CHAPTER 5
PERSONNEL POLICIES

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5.0 DISCLAIMER

This personnel policy manual is not an employment contract. It is presented as a matter of information only. The Pickaway County Board of Developmental Disabilities (The Board) reserves the right to modify, revoke, suspend, terminate or change these policies and procedures with or without prior notice. Any statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied upon by anyone.

5.01 EMPLOYEE RECEIPT OF MANUAL

I hereby acknowledge that personnel policies of the Pickaway County Board of Developmental Disabilities were made available to me and understand that it is my responsibility to read them. If I have any questions about these policies it is my responsibility to seek clarification from management staff of the Board. I further recognize that it is my responsibility to know, understand and comply with the policies and rules of the Board.

_____	_____	_____
Name	Position	Date

Employees of the Pickaway County Board of Developmental Disabilities shall be notified of policy additions, amendments and rescissions in a timely manner. It is the responsibility of the employee to read posted or distributed notices. Questions regarding this manual or any policy of the Board are encouraged and should be directed to County Board management staff.

5.1 INTRODUCTION

1. Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

2. The policies set forth and adopted within this manual supersede all previous personnel policies of The Board.

3. This policy manual is a guide to be utilized by management and supervisory personnel to ensure uniformity and nondiscriminatory application of the conditions of employment. In the event there is a conflict between the contents of this manual and any applicable laws, those applicable laws shall prevail.

4. The manual is designed as a tool for staff to enable them to know and to understand what to expect from the environment and the organization and to keep staff informed. Questions regarding the interpretation and application of these policies should be directed to your supervisor who may seek clarification through the chain of command. Every effort will be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

5. This manual is not a contract either expressed or implied. The Board reserves the right to change any provision without consultation. However, the Board and its management do want to develop and maintain a good relationship with employees. Your input about matters addressed in this handbook is welcome and will always be considered.

6. As conditions shift within the organization, it may be necessary to add, delete, or revise specific policies affected by such change.

5.1.2 PHILOSOPHY

In keeping with the mission of the Board it is the desire of the Board to recruit, employ and maintain knowledgeable and dedicated staff. Accordingly, the Board shall develop, approve, and implement personnel policies such that individuals employed, contracted with or otherwise secured shall be afforded every opportunity to excel in the performance of their duties. Individual growth and development ~~is~~ are encouraged so that the Board maintains its role as a community leader and is always able to meet its mission.

Personnel policies and procedures shall ensure equitable and non-discriminatory treatment of all individuals. The implementation of personnel policies and procedures shall allow and promote the delivery of services and provision of supports to eligible individuals and their families as the primary function of any individual.

The intent of personnel policies and procedures shall be to allow personnel to perform their duties so that the Board is able to meet the needs of individuals with developmental disabilities. The Superintendent and the Board shall use the personnel policies as guidelines for the recruitment, employment, and development of a knowledgeable, dedicated staff.

5.1.3 OBJECTIVES

The Board recognizes that a personnel system that recruits and retains competent, dependable personnel is indispensable for the effective delivery of services to individuals of the community who have developmental disabilities.

The policies set forth in this manual are designed to:

1. Promote high morale and foster good working relationships among employees of the Board by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs.

2. Enhance the attractiveness of employment with the Board and encourage each employee to give his/her best effort to the county and the public.

3. Establish a standard of courteous and dependable service to the public and to the consumers enrolled in the programs.

4. Provide fair and equal opportunity for qualified persons to enter and progress in their employment as determined through objective and practical personnel management methods.

5. Ensure that all operations and programs are conducted in an ethical and legal manner so as to promote the Board's reputation as an efficient, progressive organization in the community and the state.

5.1.4 DEFINITIONS

Unless otherwise indicated in these policies, the following definitions shall apply:

ABSENCE, EXCUSED - Being absent from work with the approval of the employer (i.e. vacation, holiday, compensatory time, approved unpaid leave of absence, personal day).

ABSENTEEISM - The practice of an employee failing to report for work for a period of one or more days or failure to report within the prescribed time when he/she has been assigned to or scheduled for work. Misuse or abuse of sick leave is absenteeism.

ACTIVE PAY STATUS - The conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave and other compensated time off.

ACTIVE WORK STATUS - Conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, personal leave and disability leave.

ADMINISTRATION - The Superintendent and designated positions which include the Director of Service & Support Administration and the Director of Business, Finance & Operations.

AMERICANS WITH DISABILITIES ACT (ADA) -Federal legislation passed in 1990 which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications.

APPOINTING AUTHORITY - The Board is the Appointing Authority for the Superintendent. The Superintendent is Appointing Authority for all other positions.

BOARD - The Pickaway County Board of Developmental Disabilities. The Board, which is created by O.R.C. §5126.02, is comprised of seven (7) members. The Pickaway Board of County Commissioners appoints five (5) of these members and the Probate Judge of Pickaway County appoints two (2) members. Each appointee shall be a resident of Pickaway County.

CLASSIFICATION - A group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one position in some circumstances.

CLASSIFICATION TITLE – The title assigned by the Ohio Department of Administrative Services for purposes of civil service compliance or as assigned by the county or county board classification system.

CLASSIFIED POSITIONS - All positions of employment in the county board except those designated as management employees as defined in O.R.C. §5126.20 or as defined in a collective bargaining agreement pursuant to O.R.C. §4117.01. (cross reference definition of Management Positions)

COMPREHENSIVE OMNIBUS RECONCILIATION ACT, 1989 (COBRA) - Federal legislation and later amendments that establish an employee's right to continue certain health benefits of the agency for a specified period of time after termination of employment at the employee's expense paid at the group rate for the agency.

CONTRACTOR – See definition for VENDOR.

COUNTY - The county of Pickaway, State of Ohio.

DAYS - Calendar days, except as otherwise defined in these policies.

DEPARTMENT - A Board organizational unit directed and controlled by an Appointing Authority and charged with a specific public service function.

DEVELOPMENTAL DELAY - means a child has not reached developmental milestones expected for his or her chronological age as measured by qualified professionals using appropriate diagnostic instruments or procedures (5123-4-01).

DEVELOPMENTAL DISABILITY - When used for the purpose of defining eligibility for county board services means a severe, chronic disability that is characterized by all of the following: (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in O.R.C. §5122.01(A); (2) It is manifested before age twenty-two; (3) It is likely to continue indefinitely; (4) It results in one of the following: (a) In the case of a person under age three, at least one developmental delay; (b) In the case of a person at least age three but under age six, at least two developmental delays; (c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and if the person is age sixteen or older , capacity for economic self-sufficiency; and (5) It causes the person to need for an extended period of time a combination and sequence of special interdisciplinary, or other type of care, treatment, or provision of

services that is necessary and that is individually planned and coordinated for the person.

DISHONESTY - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity.

DODD – The Ohio Department of Developmental Disabilities.

DRUNKENNESS - The condition of a person whose mind is affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is "drunk" or "high." The effect produced upon the mind or body by drinking intoxicating liquors or ingesting other intoxicating substances to such an extent that the normal condition of the subject is changed and his/her capacity for rational action and conduct is substantially lessened.

DUE PROCESS/DUE PROCESS HEARING (EMPLOYEE) - Pre-disciplinary procedures mandated by a collective bargaining agreement or statute, including O.R.C. §5126.23 and O.R.C 124.34, or the United States Constitution, to assess whether there is probable cause to suspend, reduce or terminate an employee.

DUE PROCESS (ELIGIBLE INDIVIDUAL) -Statutory or administrative provisions (O.A.C. 5123:2-17-01) permitting participants access to a process to appeal decisions made by the Board.

ELIGIBLE INDIVIDUAL – Any person who has a qualifying developmental disability diagnosis and is determined eligible by criteria stated in O.R.C. 5123-01.

EMPLOYEE - Any person holding a position subject to appointment, removal, promotion or reduction by an Appointing Authority. Any person hired to work for the Board other than independent contractors.

EMPLOYEE COUNSELING - The discussion a supervisor holds with an employee in which the supervisor counsels him/her for his/her conduct and impresses upon him/her the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an employee conference must be kept in the supervisor's files, in the event the conduct of the employee does not improve and subsequent action is required.

EMPLOYER - The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.

FAIR LABOR STANDARDS ACT (FLSA) - The FLSA is federal legislation governing the minimum wage, hours of work, and overtime compensation of most employees (including public employees).

FULL-TIME EMPLOYEE - Full-time employee means an employee works all the regular hours of active duty as assigned by the position description, no less than thirty-five (35) hours in a seven (7) calendar day week on a year-round basis.

FULL-TIME SEASONAL EMPLOYEE - An employee who works all the regular hours of active duty as assigned by the position description, no less than thirty-five (35) hours in a seven (7) calendar day week where the employee works a certain regular period of the year performing work limited to that period of the year. Full-time seasonal employees, for the purpose of this manual, are referred to as "nine month employees".

IMMEDIATE FAMILY - Mother, father, brother, sister, child, spouse or other person who stands in place of spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of parent.

IMMORAL - Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

IMMORAL CONDUCT - Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

INCOMPETENCY - Lack of ability, legal qualification, or fitness to do things required of an employee.

INEFFICIENCY - Quality of being incapable or indisposed to do what is required of an employee within reasonable standards.

INSUBORDINATION - State of being unwilling to do what is required of an employee. Refusal to obey a directive issued by the employee's immediate supervisor or other staff person having authority to direct the employee.

INTERMITTENT EMPLOYEE – An appointment where an employee works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable and is generally characterized as requiring less than one thousand hours per year. Persons who receive interim, temporary or intermittent appointments shall serve at the pleasure of the Board.

LEAVE OF ABSENCE - Temporary separation from active work status as authorized by the Superintendent.

MALFEASANCE - The commission of an act which is unlawful; the doing of an act which is wrongful and unlawful; the doing of an act which a person should not perform.

MANAGEMENT EMPLOYEES - Positions designated by the Board or as defined in O.R.C. 4117.01. as having managerial responsibilities and duties.

MISFEASANCE - The improper performance of some act which a person may lawfully do.

NEGLECT OF DUTY - To omit or fail to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a designed refusal or unwillingness to perform one's duty.

NONFEASANCE - Non-performance of some act which ought to be performed, omission to perform a required duty, or total neglect of duty; the total omission of an act that a person ought to do.

OAC – Ohio Administrative Code.

ODAS – Ohio Department of Administrative Services.

ODE – Ohio Department of Education.

OOD – Opportunities for Ohioans with Disabilities.

OPERS – Ohio Public Employees Retirement System.

O.R.C. – Ohio Revised Code.

PART-TIME EMPLOYEE - An employee whose regular hours of active duty are less than that required of a full-time employee for a particular position (less than 35 hours per week).

POSITION - Any specific employment, or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities assigned or delegated by competent authority to be performed by one person.

PROFESSIONAL EMPLOYEES - Employees who hold tprofessional positions designated by the Board.

PROGRAM YEAR - Coincides with the adoption of the school calendar by the Board which complies with the mandated minimums established by ODE for thethe school program.

PUBLIC AGENCY - Includes agencies of the state, county and municipalities and all boards of education within the state of Ohio.

REDUCTION - A change in classification to one having a lower base pay range or any decrease in compensation. If department/division is governed by a union contract, the procedures outlined in the contract shall be followed.

REINSTATEMENT - The act of returning a person to county service following a period

of separation or leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" means the act of selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

REMOVAL - Termination of employment for the reasons outlined in O.R.C. §124.34 or §5126.23.

SICK LEAVE ABUSE - The use of sick leave for any purpose other than as provided by applicable law, or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business; establishing a pattern of reporting off sick on certain days of the week such as prior to or following regular days off; utilizing hours as they are accrued could be patterned use; repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures including not submitting required documentation in a timely fashion.

SERB - The State Employment Relations Board.

STATUS - When used in reference to ODAS, it means the type of appointment, such as provisional, intermittent, etc.

STRS – State Teachers' Retirement System.

SERVICE PROVIDER – see definition for VENDOR.

SUPERVISOR - The individual who has been authorized by the Superintendent to oversee and direct the work of certain employees on a daily basis and who effectively recommends actions such as hiring, transfers, suspensions, promotions, discharge, rewards, lay off, recall or discipline.

SUSPENSION - Relieving an employee from duty with or without pay.

THEFT - The act of stealing; robbery; larceny. This includes the theft of computer data.

TRANSFER - The movement of an employee from one position to another where there is no change in level of responsibility, classification or salary.

UNCLASSIFIED EMPLOYMENT - Those positions exempt from classified service and listed in O.R.C. §5126.22 as management positions. Unclassified employees may actively participate in political activity.

UNEMPLOYMENT COMPENSATION - Benefits authorized by O.R.C. §4141 and administered by the Ohio Department of Job and Family Services paid to eligible individuals for loss of remuneration due to involuntary total or partial unemployment.

VENDOR - A person, who is not an employee of the Board and is providing products/services required by the Board and/or its facilities during the operations of the Board; may also be referred to as a "contractor" or "service provider".

WORKERS' COMPENSATION - Benefits authorized by O.R.C. §4123 and administered by the Bureau of Workers Compensation under regulations established by O.A.C. 4123 paid to employees injured or contracting an illness while performing work related activities.

WORKING SUSPENSION – A working suspension is simply a notation on a disciplinary record of having received a suspension. While the employee will not be required to serve the suspension without pay, this working suspension has the same force and effect as a suspension without pay.

WRITTEN REPRIMAND - This is a disciplinary action. It is placed in the employee's personnel file and remains part of the employee's record. The reprimand may cease to have force and effect after a certain period of time as may be specified in Board policies

5.2 GENERAL HIRING AND EMPLOYMENT POLICIES

The Board is an Equal Employment Opportunity (EEO) employer. It is the Board's policy that all employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based upon merit and bona fide occupational qualifications for the position. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, disability, or other prohibited criteria. Procedures for hiring and employment shall conform to the Americans with Disabilities Act (ADA) including reasonable accommodations unless such accommodations cause undue hardship to the Board.

5.2.1 NOTIFICATION OF AVAILABLE POSITIONS

All open positions shall be posted in a manner to encourage application from any potential candidate. Such postings shall include notices in Board offices and may include notices to universities, local newspapers, state associations, ODE, and DODD.

Each job posting or notice of vacancy, insofar as practicable, shall specify the title, nature of the job, the required qualifications, and method of application.

Positions may be posted for a minimum of five (5) days.

5.2.2 APPLICATIONS

Applicants must submit a resume and letter of intent as described in the job posting.

Providing false information will nullify the application and may result in dismissal if falsification is verified after employment.

5.2.3 CITIZENSHIP AND NATURALIZATION

To be eligible for employment with the Board, the applicant must be a citizen of the United States or a legal resident with authorization to work in this country.

5.2.4 EVALUATION OF APPLICANTS/BACKGROUND INVESTIGATIONS

Applicants shall be evaluated according to how well their qualifications meet the requirements of the position and how well they align with the Board's expected agency culture. Not all applicants may be interviewed for each vacancy. Applicants must submit to reference checks, interviews, background checks, validated performance tests, and/or other job- related screening procedures.

An applicant shall be required to provide any information such as transcripts, licenses and certificates, and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related. All applicants will be subject to drug testing after a conditional offer of employment**.**

The Board seeks to hire and keep qualified individuals who have the goals of the agency in their interest. Unless otherwise required by law, the Board will not employ or continue to employ any individual who has been convicted or plead guilty to any offense that bears a direct and substantial relationship to the duties of the individual's position authorized by the Board. In accordance with Ohio law, this policy addresses the Board's obligations to conduct appropriate background investigations of applicants and employees.

INVESTIGATIONS/CRIMINAL BACKGROUND CHECKS

After a conditional offer of employment an-applicant shall undergo an initial background check in order to determine if they meet the conditions of employment. This background check shall include but not be limited to a request for information regarding any prior criminal convictions or pleas of guilty by the applicant.
(Reference: O.R.C. §5123.081)

BCII RECORDS

BCII reports and similar criminal records checks are not public records for purposes of O.R.C.

§149.43 and shall not be made available to any person except the applicant, Board members or employees responsible for employment, or any hearing officer in a case denying employment. Such reports will not be maintained in the employee personnel files but will be maintained in a separate file.

5.2.5 DISQUALIFICATION

An applicant shall be eliminated from consideration if he/she:

1. Does not possess the knowledge, skills and abilities necessary to effectively perform, with or without reasonable accommodation, the essential duties of the vacant position;

2. Does not possess or is not eligible for appropriate licenses, certification, registration, or degrees required for the position;

3. Has made a false statement of material fact;

4. Has not fully cooperated regarding the Board's background investigation/criminal background check of the applicant or whose background check reveals a disqualifying conviction or plea;

5. Has committed or attempted to commit a fraudulent act at any stage of the selection process; or

6. Is an alien not legally permitted to work.

An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements.

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

5.2.6 SELECTION PROCESS

The selection process will be made in accordance with law including the Board's commitment to EEO and ADA.

Appointments to vacant positions shall be made based solely on the applicant's knowledge, skills and abilities, integrity, work history and other job-related qualifications, as ascertained through fair and practical selection methods. (Reference: O.R.C. §4112.02)

5.2.7 (RESERVED)

5.2.8 CERTIFICATIONS/REGISTRATIONS/LICENSES

For those job classifications requiring certification or registration as defined by O.A.C. or O.R.C., the staff of the Board must meet or exceed such requirements. Each employee's classification specification as adopted by the Board shall include the certification or registration requirements for that classification.

For positions licensed by a state licensing authority, an applicant possessing or eligible for such license shall be deemed eligible for employment.

Employees are responsible for meeting the professional, educational, continuing education and/or experience requirements applying to their position in order to maintain the proper state-required certifications, licensures and registrations.

The required fees for certification/registration/license applications, renewals, or for course work related to certification and licensing are the responsibility of individual staff members.

