least 72 hours shall be provided to the employee. The employee may either waive his right to the hearing, or may choose to attend the hearing and examine the Program's documentation that substantiates the disability separation, to rebut the evidence, and to present testimony and evidence on the employee's behalf. The Superintendent shall consider all available documentation and shall make the decision to proceed with the involuntary disability separation, or to declare the employee physically and mentally fit to perform essential job duties. If involuntarily separated, the effective date of separation shall be the date in which the employee was no longer in active work status due to the disability. The Program shall provide to the disability separated employee, at the time of separation, reinstatement rights and procedures.
- F.** For two years following a voluntary or involuntary disability separation, any appointment made to the position will be on a temporary basis, with the employee filling the position fully aware of its temporary nature. Reinstatement rights following a disability separation extend for two years from the date such leave is granted. Following this two year period, the separated employee has no reinstatement rights and the temporary employee shall become permanent.
- G.** The employee, returning from disability separation, is to be reinstated to the same or similar position within thirty (30) days after making written application and passing a medical examination showing full qualifications to perform the duties of the position, (either with or without a reasonable accommodations in the event of a disability covered by the *ADA*). The examination shall be conducted by a physician designated by the Superintendent, with its costs paid by the employee.
- H.** If continuing disability precludes reinstatement, the employee may wish to apply to OPERS or STRS for Disability Retirement. An employee who does not return from Disability Separation, or take Disability Retirement, shall be considered to have resigned.

- A.** The Program provides a comprehensive major medical health insurance plan, administered by the County, for each employee who works 30 hours or more per week. Each eligible employee has the option to enroll in a plan, provided by the County.
- B.** The Program shares the individual health insurance premium cost with eligible employees, the percentage of which is determined by the County.
- C.** When an employee is granted an unpaid leave of absence, 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 60 days. After the 60 day period, the employee has the option of insurance coverage under the provisions of the policy titled "Hospitalization Following Separation."
- D.** The Program 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.
- E.** 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 Program.
- F.** If an employee has any questions about the health or life insurance that the Program provides, the employee should review the insurance booklet provided by the carrier or the Muskingum County Insurance Office.

HOSPITALIZATION COVERAGE FOLLOWING SEPARATION

◆POLICY 14.14◆

- A.** The Program provides to each employee and their dependents, if eligible, the opportunity to continue hospitalization coverage under COBRA, for specified periods of time, ranging from 18 to 36 months, after the employee or his dependents would otherwise lose coverage. Continuation of medical coverage under the group plan is at the employee's and/or dependent's own expense, plus a 2% administrative charge.
- B.** Continuation coverage is the same coverage available for and provided to employees who are currently employed by the Program. 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 OPERS or STRS system.
- C.** The Plan Administrator is the Muskingum County Commissioner's Administrative Secretary who shall inform employees and their dependents of their right to continue coverage under the health insurance group plan upon their becoming eligible.
- D.** Employees' spouses and dependent children, who are covered under the Program's hospitalization plan, shall be offered the opportunity to continue hospitalization coverage according to the following schedule:
- 1.** An employee, whose employment is terminated, (other than for gross misconduct) shall be eligible to purchase hospitalization coverage for up to 18 months following the termination.

The 18 month period may be extended if other qualifying events occur during that 18 month period. The 18 month period may also be extended to 29 months for those persons deemed to be disabled under the Social Security Act, provided the Administrative Secretary is notified within 60 days of that determination. The affected person must also notify the Administrative Secretary within 60 days of any final determination that the individual is no longer disabled.
 - 2.** An employee, whose total hours worked are reduced, which reduction causes him to be ineligible for continued hospitalization coverage, shall be eligible to purchase hospitalization for up to 18 months following such reduction.
 - 3.** The spouse and dependent children of an employee shall be eligible to purchase hospitalization coverage for up to 36 months when the employee:
 - a.** dies;
 - b.** would otherwise lose coverage due to termination and/or reduction as described in Items C.1 and C.2, above.

