

Tuscarawas County Sheriff's Office Personnel Manual



Tuscarawas County Sheriff's Office

Orvis L. Campbell

A handwritten signature in black ink that reads "Orvis L. Campbell". The signature is written in a cursive style with a large initial "O" and "C".

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This document is not a contract



Mission Statement

The Mission of the Tuscarawas County Sheriff's Office is to provide professional services in a way that makes our families and community proud.



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CHAPTER 1 GENERAL POLICIES

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- 1.2 Scope of Coverage
- 1.3 Management Rights and Responsibilities
- 1.4 Availability of Manual
- 1.5 Amendments



SECTION 1.1 INTRODUCTION

This manual uses the terms “Sheriff’s Office” and “Employer” interchangeably.

The term “Appointing Authority” means the position (e.g. Elected Official Boards, etc.) given the authority to appoint, discipline, or take other actions regarding employees. In most instances in this manual the appointing authority is also the Employer. The placement and context of each of these terms, “Sheriff’s Office,” “County,” “Employer” and “appointing authority” must be considered as these terms are used in the manual.

This manual is not an employment contract. Nothing contained in this manual should be construed as a contractual obligation to continued employment or benefits.

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

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

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

The Sheriff’s Office may review its employment policies, procedures, benefits, and expectations and change them to reflect current business needs. For this reason, the policies, procedures, benefits, and expectations listed in this handbook might change in the future. The Sheriff’s Office reserves the right to modify, amend, delete, supplement, rescind or revise any or all provisions in this manual at any time if the Sheriff’s Office believes that the change is necessary. It is your responsibility to read and understand any such changes.

SECTION 1.2 SCOPE OF COVERAGE

The personnel policies contained in this manual apply to all classified and unclassified employees under the authority of the Sheriff’s Office.

SECTION 1.3 MANAGEMENT RIGHTS AND RESPONSIBILITIES

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



- A. The Sheriff and designated individuals maintain the ultimate right to administer the business of the Sheriff. In addition to other functions and responsibilities covered by law, the Employer has and will retain the full right and responsibility to direct operations, to promulgate rules and regulations, and to otherwise exercise the prerogatives of management, including, but not limited to, the following:
1. to manage and direct its employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff and recall, reprimand, suspend, discharge, or otherwise discipline and/or correct behavior;
 2. to promulgate and enforce employment rules and regulations;
 3. to manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed;
 4. to determine the Employer's goals, objectives, programs, and services, and to utilize both internal and external personnel in a manner designed to effectively meet these purposes;
 5. to determine the size, composition, and duties of the work force, the number of shifts required, to establish work schedules and hours of work, to establish, modify, consolidate, or abolish jobs (or classifications), and to determine staffing patterns, which includes but is not limited to the assignment of employees, duties to be performed, qualifications required, and areas worked;
 6. to relieve employees from duty due to the lack of work, lack of funds, or for reasons of economy and efficiency;
 7. to determine when a job vacancy exists, the standards of quality and performance to be maintained;
 8. to determine the necessity to schedule overtime and the amount required thereof;
 9. to maintain the security of records and other pertinent information;
 10. to determine the overall budget and uses thereof;
 11. to maintain and improve the efficiency and effectiveness of the Employer's operation including the necessity for technology; and
 12. to determine and implement necessary actions in emergency and other situations.
- B. All functions, rights, powers and responsibilities of the Employer and its agents, in regard to the operation of its business and work force, which it has not specifically abridged, deleted, or modified by the express written provisions herein, shall remain exclusively those of the Employer.

SECTION 1.4 AVAILABILITY OF MANUAL

All employees should be notified of and have access to this personnel manual (see Appendix for [Personnel Manual Receipt Form](#)).

Employees having questions regarding any provision of this manual should immediately contact the Sheriff/designee for clarification.



SECTION 1.5 AMENDMENTS

The Employer encourages its management/supervisory personnel and all employees to consider and recommend changes in existing policy or new policies.

Each time a policy is to be considered for development, amendment, revision, or deletion, care must be taken to ensure that the finished policy is consistent with other provisions.

Copies of the updates to this personnel manual shall be available to employees on the computer and on the Sheriff's Office website.



CHAPTER 2 GENERAL EMPLOYMENT MATTERS

- 2.1 Equal Employment Opportunity
- 2.2 Americans with Disabilities Act
- 2.3 Prohibited Discrimination/Harassment/Inappropriate Conduct
- 2.4 Classified and Unclassified Employment
- 2.5 Vacancies: Identification, Announcement, and Applicants
- 2.6 Evaluation of Applicants and Basis for Selection/Disqualification
- 2.7 Employment of Relatives
- 2.8 Immigration Reform and Control Act
- 2.9 Medical Examinations
- 2.10 Inspection and Release of Employment/Payroll Records
- 2.11 New Employee Orientation
- 2.12 Licensure, Registration, and Certifications
- 2.13 Communicable Diseases
- 2.14 Reporting Violations of State, Local, or Federal Laws, and Whistleblower Claims
- 2.15 Auditor of State Fraud Reporting System
- 2.16 Drug Free Workplace
- 2.17 Ethics of Public Employment



SECTION 2.1 EQUAL EMPLOYMENT OPPORTUNITY

Tuscarawas County, which includes the Sheriff's Office, is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, ancestry, disability, military status, genetic testing, or any other unlawful basis. All personnel decisions and practices, including, but not limited to or hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. The Employer intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The County will not tolerate conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that his rights have been violated under this policy should submit a written complaint of discrimination to his immediate supervisor, or Employer/designee. Employees may use the report form provided with this manual (see Appendix for [form](#)).

Any employee, supervisor or manager who is found to have engaged in discriminatory conduct will be subject to disciplinary action, up to and including termination.

Limited English Proficiency (LEP) Communication Policy

The Sheriff's Office shall take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access to County services. Employers shall provide free language assistance, including interpretation and translation of vital documents.

Employers shall provide employees with the necessary training and tools for identifying the language that is spoken by the person who needs the assistance. Employers shall display posters to inform LEP persons of the availability of language assistance free of charge.

SECTION 2.2 AMERICANS WITH DISABILITIES ACT

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

The Employer will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case by case basis. An employee who wishes to request an accommodation shall direct such request to his immediate supervisor, Employer/designee. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The Employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.



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

SECTION 2.3 PROHIBITED DISCRIMINATION HARASSMENT/INAPPROPRIATE CONDUCT

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

Definitions

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

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

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

Examples

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

1. Submission to the conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.



Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported.

Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

Off Duty Conduct

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

Workplace Romances

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

Complaint Procedure

Employees who feel that they have been subjected to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the Employer or members of the public, including vendors, shall immediately report the conduct, preferably in writing (see Appendix for [form](#)), to the immediate supervisor unless the immediate supervisor is the subject of the complaint, the employee should report the harassment to the next highest ranking person in the table of organization or to the Sheriff, or to the person responsible for handling human resources in the Sheriff's Office (if applicable).

If the alleged harasser is the Sheriff, the employee may report the conduct to the Prosecutor. Each of these persons will have the authority to investigate and take appropriate action concerning the complaint. Similarly, employees who have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact their immediate supervisor or Sheriff/designee. Late reporting of complaints and verbal reporting of complaints will not preclude the Sheriff/designee from taking action. However, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or



offensive incident so that a thorough and accurate investigation may be conducted. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

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

Retaliation

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

False Complaints

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

Corrective Action

If the Employer determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or a person who



is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

Coverage

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

SECTION 2.4 CLASSIFIED AND UNCLASSIFIED EMPLOYMENT

After completion of a probationary period, classified employees may be disciplined for cause and removed by following the procedures set forth in Chapter 124 of the Ohio Revised Code. Classified employees may not participate in partisan politics.

Some Sheriff's Office employees serve in the unclassified civil service, or occupy positions that have been exempted from the classified service. Such employees serve at the pleasure of the Employer. Unclassified employees are not prohibited from participating in partisan political activity.

Employees in the unclassified service may be asked to acknowledge their unclassified status.

SECTION 2.5 VACANCIES: IDENTIFICATION, ANNOUNCEMENT, AND APPLICANTS

The Employer determines when vacancies in positions exist. When employees leave positions a vacancy does not automatically occur. Continued need and funding for the position will be considered. The Employer may eliminate the position, restructure, or redistribute the job duties.

When the Employer determines that a vacancy exists and decides to fill the vacant position, the Employer may post and/or advertise the position. The selection will be made by the Employer.

The Employer may post or publish notice of vacancies on bulletin boards or by electronic and other means for posting or publishing notices of vacancies or as otherwise established in a collective bargaining agreement. This is to offer current employees the opportunity to show interest in a position which could be a transfer, unit change, reduction, or promotion. The Employer reserves the authority to decide whether this step of soliciting interest is in the best interest of the Employer and is not obligated to post or publish all vacancies.

When job vacancies occur, employees should be given an opportunity to apply for such vacancies. The employee may be required to submit an application. The term promotion means an act of placing an individual in a classification that has a higher salary range than that previously held, but does not include reassignments or reclassification into higher pay ranges.



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

Evaluation of Applicants

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

Factors to consider for promotion include an employee's completion of any required probationary period, required training courses, prior performance, skills and abilities, the employee's annual performance evaluation ratings, and other job-related measurements.

The Employer may solicit for applicants outside of the agency. This will occur by announcing the accepting of applications through various means, which may include advertisements in a local newspaper, publishing on County websites, job sites, other electronic means or other means of public notice. The notice shall contain similar instructions as noted above.

SECTION 2.6 EVALUATION OF APPLICANTS AND BASIS FOR SELECTION/DISQUALIFICATION

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

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

EVALUATION OF APPLICANTS

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

An applicant may generally be eliminated from consideration if he:

1. does not possess the minimum licenses, certifications, educational degrees, or equivalent experience, or similar qualifications;



2. does not have the knowledge, skills, and abilities to perform the essential functions of the vacant position, either with or without reasonable accommodation;
3. has made a false statement of material fact on the application form or supplements;
4. has committed or attempted to commit a fraudulent act at any stage of the selection process;
5. is an alien not legally permitted to work; or
6. other reasonable and legal grounds.

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

The Employer may also require a job applicant to pass an appropriate examination as a condition of employment to determine whether the applicant can perform the essential functions of the job, with or without reasonable accommodation. Tests to determine use of illegal drugs that may affect the applicant's ability to perform the duties of the job in question may be conducted after a conditional offer of employment.

If the Employer requires a physical or psychological examination of applicants for hire or promotion, the Employer will only require such examination after selecting the preferred applicant or applicants for appointment. A job description should be sent to the licensed, qualified practitioner conducting the examination, and request that the practitioner indicate in writing whether the applicant can perform the essential functions of the job identified on the job description; and if not, what accommodation, if any, the applicant would require in order to do the job.

If the Employer requires the applicant to submit to reference/background verifications and checks, the applicant shall sign any waiver/authorization forms requested by the Employer (see Appendix for Release Form).

Background checks may include a consumer report, which may contain information about an applicant's character, general reputation, personal characteristics, and mode of living. The Employer shall apply the regulations of the Fair Credit Report Act when conducting background checks through consumer agencies.

The Employer may require physical, psychological examinations or polygraph of applicants and employees by a licensed practitioner. Polygraph may be conducted prior to a conditional offer of employment to an applicant as long as no medical questions are asked. Employer will pay for the cost of such examinations.

See Appendix for Conditional Offer of Employment Form.



SECTION 2.7 EMPLOYMENT OF RELATIVES

Initial Hiring

The Employer will receive employment applications from relatives of current employees. However, the following 4 situations may preclude the Employer from hiring a relative of a current employee:

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

Employment

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

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

For purposes of this policy, the term "relative" shall include a spouse, child, grandchild, parent, grandparent, sibling, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parent, step-child, step-sibling, and a legal guardian or other person who stands in the place of a parent to the employee.

SECTION 2.8 IMMIGRATION REFORM AND CONTROL ACT

The Employer complies with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990.

SECTION 2.9 MEDICAL EXAMINATIONS

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



a licensed practitioner selected by the Employer. The cost of the examination will be paid by the Employer.

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

SECTION 2.10 INSPECTION AND RELEASE OF EMPLOYMENT/PAYROLL RECORDS

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

This policy is consistent with Chapter 149 of the Ohio Revised Code as it pertains to the maintaining of public records, specifically personnel files. The Sheriff's Office shall maintain official personnel files on all of its employees. Such files shall include, but not be limited to individual employment data, application forms, records pertaining to hiring, promotion, demotion and discipline, transfer, lay off, termination, compensation, hours, etc.