An employee holding a certificate or evidence of registration may have such certificate or evidence of registration denied, suspended or revoked by the Superintendent if the Superintendent determines that said employee is guilty of intemperate, immoral, or other conduct unbecoming to the employee's position, is guilty of incompetence or negligence within the scope of the employee's duties, or the employee has been convicted of or plead guilty to any of the offenses listed in O.R.C. 5123.081.

An employee holding a certificate or evidence of registration has a duty to report within 14 calendar days to the Superintendent any acts described above. Failure to report may result in discipline up to and including discharge. Upon receipt of information that an employee holding a certificate or evidence of registration may have committed any of the acts described above, if applicable the Superintendent shall make an appropriate notification to DODD or other State agencies. For an employee holding an occupational or professional license or similar credentials, the Superintendent may request that the regulating state or federal agency supply the Board with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials.

If a Board employee's required license/certificate/registration is revoked or is not renewed, that person's employment shall be terminated for just cause subject to due process. If a required license/certificate/registration is suspended, the person's employment may be terminated for cause subject to due process.

No person will be employed or compensated by the Board if the person does not hold the certificate, evidence of registration or license required for the position. The Superintendent may employ, at the Superintendent's discretion, an individual pending the issuance of the proper certificate, registry or license if the person has met the requirements for such and has applied for

certification, registry or license and the application has not been denied.

Employees who have a change in their educational, certification, or registration status that may have an effect on their salary or wage are responsible for providing the appropriate documentation to the Superintendent. Employees' failure to comply in a timely manner will result in possible loss of income.

5.2.9 MEDICAL EXAMINATIONS

1. The Superintendent or designee may require any employee to submit to a physical examination when that employee is not, as a result of apparent medical problems, performing his/her job in a satisfactory manner. Refusal by the employee to submit to examination or refusal to release the results of examination constitute an admission of no physical or medical impairment justifying substandard work. Fees for medical examinations under this section shall be paid by the Board.

2. The cost of mandated medical examinations and mandated drug testing for employment shall be paid by the Board.

3. If the results of the medical examinations indicate the otherwise qualified applicant or employee has a disability as defined by the Americans with Disabilities Act, the Board will make reasonable accommodations to allow the individual to perform the essential functions of the employee's job unless such accommodations cause an undue hardship to the Board.

5.2.10 INDIVIDUALS WITH DISABILITIES NON-DISCRIMINATION POLICY

It is the policy of the Board to protect qualified individuals with disabilities, as defined by The Americans with Disabilities Act (ADA), from employment discrimination.

The Board will not discriminate against protected individuals in any employment practices including recruitment, hiring, promotion, training, lay-off, pay, firing, job assignments, leave, benefits, and all other employment related activities.

All employees are expected to be "fit for duty" at all times. "Fit for duty" means the ability to perform the essential functions of the position as described in the job description in a responsible manner with or without accommodations and to work according to the appropriate Board adopted calendar.

The Board will provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Board. Undue hardship means that the accommodation would require significant difficulty or expense.

5.2.11 PHYSICAL ABILITY TO LIFT, CARRY, AND MOVE ENROLLEES

All staff, including substitutes, who hold positions in which they are required to lift, carry, and move enrollees as an essential function of the positions are required to receive training which stresses body mechanics, an introduction to anatomy and physiology, prevention aspects, and safe techniques of lifting, carrying and moving.

5.2.12 DRUG-FREE WORKPLACE

The Board adopts the Pickaway County Drug Free Workplace Policy. The Board will provide a workplace free of alcohol and drugs and ~~to~~ take reasonable measures to ensure that employee alcohol or drug abuse does not exist. The Board realizes that a successful policy may combine education, counseling, assistance and/or discipline. As a condition of employment, each employee shall abide by the terms of the drug-free workplace statement.

5.2.13 PROMOTION

There are two types of promotions that can take place within the Board.

1. Position Upgrade of a currently existing position to a level of increased responsibility. This type of promotion does not involve the replacement or hiring of any additional personnel. This type of promotion is at the discretion of the Superintendent. No application process occurs with this type of promotion.

2. Filling a position available with an employee previously listed on a lower classification of responsibility on the Table of Organization. An employee must submit a Letter of Intent and, as applicable, an updated resume to be considered for the vacant position.

Current employees may receive preference in application and/or consideration to the extent such is permitted by state law.

5.2.14 EQUAL EMPLOYMENT OPPORTUNITY

The Board is an Equal Opportunity Employer. All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, and otherwise dealt with in a fair and equitable manner based upon merit, fitness and such qualifications as each individual might possess. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, disability , or other prohibited criteria.

The Superintendent shall be responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. Overall authority for administering this policy may be delegated to supervisors and division heads who shall also maintain responsibility for their actions in regard to providing equal opportunity to each employee or applicant.

The Board shall maintain an Affirmative Action Plan describing our goals and methods for the provision of equal employment opportunities for all persons under its authority. (Reference: O.R.C. §5126.07). A copy of this plan shall be available in each facility where employees are assigned to work.

Any employee or applicant who feels that he/she has been the victim of discrimination may contact the Equal Employment Opportunity Coordinator, as designated by the Superintendent, to obtain information concerning complaint procedures.

5.2.15 ANTI-HARASSMENT POLICY

No employee shall unlawfully harass any other employee, service provider, contractor, client of the Board, member of the public, or any other individual with whom the employee interacts in connection with the employee's job duties. "Unlawful harassment" includes harassment of an individual based on the race, color, religion, gender, national origin, disability, age or ancestry of the individual.

No employee shall sexually harass any other employee, service provider, contractor, client of the board, or member of the public or any other individual with whom the employee interacts in connection with the employee's job duties. "Sexual harassment" includes but is not limited to unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct with sexual overtones.

Any employee, applicant or client or other person covered by this policy who feels that he/she has been the victim of unlawful harassment should contact the EEO Coordinator for information concerning complaint procedures. Incidents of unlawful harassment should be reported within 30 days of the occurrence or as soon as reasonably possible for action to be taken to correct the situation.

Violations of this policy will not be tolerated. Any employee guilty of unlawful harassment will be disciplined in accordance with policies outlined in this manual.

Any employee who falsely accuses another employee of unlawful harassment will be disciplined in accordance with the disciplinary policy.

5.2.16 NON-DISCRIMINATORY CONTRACTS

Any individual, agency, or service provider entering into a contract with the Board shall act in a nondiscriminatory manner both as an employer and as a service provider and shall act without regard to the race, color, national origin, religion, age, sex or disability-of the employee or program beneficiary. Failure to do so may result in the termination of the contract.

5.2.17 NEPOTISM POLICY

No employee shall occupy any position in which he/she could directly supervise or otherwise influence a decision in favor of or against another member of his/her immediate family.

5.2.18 SENIORITY

Seniority for classified employees shall have the meaning ascribed to it by the Ohio Department of Administrative Services.

5.2.19 RESERVED

5.2.20 PROBATION - Classified Employees

Each newly hired or promoted employee in a classified position shall serve a probationary period. The probationary period for school staff (teachers, classroom assistants, and kitchen staff) is 300 calendar days. All other positions are set at 180 calendar days.

The length of the probationary period for each classification shall be specified on the position descriptions and on all work agreements.

If the service of a probationary employee is unsatisfactory, the employee may be removed or demoted at any time during the probationary period.

PROMOTION AND DEMOTION AND LATERAL TRANSFER DURING PROBATIONARY PERIOD

If an employee's service is found to be unsatisfactory during the probationary period following promotion, a demotion is made to the classification held prior to the promotion. A probationary removal may not be given in this case. However, an order of removal may be issued in accordance with the provision of the O.R.C. §124.34.

No probationary period is required following a demotion.

An employee may not be promoted during their original new hire probationary period. If an employee accepts a position in a different, lateral classification during their original probationary period, the employee must resign their current position in order to accept the new position and must serve an original probationary period in the new classification.

An employee who resigns during a probationary period is not eligible for reinstatement. The employee may be considered for a new appointment. A new probationary period must be served if the person is appointed to the position for a second time.

PROBATION OF A TRANSFERRED EMPLOYEE

The employee will serve a probationary period. The employee will not be removed if their job performance in the new position is found to be unsatisfactory. The employee will, however, be demoted to the former, lower classification.

5.2.21 PERSONNEL RECORDS

Access, duplication, dissemination and destruction of personnel records procedures will comply with the O.A.C. Rule 5123:2-1-02 and the Public Records Act, O.R.C. §149.43.
Procedures that address access, duplication, dissemination and destruction of personnel records will be maintained by the administrative secretary. All staff having any responsibility for maintaining personnel information will be informed of these procedures.
Personnel records shall include, but not be limited to:

1. Name, permanent and current address, phone number.
2. Emergency notification information including name, address, home and work phone number.
3. Job description, civil service classification (if applicable).
4. Record of permanent or temporary certification, registration or license, as applicable.
5. Records of sick leave and vacation.
6. Medical Records **(MUST BE MAINTAINED IN A CONFIDENTIAL, SEPARATE FILE**
7. Records of in-service training including orientation.
8. Personnel disciplinary action.
9. Annual performance evaluations signed by the immediate supervisor, Superintendent, and the employee indicating the employee's awareness of the evaluation.
10. Payroll information.
11. Application forms.

An employee shall have a right of reasonable inspection of their or her official file. All personnel files are permanently retained by the Board. An employee who wishes to review their or her personnel file may do so by contacting the Administrative Assistant .

Employees must advise the Personnel Office of any change in: name, address, marital status, telephone number, number of withholding allowances claimed for tax purposes, citizenship or emergency contact.

In order to perform daily business transactions for the Board, the following positions shall have access to the personnel files: Superintendent, Administrative Assistant and Business Manager.

5.2.21 A - DISSEMINATION OF PERSONNEL RECORDS

Ohio Law requires that all public records be prepared and made available for inspection upon

request to any member of the public at all reasonable times during regular business hours. Records shall be reviewed only in the confines of the personnel office. If copies of materials in a personnel file are requested, a reasonable fee may be charged.

The public will have access to all records in the employee's personnel file with the following exceptions:

a. Medical records;
b. Records pertaining to adoption, probation or parole proceedings;
c. Trial preparation records;
d. Confidential law enforcement investigation records;
e. Records of which the release is prohibited by State or Federal Law including criminal records checks and an employee's social security number;
f. Records which do not serve to document official functions or activities;
g. Personal addresses and telephone numbers.
When an employee's personnel file has been requested to be reviewed by a member of the public, the Board will attempt to notify the employee;

5.2.22 WORKPLACE VIOLENCE

The Board will not tolerate threats or acts of workplace violence and is committed to providing a safe and professional work environment. “Work place” includes any community setting while on duty or performing duties. All employees are expected to treat co-workers, managers, elected officials and the public in a mature and professional manner. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect Board employees or which occur at the work place will not be tolerated.
Prohibited workplace violence consists of:

1. All threats or acts of violence occurring on Board property, regardless of the relationship between the Board and the individual involved in the incident.
2. All threats or acts of violence not occurring on Board property but involving someone who is acting in the capacity as a representative of the Board.
3. All threats or acts of violence not occurring on Board property but involving an employee of the Board if the threats or acts of violence effect the legitimate interests of the Board.
4. Any threats or acts of violence resulting in the conviction of an employee or agent of the Board, or of an individual performing services on the Board’s behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the Board.
5. With exception to law enforcement officers, pursuant to Ohio law, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordnance in Board owned or leased buildings, secured areas, and vehicles. A valid license does not authorize the licensee to carry a weapon while on duty or on Board premises. Violators of this policy may be subject to discipline, up to and including immediate termination and possibly prosecuted for violation of Ohio law.

Employees should also be alert to any threats or acts of violent behavior from co-workers, the public, eligible individuals, or others. Employees and management should utilize necessary precautions to protect all parties when a threat is made. It is the responsibility of each employee to report incidents of threats or acts of physical violence of which he or she is aware to his/her immediate supervisor or to another person in authority. If a Board employee is the individual reporting the incident, the report should be addressed with the reporting individual's immediate supervisor or a member of management for assessment and possible referral to the appropriate law enforcement agency. Any employee involved in violating this policy may be subjected to corrective action, which may include termination, in accordance with the applicable law, rule, policy, procedure or collective bargaining agreement.

5.3 PERFORMANCE STANDARDS, TRAINING, & EVALUATION

5.3.1 PERFORMANCE EVALUATION

Evaluation of an employee's performance is a continuous process based on conferences, discussions, and observations and is a method for increasing the worker's competence and his/her effectiveness with the program. Each new employee shall have a written evaluation from the immediate supervisor at mid-point, and prior to the end of the probationary period. At least once a year thereafter, a written evaluation of each employee shall be prepared. These annual evaluations shall form the basis for promotion, determining work performance, and/ or reference writing. Materials for the evaluations may consist of the position description, program objectives, personal career development plans, compliance with board policy and procedures, written records kept by the employee and the supervisor, and any other material from competent sources which are pertinent. The employee shall have the opportunity to review, discuss, and make written comments of the evaluation.

WHO WILL EVALUATE

Each employee will be evaluated by the immediate supervisor to whom he/she is regularly assigned.

TYPES OF EVALUATION

The Performance Evaluation Report will be used for three (3) different types of ratings:
(1) PROBATIONARY, (2) ANNUAL, and (3) SPECIAL.

PROBATIONARY EVALUATIONS

All employees in probationary status may be evaluated twice during the probationary period. The first evaluation is to be made at the mid-point of the probationary period. The second evaluation is to be made at least ten days prior to the end of the probationary period. An employee may be terminated at any point during the probationary period for probationary failure.

ANNUAL EVALUATIONS

All employees who are not on probationary status are to be evaluated once a year.

SPECIAL EVALUATIONS

Additional use may be made of the evaluation procedure at the discretion of the administration, for example, to document outstanding performance, to document close supervision following an unsatisfactory evaluation, unsatisfactory performance of duties, at the request of the employee, or upon employee resignation.

VALUATION REVIEW

Upon review with a supervisor, the employee is required to sign the evaluation form, thus verifying that he/she has reviewed it with a supervisor. If the employee feels the evaluation is not a true reflection of job performance, he/she may request a review of the evaluation by submitting a written request for review of the evaluation to the next higher person in the chain of command for his/her department, providing the employee has signed his/her evaluation form. The written request must specify which part(s) of the evaluation the employee is requesting be reviewed and must include specifics related to job performance upon which the request is based. The supervisor/administrator responsible for reviewing the evaluation must meet with the employee within ten days and present the findings to the employee. The employee, if still not satisfied after the initial review conference, may request further reviews through the chain of command. The final review is with the Superintendent, whose decision will be final.

5.3.2 TRAINING

All personnel employed by or under contract with the Board are encouraged to participate in staff development activities such as formal course work, workshops, clinics, local area meetings, and observations of other programs.

Records of in-service participation shall be maintained in the personnel file of each staff member. It is the staff member's responsibility to submit such records to the Administrative Assistantin a timely manner.

Individuals participating in in-service activities may be given professional leave in accordance with the Board policy on Professional Leave.

Individuals participating in in-service activities during professional leave time may be requested to submit a report or give a presentation concerning their observations and learning experiences.

Although an employee may be fully certified, registered and/or licensed for his/her position, the Board may request that additional training or course work be obtained in order to remain abreast of current information, improve upon weaknesses which appear in an employee's performance evaluation, and/or assist the employee in keeping up with the changes within his/her profession.

The Board may require that an employee attend workshops, seminars, and/or in-service training sessions that relate to his/her position.

5.3.3 STAFF ORIENTATION

New staff shall complete the orientation program within ninety (90) days of their date of continuous employment with the Board. The orientation program shall consist of a minimum of eight (8) hours of training to include the following areas:

I. Agency Introduction

A. Board organization/operations
B. Mission, Vision and Core Values.
C. Role of each program
D. County Board Policies
E. Funding

II. Overview of DD

A. Definition
B. Historical Treatment/Perspective
C. Bill of Rights, HIPAA Privacy & Security
D. Abuse/Neglect Reporting
E. Techniques/philosophy of intervention and training
F. Community Resources
G. Residential Options ~~Issues~~

III. Program Division Introduction

A. Eligibility and enrollment
B. The IEP/IFSP/ISP
   1. Team Processes
   2. Case Coordination
   3. Communication
C. Enrollee Policies
D. Behavior Management

IV. Position Introduction

A. Table of Organization
B. Position Description
C. Certification, Registration & Licensure
D. Personnel Policies
E. Computer Usage Policies

V. Safety and Health Procedures

A. Fire and Tornado
B. Bomb Threats
C. Other Emergency Evacuation Procedures

E. Health and Safety Policies

5.3.4 Staff Ongoing Training

All staff members shall be required to complete training and professional growth activities necessary for maintenance of his/her required registration, certification or license. In-service training shall be documented by the Superintendent/designee and maintained in the respective employee's personnel file.

5.3.5 OUTSIDE EMPLOYMENT

1. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives or operations of the Board.

2. Employment "conflicts", under this policy, are defined as an impairment of the employee's ability to perform the duties of his or her position with the Board. Two common employment conflicts which may arise are:

   a. Time Conflict - defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the Board; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Board.

   b. Interest Conflict - Defined as when an employee engages in outside employment which tends to compromise his or her judgment, actions and/or job performance with the Board or which impairs the Board's reputation in the community. This includes any employment with an agency contracting with the Board and any employment dependent upon Board funding.

3. Full-time employment with the Board shall be considered the employee's primary occupation, taking precedence over all other occupations.

4. "Outside" employment, or "moonlighting" shall be a concern to the Superintendent only if it adversely affects the job performance of the employee's duties with the Board or constitutes a conflict of interest.

5. Should the Board feel that an employee's outside employment is adversely affecting the

employee's job performance, the Superintendent may request that the employee refrain from such activity. Any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment shall be disciplined in accordance with policy.

6. No employee shall be employed by any entity having a contract with the Board unless the employee notifies the Superintendent and receives written authorization from the Superintendent permitting such employment. (Reference: O.R.C. 5126.033) Employment with an agency contracting with the Board and any employment dependent upon Board funding must be approved by the Board's Ethics Council.