4. The spouse and/or dependent children shall be eligible to purchase hospitalization coverage for up to 36 months when:
 - a. the spouse and dependents would lose eligibility for continued coverage due to divorce or legal separation;
 - b. the dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.
 5. In no event will continuation of coverage last beyond 36 months from the day of the qualifying event that originally made an individual eligible to elect such coverage.
- E.** Employees who are terminated or reduced, and spouses and dependent children shall be notified by the Administrative Secretary 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 Program's health insurance 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 Program's hospitalization plan. Notification to the employee's spouse shall be deemed to serve notice to the dependent children.
- F.** The Program shall notify the Administrative Secretary of any event that might trigger the employee, spouse or dependent children continuation coverage under this plan. 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 that would require the employee and/or spouse to lose existing benefits due to the employee becoming inactive on payroll.
- G.** Each employee shall notify the Administrative Secretary of any action that might trigger a spouse or dependent child's eligibility to continue health insurance. 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 Program plan.
- H.** When notified of the triggering event, the Administrative Secretary shall notify the individuals who are eligible for continued hospitalization 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.

- I.** The eligible employee/individual shall notify the Administrative Secretary 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.
- J.** 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 hospitalization 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.
- K.** An employee, spouse or dependent child who elects for continued hospitalization 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. the employee becomes eligible for Medicare benefits.
 6. coverage is extended for up to 29 months due to a disability and there has been a final determination that the individual is no longer disabled.
- L.** Any person who is eligible and elects for continuing hospitalization coverage shall pay the total premium for themselves and any other dependents, plus a two per cent (2%) administrative charge.
- M.** Payments of premiums by eligible employees/dependents must be made by the eligible employee/spouse to the Administrative Secretary in accordance with the instructions contained in the notification letter from the Administrative Secretary 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.

- A. All Board employees, except those specifically exempted by law, are required to contribute into either the Ohio Public Employee's Retirement System [OPERS] or State Teachers Retirement System (STRS). Participation in either of these retirement systems exempts an employee from contributing into the federal Social Security System.
- B. 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 retirement system and is subject to change.
- C. When an employee retires, the benefit allowance will be based on retirement system's benefit eligibility standards, including the employee's average salary as a contributing member into the system, the length service during which the employee contributed into OPERS, and the employee's age.
- D. OPERS and STRS also offers medical coverage, vesting rights, disability retirement and other benefits to persons who qualify, all subject to the terms and conditions that are or may be established by the retirement system.
- E. 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 provides 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.
- F. The OPERS website may be accessed at <https://www.opers.org> and the STRS website can be accessed at <https://www.strsoh.org>.
- G. 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.

Introduction

- A. Every employee is eligible for Workers' Compensation for injuries or occupational illnesses arising out of or in the course of his employment. The Program contributes a specified amount, determined by the State Bureau of Workers' Compensation, to the Workers' Compensation Insurance Fund.

Work Accidents

- A. If an employee is injured, during the course of employment, the employee's supervisor shall be immediately notified, who shall then notify the Superintendent within 24 hours.
- B. If immediate treatment or examination is needed, the supervisor shall arrange transportation to a medical facility, or if there is a medical emergency, 911 shall be called to provide prompt and professional medical attention.

Reporting and Documentation

- A. Following the accident, the employee and the employee's supervisor must complete a "Report of Accident or Injury". The report must be completed, regardless of the apparent seriousness of the injury or whether medical attention is required. If there were witnesses to the accident, the "Statement of Witnesses to Accident" form shall be completed and signed by the witnesses, and attached to the "Report of Accident or Injury" form. The supervisor shall submit the report to the Superintendent and Director of Human Resources within 24 hours following the date of the injury.
- B. If an employee's injury requires medical attention, the employee must provide a statement, completed by the attending physician, explaining his findings. This report should be forwarded to the Superintendent at the earliest possible date.
- C. If medical attention was sought, the employee must provide a doctor's release stating medical restrictions, if any, and that the employee is able to safely return to work without risk to the employee, or to coworkers, consumers or other persons.
- D. If the employee is not medically cleared to return to work, Workers' Compensation claim forms shall be completed to initiate a claim.
- E. The Superintendent must be regularly updated, in writing, during a period of absence due to a work-related injury, including the expected date of return.