Employee records are the property of the Employer. Personnel records are public records and should be promptly prepared and made available for inspection to any member of the general public upon request during regular business hours. Upon request, the Employer or designee shall make copies available at the actual cost. Certain records are not subject to public disclosure. The list of records that are not public records can be found in Section 149.43 of the Revised Code.

For reference checks, only copies of existing documents shall be prepared under this policy. Only the actual employer may respond to reference checks.

The Employee shall notify the Employer of any address change including change of telephone number. The Employee shall provide the address change on the Employee Information Form and forward it to the Sheriff/designee.

PROCEDURE FOR EMPLOYEE ACCESS TO PERSONNEL FILES

Any employee requesting to inspect his file shall contact his Employer and request a mutual date and time to meet.

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



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

SECTION 2.11 NEW EMPLOYEE ORIENTATION

Each newly hired employee should be required to attend an orientation session conducted by the Employer. The session should be at the earliest possible date after employment and should, at a minimum, review and address the following:

- Personnel Manual
- Operational Policies and Practices
- Expectations and Corrective Action
- Employer-Provided Benefits
- Emergency Response Plan
- Drug Free Workplace
- Reporting Fraud Abuse
- Anti-Discrimination and Anti-Harassment Policies
- Equal Employment Opportunity
- Americans with Disabilities Act
- Ethics of Public Employment
- Ethics and Confidentiality Policy
- Computer Usage Policy
- LEP Policy
- Public Records Policy
- Oath
- Position Description
- Probation and Evaluation
- Workers' Compensation and Transitional Work
- Expense Reimbursement
- Any Other State or Federal Required Forms
- Prior Service
- Key, Clothing Allowance and Other Issued Equipment
- Questions and Answers

The employee should sign an acknowledgment that he has been provided or made aware of these and other relevant matters.

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

It is the responsibility of the Employer to continue the orientation process during the probationary period by providing on-the-job training. The length of the training depends upon the education and experience of the employee as well as the office with which the employee is assigned to work.



Following the orientation by the office, a report of the orientation should be submitted to the Employer and the business office or human resources office for inclusion in the employee's personnel file. All signed forms are to be placed in the employee's personnel file.

SECTION 2.12 LICENSURE, REGISTRATIONS, AND CERTIFICATIONS

All employees of the Employer who are required to be professionally licensed, registered, or certified should submit such license, registration and/or license renewals to their office head or the Employer for verification. A copy of the license and/or certification shall be maintained in each employee's file.

Employees are responsible for monitoring and maintaining their licenses and certifications and maintaining their validity. An employee who fails to provide such licenses, registrations, or license renewals should not be permitted to work in his employment category or classification and may be discharged from his position if licensure, registration, or certification expires and/or is not renewed or continued.

SECTION 2.13 COMMUNICABLE DISEASES

An infected or contagious employee may be excluded from work when:

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

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

All medical records are confidential and are not available for public inspection. Such records are only available to management who must investigate whether the employee poses a threat of contagion.

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

SECTION 2.14 REPORTING VIOLATIONS OF STATE, LOCAL, OR FEDERAL LAWS, AND WHISTLEBLOWER CLAIMS

If in the course of his employment an employee becomes aware of a violation of any state or federal statute, and/or local law, and the employee reasonably believes that the violation either is a criminal



offense that is likely to cause an imminent risk of physical harm to persons, or a hazard to public health or safety, or is a felony, the employee shall notify his supervisor or another designated by the Employer of the violation. Subsequently, the employee should be instructed to immediately, with his supervisor, Employer or designee, prepare a written report that provides sufficient detail to identify and describe the violation. The report must specify the date and time of its preparation.

The Employer shall be responsible for investigating and correcting such violation if one exists.

The employee may file a written report that provides sufficient detail to identify and describe the violation with the County Prosecuting Attorney's office, or any other appropriate public official or agency that has regulatory authority over the Employer and the services it provides.

If an employee becomes aware during the course of his employment of a violation by a fellow employee of any state or federal statute, any ordinance, regulation of the County, City or Township, or any work rule or office policy, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent or physical harm to persons, or a hazard to public health or safety, or is a felony, the employee should be instructed to report such.

Whenever an employee becomes aware of a violation of federal, state, and/or local law that the Employer has the authority to correct, and the employee reasonably believes that the violation is a criminal offense and/or that it is likely to cause an imminent risk of physical harm to persons, or a hazard to public health or safety, or is a felony, the employee shall verbally notify his supervisor regarding the violation.

An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported. Reasonable and good faith effort may include proof of researching the pertinent law, ordinance, or regulation violated, records of conversations with or documents from knowledgeable authorities, date(s), time(s), and places(s) that the alleged violation occurred, and person(s) involved, etc.

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

The Employer shall not take disciplinary or retaliatory action against the employee for making a legitimate report or as a result of the employee having made any inquiry or taken any action to ensure accuracy of any information reported.

SECTION 2.15 AUDITOR OF STATE FRAUD REPORTING SYSTEM

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse and misappropriation of public money by any official or office (Ohio Revised Code 117.103(B)(1)). The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through the United States mail, a toll free number, or the Auditor of State's website. Contact information is as follows:



1. By U.S. Mail:

The Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
Columbus, Ohio 43215

2. By phone:

The SIU Fraud Hotline 1-866-FRAUD OH (1-866-372-8364)

3. Online:

www.Ohioauditor.gov (Report Fraud Link)

Employees are responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of Sheriff's Office or County policies and procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

SECTION 2.16 DRUG FREE WORKPLACE

Notice upon Hiring

As a condition to hiring, all prospective employees should receive a copy of the Drug Free Workplace statement and policy and should be required to sign a receipt (see Appendix for [Personnel Manual Receipt Form](#)), which will become a permanent part of the employee's personnel file.

In addition, all current employees should be required to acknowledge that compliance with the Employer's Drug Free Workplace policies is a condition of employment.

Current Distribution of Drug Free Workplace Policy

All current employees will receive a copy of the Drug Free Workplace statement and policy and will be required to sign a receipt for it (see Appendix for [Personnel Manual Receipt Form](#)), which will become a permanent part of each employee's personnel file.

The Drug Free Workplace Policy

Definitions

For purposes of this policy:

Employee means any person (i.e., management, supervisory or non-supervisory) who is paid in whole or in part by the Employer.



Controlled Substance means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812 or as defined in Ohio Revised Code 3719.01).

Conviction means any finding of guilt, including a plea of no contest or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

Criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

For purposes of this policy, all definitions will be consistent with Ohio Revised Code 3719.01.

Distribution

Each employee should be made aware of:

- Information concerning the dangers of drug abuse in the workplace;
- A current copy of the Employer's posted/ published statement (see Appendix for [Published Statement](#));
- A current copy of the Employer's Drug Free Workplace policy (part of the Personnel Manual on the computer);
- Information concerning any available drug counseling, rehabilitation, and employee assistance programs;
- Information concerning the penalties that will be imposed for the breach of the Employer's Drug Free Workplace policy; and
- Notice to the employee that any job-related conviction of any federal or state criminal drug statute must be reported in writing to the Employer within 5 calendar days after such conviction.

The information package may also be accompanied by on-site training programs.

Regulations

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that takes place in whole or in part in the Employer's workplace is strictly prohibited and will result in criminal prosecution and employee discipline, which may include termination from employment.



Notification of Conviction

Any employee convicted of any federal or state criminal drug statute for a workplace-related drug offense must notify the Employer of that fact within 5 calendar days of the conviction.

Any employee convicted of a workplace-related drug offense, who fails to report the conviction as required above will be:

- Terminated from employment;
- Forever barred from future employment; and
- Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

The elected officials of Tuscarawas County support the Drug Free Workplace Act of 1988 (PL-100-690). Consequently, any unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on these premises by employees is strictly prohibited, and violators will be subject to discipline and criminal prosecution.

SECTION 2.17 ETHICS OF PUBLIC EMPLOYMENT

The proper operation of government requires that actions of public officials and employees be impartial; that government decisions and policies be made within the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. State law establishes, through the Ethics Commission, standards for public officials and employees, including Ohio Revised Code Sections 102.03 and 2921.42. The Employer recognizes the State standards and the goals of responsible government. Recognition of these goals led to the establishment of the following Code of Ethics for all officials and employees.

No employee shall use his official position for personal gain, engage in any business or transaction, or have financial or other interests, direct or indirect, which are in conflict with the proper performance of his official duties.

No employee shall, without proper legal authorization, release confidential information concerning the property or government affairs of the Employer; nor shall employees use such information to advance the financial or other private interest of himself or others. No employee shall accept any valuable gift, whether in the form of service, loan, item, or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the Employer; nor shall employees accept any gift, favor or item of value that may tend to influence any decisions of the employee or his supervisor.

Any employee offered a gift or favor who is not sure whether its acceptance would be a violation of the Code of Ethics should inform his supervisor.



No employee shall accept any gifts, material, or service for the private use of the employee from any contractor or supplier doing business with the Employer.

No employee shall represent private interests in any action or proceedings against the interest of the Employer or in any matter in which the Employer is a party.

State law prohibits employees and officials from having financial interests in companies which do business with public agencies, with minor exceptions. Employees who have any doubt concerning possible violations of these statutes are advised to consult their own attorney.

No employee shall engage in or accept private employment or render services for private interests when such employment or service is in conflict with the proper performance of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Any employee having doubt as to the applicability of a provision of the Ohio Revised Code to a particular situation should consult the Employer, Prosecuting Attorney, or the Ohio Ethics Commission.



CHAPTER 3

PERFORMANCE AND DEVELOPMENT RELATED MATTERS

- 3.1 Probation
- 3.2 Performance Evaluation
- 3.3 Training



SECTION 3.1 PROBATION

Each newly hired or promoted classified employee shall serve a probationary period. Probationary periods shall normally be set at 180 days, and may be up to a year, but in no case shall such period exceed 1 year. Unclassified employees serve at the pleasure of the Appointing Authority, and their employment is at will.

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

An employee may be separated at any time during his probationary period if the Employer finds his service to be unsatisfactory. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion upon failure of the promotional probationary period at any time during the probationary period.

The probationary period for full-time employees and regular part-time and seasonal employees shall be based on calendar days from the date of original appointment. Time on leave of absence or other non-paid leaves will not be counted toward completion of the probationary period.

SECTION 3.2 PERFORMANCE EVALUATION

In the event that the Employer institutes a performance evaluation procedure, the following general guidelines will apply:

Each employee shall be evaluated annually. Special evaluations may be made if authorized by the Employer. Probationary employees should be evaluated both at the midpoint of their probationary period and immediately prior to its completion.

Each employee should be provided a copy of his performance evaluation. The supervisor shall discuss the report with the employee and shall counsel the employee regarding any improvement in performance that appears desirable or necessary.

Employees dissatisfied with their performance evaluations should be instructed to seek reconsideration through use of the problem-solving procedure.

SECTION 3.3 TRAINING

The Employer should periodically examine current and proposed training programs in order to ensure the program's relevance to both individual employees and organizational training needs.

On-the-job training prepares an employee to effectively perform the responsibilities required of his position. It allows the employee to learn his job duties, correct procedures, and identify expected



performance levels, under the immediate direction of an experienced worker. It is the responsibility of supervisors under the direction of the administration to conduct such training.

Attendance at lectures, meetings, training programs and similar activities may not be counted as working time if all of the following criteria are met:

- Attendance is outside of the employee's regular working hours;
- Attendance is voluntary;
- The course, lecture, or meeting is not directly related to the employee's job; and
- The employee does not perform any productive work during such attendance.

For purposes of this policy, training that prepares an employee for the next level of a position or for a promotion is not directly related to the employee's job.

If the Employer does not hold the training program and the employee attends the training program on his own initiative, the time should not be included in hours worked even if the courses are directly related to his job. For example, if an employee on his own decides to attend a school, college, or a trade school course after his work hours, that time should not be included in hours worked even if the courses are related to his work for the Employer.