5.3.6 EMPLOYEE ATTENDANCE

Staff attendance is a critical element in delivering quality care to individuals served by the Board. Employee absenteeism severely impairs the Board's ability to provide quality care because it destroys continuity of service and takes funds away from areas of programming which must then be spent on substitutes and in payment of sick leave to absent employees.

EMPLOYEE SCHEDULES

1. The workweek for each employee shall be designated on the position description.

2. The Superintendent may establish a daily work schedule for each position.

There are many different jobs in the Board's programs requiring different hours of work. An employee's work schedule will depend upon the department to which he/she is assigned and his/her particular classification within the department.

3. Breaks and lunch periods may be established by the respective facility directors. However, a maximum -of two (2) paid 15-minute breaks and a paid 30-minute lunch break will be provided for full-time employees. Breaks and lunch breaks may be combined. Because break periods are compensable time, employees can be required be available and to perform work during any paid break period.

Employees may be expected to eat with students in order to make maximum use of this period as a training resource.

5.3.7 ATTENDANCE STANDARDS

The regular attendance of each staff member is vital to the effectiveness of the agency. Direct care and support services are most effective when performed with the continuity provided by regular staff members as opposed to substitutes.

Use of sick leave: The provision of accrual of up to fifteen (15) days per year allows for use only with good reason as set forth in related policies. The absences of an employee which are verified by a physician are not questioned. However, an employee who cannot document medical reasons is expected to have good attendance, missing not more than five (5) days per year. Frequent absences scattered over a year when reasons are not verifiable as medical is not acceptable. Employees may be investigated for abuse of sick leave.

Absence for medically verified reasons protected by the Family and Medical Leave Act are not held against an employee. For instance, an employee who must take an extended absence for surgery and recuperation is not regarded as having poor attendance provided the employee's record is otherwise good as set forth above.

Employees are encouraged to make routine medical/dental appointments during non-working hours or early morning/late afternoon. Employees are expected to do personal business during non-working hours.

5.3.8 NO-FAULT ATTENDANCE POLICY

Employees are provided with sufficient leave time to use for illness, injuries, medical appointments, and emergencies to build a balance for future use in the event of a long illness or major injury. The no-fault attendance policy establishes penalties for excessive absenteeism and failure to report an ~~your~~ absence on a timely basis.

The following are violations of the No-Fault Attendance Policy:

1) An employee has an unpaid absence of a half-day or more without having authorized leave time. (Leave time includes sick, personal and vacation leave.)

2) An employee has failed to notify administration of ~~call in~~ an absence by 30 minutes prior to the start work time on two occasions within any six-month period.

3) An employee has one “no-call.”

The sequence of penalties in any twelve-month period, commencing with the first violation is as follows:

1) First violation: Written warning
2) Second violation: One-day suspension
3) Third violation: Three-day suspension
4) Fourth violation: Termination of employment

A third violation shall be in effect for twelve (12) months beyond the effective date of the third violation.

The only exceptions of the above sequence of penalties that will not be counted as attendance violations are

1) Absence on the day of a work-related injury.

2) Unpaid leave time to attend a funeral of a member of the immediate family.
3) Any approved FMLA absence.

The no-fault attendance policy will not apply to new employees during their first three months of employment or to employees during their first three months after a medical leave of absence of at least two months length. A pre-disciplinary "right to respond" conference will be held prior to the determination of any penalty. An employee will receive at least 24-hour notice of the conference.

5.3.10 EMPLOYEE ETHICS

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 as may be set forth by their appointing authority.

It is essential that the public maintain confidence in the employees of the Board. For this reason, it is important that Board employees refrain from any action that involves using an employee's public office for private gain or giving preferential treatment to any individual, group, or entity.

Employees shall at all times adhere to the following standards of conduct:

1. Employees shall not engage in outside employment that results in a conflict of interest with their duties as Board employees.

2. Employees shall not solicit or accept anything of economic value from any individual or entity engaged in business dealings or seeking to engage in business dealings with the Board.

3. Employees shall not use Board property for improper activities.

4. Employees are discouraged from accepting gifts from enrollees. Employees shall not accept gifts from enrollees having a value greater than five dollars ($5.00) nor more frequently than two (2) times per year.

5. Employees shall not hire program enrollees for private work except as specified in the Employment of Eligible Individuals Policy (5.3.11).

6. Employees shall not date eligible individuals (5.3.12).

Employees should report any apparent violation of this policy to the Superintendent/designee who shall investigate and, if the circumstances warrant, take corrective action.

5.3.11 EMPLOYMENT OF ELIGIBLE INDIVIDUALS BY BOARD EMPLOYEES

Employees are cautioned in establishing employment relationships with individuals eligible for Board services. Eligible individuals who perform personal work for Board employees must be remunerated at the usual or prevailing wage. Board employees shall adhere to all ethical and legal standards regarding employing eligible individuals.

References: U. S. Department of Labor, Federal Wage & Hour Division, Fair Labor Standards 29CFR, 525.

5.3.12 RELATIONSHIPS BETWEEN EMPLOYEES AND ELIGIBLE INDIVIDUALS

All individuals have the right to be treated with courtesy and respect, and with full recognition of their dignity and individuality at all times by employees. All individuals have the right of access to opportunities that enable them to develop their full human potential.

Each has the right to be treated equally as citizens under the law. Each has the right to be free from emotional, psychological and physical abuse and to be free from unnecessary chemical and physical restraints.

Each Board employee shall endeavor to protect these rights at all times. Employees shall report any suspected abuse or neglect of enrollee rights to their immediate supervisor. Employees shall cooperate in any investigations regarding abuse or neglect.

No employee shall subject an individual to physical, verbal or psychological/emotional abuse. Procedures that cause physical, visual and/or auditory pain are strictly prohibited. Attacks on personal dignity, such as foul language, name-calling, shouting and other types of verbal abuse are forbidden. Actions such as threats, whether founded or unfounded, or the use of objects that are frightening constitute psychological/emotional abuse and are forbidden. Employees shall comply with the proper procedures for Behavior Support and Positive Culture Policy.

No employees shall subject an individual to sexual abuse or take advantage of individuals by procuring sexual favors either on or off regular work hours.

Employees shall not betray the trusted relationship that exists between himself/herself and the eligible individual. In particular, relationships outside the school/work environment require caution regarding social contacts, financial dealings, or any other activities that would take advantage or appear to take advantage of the trust the individuals have in the staff member who is working for the well-being of the enrollee.

5.3.13 PROTECTION OF "WHISTLE-BLOWERS"

An employee of the Board who learns of the following shall make a report:

(1) a violation of local, state or federal statutes, including, but not limited to, Medicaid fraud per the Deficit Reduction Act of 2005, which the Board could correct, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution;

(2) a violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the Board, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution;

(3) a violation of Ohio Revised Code Chapters 3704. (Air Pollution Control Act), 3734. (Solid and Hazardous Wastes Act), 6109. (Safe Drinking Water Act), or 6111. (Water Pollution Control) that is a criminal offense;

(4) a violation of state or federal statutes, rules, or regulations that the employee is not a criminal offense, which his/her supervisor or the Superintendent could correct;

(5) the misuse of public resources, which his/her supervisor or the Superintendent could correct; or

(6) a violation of state or federal statutes, rules, or regulations or misuse of public resources that is also a violation of Ohio Revised Code Chapter 102., section 2921.42, or section 2921.43.

In addition to or instead of filing a written report with the employee's supervisor, Department Director, or the Superintendent, the employee may file a complaint with the Auditor of State's fraud-reporting system under Ohio Revised Code Section 117.103. The Auditor of the State has an established fraud reporting-system to be used for reporting fraud, including misuse of public money by any public official or office. Employees are able to make anonymous complaints via the fraud hotline (866-372-8364), the Auditor of the State's website (www.ohioauditor.gov) or through the United States mail (Special Investigations Unit, 88 East Broad Street, Columbus, OH 43215).

5.3.14 ALTERNATE WORK ARRANGEMENT

1. Purpose

The purpose of this policy is to establish requirements and guidelines for employees engaging in authorized alternative work arrangement as in telecommuting. "Telecommuting" is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite other than the location from which the employee

would otherwise work. The decision to authorize an alternate work arrangement is solely within the discretion of the Superintendent and can be modified or terminated at any time. When the Superintendent terminates an alternative work arrangement authorization, the employee will be notified and will be required to report to his or her normal work location. Employees are obligated to comply with all Board policies, and procedures. A violation of such may result in a revocation of the telecommuting authorization and discipline, up to and including termination.

2. **Eligibility for an Alternate Work Arrangement**
   The Superintendent and/or designee will evaluate the suitability of such an arrangement. The employee must be able to do their job, communicate, and be available.

   - Job responsibilities: The Superintendent and/or designee will discuss the job responsibilities and determine if the job is appropriate for telecommuting.

   - Equipment Needs: The Superintendent and/or designee will review the physical workspace needs ensuring that the employee will have connectivity and will be able to perform the essential functions of his/her position. Additionally, supervisors will determine the employee's devices need and ensure that these devices are secure in accordance with the Board's policies to maintain confidentiality.

   - Employee Suitability: The Superintendent and/or designee will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

3. **Location of Work**
   Employees must provide the Board the physical address and telephone number of the location at which they will be telecommuting. The workspace must allow for the employee to preserve the confidentiality of sensitive or non-public information. Telecommuting employees shall not meet with the public or clients in their home office in any official capacity or connected with the Board's business. The Board is not responsible for any injuries to family members, visitors and others in the employee's home; is not responsible for any loss to the employee's property whether caused by physical damage, computer virus attacks or other intrusions via the internet. Employees utilizing Board equipment while telecommuting must protect the equipment from damage.

4. **Time Worked**
   Employees are responsible for accurately reporting time worked while telecommuting. An employee is authorized to telecommute during his/her normal work hours. If an employee is required to work outside of those hours, the employee will be notified by his/her supervisor. All overtime and compensatory time policies apply while telecommuting.

   If an employee needs to use leave time during the time of telecommuting, the employee must comply with all Board call off policies and procedures for obtaining approval prior to using leave time.

5. **Communication and Availability**
   While telecommuting, employees must be reachable by individuals, families, supervisor, and others during their normal working hours, and any other times designated by the supervisor. The employee must have their Board issued cellphone on during work time. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor.

   Employees must be available to come to the office to address an emergency or at the request of the supervisor or director and report in person within their normal commute time.

6. **Security and Records for Telecommuting**
   Consistent with the Board's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the same protection of proprietary information accessible from home. Employees are responsible for protecting all sensitive data and personally identifiable information.

7. **Child Care.**
   Telecommuting is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.

5.4 DISCIPLINARY POLICIES

5.4.1 DISCIPLINARY PROCESS - Unclassified Employees

[This policy applies to the removal, suspension and demotion of management employees. It does not apply to non-renewal of management contracts.]

As a matter of policy, a management employee or superintendent may be removed, suspended, or demoted in accordance with this section for violation of written rules set forth by the Board or for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or other acts of misfeasance, malfeasance, or nonfeasance, according to ORC 5126.23.

5.4.2 THE DISCIPLINARY PROCESS - CLASSIFIED EMPLOYEES

The Board has adopted this progressive discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the county and the Board as set forth in the Ohio Revised Code.

Rules of progressive discipline shall not diminish the authority of the Superintendent to terminate an employee during the employee's initial probationary period.

<u>DISCIPLINARY PRINCIPLES</u>

The Board believes that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job performance or conduct.

1. Employees shall be advised of job expectations, the types of conduct that the Board has determined to be unacceptable, and the penalties for unacceptable job performance or conduct.

2. Immediate attention shall be given to policy infractions.

3. Discipline shall be applied uniformly and consistently.

4. Each offense shall be dealt with objectively.

5. Discipline shall usually be progressive, but, depending on the severity of the offense, may proceed immediately to termination.

6. An employee's immediate supervisor, , and the Superintendent shall be responsible for administering discipline.

PRE-DISCIPLINARY ACTION

When an employee's conduct comes under scrutiny for possible disciplinary action, the supervisor may issue a verbal or written reprimand depending upon the severity of the situation.

Pre-disciplinary Conference: Classified Employees

Whenever the supervisor or designee determines that an employee may be reduced in pay or position, suspended or terminated, a pre-disciplinary conference will be scheduled to give the employee an opportunity to explain his/her conduct.

Pre-disciplinary conferences will be conducted by a neutral person who will be selected by the Superintendent from those persons not directly in the chain of command of the employee. Although, ideally, the neutral person may be another department supervisor, an employee under the jurisdiction of the Board need not be used.

Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the direct supervisor will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to:

1. Appear at the conference to present an oral or written statement in his/her defense;

2. Appear at the conference and have a chosen representative present an oral or written

statement in defense of the employee; or,

3. Elect in writing to waive the opportunity to have a pre-disciplinary conference.

At the pre-disciplinary conference, the neutral person will ask the employee or his/her representative to respond to the allegations of misconduct which were outlined to the employee. Employees are not required to respond. Employees may be disciplined for false testimony at the pre-disciplinary conference.

At the conference, the employee may present any testimony, witnesses, or documents which explain whether or not the alleged conduct occurred. The employee may be represented by any person he/she chooses. The employee shall provide a list of witnesses to the neutral person as far in advance as possible, but not later than one (1) hour prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired.

The employee or his/her representative will be permitted to confront and cross examine witnesses. The conference may be informal and the rules of evidence shall not apply. The neutral person will prepare a written conclusion as to whether or not the alleged conduct occurred. The Superintendent will decide what discipline, if any, is appropriate, and notify the employee in writing. A copy of the neutral person's report will be provided to the employee within five (5) working days following its preparation.

DISCIPLINARY ACTION

Disciplinary action will be taken with an employee in accordance with O.R.C. §124.34.

5.4.3 PROGRESSIVE DISCIPLINE POLICY

1. The Superintendentand Supervisors will follow an established system of progressive discipline when correcting unacceptable job performance or conduct.

2. The Board has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the Superintendent and the Board as set forth in the Ohio Revised Code.

3. This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive and merely serve as a guide.

4. The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such penalties.

5. All multiple offenses which are unrelated are progressively disciplined in the groups

in which the offenses are classified. m=Multiple offenses which are related are progressively disciplined regardless of the groups in which the offenses are classified and regardless of the order in which the offenses occurred. If an employee commits no other related offense within a two-year period, the disciplinary action will have no further force or effect.

GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES

The following examples are not to be construed as all-inclusive.

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by the proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long lasting and serious impact on the organization or eligible individuals.

GROUP I OFFENSES AND DISCIPLINE

First Offense:	Verbal Reprimand
Second Offense:	Written Reprimand
Third Offense:	Three (3) Day Suspension Without Pay or Three (3) Day Working Suspension (not appealable to SPBR)
Fourth Offense:	Ten (10) Day Suspension Without Pay or Three (3) Day Working Suspension or Reduction in Pay or Position
Fifth Offense:	Removal

Discourteous treatment of the public.

Failure to commence duties at the beginning of the work period or leaving work prior to the end of the work period.

Leaving the job or work area during the regular working hours without authorization.

Neglect or carelessness in signing in or out.

Distracting the attention of others, unnecessarily shouting, demonstrating or otherwise causing disruption on the job.

Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.

Failure to cooperate with other employees as required by job duties.

Failure to reasonable care for Board property or equipment.

Use or possession of another employee's equipment without authorization.

Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.

Failure to observe O.A.C. and O.R.C..

Obligating the Board for any expense, service or performance without authorization.

Failure to report accidents, injury or equipment damage.

Disregarding job duties by neglect of work.

Unsatisfactory work or failure to maintain required standard of performance.

Unauthorized use of telephone for other than business purposes.

More than two garnishments in a twelve-month period.

Improper passage of medication, improper first aid treatment, or other improper performance of a delegated nursing task. (Note: this offense could easily be a group II or III offense depending upon the severity of the error and whether there was potential neglect or abuse involved).

Any other minor offense as determined by the Board**.**

GROUP II OFFENSES AND DISCIPLINE

First Offense: Action can range from written reprimand up to and including a three (3) day suspension without pay.

Second Offense: Ten (10) day suspension without pay, Ten (10) day working suspension, or reduction in pay and position.

Third Offense: Removal

Threatening, intimidating, coercing, or interfering with subordinates or other employees.

Sleeping during working hours.

Reporting for work or working while unfit for duty.

Conduct violating morality or common decency, e.g., unlawful harassment.

Unauthorized use of Board property or equipment.

Performing private work on Board time.

Willful failure to sign in or out when required.

Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.

Willful failure to make required reports.

Solicitation on Board premises without authorization.

Unauthorized posting or removal of notices or signs from bulletin boards.

Distributing or posting written or printed matter of any description on Board premises unless authorized.

Unauthorized presence on Board property.

Willful disregard of Board rules.

Use of abusive or threatening language toward supervisors.

Unauthorized political activity.

Falsification of Board records.

Use of individuals' property for personal use without authorization.

Unexcused absence from work.

Failure to "report off" work for any absence.

Violation of HIPAA or computer usage policies.

GROUP III OFFENSES AND DISCIPLINE

First Offense: Ten (10) Day Suspension, Ten (10) Day Working Suspension, Reduction or Removal

The making or publishing of false, vicious or malicious statements concerning employees, supervisors, the Board or its operations.

Refusing, upon request of the Board, to provide testimony in court, before the State Personnel Board of Review or other administrative agency during an accident investigation, or any type of public hearing.

Giving false testimony during a complaint or grievance investigation or hearing.

Wanton or willful neglect in the performance of assigned duties or in the care, use or custody of any Board property. Abuse, or deliberate destruction in any manner of Board property, tools, equipment, or the property of employees. (Includes computer data)

Signing or altering other employees' time-cards, time sheets or unauthorized altering of own time card or sheet.

Falsifying testimony, falsifying or assisting in falsifying or destroying any Board records; or giving false information or withholding pertinent information in making application for employment.

Making false claims or misrepresentations in an attempt to obtain any Board benefit.

Gambling during working hours.