Accident Investigation and Prevention

- A. In the event of a serious injury or accident, the Superintendent will initiate an investigation into the nature and cause of the incident, and will as appropriate, develop and implement strategies to prevent or mitigate the chance of future occurrences.

Drug and Alcohol Testing

- A. An employee who is involved in a workplace accident will be subject to drug and alcohol testing in accordance with the policy specified in this manual. If found to be under the influence of alcohol or an illegal substance may be ineligible to receive worker's compensation.

- B.** Any documents received from the injured employee, his physician, hospital, or the State Bureau of Workers' Compensation must be forwarded to the Superintendent, or designee.
- C.** No Sick Leave payment will be made to an employee while the employee is receiving payment from Workers' Compensation. However, an injured employee may elect to use accrued Sick Leave and Vacation Leave prior to receiving payments from Workers' Compensation. Employees shall reimburse such payment upon receipt of their initial Workers' Compensation check.

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RELIGIOUS OBSERVANCES

◆POLICY 14.17◆

- A.** The Program recognizes that many important religious observances occur on days not designated as legal holidays. The Program will give great deference to employee requests for small amounts of leave of absence or vacation time to enable the employee to attend special worship services or observances. Employees must follow the leave request procedures specified in this manual for requesting time off for religious purposes.

- B.** An employee who feels that he has been wrongfully denied a request for time off for religious purposes may file a complaint under the complaint procedure specified in this manual.

SUPPORT FOR NURSING MOTHERS

◆POLICY 14.18◆

- A.** The Program provides a supportive environment to employees who are nursing mothers to express their milk during work hours.
- B.** These employees must be provided with a reasonable break time in order to express breast milk for nursing children, for up to one year after the child's birth, in accordance with FLSA and Section 4207 of the Patient Protection and Affordable Care Act.
- C.** Upon request, nursing mothers will be provided with the following.
 - Reasonable lactation breaks
 - These breaks should, if possible, run concurrently with any other break time available to the employee and to 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 break times, employees may use personal or vacation leave or may work a flexible schedule to accommodate their needs as approved by their Supervisor.
 - 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.
- D.** It is the responsibility of the breastfeeding employee to keep their supervisor informed of their needs so that appropriate accommodations may be made to satisfy the needs of both the employee and the program.

Eligibility

- A. The eligibility period shall run on a calendar year (January 1 through December 31).
- B. This policy will be subject to an annual review; renewal will be based on continued funding and/or budgetary considerations.
- C. 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 \$1,500.00 during the calendar year of coursework requested and completed through an accredited facility/university.
- D. All coursework reimbursement requests must be received and approved by the Superintendent at least 30 days prior to the start date of the course.

Reimbursement

- A. 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.
- B. 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.
- C. Reimbursement will be made by the Board within 30 days of receipt of documented proof of satisfactory completion of approved coursework.
- D. An employee who uses a partial amount of the approved maximum amount may apply for the remaining amount for another course.
- E. 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. Furthermore, reimbursement will not be made to an employee whose employment with the Board terminates prior to the completion of the coursework.
- F. Dependent upon tax laws at the time of the request, reimbursements may be subject to being taxed.

Procedure

- A. Employees must complete a 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.
- B. After the course is completed, employees must complete the Request for Coursework Reimbursement form and include copies of documentation including:
 - Amount paid in the form of a bill from the accredited facility/university
 - Grade received for the course from the accredited facility/university
- C. Registration, lab fees, books, travel, meals, lodging, and other miscellaneous expenses are not eligible for reimbursement.
- D. Class and travel time is not to be considered paid work time.

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:

- A. In the employee's name;
- B. Utilized for the employee's education;
- C. Currently in repayment mode (currently making payments on the loan);
- D. 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

- A. 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 \$300.00. (See Examples).
 - a. Example: Your monthly student loan payment is \$148.00. The maximum amount that can be requested is \$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 \$356.00 per month. The employee may only request \$300.00.
 - c. Example: If an employee pays more than one 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 \$300.00.
- B. 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.
- C. 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.
- D. 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.

E. This Policy does not reimburse costs for tuition, fees, books, tools, supplies, meals, lodging, or transportation.

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