CHAPTER 4 COMPENSATION RELATED MATTERS

- 4.1 Pay Periods and Paycheck Distribution
- 4.2 Hours of Work and Scheduling
- 4.3 Overtime and Compensatory Time
- 4.4 Payroll Deductions
- 4.5 Expense Reimbursement
- 4.6 Workers' Compensation
- 4.7 Health Care Benefits
- 4.8 Death Benefit
- 4.9 Longevity Pay
- 4.10 Benefits Available to Reemployed Retirees
- 4.11 Clothing Allowance
- 4.12 Volunteers



SECTION 4.1 PAY PERIODS AND PAYCHECK DISTRIBUTION

There are normally 26 pay periods per year. All County employees are paid every other Thursday for work performed in a 2-week period ending the Sunday prior to the payday. The date for issuance of paychecks may be modified as well as the withholding period. Pay periods begin at 7:01 a.m. on Monday and end at 7:00 a.m. 2 weeks later.

If a holiday occurs on a Thursday on which a payday falls, paychecks will be issued on the preceding Wednesday. Supervisors are to receive any questions regarding an employee's pay and are responsible for making the necessary explanations or inquiries to resolve the matter.

For purposes of minimizing difficulties, misunderstandings and maintaining secure operations, the employee must notify the Employer, or designee, prior to the Employer releasing a paycheck if another person is authorized to receive the employee's paycheck.

The Auditor may require direct deposit of paychecks.

SECTION 4.2 HOURS OF WORK AND SCHEDULING

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

The workweek for full-time employees shall be determined by the Employer and will normally include 8.5 hour shifts, 5 days per week (½ unpaid lunch and ½ paid lunch) or include 8 hour shifts (½ paid lunch). The workweek shall normally be 40 hours.

The Employer shall establish, and may adjust, the work schedule for employees, including days worked and hours of work. The Employer shall also establish, and may adjust, the times for breaks.

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

All scheduling shall be done by the Employer. If there is a change in the schedule, employees will be notified prior to the effective date of the change.

Employees may be required to adjust or flex their schedule during the 7-day work period in order to accommodate office programs scheduled outside normal business hours or fluctuating needs of the Employer. No adjustments may carry over to the following work week.



SECTION 4.3 OVERTIME AND COMPENSATORY TIME

Overtime work may be required of employees, which may include arriving early, remaining after work, or working on days off or holidays. Employees may not decline or refuse overtime work. Employees may not work overtime without permission or authorization to work overtime. Employees who fail to work overtime as requested or instructed or work overtime without permission or authorization may be disciplined.

Persons designated as professional, administrative, or executive by the Employer, and in accordance with the Federal Fair Labor Standards Act, are exempt from the payment of overtime at the discretion of the Employer. Such designations should be acknowledged by an employee and put in his personnel file. The Auditor should be forwarded a copy of such exempt notice.

Non-exempt employees shall be entitled to overtime compensation at 1.5 times their regular rate of pay for time actually worked in excess of 40 hours per week. Compensatory time may be accrued up to a maximum of 80 hours.

The lunch period shall not be considered as time worked for overtime computation, unless the employee actually performs work during such period. Time spent traveling to and from work and non-work time spent overnight on County business shall not be considered time worked for purposes of calculating overtime.

Any full-time employee required to work on one of the recognized holidays will receive compensation at 1.5 times his regular base rate of pay for all hours actually worked, in addition to receiving his regular holiday pay. Time worked, however, on one of the recognized holidays and for which the employee is compensated (i.e., holiday pay) shall not be considered for the purposes of calculating overtime (i.e., pyramiding of overtime is not permitted).

In order to accommodate issues that employees may face, the Employer may allow or require an individual to “flex”/adjust his scheduled work week in the event that he is required to work more than his normal work hours/week. Such adjustment must be completed in the same work week or period for exempt employees in which the additional hours occurred.

SECTION 4.4 PAYROLL DEDUCTIONS

Certain deductions are made from an employee’s paycheck as required by law, for employee benefit plans, or as requested by the employee. These deductions are itemized on the employee’s pay statement, which accompanies his payroll check.

Deductions include:

OPERS:

Membership in the Ohio Public Employee Retirement System (“OPERS”) is required upon being employed by the County.



Employees of the County are required by law to participate in OPERS. This system is entirely independent of the Federal Social Security System.

Employees and the Employer are required to contribute at the rate established by OPERS.

Any employee interested in obtaining information regarding retirement options or other benefits is urged to contact OPERS at:

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

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

Income Taxes:

The federal, state, and city governments require that taxes be withheld from each salary payment. Employees are required to complete withholding tax certificates upon initial employment and to inform the Employer of any dependency change whenever such change occurs.

Medicare Deductions:

Employees hired on or after April 1, 1986, are required to contribute to the federal Medicare system.

Garnishment/Child Support Deductions:

A court-ordered legal claim against the wages of employees, by a creditor, for nonpayment of a debt, and/or court-ordered payroll deductions for child support served by the constituted legal authority, are garnishments and must be recognized and executed by the Employer and the County Auditor.

Miscellaneous:

Deductions, such as deferred compensation, credit union, other insurances, etc., may be refused if they are not required by law, are below certain prescribed minimum amounts, are at irregular intervals, or for other reasons that the Employer deems not in the best interest of the County.

SECTION 4.5 EXPENSE REIMBURSEMENT

Employees or authorized individuals are eligible for expense reimbursement only when travel has been authorized in writing by the Employer, subject to a final approval by the Commissioners pursuant to Ohio Revised Code Section 325.20



Employees or authorized individuals are eligible for expense reimbursement only when travel has been authorized by the Sheriff/designee.

Mileage, Parking and Tolls

Employees or authorized individuals shall be reimbursed for actual miles while on approved official Sheriff's Office or County business at the rate established by the Board of Commissioners, when using their personal vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only 1 of 2 or more individuals traveling on the same trip, in the same vehicle.

When an employee or an authorized individual is required to travel out of state on official county business, the Employer may require such individual to use public transportation such as airlines, bus lines, and/or passenger service railways. Such public transportation may be required in lieu of a person using his personal or County vehicle. Employees or authorized individuals are required to submit a proposed travel itinerary to the Employer, at least 30 days in advance of the departure date. Such itinerary will include the cost of a round-trip ticket (coach fare) for public transportation, the estimated round trip automobile mileage and miscellaneous expenses as needed. The Employer or designated representative shall review the itinerary and determine what type of travel shall be authorized. When determining/authorizing such travel, the cost of public transportation versus automobile mileage reimbursement, as well as travel time, shall be considered.

Charges incurred for car rental, parking at the destination and any highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.

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

Meals

Expenses incurred for meals while in the performance of Sheriff's Office business or when authorized to represent the Sheriff's Office and when such business requires an overnight stay, will be reimbursed at actual cost. However, such reimbursement shall not exceed the daily maximum established by the Sheriff. The daily maximum is **\$40** for meals including meal gratuity. The Sheriff reserves the right to waive the daily cap on a non-precedent setting basis. If the Sheriff waives the daily maximum, the excess amount will be subject to approval by the Sheriff.

Receipts for all meal expenses must be submitted and may include a meal gratuity, not to exceed 20% per meal, subject to a daily cap. Alcohol and entertainment expenses are non-reimbursable. Whenever a meal(s) is provided/included in the registration fee for an authorized conference, training session, or other official county business, the daily maximum amounts described herein shall not apply.

Itineraries, brochures, or other documents describing the conference, training session, or other official county business, if available, should be submitted along with all receipts.



Overnight Expenses

Expenses covering the actual cost of a hotel room will be reimbursed in full when an employee travels on official Sheriff's Office or County business, if such travel requires an overnight stay. Further, overnight stays will only be authorized when such stays occur on the night before the official Sheriff's Office or County business/meeting takes place and are at least 90 miles from the County seat of New Philadelphia.

Overnight stays while on Sheriff's Office or County business that occur outside the state may be authorized by the Sheriff; however, such authorization shall take into consideration the mode of travel authorized and/or travel time involved. Hotel expenses will be reimbursed only with prior authorization of the Sheriff, excluding emergency situations, as determined by the Sheriff. Receipts for such expenses are required.

When considering an employee's request for job-related travel, the Sheriff will consider the special needs of employees with a disability that substantially affects the employee's ability to drive, see, hear, etc.

Airfare Expenses

Expenses incurred for airfare while in the performance of county business shall be reimbursed based on the actual cost. The employee shall submit the appropriate receipt(s). Any frequent flyer miles obtained as a result of the air travel shall be submitted to the Sheriff/designee. Employees are forbidden to use frequent flyer miles received while performing county business for their own personal travel use.

Credit Card Usage

In the event, a credit card is used while traveling on official county business, the Sheriff's Office credit card usage policy shall apply.

See Appendix for copy of [Expense Reimbursement Report](#).

SECTION 4.6 WORKERS' COMPENSATION

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



Compensable events fall into 2 broad categories: injuries and occupational diseases. Injuries include any injury whether caused by external accidental means or accidental by character and result, received in the course of and arising out of, the injured employee's employment. Injury does not include: (1) psychiatric conditions where the conditions have arisen from an injury or occupational disease; (2) injury or disability caused primarily by the natural deterioration of tissue, organ or other part of the body; (3) injury or disability incurred in voluntary participation in an Employer-sponsored activity. For purposes of this section, the Employer, or designee, shall require employees engaging in such activity to sign a waiver of their right to compensation or benefits under Ohio Revised Code Chapter 4123 prior to engaging in the recreation or fitness activity. Injuries are not compensable if self-inflicted.

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

Should an employee be injured during the course of employment with the County, the supervisor shall notify the Employer, and the employee shall complete an incident report. This report shall be completed, regardless of whether medical attention is required. Such report shall be forwarded to the Employer, or designee, no later than 24 hours or the next business day after the accident (see Appendix for [Incident/Accident/Exposure Report](#)).

In the event of serious injury, the injured employee's supervisor shall notify the Employer immediately so that, if necessary, an investigation may be initiated.

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

Any documents received from the injured employee, his physician, hospital, or the state, regarding Workers' Compensation claims, must be immediately forwarded to the Sheriff. The Sheriff will provide information to the Commissioners' Office and Auditor's Office as needed.

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

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

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



The Employer may offer or require an employee injured on the job to work in a transitional duty position. The Employer may, at its discretion, discontinue the transitional duty position.

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

If an employee is sent to the hospital or Workwell, the employee's urine will be drug-tested.

Employees including reserves, mounted and volunteers may be eligible for Workers' Compensation.

See Appendix for Flowchart.

Rebuttable Presumption.

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

SECTION 4.7 HEALTH CARE BENEFITS

The Employer may provide health insurance and related benefits through a plan authorized by the Board of County Commissioners. The Commissioners shall establish the eligibility levels for employees. The plan shall provide for eligibility, coverage, and employee contributions. Any premium or other contributions required for participation shall be deducted from the employee's payroll.

Employees eligible to enroll shall be supplied with the necessary information and/or enrollment cards at the time of employment by their Employer.

The details of the coverage provided shall be supplied to each eligible employee in writing by his Employer, including the methods set forth in the plan for filing such benefits.

Those employees who are eligible for hospitalization and vision insurance coverage, and who are simultaneously covered through a spouse's insurance program, shall notify the County in order to assist in minimizing the County's financial burden.



Employees shall notify their Employer of a change in status, including marital, dependent and other requirements under the health insurance policy.

The portion of the monthly premium that the County will pay and the portion that the employee will be required to pay will be determined annually by the Board of County Commissioners. In the event that both husband and wife are employed by Tuscarawas County, or by any 2 agencies covered under the Tuscarawas County Health Plan, both employees may be required to be covered under a family plan or employee/spouse plan, and the County will contribute toward only 1 family plan coverage.

The County's obligation to pay its portion of the monthly premiums shall cease upon the following conditions:

1. on the effective date of an employee's termination of employment;
2. the beginning of the month following the employee's exhaustion of paid sick leave or other paid leave; or
3. the beginning of the month following the effective date of an approved unpaid leave of absence.

Exceptions to this section will be in accordance with the County's policy under the Family and Medical Leave Act.

COBRA Coverage

In the event that an employee's insurance coverage is terminated, an employee may elect to pay the total premium themselves. The employee shall submit a written statement indicating his desire to continue such coverage no later than 14 calendar days following the termination date of such coverage. The employee will then be notified of the proper procedure to continue coverage.

Any full-time employee who is enrolled in the County's health care plan and is injured and unable to work as a result of an injury received in the course of, and arising out of, his employment with the County shall be provided hospitalization coverage under the following conditions:

- The injured employee has filed a claim for and is receiving benefits pursuant to the Ohio Workers' Compensation Act and its amendments; and
- The injured employee continues to submit his portion of the monthly premium to the County Auditor no later than the 15th day of each month of eligibility.

Coverage under this section shall be for a period not to exceed 6 months following the date of injury. In the event that the injured employee is unable to return to his full duties and responsibilities after



the 6 month period, the employee may be placed on an unpaid leave of absence or the Employer may place the employee on disability separation.