Stealing or similar conduct, including destroying, damaging or concealing any property of the Board or of other employees.

The use of illegal substances or the sale of illegal substances.

Fighting or attempting injury to others, employees, or supervisors.

Carrying or possession of firearms on Board property.

Knowingly concealing a communicable disease, such as TB, which may endanger other employees.

Misuse or removal of Board records or information without prior authorization.

Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other illegal concerted curtailment, restriction or interference with work.

Dishonesty or any dishonest action.

Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.

Verbal and/or physical abuse of eligible individuals.

Failure to comply with certification/registration/licensing requirements.

5.4.4 (RESERVED)

5.4.5 APPEALS - CLASSIFIED EMPLOYEES

1. Personnel actions affecting classified employees such as non-probationary dismissals, suspension of over three (3) days, reductions, demotions and layoffs, may be appealed by affected employees to the State Personnel Board of Review. Suspensions of three (3) working days or less are not appealable to the State Personnel Board of Review.

2. Written appeals of removal, demotion or suspension must be filled with the State Personnel Board of Review within ten (10) calendar days after the filing of an order with the State Personnel Board of Review. If the order is received after it is filed with the State Personnel Board of Review, the ten (10) calendar days for filing an appeal begins to run from the date of receipt by the employee. Written appeals of layoffs must be made within ten (10) calendar days after the effective date of the action.

3. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the State Personnel Board of Review may affirm, disaffirm, or modify personnel decisions made by the Superintendent.

<u>EXCEPTIONS OF APPEAL</u>

1. Suspensions of no more than three (3) working days are not governed by the above procedure. Such suspensions may be made by the appointing authority at any time

without the employee having recourse to any appeal. However, the employee must be notified in writing of the grounds for suspension.

2. Voluntary written agreement by the employee to a reduction constitutes a waiver of the above procedure.

3. When an employee becomes physically unable to perform the duties of the position, a transfer may be requested to a vacant position of a similar or lower pay grade that the employee has the ability/qualifications to fill. This reduction may be accomplished with the consent of the Superintendent.

5.4.6 GRIEVANCE PROCEDURE POLICY

(This grievance policy applies only when no state statute or state regulations apply.)

Classified Employees

1. An employee desiring to raise a grievance must follow the steps of the procedure that are appropriate for his/her particular grievance.

2. A "grievance" is defined as an allegation in writing describing a disagreement between an employee and management as to the interpretation or application of official Board policies, state civil service laws, agency rules or decisions, matters subject to state or federal law, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to discipline, treatment or other conditions of employment. Neither probationary removals nor any other personnel actions taken in matters in which employees have been afforded the opportunity for a pre-disciplinary conference described earlier may be appealed through the in-house grievance procedure.

3. Nothing in this policy is intended to deny employees any rights available by law to have redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.

4. The purpose of this procedure is to secure equitable resolution of problems at the lowest possible administrative level.

5. This grievance procedure is only to be used when normal supervisor-subordinate communications breaks down and the subordinate feels that a proper solution has not been reached.

6. The employee must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted.

7. Where a grievance cites issues of law that the individual hearing the complaint cannot address, the complaint shall be forwarded to the Prosecuting Attorney's Office for an opinion before proceeding. All time limits set forth in this procedure shall be held in abeyance until a response from the Prosecutor is received.

8. Where a group of employees desire to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the complaint. However, each employee affected shall sign the grievance.

9. A complainant may have a representative (employee or non-employee) of his/her choosing present at any step of the procedure except Step 1. Employees and employee representatives shall not lose pay or benefits during normal working hours for time spent in grievance hearings. The expense of any legal representative(s) shall be borne by the party utilizing them. Witnesses may be called by both parties. Management maintains the right to schedule witnesses for hearings.

10. All grievances filed under this procedure shall be in writing on the form provided for this purpose, and shall state the nature of the complaint, the desired remedy, and the facts that affect the conditions of the complaint.

11. For the purpose of this policy, days shall not include Saturdays, Sundays, holidays, or non-working days.

12. The employee may terminate the grievance at any point by submitting a written statement to that effect. This statement shall be submitted to the Superintendent.

13. Time limits as set forth in the following Grievance Procedure may be extended by mutual written agreement of the parties.

GRIEVANCE PROCEDURE

1.Step one: Immediate Supervisor

An employee having a grievance shall file the grievance in writing on the appropriate form with his/her immediate supervisor. Grievance forms may be obtained from the Administrative office. In order for a grievance to be recognized, it must be filed within five (5) working days from the date of the incident giving rise to the grievance. The immediate supervisor and the employee will hold a verbal discussion to try to resolve the grievance within two (2) days following the date of receipt of the written grievance. The immediate supervisor may offer his/her oral remedy immediately following the discussion but shall present this remedy in writing within three (3) days following the date of discussion.

2.Step two: Department Head

If the grievance is not resolved to the satisfaction of the employee at the STEP ONE meeting, the grievance must, within two (2) working days after receipt of the STEP ONE written decision, be submitted on the designated form to the employee's department director. The written grievance

must be signed by the employee and contain all the pertinent facts of the grievance including a copy of the original grievance and a copy of the decision from STEP ONE. The department director shall schedule a meeting within three (3) working days following the receipt of the grievance. The employee may be accompanied by a representative of his/her choosing, but if an employee representative is chosen, the aggrieved must notify that employee's department director in advance of the meeting so that the employee representative may be relieved of duty to attend the meeting. The department head shall issue a written decision to the grievance within five (5) working days of the meeting with copies to all parties involved. (In facilities/departments having intermediate levels of supervision between the immediate supervisor and department director, the STEP TWO procedure shall be followed as indicated with next person in the chain of command. For example, for those facilities having an assistant director, the assistant director would hear the grievance with the same time guidelines as outlined above before the grievance went to the department director).

3. Step three: Superintendent or Designee

If the grievance is not resolved at the STEP TWO decision, the employee must, within four (4) working days after receipt of the STEP TWO decision, submit the written grievance including all pertinent data from previous STEPS to the Superintendent or designee. The Superintendent or designee will schedule a meeting within five (5) working days following the date of receipt of the grievance. The employee may be accompanied by a representative of his/her choosing, but if an employee representative is chosen, the aggrieved must notify that employee's department director in advance of the meeting so that the employee representative may be relieved of duty to attend the hearing. The aggrieved employee and the department director shall attend the meeting. The Superintendent/designee will render a decision in writing to the employee within five (5) working days following the STEP THREE meeting. Copies of the decision shall be provided to all parties involved.

4. Step Four: Personnel Committee of the Board

If the STEP THREE decision is not satisfactory to the employee, the written grievance with supporting documentation and copies of previous decisions may be submitted to the Personnel Committee of the Board for review and determination of the facts within ten (10) working days from the date the STEP THREE decision is received or as soon thereafter as the Committee can meet. The Personnel Committee has the right to appoint any other individual to review and determine the facts. If the Personnel Committee determines to review the case, it will make a decision within fifteen (15) working days from the date the grievance is reviewed, with copies of the determination to all parties involved.

APPEALS: If the STEP FOUR decision is not satisfactory to the employee, the Superintendent will inform the employee that the employee may have the right to appeal the decision to the Department of Labor and/or State Personnel Board of Review and that decision will be final and binding, and that cases of alleged discrimination may be appealed to the Ohio Civil Rights Commission or the EEO Commission. However, nothing in this grievance procedure, including the review by the Personnel Committee of the Board, shall be deemed to give an employee any rights of appeal outside of the agency that the employee would not have in the absence of this

grievance procedure

MANAGEMENT RESPONSIBILITIES DURING GRIEVANCE PROCEDURES

1. Tracking of Grievances

Once a grievance is filed, the department director must "track" the complaint throughout the procedure. If a grievance is not processed by the employee to the next step of the procedure within the specified time limits or any written extension thereof, it shall be considered resolved on the basis of the decision at the previous step, and should be indicated, "Resolved, employee did not pursue", dated, signed and sent to the employee and the Personnel Office for filing as a permanent record.

If the grievant does not receive a response from the appropriate management representative within the specified time limit or extension thereof, the grievance may be considered to have been answered in the negative and the employee may advance the grievance to the next step. The management representative receiving a grievance, which was not answered at the previous step, must investigate the reason that no answer was given. If a management representative does not possess the authority to correct the employee's grievance, then he/she should so indicate and return the grievance to the employee in a timely fashion.

2. Decisions. Decisions to grievances are to be in writing and should have supporting documentation attached.

3. Possible Decisions. There are three (3) possible decisions to any grievance. They are:

a. Find in the employee's favor. The decision is to grant the remedy requested.

b. Find against the employee. The decision is that the findings of fact do not support the allegation(s) and, therefore, the grievance and remedy requested is denied.

c. Compromise. The employee has a legitimate grievance but the remedy requested is improper. Prior to a compromise decision, the person responsible for determining the grievance should call the grievant in and ask if he/she will accept the proposed offer. If not, option 3b may be exercised.

5.4.7 EEO COMPLAINT POLICY AND PROCEDURE

The following complaint procedure has been adopted by the Board.

1. Filing of Discrimination Complaint

Any employee or applicant having a complaint of discrimination on basis of race, color, religion, sex, national origin, disability, or age (40 and over) may file a written discrimination complaint with the Superintendent.

The complaint must be filed within thirty (30) days of the alleged discriminatory action, except that this time limit may be extended if the complainant can show that he or she did not have notice of the time limit, or was prevented by circumstances beyond his/her control from submitting the complaint within the time limit, or for other reasons considered sufficient by the Superintendent.

A complaint shall be deemed filed on the date it is received, or on the date postmarked if mailed. The Superintendent shall acknowledge receipt of the complaint in writing, and inform the complainant in writing of the complaint procedure and of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission.

2. Complainant's Right to Representation

At any time during the course of the procedure, the complainant has the right to be accompanied, represented, and advised by a representative of his/her choosing. If the complainant is an employee and has designated another employee as his or her representative, both the representative and the complainant may be given a reasonable amount of time off work during normal working hours to present the complaint. Time spent during non-working hours to prepare the complaint will not merit compensation under this policy.

3. Rejection of Complaint

The Superintendent may reject a complaint which was not timely filed or where information supplied by the complainant is deemed insufficient for the purpose of conducting an investigation.

The Superintendent shall reject those complaints which do not allege discrimination on the basis of race, color, religion, sex, national origin, disability, age (40 and over), or which are substantially identical to a previous complaint filed by the same complainant which is pending or has been decided under this procedure.

The decision to reject a complaint, and the reason(s) for the decision, shall be communicated to the complainant in writing within ten (10) days of the filing of the complaint.

4. Informal Resolution of Complaint

Upon receipt of complaint, the Superintendent shall have twenty-one (21) days in which to investigate and attempt to resolve the complaint informally. If an informal resolution of the complaint is achieved, the terms of the resolution shall be set forth in writing, made part of the complaint file, and a copy shall be provided to the complainant.

If an informal resolution of the complaint is not achieved, the Superintendent shall notify the complainant in writing: (1) of the proposed disposition of the complaint; and (2) of his/her right to a determination by the Personnel Committee of the Board if the complainant notifies the Board's Personnel Committee Chairperson in writing of his/her desire for a determination within fifteen (15) days of his/her receipt of this notice.

5. The Determination by the Personnel Committee of the Board.
Upon receipt by the Personnel Committee Chairperson of the Board of the complainant's written notification of his/her desire for a determination, the Personnel Committee of the Board shall have thirty (30) days in which to conduct a determination proceeding on the complaint.

The Superintendent shall transmit to the Personnel Committee all materials concerning the complaint which have been acquired. Should the Personnel Committee determine that further investigation is needed, the Committee may direct the Superintendent to conduct such investigation.

The determination proceeding shall be conducted in accordance with the following:

- Adequate notice to parties of the determination proceeding including time, place, and procedures.
- Reasonable timing.
- Right of each party to representation.
- Right of each party to present evidence.
- Right of each party to question evidence of the other.
- Decision made solely on the basis of the evidence.

The Personnel Committee shall have authority to:

- Regulate the course of the determination proceeding
- Exclude irrelevant or unduly repetitious evidence.
- Limit the number of witnesses.
- Exclude any person from the determination proceeding for misconduct.

The Personnel Committee shall render a decision within ten (10) days of the conclusion of the determination proceeding or as soon thereafter as possible. The decision shall be made in writing and shall contain a statement of the reason(s) for the decision. Copies of the decision shall be provided to the Superintendent and the complainant. In addition, a letter shall be provided the complainant informing him/her of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission. The complainant has the right to file with the EEO Commission and the Ohio Civil Rights Commission within 180 days (federal) 6 months (state) of the date of the alleged discrimination.

The decision of the Personnel Committee shall be final; however, the Committee may refer the matter to the entire Board.

6. Freedom from Reprisal

Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal during all stages and following the completion of the complaint procedure.

5.4.8 POLICY ON EMPLOYEE REASONABLE ACCOMMODATION

The Board shall not discriminate in employment against a qualified individual with a disability. It

is against the policy of the Board to discriminate against any employee or applicant with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment due to a disability.

Under the ADA, a person has a "disability" if he/she has a physical or mental impairment that substantially limits a major life activity. To be protected under Board policy, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. An employee must notify the Board of having or of having had a record of a substantially limiting impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation. This means that the applicant or employee must:

A. Satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and

B. Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

The Board shall make a reasonable accommodation so long as it is not an undue expense or other undue hardship to the Board. Decisions regarding reasonable accommodation of a known disability will be made on a case by case basis.
(Reference: R.C. 4112.01(A)(3), 4112.02(A) and (L) Americans with Disabilities Act (1990))

5.5 COMPENSATION POLICY

5.5.1 COMPENSATION PLAN

It is the policy of the Board to compensate its employees according to an established compensation plan with consideration given to longevity and mandated state minimums if required for certain positions (i.e. teachers).

The salary schedule for most employees is established in the form of pay ranges. The various working titles are assigned to specific pay ranges, and employees may advance in their pay range based on longevity and acceptable performance.

The Board may annually review the salary schedule and make adjustments as it deems necessary**.** When deemed necessary by the Board, wage adjustments may be granted to any, all or none of the pay schedules. Any decision by the Board in a given year related to whether to grant or not to grant pay schedule adjustments shall not create a precedent or past practice.

Employees are generally started at the base salary for their particular pay range. The Superintendent may give new employees a 2% incremental increase above base salary for every

year of comparable experience, not to exceed ten years (20%).

Employees may receive salary increases, based on Board approval unless:

a. The supervisor requests that the employee receive no increase due to below-average performance. Supervisors' recommendations for employees to receive no salary increases due to below-average performance must be based on objective records of performance, including a copy of the employee's most recent performance appraisal rating form and job description; an explanation of why the employee's performance has been below-average with a specific review of each of the rating categories listed on the appraisal form; a review of the employee's attendance for the previous year (FMLA absences will not count against the employee); the employee's date of hire; and a record of previous disciplinary or other job actions.

b. The supervisor requests consideration of a merit increase due to exceptional performance.

Upon promotion, an employee shall be compensated at no less than the base salary of the approved range for his/her new classification and provide an increase in pay over that received in his/her previous classification.

Salaries will not be reduced unless such reduction is part of an overall salary reduction affecting all employees or a result of disciplinary action.

ADMINISTRATIVE/MANAGEMENT STAFF

Contract employees (i.e. administrative and management staff) shall be provided the opportunity to meet with the Superintendent upon initial employment and annually thereafter to review individual contract terms including pay increases, benefits, and other conditions of employment. Any agreement stemming from such discussions must be consistent with established Board policy and directives.

MANDATED STATE MINIMUMS

Employees who have a change in their educational or certification status that may have an effect on their salary or wage are responsible for providing the appropriate documentation to the Superintendent. An employee's failure to comply in a timely manner may result in possible loss of income.

SUPPLEMENTAL COMPENSATION

The Board may authorize supplemental compensation to any employee based on position description and supporting documentation of additional responsibilities beyond the salary schedule guidelines.

TRANSFERS AND PROMOTIONS

Transfers and promotions within the Board shall be made without forfeiture of years of employment for the purpose of leave time or compensation.

The Superintendent determines the appropriate beginning salary. For management contract positions, the salary shall be negotiated between the Superintendent and the employee.

As of the effective date of this policy, existing personnel can petition the Superintendent for review of salary compensation in accordance with the policy. The Superintendent may establish a reasonable deadline for request to be made in writing for such a review. Any resulting increase shall not be retroactive and shall be effective on the first pay period after the deadline set by the Superintendent.

DEMOTIONS

When an employee is demoted to a lower level classification, the employee will be assigned to the appropriate pay schedule for the new classification at a rate determined by the Superintendent. Such rate, however, shall not be the same as, or exceed the amount the employee was earning in the employee's previous classification

5.5.2 PROGRAM YEAR WORK DAYS AND CALENDAR

The Board shall adopt an annual calendar for nine (9) month and twelve (12) month employees. The calendar shall stipulate paid workdays, legal holidays, and may include traditional holidays. Traditional holidays are scheduled, paid non-workdays. The total paid days in a year for the twelve (12) month calendar shall be 260 days. The total paid days for the nine (9) month calendar shall be a minimum of 185 days. Salaried nine (9) month employees' annual rate shall be adjusted on a pro-rated basis of the calendar if the calendar includes more than 185 days.

An employee scheduled to return from leave without pay on a day after a holiday will not be paid for the holiday. An employee whose leave without pay extends through the end of the last business day proceeding a holiday is also presumed to be on leave during the holiday and will not receive compensation for the holiday unless the Superintendent has specifically authorized pay.

5.5.3 PAY PERIODS

There are normally twenty-six pay periods per year. All employees are to be paid every other Friday under a two (2) week delayed system. Pay dates are determined by the Pickaway County Auditor.

Pay advances of any kind are not permitted.

5.5.4 PAYROLL DEDUCTIONS

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

5.5.5 OVERTIME PAY/COMPENSATORY TIME ACCRUAL AND USE

The provisions of this policy shall apply to all non-exempt employees of the Board.

OVERTIME PAY

All "Overtime Eligible Employees" may choose to be compensated at one and one half times their base rate of pay for actual hours worked in excess of forty hours during one work week.

Hours worked on a holiday, administrative leave day, or during a calamity interval are not considered hours worked for the purposes of calculating total hours worked as it relates to establishing overtime eligibility because this time is automatically compensated at a premium rate.

Time spent in active pay status for which the employee did not actually work is not included in the accumulation of forty hours worked for the purposes of establishing overtime eligibility. Examples of non-work time which are also active pay status includes holidays taken off, compensatory time off, vacation, sick leave, personal days off, etc.

All actual hours worked in excess of 40 hours in a given work week should be preapproved by the Superintendent/Supervisor prior to the employee actually working the hours. The Superintendent may retroactively approve overtime at their discretion.

COMPENSATORY TIME ACCRUAL

All "Overtime Eligible Employees" may choose to receive compensatory time off in lieu of overtime pay.

Compensatory time is earned at the rate of one- and one-half hour for each actual hour worked in excess of forty hours in a work week (excluding holidays, administrative leave days, and calamity intervals).

Time spent in active pay status for which the employee did not actually work (e.g. holidays off, sick leave, vacation, personal days, compensatory time off etc.) is not included in the accumulation of hours worked for the purposes of establishing compensatory time eligibility.

All hours worked in excess of 40 hours in a given work week must be approved by the

Superintendent/designee prior to the employee actually working the hours.

HOLIDAY COMPENSATORY TIME ACCRUAL

All "Overtime Eligible Employees" required to work on a holiday may choose to receive holiday compensatory time off in lieu of holiday pay.

Full-Time Employees - earn holiday compensatory time at the rate of one- and one-half hour for each actual hour worked on a holiday or administrative leave day.

Part-Time Employees - earn holiday compensatory time at the rate of one hour earned to each actual hour worked on a holiday. However, part-time employees required to work mandatory extra hours on a holiday will receive compensation at the rate of one and one half-hours for all hours worked.

Holiday compensatory time is earned in addition to the wages an employee would be paid if he/she did not work on a holiday.

All hours worked on a holiday must be prior approved by the Superintendent/designee. The Superintendent/designee's signature on the division/department time sheets verifies that all recorded hours worked on holidays were prior authorized.

Should a holiday fall during a calamity interval, there shall be no compounding of benefits. Whenever a holiday falls during a calamity interval, the rules governing holiday procedures will be used exclusively.

COMPENSATORY TIME AND HOLIDAY COMPENSATORY TIME USE

Non-holiday compensatory time must be taken within 180 days of the date on which it is earned.

No more than 240 total hours of accrued non-holiday compensatory time may be carried by each employee. Once an employee reaches the 240 hour ceiling, he/she will be paid overtime for each hour of overtime actually worked until he/she uses some of the compensatory time.

All requests for use of accrued compensatory time and holiday compensatory time will be considered individually and granted at a time mutually convenient to the employee and his/her supervisor.

All compensatory time must be used before an employee is granted a leave of absence without pay, except as otherwise permitted under state or federal law.

OVERTIME EXEMPTION STATUS DETERMINATION

Determination of an employee's overtime exempt status shall be individually based upon each employee's signed, official position description.

A list of overtime exempt classifications will be maintained in the Personnel Office.

TIME RECORDS

Employees are to sign/clock in no sooner than 7 minutes prior to the start of the work shift and are to sign/clock out no later than 7 minutes after the work shift is over.

Overtime eligible employees may only engage in work related activities that would result in overtime pay or compensatory time accrual if they have prior authorization to do so. Overtime eligible employees who violate this policy shall be subject to corrective action.

The Division time sheet/timecard is the official record of the employee's time worked. It is the employee's responsibility to complete this time sheet in a timely and accurate manner. Each employee must accurately record his/her actual starting and finishing times, break time (if applicable) and lunch time. Employees who fail to accurately record their hours of work shall be subject to corrective action.

VOLUNTEER TIME

The time in which an employee engages in volunteer activities outside normal work time shall not be compensated. Board supervisory personnel shall not overtly direct or covertly imply that employees participate in any volunteer activities. Employees shall independently and freely determine their level of participation, if any, in volunteer activities related to the agency. No employee shall volunteer to perform the same or similar duties which he/she performs during regular work hours.

MOVING FROM AN ELIGIBLE POSITION TO AN EXEMPT POSITION

Any overtime eligible employee with a compensatory time balance who moves into an overtime exempt position will be permitted to use the remaining compensatory time in accordance with the principles set forth above. Once an employee moves to an overtime exempt position, he/she cannot earn additional compensatory time.

All pay outs will be made at the base rate of pay the employee is earning at the time he/she receives the compensatory time payment.

PAYMENT OF (NON-HOLIDAY) COMPENSATORY TIME UPON TERMINATION OF EMPLOYMENT - (FLSA)

Upon termination of employment, an employee shall be paid for unused non-holiday compensatory time at the higher of:

1. The average regular rate received by the employee during the last three (3) years of employment, or

2. The employee's final regular rate of pay.

5.5.6 FRINGE BENEFITS

Health Insurance: Full-time employees and permanent seasonal employees shall be eligible for health insurance coverage. The percentage of health insurance premiums paid by the Board for either employee or family coverage shall be determined by the Board annually.

Dental Insurance: Dental insurance is available for full-time employees and permanent seasonal employees. The Board shall determine the cost for employees annually.

Retirement: The Board contributes the employer share of both PERS and STRS benefits.

Employees are provided the opportunity to participate in deferred compensation programs, ~~Universal 1 Credit Union~~, and other payroll deduction programs, ~~as well.~~

Individuals employed in any way for less than full-time employment shall not be eligible for health insurance coverage and other benefits afforded to full-time employees.

5.5.7 RETIREMENT PLAN

Employees of the Board are required by law to participate in the Ohio Public Employees Retirement System or the State Teachers Retirement System as applicable. In addition to retirement benefits, PERS/STRS provides other benefits such as disability retirement, survivor benefits, health insurance for retirees, etc.

5.5.8 WORKER'S COMPENSATION

State law provides that every Board employee is eligible for Workers Compensation for injuries arising out of, or in the course of, his or her employment. Guidelines for administering Workers Compensation are set forth below.

Should an employee be injured during the course of employment with the Board, the employee shall immediately notify his/her supervisor and shall complete an injury report form. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. Such reports shall be signed by the Superintendent following an investigation of the injury/accident and forwarded within 24 hours to the Personnel Office.

Should an employee's injury require medical attention, the injured employee shall notify the attending physician that the injury occurred during the course of employment. Workers Compensation claim forms shall then be completed by the attending physician and the injured employee and then forwarded to the Personnel Office for certification. Workers Compensation claim forms may be certified by the Personnel Department only when a Board injury report form has been submitted and the employee and physician sections have been completed on the Workers Compensation form.

Upon approval by the Bureau of Workers Compensation, a claim number will be assigned and mailed to the injured employee. The injured employee shall notify the attending physician that all professional medical charges be directed to the Bureau of payment with such claim number.

The Personnel Office must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing their supervisor with a physician's statement identifying the nature of the disabling condition and the projected date of return. This physician statement must accompany the leave request form.

Employees who are injured in the line of duty and must leave work to obtain medical treatment before completing their scheduled work day shall be granted paid administrative leave for the remainder of the shift if the time is needed for medical treatment.

An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers Compensation. The Board may designate as Family and Medical Leave time, qualifying absences due to work related injuries.

5.5.9 EXPENSE REIMBURSEMENT

Employees of the Board including management employees will receive reimbursement for expenses incurred while traveling on official County business. The conditions of this policy apply to classified and management employees, except management contracts may provide for additional conditions or allowances. Employees are eligible for expense reimbursement only when expenses have been authorized in writing by the Superintendent/Designee. The designee shall be the business manager. The board president or other officers shall approve the Superintendent's expense request.

A. Transportation:

1. Travel by air, bus, or other common carrier must be at the lowest available rate. The employee is responsible for notifying the carrier at the earliest possible time of any reservation change or cancellation.

2. Mileage reimbursement for travel in privately-owned vehicles will be determined by the Internal Revenue Service standard mileage rate. The mileage reimbursement will be deemed to cover all expenses incurred by use of the privately-owned vehicle including oil, gasoline, tires, depreciation, insurance, and all other expenses of operation. An employee is required to carry automobile/liability insurance on his or her vehicle and maintain a copy of current coverage when operating his or her vehicle for County purposes.

3. Employees traveling on County business must always wear safety belts.

4. Reimbursement for taxi fares, bridge, highway, and tunnel tolls, and parking and garage charges may be claimed upon presentation of receipts.

B. Lodging:

1. Expenses covering the actual cost of a hotel room will be reimbursed in full when an employee travels out of the County on official County business and such travel requires an overnight stay. Prior approval of the Superintendent/designee is required for county reimbursement of lodging expenses.

C. Meals:

1. An employee authorized to travel on official County business may claim reimbursement for the actual cost of up to $14.00 for breakfast, $20.00 for lunch, and $36.00 for dinner with the approval of the Superintendent/designee. Reimbursement for meals will be made when travel extends through a normal meal period. No reimbursement will be made for meals within Pickaway County or within ten (10) miles of an employee's residence, unless the meal is an integral part of an approved meeting or conference. Tips up to 15% of allowed meal expenses will be reimbursed when verified by receipt.

2. Alcoholic beverages, entertainment and non-meal service related tips are not reimbursed.

D. Incidentals:

Reimbursement for other actual business expense essential to performance of duties and responsibilities may be paid with approval of the Superintendent/Designee or Board. Incidentals include the purchase of items or services specific to the Board. Prior authorization is required and when possible the purchase of equipment, supplies, and services should be made directly by the Board from the vendor. The Board may require requests for reimbursement of incidental expenses to be requested on separate forms for the appropriate line item such as repair, equipment and supplies.

E. Registration Fees:

Whenever possible registration fees for meetings/conferences should be arranged through a purchase order or direct pay by the Board. Registration fees for meeting/conferences with prior approval may be reimbursed to an employee with proof of attendance. Cancellation fees or reimbursement of fees if the employee does not attend will not be paid without justification approved by the Superintendent/Designee

Request for reimbursement of travel expenses must be made on the revised Pickaway County Business Travel Expense Report and should be submitted to the Appointing Authority, within the year the costs incurred, but no later than January 31 for the prior year's expenses. Detailed receipts for all expenditures must be attached.

5.5.10 HOLIDAYS

A. Eligible employees are entitled to the following legal holidays: (O.R.C. 325.19)

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
Presidents' Day	Third Monday in February
Memorial Day	Fourth Monday of May
Independence Day	Fourth Day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October (or as designated in the annual calendar)
Veterans' Day	Eleventh Day of November (or as designated in annual calendar)
Thanksgiving Day	Fourth Thursday in November
Christmas Day	Twenty-fifth day of December

And any other day designated for County employees by an act of the President of the United States, the Governor of this State or the Board.

A. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.

B. An employee who actually works as required, with prior approval of the Superintendent, on one of the recognized, legal holidays is entitled to receive compensation at the rate of one and one-half (1 ½) times the hours worked. Management, Professional, Supervisory, Intermittent or Substitute employees are exempt from this provision.

C. Full-time employees who work a schedule other than Monday through Friday will receive compensatory time for any holiday observed on their regular day off based upon their regularly scheduled hours. Such time must be taken in the workweek in which the holiday occurs, unless otherwise approved by the Superintendent.

D. Part-time employees are entitled to holiday pay for only that portion of any holiday for which they would normally have been scheduled to work.

E. If a holiday occurs while an employee is on vacation or sick leave, such vacation day or sick day will not be charged against his or her vacation leave or sick leave. An employee must be on

an active pay status both prior to and subsequent to a holiday to receive holiday pay.

5.5.11 VACATION

A. CALCULATION AND USE OF VACATION TIME - CLASSIFIED

1. Full-time employees: All full-time classified employees earn annual vacation leave according to their number of years of service with the state of Ohio or any political subdivision of the state at a rate proportionate to the regular number of hours in the employee's bi-week as set forth below. (Except for employees who have retired according to the provisions of any retirement plan offered by the state and have returned to public service after June 24, 1987. Such employees will not receive service credit for service prior to retirement with the state of Ohio or any political subdivision of the state.) Vacation leave for management employees is subject to negotiated contracts. (Reference: O.R.C. 9.44; O.R.C. 325.19):

VACATION ACCRUAL RATES

Years of Service	80 hours bi-weekly*	Vacation days per year
1-7	3.1	10
8-14	4.6	15
15-24	6.2	20
25 and above	7.7	25

*Accrual rates are set by law. The service required in each instance need not be continuous. Completion of a total of one year of public service as defined in O.R.C. 9.44.

Accumulated vacation hours can't be used until after the successful completion of the employee's probationary period. Vacation hours earned during the first 12 months of employment are not eligible for paid compensation if employment is terminated for any reason during the first 12 months of employment. No further eligibility requirement need be met, and vacation leave may be used as it is accrued, with approval of the Supervisor and consistent with the other sections of this manual pertinent to vacation.

Vacation is credited each bi-weekly pay period at the maximum established in the chart above.

2. Full-time seasonal employees: Full-time seasonal employees (full-time employees scheduled to work less than 12 months per year) are not entitled to accumulate vacation benefits.

3. Carry-over to following year: Employees are permitted to accumulate and carry over their vacation leave to the following year. No vacation leave shall be carried over for more than three years. (Reference: O.R.C. §325.19)

4. Holidays falling during scheduled vacation: Days designated as holidays or emergency days declared by the Governor are not charged to vacation leave regardless of the day of the week on which they occur.

5. Unpaid absences: Vacation leave is earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence or unpaid military leave.

6. Overtime: Vacation time used by an employee is considered non-work time for purposes of calculating overtime pay or compensatory time accrual.

7. Separation/Termination: Upon separation or termination from county service, an employee is entitled to compensation for any earned but unused vacation leave credit at the time of separation/termination. However, no payment will be made to employees having less than one year of public service. Upon termination all accumulated vacation will be paid to the employee at the employee's current hourly rate at the time of separation.

8. Death of employee: In the case of the death of an employee, any earned but unused vacation leave shall be paid up until the date of death in accordance with O.R.C. 2113.04 to the deceased employee's estate.

9. Minimum fifteen minute units: Vacation may only be used in units of fifteen minute increments.

10. Vacation for part-time employees: An employee that is considered permanent part-time is eligible for paid vacation leave after the completion of 2080 hours of employment. A permanent part-time employee to be awarded vacation time proportionate to the number of hours worked on a regular basis each week in relation to a full-time employee.

B. REQUEST AND APPROVAL

1. Vacation leave will normally be granted on a first request basis and must conform to program operation schedules. The Board reserves the right to approve vacation consistent with program needs including approval consistent with program operation schedules.
2. Vacation shall be requested in writing on the Board Leave Request Form.

3. Requests for vacation must be submitted to and approved by the employee's immediate supervisor.

C. CASH IN OF VACATION OR SICK LEAVE

Employees with at least eight (8) years of employment may be permitted to sell 40 hours of vacation or sick leave at their current rate of pay at the end of each year. In order to sell back sick time, an employee must have a balance of at least fifteen (15) sick days. An employee with twenty-five (25) years of service or more may sell 80 hours of vacation or sick leave.

The Board, by Board action, based on available resources, may suspend or eliminate the vacation buy-out plan at any time.

5.5.12 SICK LEAVE FOR CLASSIFIED EMPLOYEES

A. Sick leave is administered in accordance with O.R.C. §124.38 for classified employees. Sick leave for management employees is subject to the negotiated contracts. An employee may request sick leave for absences resulting from illness as described below, provided the employee follows the "Notification of Absence" policy. Sick leave may be requested for the following reasons:

1. Illness or injury or conditions of the employee or a member of the employee's immediate family.

2. Exposure of employee or a member of the employee's immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.

3. Death of a member of the employee's immediate family.

4. Medical, dental or optical examinations or treatment of employee or a member of the employee's immediate family.

5. Pregnancy, childbirth and/or related medical conditions.

A. For purposes of this policy, the "immediate family" is defined as: mother, father, brother, sister, child, spouse or other person who stands in place of spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of parent.

B. If medical attention is required, a certificate stating the nature of the illness from a licensed physician shall be required to justify the use of sick leave. (Reference: O.R.C. §124.38)

C. For each completed hour in active pay status, an employee earns .0575 hours of sick leave. For the purposes of this section, active pay status is defined as hours worked, hours on paid vacation, hours on holiday leave, hours on paid sick leave and hours on paid compensatory time.

D. Intermittent employees accrue sick leave on a proportionate basis to the hours paid each pay period.

E. The amount of sick leave time any one employee may accrue is unlimited.

F. Sick leave shall be charged in minimum amounts of fifteen minute increments.

G. Employees absent on sick leave shall be paid at the same basic hourly rate as when

they are working.

H. An employee requesting sick leave shall inform his or her supervisor or designee of the request and the reason therefore prior to one hour of the employee's scheduled starting time. School employees shall notify their supervisor prior to two (2) hours of their scheduled starting time. Failure to provide timely notification may result in denial of sick leave for the period of absence.

I. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action up to and including termination in accordance with policies outlined in this manual. The Superintendent or designee may require from the employee such verification as is appropriate to substantiate the employee's request for sick leave if the Superintendent or designee has a reasonable basis for requiring such verification.

J. Altering a physician's certificate or falsification of a written, signed statement is grounds for immediate dismissal.

K. Employees who transfer between county departments or agencies, or who are re-appointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years. It is the employee's responsibility to request that sick leave from prior services be transferred, and to provide documentation concerning the balance to be transferred.

L. Employees may be required to document sick leave and other absences in accordance with the Board's Family and Medical Leave Act policy.