SECTION 4.8 LIFE INSURANCE BENEFIT

The Commissioners may provide a death benefit for employees under a plan adopted by the Commissioners. The amount of such benefit will be determined by the Board of County Commissioners.

Eligible employees are required to complete a Life Insurance Beneficiary Form naming the beneficiary of this benefit and submit the form to their Employer. The life insurance benefit is portable upon separation from the County. However, the employee is responsible for paying the monthly premium and is responsible for completing and forwarding the necessary forms to the insurance carrier within the deadline as set by the insurance carrier.

SECTION 4.9 LONGEVITY PAY

Full-time non-bargaining unit employees (80 hours per pay) of the Sheriff’s Office who have completed 5 years of uninterrupted, continuous full-time employment with Tuscarawas County shall be eligible and will receive a longevity payment based on the following schedule:

<u>Length of Service</u>	<u>Amount</u>
After 5 years	\$250.00
After 10 years	\$400.00
After 15 years	\$550.00
After 20 years	\$750.00
After 25 years	\$1,000.00

Any break in service, that is by retirement or resignation by an employee, during the year will result in a pro-rated portion of the applicable longevity payment. Termination by the Employer will result in forfeiture of all accumulated longevity. Eligible employees shall receive a lump sum payment for longevity pay, pursuant to this section, between the first and second pay period in December of each year.

For purposes of this policy, the employment year shall be based on complete uninterrupted continuous years of full-time employment by December 15th of each year for those employees who are hired or become eligible for this benefit after the adoption date of this policy.

If an employee becomes eligible and receives longevity pay and then leaves employment and the employee is reemployed by Tuscarawas County following reemployment, for purposes of longevity payment eligibility, the employee shall again complete 5 years of uninterrupted continuous full-time employment with Tuscarawas County before being eligible for longevity pay.

Elected County officials shall not be eligible for this benefit.



SECTION 4.10 BENEFITS AVAILABLE TO REEMPLOYED RETIREES

If a retiree who is receiving benefits from one of Ohio's retirement systems is reemployed by the County, his retirement benefits may be affected. Any employee who is considering reemployment with the County after retirement should contact the appropriate retirement system for clarification on how reemployment will affect his retirement benefits.

A reemployed retiree of any retirement plan offered by the State shall be permitted to earn sick leave and vacation leave, in accordance with County policies, as if he is a new employee with no previous service time. A retiree must be reemployed for 1 year before he will be eligible to take vacation time.

A reemployed retiree of any retirement plan offered by the State shall be eligible to receive other County-provided benefits in accordance with the terms and conditions of the policies that control such benefits.

A reemployed retiree of any retirement plan offered by the State who later terminates employment will not be eligible for any sick leave conversion as described in this policy manual.

SECTION 4.11 CLOTHING ALLOWANCE

The Sheriff, at the sole discretion, may provide an annual clothing allowance to specific non-bargaining unit classifications. Allowances may include emblems/patches and stitching.

The amount of such allowance shall be determined by the Sheriff, payable in accordance with timeframes and procedures set forth by the Sheriff.

No uniformed officer employed by the Tuscarawas County Sheriff is authorized to be in uniform to conduct any non-official business of the agency.

SECTION 4.12 VOLUNTEERS

Volunteers are encouraged to offer their services to assist in the Sheriff's Office operations. The Sheriff/designee reserves the right to limit the number of volunteers serving in any specific time period(s). Volunteers shall be required to wear proper identification while performing their assigned duties. Volunteers shall not be permitted in those areas designated by the Sheriff as restricted areas. Volunteers shall be required by the Sheriff to adhere to a "dress code." The Sheriff/designee shall advise these individuals as to the proper attire expected prior to their assigned duties. Background checks may be conducted on volunteers prior to assisting the Sheriff's Office. Volunteers shall abide by any confidentiality policy. Refer to Workers' Compensation coverage for volunteers.



CHAPTER 5 LEAVES

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SECTION 5.1 HOLIDAYS

The Sheriff's Office shall observe the 11 holidays designated by state law plus 1 additional full day (for non-continuous operations employees only). All full-time employees of the Employer have designated the following paid holidays:

1. The first day of January, known as New Year's Day
2. The third Monday in January, known as Martin Luther King Day
3. The third Monday in February, known as Presidents' Day
4. Memorial Day, as designated by state law
5. The 19th day of June, known as Juneteenth.
6. The fourth day of July, known as Independence Day
7. The first Monday in September, known as Labor Day
8. The second Monday in October, known as Columbus Day
9. The eleventh day of November, known as Veterans' Day
10. The fourth Thursday in November, known as Thanksgiving Day
11. The Friday after Thanksgiving (for non-continuous operations employees only)
12. The twenty-fifth day of December, known as Christmas Day

Non-continuous operations employees shall receive 2 personal days and continuous operations employees shall receive 3 personal days. Personal days may be used in 4 hour increments. Personal days cannot be carried over to the next year.

Only full-time employees shall be eligible for holiday pay. A full-time employee, for purposes of this policy, shall be defined as an employee whose regular hours of service for the Employer total 40 hours per workweek or other full-time standard as established by the Employer. Full-time employees shall receive 8 hours of holiday pay at their base pay for the hours they are normally scheduled to work. To be eligible for holiday pay, non-continuous operations employees must work the scheduled workday immediately preceding and the scheduled workday after the holiday, unless on an approved paid leave and continuous operations employees must work the scheduled workday immediately preceding and the scheduled workday after the holiday, unless on an approved vacation, personal day, funeral leave, military leave, workers' compensation or compensatory time. An employee scheduled to work a holiday who reports off sick will not receive holiday pay.

For non-continuous operations employees, if a holiday falls on a Sunday, it will be observed on the following Monday, and if it falls on a Saturday, it will be observed on the preceding Friday. Continuous operations employees shall celebrate the holiday on the actual holiday.

If an employee's work schedule is other than Monday through Friday, the employee is entitled to holiday pay for holidays observed on the employee's day off regardless of the day of the week on which it is observed.

If a holiday occurs while a full-time employee is on an approved vacation, the employee will receive the holiday pay and vacation pay but the vacation such be deducted.



A full-time employee required to work on a recognized holiday shall receive compensation at 1 ½ pay for all hours actually worked in addition to receiving his regular holiday pay.

SECTION 5.2 VACATION

Eligibility

Full-time employees are eligible for paid vacation leave according to the following eligibility guidelines and as defined below. Permanent part-time employees are eligible pursuant to the same guidelines, except accrual shall be on a prorated basis.

Eligibility Guidelines

Service time for the purpose of calculating vacation for all eligible employees is determined according to total service with the County, state, or any political subdivision thereof. Prior service credit need not be continuous (see Appendix for [Prior Service Form](#)). Employees must complete 1 total year of service to be eligible to use vacation leave.

An employee who has retired in accordance with the provisions of OPERS or any retirement plan offered by the State, and who is subsequently hired by the Employer shall not have his prior service with the county, state, or any political subdivision thereof counted for purposes of computing vacation leave. Vacation accrual for such employee shall be based only upon the service that he is currently accruing with the Employer. Any person removed for conviction of a felony within the meaning of Ohio Revised Code 124.34 and who is subsequently reemployed by the County shall only be qualified to accrue vacation as if he is a new employee, and will receive no credit for prior service.

Accrual

Employees eligible for paid vacation leave shall accrue according to the following schedule. The rate of accrual is the maximum per pay period based on an 80 hour pay period.

<u>Years Of Service</u>	<u>Employee Earns</u>	<u>80 Hour Rate Of Accrual</u>
After 1 year	2 weeks vacation	3.1 hrs. per pay period
After 8 years	3 weeks vacation	4.6 hrs. per pay period
After 15 years	4 weeks vacation	6.2 hrs. per pay period
After 25 yrs.	5 weeks vacation	7.7 hrs. per pay period

Full-time employees who are in active pay status for fewer than 80 hours in a pay period and part-time employees shall earn vacation leave on a prorated basis, rounded to one one-hundred of an hour. Upon an employee’s 1st, 8th, 15th and 25th year anniversary dates, the employee shall credit his vacation balance with 1 week of leave.

Additional vacation leave is not accrued through the accumulation of paid overtime.



Vacation leave is not earned while an employee is in no-pay status (leave of absence, disciplinary suspension, etc.).

Charging of Vacation against Balance

Approved vacation shall be charged against an eligible employee's available vacation leave balance in minimum units of 1 hour unless approved by the Employer for smaller increments. Only vacation leave accrued may be used. Vacation leave may not be advanced. If a holiday occurs while a full-time employee is on an approved vacation, such vacation day shall be charged against his vacation leave balance.

Request and Scheduling

Vacations shall be scheduled in accordance with the work load requirements of the Employer. The Employer reserves the right to deny, cancel or change vacation requests/approvals. Vacations shall be scheduled on a "first come, first serve" basis and at a time mutually agreeable to the employee and Employer.

Vacation leave must be requested in writing on the application for leave request form (see Forms folder on computer). An employee requesting a vacation leave of greater than 2 days must request such leave at least 2 weeks in advance of the desired starting date. Requests of 2 days or less must be submitted no later than the close of business hours the working day prior to the desired starting date. The Employer may waive any portion of the request provision.

Use Period, Carry Over, and Separation

Vacation leave is to be taken within the 12 months following the employee's anniversary date. An employee is permitted to carry over accumulated vacation leave, equal to 3 years accumulation, to the maximum levels below. No vacation leave shall be carried over for more than 3 years, i.e., equal to the years of the employee's rate of accrual. Any balance over this amount is deemed forfeited by the employee.

After

1 year - 240 hours

8 years - 360 hours

15 years - 480 hours

25 years - 600 hours

At the time of separation in good standing, employees shall receive conversion at their current rate of pay for their accumulated, unused vacation leave up to the maximum allowed accumulation.

In the case of the death of an employee, the unused vacation leave credit of such employee shall be paid to the deceased employee's spouse or the estate if there is no surviving spouse.



SECTION 5.3 SICK LEAVE

Sick leave is a benefit for employees. Sick leave use must be approved by the Employer. Sick leave must be requested in writing on the application for leave request form (see Forms folder on computer).

Uses of Sick Leave

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

1. illness or injury of the employee or a member of his immediate family (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member);
2. exposure of employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
3. death of a member of the employee's immediate family for a reasonably necessary time, not to exceed 5 days;
4. medical, psychological, dental, or optical examinations or treatment of the employee or a member of his immediate family (where the employee's presence is reasonably necessary); or
5. pregnancy, childbirth, and/or related medical conditions of the employee, or an immediate family member (where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member).

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

Sick Leave Accrual

For each completed 80 hours in active pay status, an employee earns 4.6 hours of sick leave. For pay periods that are different than 80 hours, the rate of accumulation shall be .0575 times the hours of active pay status. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, and hours on paid sick leave. The amount of sick leave time an employee may accrue is unlimited.



Previously Accumulated Sick Leave

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

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

Charging of Sick Leave

Sick leave shall normally be charged in minimum increments of .5 hour unless approved by the Employer for a smaller increment. An employee shall be charged for sick leave only for days which he was scheduled to work. Approved sick leave payment shall be at the employee's regular hourly rate. Advance use of sick leave will not be permitted. See

Exhausted Sick Leave Credit

Accumulated but unused vacation leave may be used for sick leave purposes after sick leave is exhausted, upon the employee's request in accordance with the vacation policy and the approval of the Employer. Employees who have exhausted all sick leave and vacation leave credits may be granted a personal leave of absence without pay for a period not to exceed 6 months. Pursuant to the Family Medical Leave Act ("FMLA") policy, employees may be eligible for FMLA leave. Employees experiencing illnesses exceeding 6 months may be considered for Disability Separation.

Evidence Required for Sick Leave Approval and Return to Work

Upon return to work, an employee shall complete a leave request form to justify the use of sick leave. When an employee uses sick leave for medical appointments, or when an employee misuses or abuses sick leave as determined by the Employer, a certificate from a licensed physician, dentist, or other licensed practitioner must accompany the sick leave application. A practitioner's statement must include the nature of the condition. In order to receive pay for sick leave usage, an employee must comply with all office rules and regulations governing application and use. Falsification of an application for sick leave or a practitioner's statement shall be grounds for disciplinary action, up to and including removal.