5.5.13 SICK LEAVE DONATION POLICY

Employees paid by warrant of the Pickaway County Auditor may donate sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave. The intent of the Leave Donation Program is to allow employees to voluntarily provide assistance to their coworkers who are in critical need of leave due to the serious illness or injury of the employee or a member of the employee's immediate family.

1. An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period, if the employee who is to receive donated leave:

    a. Has no accrued leave.

    b. Has applied for all paid leave, workers' compensation, or benefits program for which the employee is eligible.

2. Employees may donate leave if the donating employee:

a. Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned.

b. Donates a minimum of eight (8) hours.

c. Retains a sick leave balance of at least 80 hours. Donated sick leave shall never be converted to other leave or into a cash benefit.

3. The Leave Donation Program shall be administered on a pay period-by-pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received.

   Donated leave shall not count toward the probationary period or any employee who receives donated leave during his or her probationary period. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.

4. Employees who wish to donate leave shall certify to the department head:

   a. The name of the employee for whom the donated leave is intended.

   b. The number of hours to be donated.

   c. That the employee will have a minimum sick leave balance of at least 80 hours.

   d. That the leave is donated voluntarily and the employee understands that the donated leave will not be returned.

5. The Pickaway County department head/supervisor shall ensure that no employees are forced to donate leave. The department head/supervisor shall respect an employee's right to privacy, however, the department head/supervisor may, with the permission of the employee who is in need of leave or a member of the employee's immediate family as stipulated in the first paragraph of this policy, inform employees of their coworker's critical need for leave. The department head, office holder, supervisor, or any employee of the county shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

5.5.14 RETIREMENT - SICK LEAVE

Conditions exist at the time of retirement that differs from the regular processes of separation. These conditions are:

Sick Leave: Upon retiring from active state or county services after ten or more years with the state or any of its political subdivisions, an employee may elect to be paid in cash for one-fourth (1/4) of the employee's accrued but unused sick leave credit. The maximum payment allowed is thirty (30) days. Conversion of sick leave on retirement exhausts the employee's entire sick leave balance. Sick leave conversion does not apply to any termination or separation other than retirement. (Reference: O.R.C. 124.39(B))

Such payment may be made more than once to any employee. That is, an employee who returns to state or county service after retiring may accrue and use sick leave as before, but may only convert any portion of unused sick leave at the time of a second retirement that does not exceed, for all payments, the value of thirty (30) days of accrued but unused sick leave.

A Board employee with twenty-five (25) or more years of services with the Pickaway County Board of Developmental Disabilities who formally retires under the provision of one of Ohio State's retirement systems shall be paid in cash up to 50% of their accumulated, but unused, sick leave up to a maximum of 400 hours.

A. Sick leave payment shall be based on the employee's rate of pay at the time of retirement or resignation and eliminates all sick leave credit accrued but unused by the employee at the time payment is made.

B. If an employee of the Board dies while in active pay status, all accrued sick leave due his/her credit shall be paid to the estate of the deceased employee.

C. The employee must request payment of unused sick leave.

5.5.15 FUNERAL LEAVE

An eligible employee may be granted use of sick leave, upon approval of the Superintendent/designee, for a maximum of five (5) working days in the event of a death of an immediate family member. For purposes of this policy the "immediate family" is defined as only: mother, father, brother, sister, child, spouse or other person who stands in place of spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian or other person who stands in place of the employee's parent. (Reference: O.A.C 123:1-32-05(A)(4))

5.5.16 MILITARY LEAVE

Such leaves may be granted in accordance with the provisions of Ohio Revised Code and the provisions of the Uniformed Service Employment and Reemployment Rights Act of 1994.

5.5.17 PERSONAL LEAVE WITH PAY

A. Each full-time twelve-month employee who has worked at least three (3) months with the Board shall be granted the equivalent of three (3) days pay for personal leave per program year. Unused personal time will be lost at the end of the calendar year. Each full-time nine-month employee who has worked at least three (3) months with the Board will be granted the equivalent of two (2) days pay for personal leave per program year. These personal days will be placed to the employee's credit on the first day of each year.

   In the first year of employment the employee will receive pro-rated personal days and an employee must be employed 90 calendar days prior to using a personal day.

B. Full-time employees may use personal leave in increments of fifteen minutes. .

C. Intermittent employees are not eligible for personal leave.

D. Permanent part-time employees that work the same number of days as a full-time 12-month employee shall be granted personal leave. Such leave shall be on a pro-rated basis. Personal leave must be taken in increments of fifteen minutes.

E. Prior written approval by the employee's supervisor on the standard leave form must be obtained before using this benefit.

F. Personal leave with pay may not be accumulated and may only be used during the program year in which it was granted. Nine-month employees are eligible to cash in up to two unused personal days at the end of the program year.

G. For nine month employees, the year starts on the first day of the school calendar year. The school year calendar is adopted by the Board annually. Twelve month employees follow the calendar year.

H. Approval of personal leave shall be based on the ability to maintain adequate supports for individuals served.

5.5.18 PROFESSIONAL LEAVE

An employee of the Board may be granted professional leave to attend professional meetings, conferences, workshops, courses, etc. Professional leave is intended to allow employees to receive specialized training and information without loss of pay and to stimulate and support their professional growth.

Prior approval of the Superintendent/designee must be obtained before using this benefit. Approval or denial of a request for professional leave is granted at the discretion of the Superintendent/designee.

Employees requesting leave to travel outside the State of Ohio must have Board approval prior to

the date(s) of the conference. These leave requests must be approved by the Superintendent through regular channels at least seven (7) days in advance of the Board meeting which is scheduled prior to the dates requested.

5.5.19 ADMINISTRATIVE LEAVE WITH PAY

Employees may be granted leave with pay for purposes directly related to the function of the Agency or to the functions of the employee's position.

Administrative leave with pay may only be granted by the Superintendent.

5.5.20 COURT LEAVE/JURY DUTY

Court leave with pay shall be granted to employees summoned for jury duty during normal working hours by a federal, state or any other court of competent jurisdiction. In cases where the employee's absence create a hardship on the agency or jeopardizes safety of students or clients, the employee will be requested to request excuse from jury duty. An employee will not be penalized if he/ she cannot be released from jury duty.

Court leave with pay shall be granted to employees subpoenaed to appear before any court or other body authorized by law to require attendance of witnesses during normal working hours where the employee is not a party to the action. An employee who is the appellant in an action before the State Personnel Board of Review or the claimant before the Bureau of Workers Compensation for a Board-related claim, and who is in active pay status at the time of the scheduled hearing or examination, shall be granted leave with pay for purposes of attending such hearing or examination during a normally scheduled work day.

An employee who is appearing before a court or other authorized body in which he/she is a party to the action, except as noted, may request vacation time, personal day or leave with pay. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody or appearing as directed as a parent or guardian of juveniles.

5.5.21 LEAVE WITHOUT PAY

The Superintendent may grant a leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee which includes any reason acceptable under the Family and Medical Leave Act subject to that Act’s time limitations. Such a leave may be extended an additional six (6) months at the discretion of the Superintendent upon request of the employee.

Leave may be granted for a maximum period of one (1) year for the purpose of education, training, or specialized experience which would be of benefit to the Board by improved performance at any level.

The authorization of a leave of absence without pay is a matter of administrative discretion. The Superintendent will decide in each individual case if a leave of absence is to be granted. Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave will be terminated subject to established layoff procedures, upon the reinstatement of the employee from leave. The terminated employee may be considered for other vacancies.

An employee may return to work before the scheduled expiration of leave if requested by the employee and approved by the Superintendent. An employee who fails to return to work within three (3) working days of the completion or a valid cancellation of a leave of absence without pay without explanation to and approval from the Superintendent or designee may be removed from his/her position.

Leave without pay cannot be utilized until all other forms of legally available leave have been exhausted including vacation, personal leave and sick leave.

5.5.22 CALAMITY DAYS

The Superintendent/designee may authorize an emergency closing for all or part of the agency due to inclement weather conditions or other emergencies (i.e., water main break, heating malfunction).

All employees shall report to work on calamity days in which the program is closed for the entire day unless notified otherwise. A calamity day shall be considered a regular work day subject to all applicable policies.

School employees shall be required to make up days if an excess of calamity days requires extending the calendar until the minimum number of required hours are completed.

Employees who are in a non-pay status before and after a calamity day will not be paid for the calamity day.

Employees who are on extended (three work days or greater) pre-arranged, sick, or vacation leave shall be charged for sick or vacation, leave on calamity days.

Employees who are not on an extended leave and who are in a pay status (i.e., paid sick or vacation leave) either the entire day before or after a calamity day, will be paid for the calamity day or portion of the day missed, and will not be charged for sick or vacation leave for the portion of time they were not expected to report to work.

5.5.23 RELIGIOUS HOLIDAYS

It is the policy of the Board, in a flexible and fair manner, to permit and assist employees to observe religious holidays which have not been granted by law. While the granting of leave for such holidays may not always be possible, efforts will be made to accommodate the needs of the employee.

Employees observing religious holidays on days other than the already approved holidays may apply for Administrative Leave With Pay for the observance of religious holidays..

The time granted for Administrative Leave With Pay for religious holidays is to be made up by being assigned to work within the agency at times when the employee would not normally be scheduled to work.

Except by special permission, the employee will be assigned to work this make-up time in advance of the religious holidays to be taken. The time will be banked for use during the program year. Selection of time to work as make-up must be approved in writing by the Superintendent/designee.

5.5.24 NOTIFICATION OF ABSENCE/LEAVE REQUEST

All employees must "report off" work for any absence. An employee is required to notify his/her supervisor or designee of his/her absence within the proper time as stated in the applicable policy. Failure to do so may result in denial of leave for the period of absence and may result in disciplinary action in accordance with the Board's Disciplinary Policy.

Employees are required to complete an leave request and submit other applicable documents to request absence from work. Such requests must be completed and forwarded to the supervisor prior to the absence whenever possible or upon immediate return to work.

The Superintendent/designee shall be the authority to approve or disapprove leave requests and maintains the right to investigate any absence from work.

5.5.25 ASSAULT LEAVE

An employee who is physically injured due to an assault by a person enrolled or appearing for evaluation to be enrolled in a program or service operated by the Board may apply for assault leave to be used in lieu of sick leave and may be granted such leave subject to the following conditions and limitations.

<u>Conditions</u>:
1. The injury must have resulted from an actual or attempted assault by an enrollee or applicant on the agency premises and/or during an agency function when the employee is working in an approved and proper manner or has gone to the aid of an employee being assaulted or in need of assistance to effectively restrain an enrollee or applicant.

2. The incident which resulted in the injury must have been reported to an administrator at the time of its occurrence and an incident report submitted within the established guidelines for incident reports.

3. The employee with an injury or suspected injury must have been seen by a doctor within twenty-four (24) hours of its occurrence.

4. If a doctor is seen during the employee's workday and the doctor authorizes the employee's immediate return to work or return on the following day, the doctor's written authorization must be submitted as specified in item 5 below.

5. If it is necessary for the employee to be absent, the employee shall promptly notify the director of the nature of the injury and the probable extent of the absence. A statement by the examining physician certifying the nature of the injury, the necessity for the employee to be absent and the date of the employee's ability to return to normal duties without restrictions must be submitted at the time of the employee's return to duty. This statement must be submitted on the form provided by the agency.

6. The employee must cooperate fully with the administration and police, if necessary, in any investigation and action arising therefrom unless otherwise advised by his or her own counsel.

Limitations:

If the conditions above which are applicable in a given instance are met in full, the agency shall:

1. Provide full payment for each full or partial day of such absence for which there is no payment by Workers Compensation. If medical attention is required, a certificate from a licensed physician shall be required to justify the use of leave. If the absence exceeds two (2) workdays, the employee must apply for Workers' Compensation. If a subsequent award is made effective to the first day of absence for an injury resulting in absence, assault leave paid to the employee shall be returned to the agency by subsequent deductions from the employee's regular pay.

2. Charge the absence as assault leave which shall not be deducted from the employee's accumulated unused sick and/or vacation leave and during the assault leave time, the employee shall continue to accrue such leaves.

3. Provide all other benefits to which the employee is entitled during the term of absence for assault leave.

The Superintendent shall have the right to require a physical examination by a doctor which the Superintendent shall appoint. The cost of any such examination shall be paid by the Board.

5.5.26 FAMILY AND MEDICAL LEAVE

The Board will comply with Public Law 103-3, *Public Law 110-181*, Family and Medical

Leave Act of 1993, to provide family and medical leave as specified in the legislation. Eligible employees will be provided up to 12 weeks of unpaid leave in connection with specific qualifying events. However, eligible employees may take up to 26 weeks of unpaid leave to care for a covered service member. Generally, employees will be provided employment in an equivalent position with equivalent conditions of employment upon return from family or medical leave. The Board will maintain records of utilization of family or medical leave per the requirements of the Department of Labor.

A. Qualifying Events for Basic Leave Entitlement.

In order to be entitled to take the appropriate amount of family and medical leave, one of the following "qualifying events" must occur:

1. Incapacity due to pregnancy, prenatal medical care or child birth;
2. Care for the employee's child after birth, or placement for adoption or foster care;
3. Care for the employee's spouse, son, daughter or parent, who has a serious health condition;
4. For a serious health condition that makes the employee unable to perform the employee's job

The term "spouse" means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the State in which the marriage was entered into or, in the case of a marriage entered into outside of any State, if the marriage is valid in the place where entered into and could have been entered into in at least one State. This definition includes an individual in a same-sex or common law marriage that either:

(1) Was entered into in a State that recognizes such marriages; or

(2) If entered into outside of any State, is valid in the place where entered into and could have been entered into in at least one State.

The term "parent" means a biological, adoptive, step, or foster father or mother, the spouse of any such person, or any other person who stood in loco parentis to the employee when the employee was a child as defined in this section. This term does not include "parents in law."

The term "son or daughter," for purposes of FMLA leave taken for birth or adoption or to care for a family member with a serious health condition, means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health

care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

B. Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on "covered active duty" or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. An employee's spouse, son, daughter, or parent is on "covered active duty" when he or she is either a) on duty as a member of a regular component of the Armed Forces and deployed with the Armed Forces to a foreign country under a call or order to active duty, or b) on duty as a member of a reserve component of the Armed Forces and deployed to a foreign country under a call or order to active duty in support of a contingency operation. Qualifying exigencies to manage the service member's affairs are described on the Department of Labor form Certification of Qualifying Exigency for Military Family Leave and include: 1) Short notice deployment; 2) Military events and related activities; 3) Childcare and school activities; 4) care of the military member's parent who is incapable of self-care; 5) Financial and legal arrangements; 6) Counseling; 7) Rest and recuperation; 8) Post-deployment activities; and 9) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

A qualified eligible employee may take leave to care for a covered service member who has suffered a serious injury or illness in the line of active duty or who has had an existing condition aggravated by military service ("military caregiver leave"). A covered service member means (1) a current member of the Armed Forces, National Guard or Reserves who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness incurred in the line of duty; or (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. The injury or illness for which the covered service member requires military caregiver assistance may manifest itself before or after the member officially became a "veteran." Military caregiver leave also applies to pre-existing medical conditions that were aggravated by the service member's active duty service in the military. The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".

An employee who has a qualified family relationship with a covered service member may take up to 26 weeks of leave during a single 12-month period. A qualified family relationship is a spouse, parent, son or daughter, or next of kin. The leave entitlement described in this paragraph applies on a per-covered service member, per-injury basis, such that an eligible employee may be entitled to take more than one leave if the leave is to care for a different covered service member

or to care for the same service member with a subsequent serious illness or injury, but the employee is limited to a total of 26 weeks of military caregiver leave in any single 12-month period. No more than 26 weeks total of FMLA leave may be taken within any single 12-month period to care for a covered service member. Spouses who are employed by the same covered employer may be limited to a combined total of 26 workweeks of leave during the single 12-month period for military caregiver leave.

An employee may take FMLA leave for up to 12 weeks for a Qualifying Event in the same 12-month period in which an FMLA leave is taken to care for a covered service member.

The Board will provide the employee with a copy of the Department of Labor Form Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave or Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave to be completed by the employee and an authorized military health care provider of the covered service member. The employee may present certain military certifications such as "Invitational Travel Orders" or "Invitational Travel Authorizations" for purposes of certification that must be accepted by the Board.

If the certification is incomplete or unclear, the employee is to be given seven (7) additional calendar days to provide more complete information. Re-certifications and second or third opinions are not permitted in connection with respect to leave to care for a covered service member.

The Superintendent or a person designated by the Superintendent may contact the covered service member's health care provider for clarification and/or authentication of the medical certification. Under no circumstances may an employee's direct supervisor contact the health care provider. Attempts to clarify or authenticate a medical certification shall not result in obtaining additional medical information.

C. Certification and restrictions on leave.

The Board may require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. The Board may also require that an employee's leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness be supported by a certification. An employer must give notice of a requirement for certification each time a certification is required; written notice must be provided whenever the Board is required to determine eligibility for FMLA leave. An oral request by the Board to an employee to furnish any subsequent certification is sufficient.

The employee must provide the requested certification to the Board within 15 calendar days after the Board's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts or the Board provides more than 15 calendar

days to return the requested certification. The employee must provide a complete and sufficient certification to the Board. The Board shall advise an employee whenever it finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. A certification is considered incomplete if the Board receives a certification, but one or more of the applicable entries have not been completed. A certification is considered insufficient if the Board receives a complete certification, but the information provided is vague, ambiguous, or non-responsive. The Board must provide the employee with 7 calendar days (unless not practicable under the particular circumstances despite the employee's diligent good faith efforts) to cure any such deficiency. If the deficiencies specified by the Board are not cured in the resubmitted certification, the Board may deny the taking of FMLA leave. A certification that is not returned to the Board is not considered incomplete or insufficient, but constitutes a failure to provide certification.

The Superintendent or a person designated by the Superintendent may contact an employee's health care provider for clarification and/or authentication of the medical certification. Under no circumstances may an employee's direct supervisor contact the health care provider. Attempts to clarify or authenticate a medical certification shall not result in obtaining additional medical information.