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



Notification by Employee

When an employee is unable to report to work, he shall notify his immediate supervisor, or other designated person, before or at the time designated as the report off time by the Employer. This procedure shall be followed on the first day of absence and each day thereafter, unless extraordinary circumstances make it impossible, or unless the employee has made other reporting arrangements with his supervisor. He shall inform the supervisor of the fact that he is requesting sick leave and the reason for such a request. Failure to follow this procedure will result in denial of sick leave for the period of absence.

Notification for Extended Sick Leave

In the case of a condition exceeding 3 or more consecutive work days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery may be required.

Misuse or Abuse of Sick Leave

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

Patterned or excessive absences, as determined by the Employer, or the misuse or abuse of sick leave will be carefully reviewed, and as circumstances warrant, sick leave may be denied. Employees shall be counseled as to any inappropriate use of sick leave benefits and may be subject to disciplinary action for misuse or abuse of sick leave as well as denied payment for sick leave. In the event sick leave is approved and it is later learned that the sick leave was misused or falsified, or if the use establishes a pattern, the grant of the sick leave does not prevent discipline.

Reward

Employees who do not use sick leave during a six (6) month period will be credited with eight (8) hours of paid leave, to be scheduled and taken off in the following six (6) month period. Such time off shall be taken with prior approval of the Employer.

Disclaimer

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



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

SECTION 5.4 SICK LEAVE CONVERSION

A County employee, at the time of retirement under a State pension system (e.g. OPERS) from active service with the County, shall be paid 1/4th of the value of his earned but unused sick leave credit. The maximum of such payment, however, shall be for 30 days or 240 hours.

To qualify for such payment, the employee shall have had, prior to the date of retirement, 10 or more years of service with the County, the state, or any of its political subdivisions, and retire under a State pension system. The sick leave conversion is only available to those employees who retire from the County and have not retired from any other public employer.

Payment shall be based on the employee's hourly rate of pay at the time of retirement.

Sick leave conversion upon retirement shall be made only once and shall eliminate all sick leave credit accrued by the employee.

Employees should request such payment in writing.

Employees who die shall be considered to have terminated their employment as of the date of their death, and shall be eligible for such sick leave for which they would have otherwise qualified. Such payment shall be made in accordance with Section 2113.04 of the Ohio Revised Code or paid to the employee's estate.

An employee whose immediate cause of death is an injury sustained during the performance of his duties within the scope of his employment shall be paid 100% of the value of his earned but unused sick leave. The maximum of such payment shall be 1,000 hours.

SECTION 5.5 FUNERAL LEAVE

Up to 48 hours, leave may be granted to an employee who provides proof of attendance at the funeral of: brother, sister, spouse, child, niece, nephew, mother, father, or other persons standing in loco parentis (in place of a parent) to the employee. The initial 24 hours, of any such leave will be treated as paid funeral leave with the balance up to 48 hours, being charged against the employee's sick leave. Additionally, up to 24 hours, leave may be granted to an employee who provides proof of attendance at the funeral of: father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents, and the employee's aunt/uncle or first cousin. The initial scheduled work day of this latter leave will be treated as paid funeral leave with any second day taken being charged against the employee's sick leave.

Funeral leave days must be consecutive work days and include the day of the funeral. Where the day of the funeral is on a day the employee is otherwise not scheduled to work, a consecutive



work day will be scheduled with the approval of the Employer. Should an employee require additional paid time, other than what is provided herein, the employee shall provide a written request to the Sheriff. Upon the approval of the Sheriff, such time approved by the Sheriff will be charged against the employee's balance of compensatory time, personal days, or vacation leave, at the employee's option. In the event a funeral is not held, the Sheriff still reserves the right to grant applicable funeral leave to the affected employee.

SECTION 5.6 MILITARY LEAVE

Military leave is governed by several sections of law including: Ohio Revised Code Section 124.29, Ohio Revised Code Chapter 5903 and Ohio Revised Code 5923.05. Generally, the state provisions mirror the federal laws, except Ohio Revised Code 5923.05 grants a limited amount of compensation to public employees.

Permanent public employees who are members of the Ohio organized militia, National Guard or members of other reserve components of the Armed Forces of the United States shall be authorized up to 1 month (meaning 22 working days or 176 hours for 40 hours per week employees) of leave with pay per calendar year for the performance of service in the uniformed services. For the purposes of this policy, "permanent employee" means an employee who holds a position with the County that requires him to work a regular schedule of 26 consecutive biweekly pay periods, and such is not limited to a specific season or duration. This definition does not include student help, intermittent, seasonal, or external interim employees, or individuals covered by personal services contracts.

Any employee called to military duty for a period in excess of 22 working days because of an Executive Order issued by the President of the United States or an Act of Congress, or because of an Order issued by the Governor, may receive, during this period, the lesser of the following:

1. the difference between the employee's gross monthly wage or salary from the County and his gross uniformed service pay and allowances received in a particular month; or
2. \$500.00.

Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty.

A permanent public employee is entitled, upon giving notice to the Employer, to a leave of absence to serve in the uniformed service. Such leave is without pay and is considered as a leave of absence from service with reinstatement rights. No leave, or combination of uniformed service leaves of absence, may exceed 5 years or a single, longer period required to complete an initial period of obligated service.



Reinstatement Rights: An employee returning from uniformed service leave without pay must apply for reinstatement. The application must be made to the Employer within the period set forth below:

- leave of fewer than 30 days — immediately upon release from uniformed service, but Employer must allow for travel time and 8 hours of rest;
- leave of 31 to 180 days — within 14 days of completing uniformed service requirement; or
- leave of more than 180 days — within 90 days of completing uniformed service requirement.

If the leave of absence is for more than 90 days, the Employer may require, with the application, evidence showing that the application is timely, that the duration of all such leaves of absence does not exceed 5 years, or the time to complete the initial period of obligated service, and that the employee's entitlement to reemployment has not terminated pursuant to the Federal Uniformed Services Employment and Reemployment Rights Act.

Upon return from a period of duty in the uniformed service lasting 90 calendar days or less, the employee is to be returned to the same or similar position within his former classification. If the period of duty lasts more than 90 days, the employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if the Employer demonstrates that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.

If the employee is unable to perform the duties of his former position due to a permanent injury or illness incurred or aggravated during uniformed service, the Employer will make reasonable efforts to accommodate the employee's disability.

If an employee who is entitled to reinstatement is unable to report for or perform the duties of his position at the date of his application for reinstatement because of a temporary injury or illness incurred or aggravated during uniformed service, he shall have up to 2 years to recover from such illness or injury before being required to report or reapply.

A reinstated employee is entitled to receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:

- all sick leave and vacation leave which had been accumulated at the time of entering service;
- all seniority which would have accrued had the employee been on the job;



- automatic salary adjustments associated with the position and due the employee had the employee been on the job;
- any change in classification or pay range which would be due the employee had the employee been on the job; and
- reinstated health insurance and related insurance benefits with no waiting periods or preexisting condition exclusions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service. (Please note that this rule does not apply to the coverage of any illness or injury determined by the Secretary of Veterans' Affairs to have been incurred in, or aggravated during, performance of service in the uniformed service.)

SECTION 5.7 CIVIL LEAVE

If an employee is called for court jury duty or subpoenaed to testify in a court of law, during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below.

The employee may choose to receive his regular salary or wage in full for such time from the Employer. In such case, all monies received as compensation for court service shall be submitted to the County Treasurer and, if permitted by the Employer, waived in favor of the Common Pleas Court Jury Administration Fund.

The employee may choose to retain all monies received as compensation for court service and waive his regular salary or wage in full for such time from the Employer.

If the employee elects to receive his regular salary or wage, he will report for work following jury duty, testifying as a witness, or being released by the Court.

If an employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his regularly scheduled working hours, all monies received as compensation for such court service may be retained by the employee, unless the employee appears in court as part of his work duties.

Employees called for court jury duty or to testify in a court of law shall complete a Request for Leave form and attach a copy of the subpoena.

Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters or if it involves a family member. Such absences shall be considered leave without pay or vacation leave, at the employee's option, and as scheduled in advance by the Employer.

Time served by an employee for court jury duty or court service shall not be considered hours worked for purposes of calculating overtime, unless such court service is directly related to or is an integral part of the employee's work duties.



SECTION 5.8 LEAVE OF ABSENCE WITHOUT PAY

The Employer may grant a leave of absence without pay to either an unclassified or classified employee. Unless provided differently, all leaves are at the discretion of the Employer.

Personal Leave

The Employer may grant a leave of absence to any employee for a maximum duration of 6 months for any personal reasons of the employee. Such a leave may not be renewed or extended beyond 6 months.

Development Leave

Leave may be granted for a maximum period of 2 years for purposes of education, training, or a specialized experience, which would be of benefit to the County service by improved performance at any level, or for voluntary service in any governmentally sponsored program of public betterment.

Authorization and Request

The authorization of a leave of absence without pay is a matter of administrative discretion. The Employer decides in each individual case if a leave of absence is to be granted.

The granting of any leave of absence is subject to approval by the Employer. Except for emergencies, employees will advise the Employer 60 days prior to commencement of the requested leave.

Return from Leave

Upon completion of a leave of absence, the employee is to be returned to the same or similar position formerly occupied. Any replacement in the position while an employee is on leave may be terminated or reassigned upon the reinstatement of the employee from leave. The terminated employee will be considered for other vacancies if such exists. An employee may return to work before the scheduled expiration of leave if requested by the employee and agreed to by the Employer. If an employee fails to return to work within 3 working days of an expiration of an approved leave of absence, without providing acceptable explanation to the Employer, such employee will be deemed to have voluntarily resigned and may be removed from his position.

Medical Leave, Unpaid

A full-time employee may request a leave of absence without pay for medical reasons for up to 6 months by submitting such request in writing to the Employer with a signed physician's statement. The Employer may, at its discretion, grant the medical leave.



The leave of absence will begin on the date the physician states that the employee can no longer perform the essential functions of his position. The leave of absence will end on the date on which the physician releases the employee as medically able to return to work.

Should the employee's leave of absence for medical purposes exceed 6 months, the employee may be disability separated in accordance with these policies.

Before an employee will be granted a disability leave without pay, he must exhaust all paid leave time and all unpaid family and medical leave time.

Misuse of Leaves

At any time during any paid or unpaid leave, if it is learned or discovered that the employee is engaging in activities inconsistent with the leave requested, the employee may be disciplined, including discharge, and/or the leave may be terminated.

Employees on paid or unpaid leaves shall remain subject to the standards of conduct and terms of employment.

SECTION 5.9 DISABILITY SEPARATION

Voluntary Reduction

When an employee becomes unable to perform the duties or essential functions of his position, but is still able to perform the duties of a vacant, lower level position, he may request a voluntary reduction to the vacant lower level position. Such request shall be in writing, stating the reason for the request. The Employer may, at its discretion, grant the request for voluntary reduction.

Voluntary Disability Separation

An employee who is unable to perform the essential job duties of his position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his inability to perform the essential job duties of his position due to such disabling illness, injury, or condition.

The Employer may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Employer. If the examination supports the employee's request, the Employer will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, the Employer will not approve the employee's request for voluntary disability separation.



Involuntary Disability Separation

When an Employer has reason to believe that an employee is unable to perform the essential functions of the employee's position due to a disabling illness, injury, or condition, the Employer may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Employer. It is not, however, necessary for the Employer to require the employee to submit to an examination prior to involuntary disability separation if the Employer has sufficient documentation to demonstrate that the employee is unable to perform the essential functions of the position.

When the Employer has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, the Employer will institute pre-separation proceedings. A conference will be scheduled and advance written notice will be provided to the employee. At the conference, the employee will have a right to examine the Employer's evidence of disability, to rebut the evidence, and to present testimony and evidence on the employee's own behalf. The employee is also be permitted to waive his right to a conference.

If the Employer determines, after considering the information presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform the essential functions of his position, the Employer will issue an involuntary disability separation order.

The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition.

A classified employee who is involuntarily placed on disability separation will have the right to appeal in writing to the State Personnel Board of Review within 10 days following the date the order is served on the employee.

Reinstatement Procedures

An employee placed on voluntary disability separation subsequent to a disability leave without pay for the same disabling injury or illness will retain reinstatement rights for 2 years from the time the employee began the disability leave without pay. An employee may submit to the Employer a written request for reinstatement from a voluntary disability separation.

The employee may apply to OPERS for disability retirement.

An employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated at the end of the 2 year period.

SECTION 5.10 ADMINISTRATIVE LEAVE

The Employer may place an employee who is subject to possible disciplinary action on an administrative leave with pay (see Appendix for [sample letter](#)). An employee may be placed on administrative leave up to the time when the Employer either takes appropriate disciplinary action or



determines that disciplinary action is not warranted.

The Employer shall place an employee on administrative leave when, in the opinion of the Employer, continued performance of required job duties by the employee would impair the operation of the Sheriff's Office, its morale, and/or delivery of its services due.

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

An employee who has been charged with a felony may be placed on an unpaid leave of absence. In the event that the employee does not plead guilty or is not found guilty of a felony, the unpaid leave must be paid, with interest.

SECTION 5.11 EMPLOYEE DISABILITY

If an employee is disabled and requests an accommodation for that disability, the Employer will determine whether the employee could perform the essential functions of the job with some reasonable accommodation. If so, the Employer will make an appropriate accommodation. If the Employer cannot accommodate a disabled employee in his current position, the Employer may place the employee in an available vacant position for which the employee is qualified; absent such, the Employer may place the employee on disability leave or separation under the procedure for those benefits.

Procedure

If an employee claims a disability and requests an accommodation, the Employer should: (1) review the job description, essential functions, or other relevant documentation with the employee; and (2) ask the employee whether he can still do the essential functions of the job with some accommodation. If the employee answers in the affirmative, the Employer should ask the employee what accommodation he wants and whether any other accommodation would also allow the employee to perform the essential job functions. The Employer may also consider accommodations that are not suggested by the employee. Any accommodation made must remain confidential and will be treated as such under the Employer's other policies and procedures on confidential information.

If the employee says he cannot do the job with an accommodation, the Employer may concur with the employee, or may suggest an alternative course of action. The Employer may determine that some accommodation will allow the employee to do the job to the Employer's satisfaction, and the Employer may evaluate the employee using current performance standards. The Employer may consult a medical advisor or other appropriate licensed practitioner for verification.

When deciding whether an accommodation is reasonable, the Employer may consider among other things:

1. allowing use of leave entitlement for treatment;



2. allowing flexible hours;
3. providing transportation;
4. providing reserved parking spaces;
5. providing assistance from other employees;
6. allowing the employee to use his own equipment or aids; and
7. reassigning of job functions, though the Employer need not reassign essential functions.

SECTION 5.12 FAMILY AND MEDICAL LEAVE

Statement of Policy

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

Definitions

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

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



while in the line of duty on active duty. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established for other types of FMLA leave.

3. “Per year”: A rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used 4 weeks of FMLA leave beginning February 4, 2009, 4 weeks beginning June 1, 2009, and 4 weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than 3 consecutive calendar days that also involves:
 - i. 2 or more treatments by a health care provider, the first of which must occur within 7 days of the first day of incapacity and both visits must be completed within 30 days; or
 - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. Any period of incapacity due to pregnancy or for prenatal care.
 - d. A chronic serious health condition which requires at least 2 “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - e. Any period of incapacity that is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
 - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than 3 days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. “Covered Service Member”: Means either:



- a. A member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the 5 years preceding the date on which the veteran undergoes the medical treatment, recuperation, or therapy.
8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
 9. “Next of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
 10. “Serious Injury or Illness” (For purposes of the 26 week military caregiver leave) means: for active service members, an injury or illness incurred in the line of duty or that existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. For purposes of a veteran, a qualifying injury or illness that was incurred in the line of duty or that existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty and manifested itself before or after the member became a veteran.
 11. “Covered Active Duty”: (For purposes of the 12-week qualifying exigency leave) is defined as either duty during the deployment of a regular member with the Armed Forces to a foreign country; or duty during the deployment of a reserve member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in § 101(a)(13)(B) of Title X, of the United States Code.
 12. “Qualifying Exigency”: (For purposes of the 12-week qualifying exigency leave) includes any of the following:
 - a. Up to 7 days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on 7 or fewer days notice.
 - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
 - c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings



if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.

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

Leave Entitlement

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

1. Worked for the agency for at least 12 non-consecutive months, or 52 weeks;
2. Actually worked at least 1,250 hours during the 12 month period immediately prior to the date when the FMLA leave is scheduled to begin; and
3. Work at a location where the Employer employs 50 or more employees within a 75 mile radius.

The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the 12 month period following such birth or placement.

Spouses who are both employed by the agency are jointly entitled to a combined leave total of 12 weeks (rather than 12 weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

Use of Leave

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



1. Generally: An employee is only entitled to take off a total of 12 weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc., but not compensatory time) prior to being eligible for unused unpaid Family Medical Leave. That is, the FMLA leave follows or is consecutive to the paid leaves. Employees may, at their option, use compensatory time prior to the unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. The only exception to this requirement is when an employee has requested bonding leave. Should an employee request bonding leave, the requirement that all accumulated sick leave be exhausted shall not apply. Any time off that may legally be counted against an employee's 12 week FMLA entitlement will be counted against such time. The Employer shall then designate any additional leave as unpaid FML for a period of up to 12 additional weeks, provided the employee submits the properly completed Certificate of Physician or Practitioner Form in a timely manner.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the 12 week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the 12 week period.
3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the 12 week period.
4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the 12 week period.

FMLA and Disability/Workers' Compensation

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



Procedures for Requesting FMLA Leave

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

FMLA requests must be submitted on a standard leave form prescribed by the Employer (forms provided by the U.S Department of Labor). The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's 12 week entitlement, and notify the employee that the leave has been so designated.

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

Certification of Need for FMLA Leave

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

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have 7 calendar days to cure the deficiency.

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

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.) or if the Employer receives information that casts doubt on the



employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within 15 days.

Intermittent/Reduced Schedule Leave

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

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

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

Employee Benefits

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts that he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than 30 days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.



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

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

Reinstatement

An employee on FMLA leave must give the Employer at least 2 business days notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position that entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

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

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

Records

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



SECTION 5.13 PRECINCT ELECTION OFFICIAL LEAVE

Any employee who has been appointed to serve as a precinct election official pursuant to Ohio Revised Code 3501.22 may use accrued paid leave time, excluding sick leave, or may take unpaid leave to serve as a judge of elections on the day of an election.

In order to ensure that the employee is able to take accrued paid leave time, the employee shall notify his Employer in writing at least 2 weeks in advance that he will be serving as a judge of elections on the day of an election. At this time, he should also notify the Employer of his decision to take the day off as a paid or unpaid leave day. If the employee chooses to take the day as a paid leave day, he must inform the Employer of the type of paid leave, excluding sick leave that he wishes to use to cover the absence.

Failure by the employee to provide at least 2 weeks advance notice, as referenced above, may result in ineligibility to take paid leave time to cover the absence.



CHAPTER 6 STANDARDS OF CONDUCT

- 6.1 General Standards of Conduct and Expected Job-Related Behavior
- 6.2 Attendance
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- 6.6 Meal and Break Periods
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Technology Policy
- 6.23 No Privacy Expectation
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- 6.26 Conviction of a Felony



SECTION 6.1 GENERAL STANDARDS OF CONDUCT AND EXPECTED JOB-RELATED BEHAVIOR

PUBLIC TRUST AND CONFIDENCE

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

Individual or cumulative violations of these standards may result in discipline, based on the nature, severity, and consequences of acts.

STANDARDS OF CONDUCT

1. Employees shall show every courtesy and respect to the public they serve as well as to employees and supervisors.
2. Employees shall fully perform the duties of their position.
3. Employees shall commence duties at the beginning of assigned work periods and shall continue working until the end of the assigned work period.
4. Employees shall not leave the job or work area during regular working hours, unless necessary for the performance of duties or with authorization.
5. Employees shall refrain from making preparations to leave or quit work without specific prior authorization before the lunch period, a break time, or scheduled quitting time.
6. Employees shall consistently and timely report for work, sign or clock in and out as required, or complete timesheets.
7. Employees shall refrain from distracting the attention of others, unnecessary shouting, or other behavior that causes a demonstration or disruption on the job.
8. Employees shall refrain from mischief, gossip, horseplay, wrestling, or other undesirable childish, or unsafe conduct, including using profane or abusive language.



9. Employees shall not intimidate, coerce or interfere with subordinates, coworkers, supervisors, inmates or the general public.
10. Employees shall cooperate with all other employees.
11. Employees shall exercise reasonable care in the use of County property and equipment.
12. Employees shall avoid using or possessing another employee's equipment without authorization.
13. Employees shall observe official safety rules and common safety practices and maintain neat, clean, sanitary and safe facilities.
14. Employees shall observe all office, unit, and job performance rules and regulations.
15. Employees may not obligate the County for any expense, service, or performance, unless authorized.
16. Employees shall immediately report all accidents, injuries, and/or equipment damage.
17. Employees shall consistently, expeditiously, and accurately perform all job duties and responsibilities.
18. Employees shall attempt to perform the highest quality work in a timely fashion.
19. Employees shall not use any of the Employer's equipment including telephone, vehicles, computers, cell phones, radios, etc., for anything other than business purposes unless authorized.
20. Employees shall only smoke and use tobacco products in designated areas.
21. Employees shall not change or amend work schedules without prior consent.
22. Employees shall not sleep during working hours.
23. Employees shall always report to work fit for duty.
24. Employees shall refrain from possessing, using or being under the influence of drugs, including misuse or abuse of prescription drugs, or alcoholic beverages during working hours.
25. Employees shall conduct themselves in a moral manner and demonstrate common decency.
26. Employees shall not use office property or equipment without authorization.



27. Employees shall not perform private work or personal business on office time or with any County equipment, supplies, etc.
28. Employees shall report for overtime work as instructed by supervisors.
29. Employees shall not make or publish false, vicious, or malicious statements concerning employees, supervisors, the Sheriff's Office, the County, or its operations.
30. Employees shall give factual and honest testimony during conduct investigations, pre-disciplinary hearings, and complaint or grievance investigations or hearings and accident investigations.
31. Employees shall not post, remove, or change notices or signs on bulletin boards unless authorized.
32. Employees shall not distribute or post any written or printed material of any description on the Employer's premises unless first receiving authorization.
33. Employees shall not be present in work areas on the Employer's premises unless authorized.
34. Employees shall not disregard policies, procedures, rules, or regulations.
35. Employees shall follow the political activity policies of the Sheriff's Office, the County policy and the Ohio Revised Code.
36. Unless specifically authorized, employees shall not disclose or distribute any County records or reveal confidential information including records of employees, members of the public or inmates' personal information.
37. Employees shall comply with the Public Records policy and shall release records only if authorized to do so.
38. Employees shall report off work for any absence each scheduled work day, unless otherwise authorized.
39. Employees shall not be negligent in the performance of assigned duties or in the care, use, or custody of County property or equipment, nor abusive, intentionally, negligently or deliberately be destructive in any manner of Employer property, tools, equipment, or the property of employees.
40. Employees shall only stamp and sign their own time card or reporting forms.



41. Employees shall always be honest when questioned concerning accidents, when being investigated, and when handling Employer records, including performance and application records.
42. Employees shall not make false claims or misrepresentations in an attempt to obtain Employer provided benefits.
43. Employees shall not gamble during business hours.
44. Employees shall not steal or act in a similar manner including destroying, damaging, or concealing others' property or County property.
45. Employees shall not use narcotics or alcohol or other illegal or controlled substances, nor sell such on the premises.
46. Employees shall not fight or instigate a fight or altercation nor attempt to cause injury to other employees, supervisors, or persons.
47. Employees shall not carry or possess firearms, explosives, or weapons on County property at any time without authorization.
48. Employees shall not conceal a communicable contagious disease.
49. Employees shall not misuse or remove Employer records or information without prior authorization.
50. Employees shall not instigate, lead, or participate in any walkout, strike, sit-down, stand-in, or other curtailment of work.
51. Employees shall be honest and shall not commit any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness from work.
52. Employees shall always follow written or oral, assigned work and/or instructions, from supervisors.
53. Employees shall not engage in unlawful harassment, including sexual harassment, or create a hostile work environment.
54. Employees shall not be convicted of a felony within the meaning of Ohio Revised Code 124.34 and shall not be convicted of any violation which may adversely affect the public's trust in the employees' abilities to perform the duties of the positions.



55. Employees shall maintain and/or report loss of required licenses, certifications and other qualifications required to perform assigned duties.
56. Employees shall comply with all Ethics laws and standards.
57. Employees shall not knowingly associate with convicted felons, visiting any place of questionable character (i.e., prostitution and/or gambling establishments) frequented by criminals, except in the line of duty as directed by the Sheriff.
58. Employees shall not engage in off-duty activities that appear to be a conflict of duty or adversely affect the public's trust in the employees' abilities to perform the duties of the positions or violates Office policies.
59. Employees shall provide information that threatens the safety and security of the Sheriff's Office, its operation and employees.