At the time the Board requests certification, it must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. If the employee fails to provide the Board with a complete and sufficient certification, despite the opportunity to cure the certification, or fails to provide any certification, the Board may deny the taking of FMLA leave. In all instances when certification is requested, it is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to the Board to support the employee's FMLA request.

An eligible employee may take up to 12 weeks of unpaid leave to care for the employee's son or daughter with a serious health condition. For purposes of the FMLA, the terms “son” or “daughter” mean a biological, adopted, or foster child, a stepchild, a legal ward, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence. "Incapable of self care" requires active assistance or supervision to provide daily self care in three or more "activities of daily living." For purposes of this policy, a spouse does not need to establish an "*in loco parentis"* relationship with a child to exercise their rights. In the absence of a marriage, as recognized under this policy, an employee may exercise his/her rights pursuant to the FMLA to care for a child when that employee stands *in loco parentis* to that child. Persons who are “*in loco parentis*” include those with day-to-day responsibilities to care for or financially support a child. A biological or legal relationship is not necessary.

In the absence of a biological or legal relationship and/or for purposes of confirmation of family relationship, the Board may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The Board is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

Entitlement for child care ends at the end of the 12-month period beginning on the date of birth. Entitlement for child care ends at the end of the 12-month period beginning on the date of placement. The child care entitlement applies to parents in a marriage, as recognized under this policy, and unmarried individuals acting *"in loco parentis."*

When the Board employs both spouses, the total amount of Family and Medical Leave shall be twelve (12) weeks combined, when the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care or to care for the child after placement, or to care for the employee's parent with a serious health condition. Leave taken for other qualifying events shall not be subject to this restriction.

D. Qualified Employee.

A Board employee must meet the following criteria to be a "qualified employee" eligible for family and medical leave:

1. An employee must be employed by the Board for more than 12 months of active service, which need not be 12-consecutive months.
2. An employee must have worked more than 1,250 hours in the 12 months prior to the commencement of FMLA leave.
3. An employee must be employed at a worksite where 50 or more employees are employed within 75 miles of that worksite.

Service Member Time in the military service covered under the Uniformed Services Employment and Reemployment Rights Act (USERRA) will count towards fulfilling the length of employment and hours of work requirements to be eligible for an FMLA leave.

E. Use of Paid Leave.

If an employee does not elect to use accrued paid leave, he/she will be required to use all accrued, unused paid vacation, personal, sick, compensatory time, and/or PTO as a substitute for unpaid Family and Medical Leave. Such paid leave will run concurrently with and be counted toward the 12 workweeks of leave. Once all paid leave is exhausted, any remainder of the Family and Medical Leave shall be unpaid.

F. Coverage Period; Intermittent Leave.

A qualified employee is entitled to take up to a total of twelve (12) weeks of a combination of paid and unpaid leave per year (as defined by the Board) for a qualifying event.

Leave under qualifying events 1 or 2 will not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the Board agree otherwise. Leave taken under qualifying events 3, 4, and 5 may be taken intermittently or on a reduced leave schedule when medically necessary. If an employee requests intermittent leave or leave on a reduced leave schedule, the Board may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis. Upon return to work from such leave, the employee will be returned to his/her former position, or an equivalent position.

G. Benefits.

Qualified employees who take family or medical leave under this provision are entitled to the continuation of health and dental care benefits during the period of family or medical leave not to exceed a total of 12 weeks of unpaid leave per year. The Board will continue to pay the Board's share of the health and dental insurance premiums for up to 12 weeks. If the employee should exhaust all paid leave during the Family and Medical Leave, the employee shall make arrangements with the Board to pay the employee's share of health insurance costs prior to the beginning of the unpaid Family and Medical Leave. The Board is entitled to recover the premium paid by the Board for maintaining insurance coverage for the employee if the employee fails to return after the expiration of the family or medical leave to which the employee is entitled under this act for a reason other than (1) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under Qualifying Events 3 and 4; or (2) other circumstances beyond the control of the employee.

Qualified employees do not accrue seniority or benefits, other than health and dental care benefits during the time of family or medical leave unless they are in active pay status using sick leave or vacation leave. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

H. Designation of Leave.

It is the responsibility of the Board, through the Superintendent or designee, to designate employee absences as FMLA leave or not FMLA leave. This is the case whether or not an employee wishes to have absences designated as FMLA leave, and whether or not the employee has requested FMLA leave. The Board may request from the employee, and the employee will provide to the Board, such information as is reasonably necessary for the Board to determine whether an employee absence qualifies for FMLA leave. The Board will act reasonably in

determining whether an absence qualifies for and/or is designated FMLA leave.

The Board shall inform an employee requesting leave whether he/she is eligible under the FMLA. If the employee is eligible, the Board will provide the employee with all appropriate forms and notices required or authorized by the FMLA including the employee's rights and responsibilities. The Board will notify the employee that the leave will be designated as FMLA-protected leave and the amount of leave counted against the employee's entitlement. If the employee is not eligible for FMLA leave, the Board will provide the employee as to the reason for ineligibility. If the Board determines that the leave is not FMLA-qualifying, the Board will notify the employee.

I. Notifications and Timeframes.

The qualified employee will give the Board at least 30 days notice of the date family or medical leave when the need is foreseeable. Otherwise, the employee shall provide notice as soon as practicable under the facts and circumstances, and generally must comply with the Board's normal call-in procedures. Employees must comply with established procedures for requesting leave, including paid leave.

Employees must provide sufficient information for the Board to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the Board if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees will be required to provide a certification and periodic recertification supporting the need for leave.

The qualified employee will provide the Board certified information from the health care provider (licensed doctor of medicine or osteopathy) of the employee, employee's spouse or immediate family member upon requesting utilization of family or medical leave. Such certification will include:

1. The date the condition began;
2. The anticipated duration of the condition;
3. The necessity of the leave;
4. The inability of the employee to perform job functions.

The Board may, at its expense, request a second or third opinion from a health care provider. When certification is requested for FMLA approval, it is the employee's responsibility to provide the employer with timely, complete, and sufficient certification and failure to do so may result in delay or denial of FMLA leave. If the certification is incomplete or unclear, the employee is to be given seven (7) additional calendar days to provide more complete information.

Before being permitted to return to work from a leave for the employee's own serious health condition, the employee shall be required to provide certification from his or her health care provider that the employee is able to resume work and perform the essential functions of the

employee's job. If state or local law requires that a public health official examine an employee as a condition for returning to work, the employee must fulfill this obligation.

In cases where an FMLA leave is for a qualifying exigency, the Board shall provide the employee with a copy of the Department of Labor form Certification of Qualifying Exigency for Military Family Leave to be completed by the employee. The completed form along with the documentation that the employee provides will be used to determine if the leave request qualifies and the length of the leave.

J. Reinstatement after leave.

Upon return from leave under this policy, the employee shall be restored to his/her former position or an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, to the extent required by law. However, no employee is entitled under this policy to any right, benefit, or position other than that to which the employee would have been entitled had he/she not taken leave. The FMLA contains a limited exception to the restoration provision for certain highly compensated employees ("key employees") under certain conditions. Employees determined to be key employees and to whom the Board intends to deny restoration will be notified in writing at the time the employee gives notice of the need for FMLA leave or as soon thereafter as the Board makes such determination.

K. Definition of "Year".

For purposes of the Board's Family and Medical Leave Act policy, a "year" means a "rolling twelve month period measured backward from the date an employee uses any FMLA leave". This rolling 12-month period means that each time an employee takes FMLA leave, the remaining leave balance would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. However, beginning on February 1, 2009, the employee would again be eligible to take FMLA leave, recouping the right to take the leave in the same manner and amounts in which it was used in the previous year. Thus, the employee would recoup (and be entitled to use) one additional day of FMLA leave each day for four weeks, commencing February 1, 2009. The employee would also begin to recoup additional days beginning on June 1, 2009, and additional days beginning on December 1, 2009.

L. Unlawful Acts.

The FMLA makes it unlawful for the Board to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;

• Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

M. Enforcement.

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

5.6 NON-DISCIPLINARY SEPARATION

Resignation. Voluntary separation from employment shall require at least two weeks written notice before its effective date

5.6.1 DISABILITY SEPARATION

This policy outlines the conditions under which Disability Separation may be granted and procedures for administering its use. Employees who are protected under the Americans With Disabilities Act, 1990, and/or the Family and Medical Leave Act are guaranteed their rights by the Board. A disciplinary separation may be voluntary or involuntary. The Appointing Authority will follow the removal provisions (O.R.C. 124.34) in the case of an involuntary disability separation.

Voluntary Reduction - When an employee becomes physically unable to perform the essential duties of his/her position, but is still able to perform the essential duties of a vacant, lower level position for which the employee has the necessary credentials, he/she may voluntarily request reduction to the lower level position and the subsequent salary adjustment. Such request shall be made in writing through the proper channels stating the reason for the request.

Personal Leave - A physically incapacitated employee, who has exhausted his/her accumulated sick leave and vacation leave and for whom voluntary reduction is not practicable, may request up to six (6) months of personal leave without pay only if he/she can present evidence as to the probable date on which he/she will be able to return to the same or similar position within a six (6) month period. Such request must be submitted in writing to the Superintendent through the immediate supervisor with a copy of a physician's statement attached. Whenever the probable date of return is unknown, or longer than six (6) months, the employee shall be placed on Disability Separation, up to the maximum of three (3) years. An employee who fails to return to work within three (3) working days of the completion or valid cancellation of a leave of absence without pay without explanation to and approval from the Superintendent/designee may be

removed from his/her position.

Disability Separation - A disability separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized vacation and any other approved leave and is:

1. Hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or

2. The employee has exhausted his or her disability leave benefits (if any); or

3. Declared physically incapable of performing the essential duties of his/her position by a licensed physician designated by the Director of ODAS; such examination normally is requested by the Superintendent when the employee is unable or unwilling to admit his/her incapacity; the costs are paid by the Board.

Voluntary Disability Separation - A voluntary disability separation may be granted when requested by an employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury, or condition.

Medical/Psychological Examination - The Superintendent may request a medical or psychological examination when it appears that an employee is unable to perform the essential functions of the employee's job or the employee has requested a voluntary disability separation. An employee may be disciplined, including removal, for failure to appear for the scheduled exam or failure to release to the Superintendent the results of the examination.

If the Superintendent determines as a result of the examination that the employee is incapable of performing the essential functions of the employee's job due to a disabling injury, illness, or condition, the Superintendent shall, in the case of an involuntary disability separation, institute pre-separation proceedings, or shall, in the case of a request for a voluntary disability separation, grant the employee's request.

Temporary Appointment of Replacement. An appointment made to a position vacant by voluntary or involuntary disability separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature with written documentation of same. A replacement in the position while an employee is on leave will be terminated upon the reinstatement of the employee from leave.

5.6.2 SEPARATION PAY

Upon separation from employment, an eligible employee shall be paid for any unused vacation time to his/her credit as of the date of such separation.

Eligible employees shall be paid for their sick leave upon retirement with a written request and according to the Board's policy. (Cross Reference: Sick Leave Policy 5.5.14)

5.6.3 RETIREMENT

Board employees are required by law to participate in the Ohio Public Employees Retirement System or the Ohio State Teachers Retirement System, as applicable. Employees who are retiring must submit a copy of the letter from PERS or STRS verifying the retirement date to the Personnel Office.

5.6.4 LAYOFF - Classified

If it becomes necessary to reduce staffing levels, layoffs and any resulting displacement of employees shall be made in accordance with ORC 124.321 – 124.327, and the rules of the Administrative Code of the Ohio Department of Administration Services. Layoffs shall only occur when one of the following reasons can be determined:

1. Lack of work
2. Lack of funds
3. Abolishment of positions for reasons of economy and/or efficiency.

5.6.5 LAYOFF PROCEDURE – Unclassified

Management employees may be laid off whenever a reduction in force is necessary due to lack of funds, lack of work, or the abolishment of positions. Layoffs shall be in accordance with applicable ORC and OAC rules.

5.6.6 DELEGATED NURSING

Pursuant to Ohio Revised Code Sections 5123.41 thru 5123.47, 5123.65, and Ohio Administrative Code Sections 4723-13 and 5123:2-6-01 thru 5123:2-6-07, and in accordance with the authorization of that statute, the Board shall permit trained employees to give or apply prescribed and over-the-counter medications, perform health-related activities and other identified delegated nursing tasks. Employees must meet the training requirements and complete training as defined by the Ohio Department of Developmental Disabilities and the Ohio Board of Nursing to be considered trained to perform the above described tasks.

5.7 MISCELLANEOUS POLICIES

5.7.1 SOLICITATION AND DISTRIBUTION

No employee shall be permitted to solicit or distribute literature of any kind during the actual

working time of the employee(s) soliciting, or the actual working time of the employee(s) being solicited. This does not include recognized breaks and lunch period. However, at no time may any employee(s) solicit or distribute material or literature of an illegal nature, or, that by its distribution or by employees participating, constitutes a form of gambling. Any person who distributes non-Board Program material and literature is responsible for its accuracy and content.

Persons who are not employees may not solicit or distribute literature or material for any purpose on Board owned property, in any working areas, or in any non-working area that is restricted to employees only. There shall be no solicitation or distribution of literature or material of any kind at any time by any person(s) in lobbies, waiting rooms, or public parking lots that are a part of our property, or any other public service areas of our premises.

DISTRIBUTION OF MATERIAL NOT RELATED TO PROGRAM ACTIVITY:

The use of Board facilities, including mailboxes, media sites, walls and tables for the distribution of literature, hand-outs, cards, notices, newsletters and memoranda relating to personal and private matters, is prohibited.

Distribution of information by means of Board facilities, including mailboxes, media sites, walls and tables, shall be limited to material approved by Board administration.

Information of a general public interest may be posted by Board administration if the information does not contain the following:

1. Personal attacks upon any employee or public official;

2. Scandalous, scurrilous or derogatory attacks on the Board, managing officers, supervisors or other personnel of the agency;

3. Comments regarding candidates for public office.

5.7.2 POLITICAL ACTIVITY - Classified Employees

<u>Activities Permitted to Classified Employees</u>

1. Registration and voting.

2. Expressing opinions, either orally or in writing.

3. Voluntary financial contributions to political candidates or organizations.

4. Circulating petitions on legislation relating to their employment.

5. Attendance at political rallies. Employees may attend political rallies that are open to the general public.

6. Nominating petitions. Employees may sign nominating petitions in support of individuals.

7. Political pictures. Employees may display political signs in/on their homes/yards.

8. Badges, buttons and stickers. Employees not affiliated with voter registration responsibilities may display political stickers on their private automobiles or may wear political badges or buttons. (Wearing of same may not interfere with job safety.)

9. Serving as a precinct election official under O.R.C. 3501.22

Activities Prohibited to Classified Employees

1. Participating in a partisan election as a candidate for office.

2. Declaring candidacy for an elected office which is filled by partisan election.

3. Circulating official nominating petitions for any candidate.

4. Holding an elected or appointed office in any political organization.

5. Accepting appointment to any office normally filled by partisan election.

6. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office.

7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate.

8. Soliciting the sale of or selling political party tickets, materials or other political matter.
9. Engaging in activities at the political polls, such as soliciting votes.

10. Acting as recorder, witness or challenger for any party or faction.

11. Engaging in political caucuses.

12. Participation in a political action committee which supports partisan activity

13. Filing of petitions meeting statutory requirements for parties on candidacy to elective office.

5.7.3 POLITICAL ACTIVITY - Unclassified Employees

Unclassified employees are subject to the Hatch Act and the Ohio Ethics Law.

5.7.4 SAFETY AND HEALTH

The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all safety procedures/practices are observed.

1. An employee found to be willfully or wantonly negligent in equipment operation resulting in either damage to the equipment or an accident, shall be subject to disciplinary action which may include termination. An employee who drives on work time will maintain the appropriate speed limits and obey all other vehicular laws. Violators are subject to disciplinary action, including termination. Employees will take safety measures, such as universal precautions, when directed to do so by Board policy and/or Board supervisory staff. Violators are subject to disciplinary action, including termination.

2. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. Employees will not be required to work in unsafe conditions and are encouraged to report any unsafe conditions to supervisory staff.

3. Any accident, whether or not injuries were incurred, occurring during working hours shall be reported to the immediate supervisor at once. Upon notification, the supervisor or facility director shall complete and submit to the superintendent an accident form no later than the end of the work shift.

4. Dress shall be appropriate to the job and safety concerns.

5.7.5 DRESS CODE

1. The Board reserves the right to prescribe appropriate dress and grooming and to set standards which are in the best interests of the department and position.

2. The Board requires than an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable image of the program to the public.

3. Clothing shall be conducive to the safe and effective performance of required job duties.

4. Appropriate standards of cleanliness are required.

5.7.6 EMPLOYEE PROPERTY DAMAGE

When an employee's property, as defined in the administrative rules and procedures which follow, is damaged by an eligible individual, the Board shall pay the unreimbursed costs of the property. Property must be necessary for the performance of work. Replacement of damaged

items will be set at comparable worth. If the damage to employee's property is the result of an action of an eligible individual that is considered deliberate, the eligible individual or the parent/guardian of the eligible individual will be billed for damages. The functioning level of the eligible individual shall be considered before deliberate intent is attributed to the action.

In order for the Board to reimburse an employee for property damage, the following conditions shall apply:

1. Employee must be on work status.

2. Employee must be able to show that no negligence on his/her part was a contributing cause of damage.

3. Employee must report reimbursement in writing with documentation of cause.

5.7.7 CONTINUATION OF HEALTH CARE BENEFITS

The Board will comply with Public Law 99-272, Title X (COBRA) to provide continuation of applicable health benefits to eligible former employees who were covered by the Board's group health plan or their spouses and dependent children if they meet the COBRA requirements.

5.7.8 VOLUNTEERS

A volunteer must have written parental permission if under 18 years of age.