SECTION 6.2 ATTENDANCE

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

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

Employees are expected to make all possible necessary arrangements outside of work hours which limit them from meeting this required commitment. This includes scheduling medical and dental appointments, as well as other personal business appointments, whenever possible, outside of scheduled working hours.

In order to maintain accurate records of attendance, employees must accurately report when leaving the facility and when leaving work stations for lunch or break periods. Employees must accurately report when reporting to and leaving work as scheduled or required.

If an employee neglects to accurately report time, he shall request that the immediate supervisor determine the proper time and initial.

Employees are required to consistently maintain a phone number(s) on file with the Employer, including cell phone number(s) on file with the Employer, where the employee can be reached. Employees are expected to respond to calls or contacts from their supervisors.



Violation of Policy

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

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

Supervisory Responsibilities

Each supervisor of the Sheriff's Office should exemplify good attendance. It is the supervisor's responsibility to investigate employee attendance violations and to report such to the Employer.

SECTION 6.3 TARDINESS

Tardiness is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his scheduled starting time or is not ready to begin work at his scheduled starting time. Tardiness includes being late to return from lunch or breaks. Whenever an employee is tardy, that employee's compensation shall be reduced corresponding to the amount of time he was late.

In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action unless he offers the supervisor a written reason for being tardy, deemed acceptable by the supervisor. A written reason does not necessarily waive disciplinary action. If the employee provides justification for late arrival, as determined by the Employer, the Employer may permit the employee to cover the period of absence with vacation time, or it may be authorized as unpaid leave time. Even if allowed to cover the time the employee was tardy, the employee may be subject to counseling and/or discipline.

Management staff should regularly monitor for late arrival. Instruction and cautioning on this and the disciplinary policy are critical. In addition, supervisors should not dismiss tardiness, even when the excuse is appropriate, without first reviewing the employee's existing disciplinary record.

SECTION 6.4 NOTIFICATION OF ABSENCE

All nonscheduled absences from work must be reported to the employee's immediate supervisor or office head, following the reporting off time lines established by the Employer, each day of the employee's illness or injury, unless other arrangements have been made between the employee and his immediate supervisor or Employer. Only absences logged by the Employer/designee, or immediate supervisor will be considered for approval.

When an employee returns to work following an unauthorized absence, such employee must



immediately report to his immediate supervisor. The employee shall complete a leave request form, which allows the employee to explain the reasons for his absence. Any written documents which substantiate the employee's reasons shall be submitted at this time. This form, and other written documentation, will be reviewed by the Employer/designee to determine whether the absence will be approved.

If a leave request form is approved and later determined to contain inaccurate or false information, the employee may be disciplined for submitting an inaccurate or false leave request form.

SECTION 6.5 SAFETY, SECURITY, HEALTH, AND INJURY

Health and safety shall be a prime concern and responsibility of the Employer and employees. The Employer accepts the responsibility to make a reasonable effort to provide safe working conditions and working methods for its employees and to maintain Employer equipment in good working order, and work areas and non-work areas in a safe and healthful condition. Employees are responsible to maintain and operate all of the Employer's equipment, tools, and work areas in a safe and proper manner and accept the responsibility to follow all safety rules and safe working methods of the Employer.

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

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

Complaints involving alleged unsafe working conditions or equipment must be reported by the employee to his immediate supervisor or the appropriate member of supervision.

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

Any employee found to be negligent in equipment operation, or intentional abuse or misuse of equipment may be disciplined, whether or not resulting in damage to the equipment or an accident.

Any employee found to be negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to termination.

Any accident or injury occurring during working hours, or while using County equipment or vehicle shall be immediately reported by the employee to his immediate supervisor. Upon notification, the employee, or when necessary the supervisor, shall complete an Incident, Accident, Exposure Report Form (see Appendix for form) and forward it to the Employer no later than 24 hours after the



accident. The form shall be completed even if no medical treatment is required.

In case of fire or tornado, established evacuation/protective procedures shall be followed. Fire exits shall not be obstructed in any manner.

Smoking or use of tobacco products, including vapor devices, on County premises is prohibited with the exception of designated areas (see Smoking Policy).

SECTION 6.6 MEAL AND BREAK PERIODS

Full-time employees or part-time employees working an 8.5 hour shift shall receive one hour for a meal period (½ unpaid and ½ paid) per scheduled shift and full-time employees or part-time employees working an 8 hour shift shall receive a 1/2 hour for meal period (paid) per scheduled shift. In addition, employees may receive 2, 15 minute break periods per 8 hour shift if authorized by the Sheriff/designee. Break periods shall be considered a privilege and not a right and shall never interfere with the proper performance of the work responsibilities of the employee or the Sheriff's Office.

Use: The break period is intended to be a recess preceded and followed by an extended work period, thus it may not be used to cover an employee's late arrival to work or early departure, nor may it be regarded as cumulative if not taken. The break period may not be scheduled immediately before or after the employee's scheduled meal period.

Scheduling: Meal and break periods are subject to the approval of the immediate supervisor. Employees shall begin and end all meal and break periods promptly.

Calculation of Time: Each employee should be completely relieved from actual work during meal periods. Employees not relieved should notify their immediate supervisor of such and the extent to which the meal period was disrupted by required work.

Other Conditions: Employees are responsible for maintaining clean, sanitary meal and break facilities and shall clean up after themselves.

SECTION 6.7 LACTATION BREAK

Upon request, employees will be provided with a reasonable amount of break time for purposes of expressing breast milk for up to one year after the birth of a child. The employee will be provided with an appropriate space (such as an office or private area, but not a bathroom) that is shielded from view and free from intrusion from coworkers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. To the extent additional time is needed, such additional time shall be unpaid. Employees should make arrangements with the Employer.

SECTION 6.8 TOOLS, SUPPLIES, EQUIPMENT, CELL AND TELEPHONES AND MAIL



It is the employee's responsibility to use tools, supplies and equipment in a safe manner.

Misuse, neglect, theft, and abuse of tools, supplies, equipment, computers or other electronic equipment or telephones and accidents involving misuse of tools or equipment will be cause for disciplinary action. Loss of tools may require payment by the employee for those items lost, at the discretion of the Employer. Use of telephones, computers, tools, supplies and equipment for other than office business purposes, without prior supervisory approval, shall result in disciplinary action.

Employees shall only use tools, supplies, and equipment necessary to perform their job, as approved or assigned by the Employer.

Incoming mail marked "Personal" and/or "Confidential" may be opened and distributed based on office protocol. Employees have no expectation of privacy in receiving personal mail at work.

An employee shall return all office equipment, including keys, credit cards, notary stamps, and I.D. cards upon termination of employment.

Employees should not conduct personal business of any nature while on County time.

Employees may not use any County property, supplies or equipment, including computers, phones, cell phones, or vehicles, to conduct personal business.

The telephone lines at the Sheriff's Office are recorded and may be made subject to a public records request.

Employees should inform those individuals who may potentially attempt to conduct personal business with them that they should avoid contacting them during working time. Violation of this policy is considered as a restriction on or interference with work. Employees violating this policy may be subject to discipline.

Employees must report lost, broken, or damaged equipment including uniforms to their Employer including damaged uniforms (see Appendix for [form](#)).

SECTION 6.9 USE OF COUNTY VEHICLES

County vehicles shall be restricted for business purposes only.

An employee in need of a County vehicle for official County business shall sign out the vehicle, prior to issuance and use, only upon approval by the employee's Employer. Employees who regularly use a County vehicle should notify the Auditor.

Employees who operate County vehicles or their private vehicles for County business must be insurable under the County insurance plan. If an employee's position requires that the employee be able to operate vehicles and the employee becomes uninsurable under the County insurance plan, the employee may be separated from employment.



Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator's license and shall either provide or authorize the Employer to obtain a copy of their annual Motor Vehicle Report. Further, employees shall notify their immediate supervisor of any traffic violation within 1 work day of such violation and/or conviction.

Employees are required to use privately owned vehicles for purposes of getting to and from work and for any other personal travel. County vehicles are not to be used for this purpose unless explicitly authorized, in writing, by the employee's Appointing Authority.

Any employee who operates a County vehicle shall exercise caution and responsibility and shall adhere to all safety regulations. Reckless, negligent, or destructive operation of vehicles is grounds for disciplinary action.

Any County employee, who operates a County vehicle, or a privately-owned motor vehicle on County business, shall utilize the front seat occupant restraint system and require like use by any passengers in the vehicle.

Employees shall not use or permit the use of a County vehicle for any purpose other than County business.

Emergency road services, towing, and repair charges, while away from the County, are directly chargeable to the operator of the vehicle and are reimbursable to the employee.

The need for routine repair or vehicle maintenance of County vehicles shall be reported to the employee's immediate supervisor. Employees who fail to properly report maintenance problems of assigned County-owned vehicles, may be subject to disciplinary action.

Employees, as official representatives of the County, are expected to show every motor vehicle courtesy possible, and the County requires that they drive and conduct themselves in a manner that will enhance the reputation of the County.

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

Hitchhikers or other passengers not on official County business are not permitted in County-owned vehicles unless the employee is a deputy or detective.

No unauthorized drivers are permitted to operate a County vehicle at any time.

In the event of an accident, the employee should:

1. call an ambulance, if necessary;
2. call the appropriate law enforcement agency;
3. write down facts:



- a. other driver's name, address, telephone number, and name of his insurance company;
- b. names of injured persons, address, telephone number; and names of witnesses, addresses, telephone numbers;
4. not admit liability, but should give the other party his name, address, driver's license number, and vehicle license number;
5. notify the Sheriff/designee as soon as possible.

Deputies and detectives are assigned take home cruisers. However, if a deputy or detective lives outside of Tuscarawas County, the deputy or detective cannot take the cruiser of the County and must find an alternate site approved by the Sheriff to park the cruiser during off-duty hours.

The Sheriff's Office shall comply with the Ohio Revised Code regarding use of cell phones while driving.

Section 6.10 PUBLIC AND PRIVATE SALE OF GOODS AND PROPERTIES

No employee, member of the employee's family, or business associates of the employee of the Sheriff's Office shall receive any special or private consideration in the disposal goods or properties sold by the Sheriff.

Employees of the Sheriff's Office may bid on properties listed for auction, so long as they do not bid while on duty.

An employee involved in any of the pre-sale activities of determining the value of an item or property listed for sale by the Sheriff are exempt from bidding on that item or property.

Any item of the Sheriff's Office determined to be disposed of must be purchased through the means determined by the Sheriff or his designee. Absolutely no item will be taken by an employee without the prior consent of the Sheriff.

SECTION 6.11 OUTSIDE EMPLOYMENT OR ACTIVITIES

Under no circumstances shall an employee have other employment that conflicts with the policies, objectives, and operations of the Employer. In addition, an employee shall not become indebted to a second Employer whose interests are in conflict with those of the Employer.

Employment "conflicts" exist when a second job impairs the employee's ability to perform the duties of his position.

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



"Outside" employment, or "moonlighting," shall be a concern to the Employer if it adversely affects the job performance of or conflicts with the duties assigned to the employee's Sheriff's Office job.

Employment conflicts may vary. Two such common types that may arise are:

1. 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 Sheriff's Office 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 Sheriff's Office.
2. Interest Conflict: Defined as when an employee engages in "outside employment" that tends or has the potential to compromise his judgment, actions, and/or job performance with the Sheriff's Office.

If the Employer feels that an employee's outside employment is adversely affecting the employee's job performance, or conflicts with the employee's job or position, the Employer may recommend that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense that is the direct result of an employee's participation in outside employment shall be disciplined consistent with the policies in this manual.

Any outside employment is also subject to applicable ethics policies.

Employees shall not engage in off-duty activities or conduct that will discredit the Sheriff's Office or the employee or adversely affect the Sheriff's Office or the employee's ability to perform his duties.



SECTION 6.12 NO SOLICITATION / NO DISTRIBUTION

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

Employee Solicitation Rule: Solicitation by an employee of another employee on the Employer's premises, while either employee is on his work time, is prohibited. Solicitation is permitted during non-work time in work areas and during non-work time in non-work areas. Solicitation may not occur in areas accessible to the public at any time. Solicitation is subject to Employer approval.