Volunteers shall provide services that are based on the needs of individuals served, on staff requests, and on the volunteer's skills, abilities, and experiences. Persons providing volunteer services will do so under the supervision of professional staff. At no time will a volunteer act in lieu of staff. Volunteers shall not, at any time, be left alone with a child or adult enrollee.

Persons shall apply for volunteer status through the proper authority (Superintendent) and be formally accepted and oriented as a volunteer prior to beginning their volunteer experience. The volunteer selection process will include: application, interviews, criminal history fingerprint background check, abuser registry check and nurse’s aide registry check. Volunteers will participate in orientation training which includes: MUI definitions and reporting requirements, recognition of abuse and neglect, HIPAA privacy and security and other confidentiality procedures, bill of rights, and health and safety alerts. Volunteers will be required to successfully pass a criminal history fingerprint background check pursuant to Ohio Administrative Code 5123:2-1-05. Volunteers shall comply with applicable Board policies.

The Personnel Office shall maintain a file for each volunteer.

5.7.9 COPYRIGHT RULES

The Board does not authorize, permit, nor encourage the duplication of printed material, music, video or computer software that violates the copyright of the author.

5.7.10 EMPLOYEE COMMUNICABLE DISEASE GUIDELINES

1. Colds, flu, and other viral infections are common and easily transmitted in the work place. Physician's sanction to return to work is usually not necessary for these infections.

2. If an employee is suspected of having a communicable disease, the building authority may request that the employee seek medical attention. The employee can return to work when the employee's attending physician states that continued presence at work will not pose a threat to the employee, coworkers, or enrollees. The Superintendent reserves the right to require an examination by a medical doctor appointed by the agency.

3. An employee who has been diagnosed as having an infectious disease must inform his/her supervisor of the condition. An employee's health condition is personal and confidential. Precautions shall be followed to protect information regarding an employee's health condition.

4. An employee may have or be a carrier of an infectious disease which is of life-long duration and he/she may or may not be symptom-free. If there is evidence that the disease cannot be transmitted by normal, casual contact in the work environment, and the condition is not a threat to self or others, the employee may continue to work in a regular manner. The Board shall follow any applicable requirements of the Americans with Disabilities Act in this regard. The employee is expected to meet acceptable performance standards and will be treated in a manner consistent with other employees.

5. No special consideration will be given beyond normal transfer requests for employees who feel threatened by a coworker's disease. Requests for transfer will be decided by the Superintendent based on the best interests of the agency.

6. The Superintendent will determine the admissibility to the work place by an individual whose condition is in question. The Superintendent will consult with or convene a meeting of the employee, building authority, the employee's physician, and others as the Superintendent deems necessary. Based on the information gathered, the Superintendent may decide:

a. To return the employee to his/her usual place of employment unconditionally,
b. To place the employee on a work assignment under restrictive conditions, or
c. To seek to have the employee utilize sick leave and be placed on a leave of absence.

In making a decision, the Superintendent will consider:

a. The nature of the risk and how the disease is transmitted,
b. The duration of the risk and how long the carrier is infectious
c. The severity of the risk and the potential harm to others, and
d. The individual's physical condition.

5.7.11 BOARD PROPERTY/EMPLOYEE PRIVACY

All Board property and the contents thereof, including desks, lockers and computers, are subject to Board control and supervision and are not private areas for employees. This includes any information contained in Board computers (such as email, anything in the computer's memory, and software used in Board computers including memory disks). The Board will maintain the privacy of employee records, such as medical records, employee social security numbers, etc. as required by law.

5.7.12 EMERGENCY CLOSING OF FACILITIES
(See also: CALAMITY DAYS 5.5.22)

The Superintendent or designee shall have the responsibility of closing the program should it be determined that an emergency condition exists such as inclement weather, natural disaster, or maintenance problems of a potentially harmful nature.
At the beginning of eachyear, the Superintendent shall establish a procedure for notifying enrollees, parents/guardians, and staff of such emergency closing. The Superintendent shall communicate these procedures to parents, students, staff and others as appropriate and necessary for the safe operation of the program.

A. Emergency closing of facilities shall be communicated through an emergency notification system..

B. In cases where the program has been in operation part of the day and an early dismissal becomes necessary due to emergency conditions, the parent/guardian or other emergency contact person should be notified by telephone if possible of the approximate time the students will be returned home.

C. Students will be left at locations other than their residence only in accordance with conditions agreed upon in writing by the parent or legal guardian.

5.7.13 SMOKE FREE ENVIRONMENT

The Board prohibits smoking on or in any board owned property (buildings, grounds and vehicles) except in specifically designated areas. The Superintendent may authorize designated smoking areas. The Superintendent shall assure that property users are made aware of non-smoking areas.

5.7.14 RECEIPT AND DEPOSIT OF FUNDS POLICY

Any funds received by employees of the Board for the purpose of performance of duties of the Board shall be considered public funds and shall be deposited with the county treasury.

All such funds, called activities funds, shall be deposited in the Board's fund called (102) Fund. No Board employee shall open an account for the deposit and withdraw of funds to be used for the performance of Board duties at any financial institution.

Funds donated for a specific purpose or raised by a fundraising activity for a specific area or purpose shall be accounted for separately. Said funds shall be encumbered and shall not be available for any purposes other than the stated purposes.

All funds received by any Board employee shall be receipted and deposited into an authorized account in accordance with Board procedures. A receipt shall be signed by the Board employee with a copy given to the eligible individual and/or the person providing the money. In the event the eligible individual is not able to verify the amount given the Board employee, the Board employee shall have a witness verify the amount and sign the receipt as a witness.

Any Board employee or Board volunteer participating in any fiduciary aspect of a Board affiliated program shall account for funds through receipts and deposits, and funds must be deposited in the appropriate account. At no time should funds be utilized for personal gain.

No Board employee shall be a representative payee for an eligible individual**.** No Board employee shall cosign for an eligible individual on any financial documents. A Board employee may assist an eligible individual in the opening of his/her account. If authorized by an eligible individual, a Board employee may receive information about an eligible individual's funds and assist the eligible individual with fund management.

5.7.15 GIFTS AND ENDOWMENT

Any donation may be rejected by the Board based upon a determination that the donation is inconsistent with the Mission Statement.

<u>REACHING BEYOND GIFT COMMITTEE</u>
The Reaching Beyond Gift Committee shall be appointed by the Board annually. The Board shall determine the make-up of the Committee, with the Superintendent serving as an Ex Officio member. The Committee's purpose is to assess, approve and make recommendations through the Superintendent concerning how contributions, memorials, and grants should be utilized on an ongoing basis.
The Committee may develop and maintain a current list of prioritized needs of the program, as determined by ongoing assessments of the needs of the overall program, as outlined in the annual plan.

5.7.16 CREDIT CARD USAGE

I. Policy

A. Any credit card issued for use by Board employees must be in the name of the Pickaway County Board of Developmental Disabilities and be utilized in accordance with section 301.27 of the Ohio Revised Code (ORC).

B. All credit cards must be authorized by the Pickaway County Commissioners. Credit card issuance, reissuance and cancellation shall be completed in coordination with the County Commissioners.

C. The maximum credit limit for credit cards in the name of the Board is $10,000.00.

II. Allowable Expenditures

A. A credit card authorized by the Pickaway Board of County Commissioners may be used to pay for the following work-related expenses:

i. Food
ii. Lodging
iii. Transportation
iv. Gas and oil for PCBDD owned or leased vehicles
v. Telephone expenses
vi. Motor vehicle maintenance and repair for a PCBDD owned or leased vehicle.
vii. Internet service provider expenses
viii. Webinar expenses
ix. The expenses for purchases of automatic or electronic data processing or record-keeping equipment, software, or services. The expenses paid by a credit card under this section shall not exceed ten thousand dollars per quarter, unless the board of county commissioners adopts a resolution approving the payment by credit card of such expenses that exceed that amount during that time period.

B. Procurement cards and business accounts may be used for purchases that are consistent with Board approved expenditures where a vendor will not accept a purchase order as a means of Payment.

C. No late charges or finance charges shall be allowed as an allowable expense unless authorized by the board of county commissioners.

Policy 5.7.17 COURSEWORK REIMBURSEMENT

The Board authorizes the reimbursement to employees for coursework taken that is pertinent to and beneficial to the employee's employment with PCBDD.

Each employee will be authorized $1,000 per year for coursework reimbursement without an employment commitment. Over $1,000, an employee may receive tuition assistance up to:

$2,000 per year with a two-year employment commitment,
$3,000 per year with a three-year employment commitment and
$4,000 per year with a four-year employment commitment.

Employees must submit a Coursework Reimbursement Request form to the superintendent for approval. The employee must receive a letter grade of "C" or better or pass in a pass/fail option

in order to be reimbursed.

The Board authorizes the Superintendent to develop procedures to implement the policy.

Policy 5.7.18 REIMBURSEMENT FOR JOB REQUIRED TRAINING

The Board authorizes the reimbursement to employees for actual costs associated with Board required training.

The Board authorizes the Superintendent to develop procedures to implement the policy.
The maximum reimbursement rate is to be established in procedure based on the local costs of obtaining training.

5.7.19 LENGTH-OF-SERVICE ACHIEVEMENT AWARDS

The Board recognizes length-of-service achievement. At the discretion of the superintendent, awards may be presented to employees after five years of employment. Awards may not exceed $100.00 in value. Employees may not receive another length-or-service award during the next four years after receiving an award.

5.7.20 VISITOR POLICY

Purpose:
This policy provides guidelines for visitors to Brooks-Yates School-age Program during the instructional day, 8:30 AM to 2:30 PM. Visitors are always welcomed into the county board school with the expectation that their presence will contribute positively to the educational climate at the school. However, visitor presence in the county board school is a privilege and not a right. The county board school exists primarily to serve the needs of the students; therefore, personnel other than PCBDD employees are expected to follow the guidelines included in all policies and to recognize that their presence in the school building is solely at the discretion of the School Administrator.

Classroom observation is encouraged to assist the visitor in developing understanding of the school program; observation of a staff member to determine his/her competency is reserved for the Administrator.

The provisions of this policy shall apply to all programs and activities such as off-site locations.

Visitors are defined as anyone who is not a student, PCBDD employee or scheduled therapist.

Procedure:
In all cases where permission is not obtained in advance it must be obtained promptly upon entering the school. No visitor may remain at a school without the permission of the

Administrator.

Upon arrival at the school, the visitor must sign the Visitor's Register in the school office where the visitor may be given instructions and, if necessary, provided with an escort. No visitor shall, at any time, be left alone with a child.

Upon completion of the visit, the visitor shall return to the office to enter departure time in the Visitor's Register.

Administrators shall have the right to adapt or set aside the above procedures in event of special activities.

Guidelines: No visitor shall be permitted to interrupt a staff member or classroom assistant in the performance of duties whether that interruption is for conversation or observation.

Visitors shall not compromise the integrity of student confidentiality policies. Visitors must recognize that information regarding any confidential school matters overheard or observed are not expected to be shared outside of the school. Any concerns should be addressed with the Administrator.

At no time will Visitors be permitted to visit other classrooms or wander through the school. Visitors not in their approved classrooms will be asked to leave the school immediately.

Maintenance of Safety:
The Administrator has the authority to exclude any visitor who is considered to be disruptive or will cause disruption to the educational program, disturbing to students or staff, or intent on committing an illegal act. Wherever possible, the Administrator shall specifically indicate the circumstances under which a visitor may return.

5.7.21 Annual Opt Out Program for Individual or Family Health Insurance Coverage

The Opt-out Program allows eligible employees who have other employer sponsored group health insurance, to opt out of their health insurance coverage in exchange for an incentive payment. The incentive payment is $2,400 for waiving Individual coverage or $5,800 for waiving Family coverage on an annual basis. The incentive payments will be prorated and reimbursed on a quarterly basis through your paycheck (payable only when an employee is on the payroll). Payments will begin the quarter following submittal of the opt-out form and proof of other insurance coverage. **Note:** The payments will be taxable income.

Eligibility

1. Enrolled in health insurance plan at least one year;

2. The employee must provide information and attest to having other employer sponsored group health insurance in effect for the Opt-Out period (An employee may not opt out to go without health insurance coverage).
3. Switching to another Pickaway County employee policy does not qualify you for the benefit (example: If your spouse works for another department, you may not opt out of your plan here and switch to theirs to receive an opt-out payment).

Process

Each year, prior to the annual open enrollment period, any full-time employee eligible for health insurance paid for by the Board, who are currently insured under the County health insurance plan for at least one year or who was enrolled for a full year, then opted out of the County's health insurance plan in a prior period, and who may be insured under another health insurance plan have the option to disenroll in the health insurance benefits package. Should an employee choose to disenroll at a time other than the open enrollment the payment will be prorated.

Each employee electing the cash bonus plan must declare his/her intent not to participate in the health insurance plan must remain off the plan for one full year unless a qualifying event occurs (see below).

Each employee electing the cash bonus plan must provide proof of insurance with another provider within 45 days of disenrollment.

Cash payment will be made at a time as determined by the Board of County Commissioners.. Payments will not be made to employees who agreed to participate in the opt-out plan, but who are no longer employed by the County.

Any eligible employee who elected to opt-out of the health insurance plan provided by the County, who involuntary loses other insurance coverage though the unemployment of spouse, death of spouse, or divorce from spouse will be permitted to re-enroll in the Board approved health insurance plan(s). The effective date of coverage will be either the 1st of the month following event or date of the event depending on the qualifying event. Intent to enroll must occur within 31 days of the qualifying event. The buyout will be prorated from the effective date of coverage and will be required to be paid back to the County within 31 days of the effective date of coverage.

Any employee who wishes to voluntarily re-enroll in the Board approved health insurance plan(s) must re-enroll during the open enrollment period.

Steps

1. Notify the personnel office in writing that you wish to disenroll from your health plan and participate in the opt-out program.
2. Complete disenrollment form.
3. Provide proof of insurance coverage within 45 days of disenrollment.
4. Notify personnel office annually at open enrollment period of intention to continue participating in the disenrollment program.

5.7.22 CELLULAR PHONE, LAPTOP AND TABLET POLICY

Scope: This policy applies to all employees who possess and use a cellular telephone, laptop computer and/or tablet provided by PCBDD. Throughout the remainder of this policy these items will be referred to as electronic devices.

B. Purpose: This policy defines the conditions for which the county will provide electronic devices to an employee as well as the expectations for proper use of such Board-owned equipment. This policy shall apply to all aforementioned devices and accessories when provided by the Board, and all applicable service agreements.

C. Policy: The Board recognizes that cellular telephones, laptop computers and tablets have become valuable tools for employees to enhance their productivity while working on behalf of the Board. These tools can provide an effective and efficient means to coordinate work activities, provide and/or receive needed information, deliver services and supports with minimal delay and assure personal and public safety; therefore, these electronic deivces may be provided to conduct official Board business to those employees whose job duites will be performed more effectively and efficiently , in accordance with this policy. The Board expects all employees to appropriately and reasonably use all such Board-owned devices.

D. Procedure: It is the responsibility of the Superintendent to determine who may be assigned Board-owned electronic devices for use in fulfilling their job responsibilities. To be eligible for a Board-owned electronic device as described in this policy, the employee must meet at least one (1) of the following:

1. Accessibility: The employee, while working outside of the office, may need to initiate immediate and direct communication with persons served, Board office and other public or private entities or persons to access information to conduct business in a timely fashion.

2. Responsiveness: It is routinely necessary for other employees, persons served or other members of the general public to reach this employee immediately and directly to discuss services and supports when they are out of the office.

F. Acquisition and Return of Board-Owned Electronic Devices: Once an electronic device has been provided, the recipient shall acknowledge in writing that they have received the equipment and a copy of this policy.

If a Board-owned electronic device is damaged, lost, or stolen, it must be reported by the employee to their immediate supervisor as soon as possible; the immediate supervisor shall notify the Superintendent or Business Manager, who will make the necessary arrangements for termination of service and arrange a replacement.

When an employee no longer needs an electronic device or terminates employment or otherwise loses the authorization to possess or use a Board-owned electronic device, the employee shall return all electronic devices and accessories immediately.

G. Proper and Improper Use: Generally, Board-owned electronic devices are provided for official Board business only. The frequency and duration of unofficial phone calls or text messages must be kept to a minimum. No other unofficial activities are permitted when using Board-owned devices. Employees shall not exceed the monthly allocation provided by the county's cellular phone package. Violators may be required to reimburse any costs beyond the standard monthly package.

In addition to the policy stated above, a Board-owned electronic device shall not be used for any of the following:

1. Any communication made for the purpose of personal entertainment, including, but not limited to, "900" numbers or other pay per call numbers.

2. Any communication of an obscene, threatening, harassing, or otherwise offensive nature that would be illegal, prohibited, or inappropriate as defined by law or which would be in violation of any other Board policy.

3. Any viewing of web sites, downloading of apps or other activities of an offensive nature that would be illegal, prohibited, or inappropriate as defined by law or which would be in violation of any other Board policy.

Employees are advised that all communications including, but not limited to, voicemails, text messages and email communications, are subject to review for the purpose of enforcing the policies stated herein with or without notice and would require disclosure in the case of filing of a public records request by an entity external to the board.

Text messages are considered transitory messages and may be deleted immediately or until no longer of administrative value.

H. Penalties for Misuse of a Board-Owned Electronic Device: Employees who misuse a Board-owned electronic device will be responsible for reimbursement as required; will lose their authorization to possess a Board-device, and may be subject to disciplinary action up to and including termination.

Employees enjoy no expectation of privacy with regards to their use of Board-owned electronic devices. The devices and their content may be inspected for misuse by the employer.

Employees will not be permitted to add a second line to a county-owned cell phone account for the employee's personal use.

5.8 Transitional Work Plan

The Board adopts the Pickaway County Transitional Work Plan as the transitional work plan for the Board.

Approved: **6/25/2020, Board Action #20-25**

5/26/2022, Section 5.5.11, Board Action #22-26

6/23/2022, Section 5.5.9, Board Action #22-34