Employee Distribution Rule: Distribution of any type of literature, brochures, goods, etc., during work or non-work time in work areas is prohibited. Employees may distribute goods and written materials during non-work time in non-work areas, e.g., lunchroom, break rooms.

Unless disruptive, employees may solicit employees to distribute goods, etc. for community organizations for fundraisers subject to approval of the Employer.

Non-employee Solicitation and Distribution: Non-employees are not permitted access to the premises of the Employer for the purpose of solicitation and/or distribution. This section does not apply to vendors of goods and services for business purposes.

Violations: Any violation of this policy shall be reported to the Employer immediately. Any employee violating this policy shall be subject to disciplinary action.

SECTION 6.13 ETHICS AND CONFIDENTIALITY POLICY

All County employees, which includes the Sheriff's Office, are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the state of Ohio and other policies, procedures, rules, and regulations, as may be set forth by the Employer. Ohio Ethics laws may be found in Ohio Revised Code Chapter 102 and Section 2921.42. This manual is not all inclusive with regards to such policies, rules, and regulations. Conduct that interferes with normal office operations, brings discredit to the Employer, is illegal, or is offensive to the public or fellow employees, will not be tolerated. Such conduct includes, but is not limited to:

1. engaging in any transaction, business, or other interest which is in conflict with the proper discharge of official County duties;
2. using or disclosing confidential or proprietary information regarding the property, governance or affairs of the County, including client matters, without proper authorization;
3. using confidential information or influence of an official County position to advance personal, financial, or other private interests;
4. accepting gifts in the form of service, material, loan, or promise from any person, firm,



or organization, which may influence a County employee in the proper discharge of official County duties or accepting gifts from any person, firm, or organization that maintains an interest in any business dealings with the County;

5. soliciting or accepting anything of value, whether in the form of service, loan, item, or promise from any person, firm, or corporation interested directly or indirectly in conducting business dealings with the County;
6. engaging in or accepting private employment or rendering services for private interests when such employment or service is not compatible with the proper performance of the employee's official duties, or would tend to impair independent judgment or action in the performance of the employee's official duties;
7. representing another person before a public agency, while an employee or for 1 year thereafter, on any matter in which the employee personally participated as an employee through decision, approval, disapproval, etc.;
8. receiving or agreeing to receive outside compensation for services rendered in a matter before any office of the County except as provided in Ohio Revised Code Section 102.04;
9. having a personal interest in a contract with the County or using his position or authority to secure approval of a public contract in which the employee, a member of the employee's family, or business associate has an interest;
10. using his position or authority to secure approval of the employment of a member of the employee's family or a business associate, or to obtain a pay increase, fringe benefit improvement, or promotion of such individual(s);
11. engaging in any other matter that represents a conflict of interest with the County or undermines the integrity of County government.

Employees of the Sheriff's Office shall come into contact with sensitive and/or confidential information as defined by the Ohio Revised Code. Our Office takes seriously the protection of such information. Employees shall only access sensitive and/or confidential information for official reasons related to the duties of the office as directed by the Sheriff or his designee. Furthermore, accessing and sharing such information for the employee's own personal gain or interest is strictly forbidden. Employees have a duty not to disclose sensitive and/or confidential information to anyone except to properly authorized personnel. If an employee suspects that sensitive and/or confidential information has been improperly accessed or disclosed, the employee shall notify the Sheriff or his designee immediately. If sensitive and/or confidential information is requested as part of a public records inquiry, the employee shall refer the inquiry to the Records Custodian for our Office.

Each case possibly involving an ethics/confidential information violation will be treated on a separate basis. Violation of this policy may be subject to disciplinary action and may also include criminal



charges and/or civil liability.

SECTION 6.14 DISCRIMINATORY HARASSMENT

Statement of Policy

It is the policy of the Employer to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, co-workers, or members of the public, is strictly prohibited.

Definition

Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, disability, or other protected class or protected activity.

Sexual harassment, which is a form of sex discrimination, includes but is not limited to the following:

1. repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
2. repeated verbal abuse of a sexual nature;
3. graphic or degrading verbal or written comments about an individual, or the individual's appearance;
4. the display of sexually suggestive objects, pictures, or the display of same through other media;
5. the implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or the applicant's submission to sexual harassment in any form; and
6. any offensive, abusive, or unwanted physical contact.



Responsibility

All employees are expected to aid the Employer in maintaining a work environment free from discrimination, including sexual harassment. Each employee shall immediately report any instances of discriminatory harassment to the proper authority. Any employee who observes any conduct that may constitute discriminatory harassment of a coworker, but fails to report it, may be subject to disciplinary action. Any employee, including a supervisor or manager, who receives a complaint alleging conduct that may constitute discriminatory harassment of any County employee, but fails to report it, may be subject to disciplinary action.

The Employer shall ensure that all of its employees are aware of the policy against discriminatory harassment, are aware of the complaint and reporting procedures, and are aware of the consequences of engaging in discriminatory harassment.

The Employer shall maintain an environment free from discriminatory harassment. The Employer shall train its supervisors to recognize discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.

Once a complaint of discriminatory harassment has been received or reported (see Appendix for form), management will immediately investigate the matter.

1. Any employee who believes that he has been the subject of discriminatory harassment, and/or any employee who has witnessed an incident or incidents of discriminatory harassment, shall immediately report the matter(s) to his immediate supervisor.
2. If the immediate supervisor is the subject of the complaint, the employee should report the harassment to the next highest ranking person in the table of organization or to the Sheriff, or to the person responsible for handling human resources in the Sheriff's Office (if applicable).
3. If the subject of the complaint is both the Sheriff and the immediate supervisor, the employee should report the matter to the Prosecuting Attorney. If the Prosecuting Attorney is the subject of the complaint, the employee should report the matter to the Tuscarawas County Sheriff.
4. The employee alleging discriminatory harassment shall report the conduct and may use the form provided for that purpose (see Appendix for form). The employee should provide:
 - a. the employee's name;
 - b. the name of the subject of the complaint;
 - c. the act(s) complained of;
 - d. the date(s) of the act(s);
 - e. any witnesses to the alleged acts; and



- f. the remedy that the employee is seeking.
5. If the employee alleging discriminatory harassment is unwilling to complete the complaint form, it should be completed by the person to whom the verbal complaint was made.
6. The complaint will promptly be investigated by the immediate supervisor or other appropriate management level personnel.
7. If, after investigation, it is determined that discriminatory harassment has occurred, the employee who has been found to have committed discriminatory harassment may be disciplined in accordance with the disciplinary procedure for discriminatory harassment and/or other remedial action may be taken. The complaining and/or reporting employee(s) will be informed of the results. If the investigation reveals that the complaint is valid, prompt action will be taken to end the harassment.
8. If, after investigating, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed.
9. Any employee who is found, after investigation, to have engaged in discriminatory harassment of another employee or a member of the public shall be subject to disciplinary action, up to and including termination, training or other remedial action.

SECTION 6.15 DRUG AND ALCOHOL TESTING

In order to maintain a safe and healthful work environment, the Employer reserves the right to require drug or alcohol testing of an employee on the basis of "reasonable suspicion." This policy includes all employees, including those who are also subject to random testing such as CDL operators, nurses, or other employees who are in safety sensitive positions.

Reasonable suspicion that an employee is under the influence of or has used or is using a controlled substance (including but not limited to medical marijuana) or alcohol in an unlawful or abusive manner may be based upon, but is not limited to, any of the following:

1. observable behavior, such as the direct observation of drug or alcohol use or possession, and/or the physical symptoms of being under the influence of a drug or alcohol;
2. a pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
3. arrest or conviction for a drug or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking;



4. information provided either by reliable and credible sources or independently corroborated;
5. evidence that an employee tampered with a previous drug or alcohol test; and
6. facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.

Drug or alcohol testing of an employee, under this policy, will be conducted for administrative purposes, and the results will not be used to criminally prosecute the employee.

If the Employer has reasonable suspicion that an employee is using an illegal drug or substance or a controlled substance (excluding alcohol), the employee will be transported to the testing facility used by the Employer. This includes but not limited to medical marijuana. A urine or other appropriate specimen will be collected and tested in accordance with the facility's established chain of custody. If the initial test is positive, a confirmation test will be conducted to verify the results of the initial test. A test for a controlled substance will be considered positive when it meets or exceeds the positive threshold established for the substance by the U.S. Department of Health and Human Services. The employee will provide the testing facility with a signed release for disclosure of the testing results to the Employer. Failure to sign a release will be considered insubordination, and the employee will be subject to discipline, up to and including termination.

The results of the drug testing will be provided to the Employer and to the employee tested.

An alcohol test will be conducted in accordance with the standards established by the state of Ohio for detecting drivers who operate motor vehicles while under the influence of alcohol. A test for alcohol will be considered positive when the employee's blood alcohol concentration meets or exceeds .04 percent.

If the initial and confirmation drug tests produce a positive result, or if the alcohol test determines that the employee is under the influence of alcohol, the employee may, in lieu of disciplinary action, be permitted to participate in a rehabilitation or detoxification program. Any discipline called for as a result of the test conclusions will be deferred pending successful rehabilitation of the employee.

An employee who participates in a rehabilitation or detoxification program will be placed on leave without pay for the period of the rehabilitation or detoxification program. Prior to being placed on leave without pay, the employee may use accrued sick or vacation leave.

Upon satisfactory completion of the program, as verified in writing by the treatment facility, the employee will be returned to his former or a similar job classification. Such employee may be subject to random periodic retesting upon his return to work for a period of 1 year from the date of his return.



Refusal by an employee to submit to an alcohol or drug test, or refusal to sign a release for disclosure of testing results to the Employer, will constitute insubordination and will result in disciplinary action, up to and including termination.

The cost of drug and alcohol testing shall be borne by the Employer, except that any test initiated at the request of the employee will be at the employee's expense.

All employees are responsible for reporting suspected drug or alcohol use by other employees that would violate this policy.

The Sheriff reserves the right to drug test when the employee has discharged a firearm in the course of duty, when the employee has been in a vehicle accident using a county-owned vehicle, when the employee has experienced a work-related injury or when the employee has been involved in a response to resistance in which the employee or subject was injured.

The results of any drug or alcohol test will constitute medical information and will remain confidential except for its use in official safety investigations or any action necessary to defend the discharge or other discipline of the employee.

SECTION 6.16 DRUG AND ALCOHOL TESTING OF COMMERCIAL DRIVERS' LICENSE OPERATORS

An employee in a position that requires the employee to obtain and maintain a commercial driver's license shall be subject to the policies and procedures for drug and alcohol testing, including random as well as reasonable suspicion testing.

Employees shall fully comply with the testing requirements. Failure to cooperate or the refusal to submit to testing will be considered insubordination, and the employee will be subject to discipline.

All federal and state laws and regulations for CDL holders will apply. Employees will be responsible for understanding and complying with these laws and regulations. Questions should be directed to the Sheriff/designee.

SECTION 6.17 POLITICAL ACTIVITY

Employees in the classified service are prohibited by Ohio Revised Code 124.57 from engaging in political activity.

"Classified Service" is defined as any person in active pay status employed in the classified service.

"Political activity" and/or "politics" shall be defined as partisan activities and will refer to campaigns and elections involving primaries, partisan ballots at primary, special, or general election, and/or partisan candidates.



No political attire shall be worn inside the office, while on duty or wearing Sheriff's Office uniforms, shirts, badges, pins, hats, attire, etc. that identifies the Sheriff's Office. Sheriff's Office uniforms, shirts, badges, pins, hats, attire, etc...may not be worn at any outside partisan political function. No Sheriff's Office uniforms, shirts, badges, pins, hats, attire, etc. may be worn off duty while expressing one's partisan political opinion.

Activities permitted for employees in the classified service are as follows:

1. registration and voting;
2. expression of opinions, either oral or written;
3. voluntary financial contributions to political candidates or organizations;
4. circulation of nonpartisan petitions or petitions stating views on legislation;
5. attendance at political rallies including parades;
6. signing nominating petitions in support of individuals;
7. display of political materials in the employee's home or on the employee's property;
8. wearing political badges, t-shirts or buttons, or the display of political stickers on private vehicles; and
9. serving as a precinct election official under Ohio Revised Code 3501.22.

Activities prohibited for employees in the classified service are as follows:

1. candidacy for public office in a partisan election;
2. candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
3. filing of petitions meeting statutory requirements for partisan candidacy to elective office;
4. circulation of official nominating petitions for any candidate participating in a partisan election;
5. service in an elected or appointed office in any partisan political organization;
6. acceptance of a party-sponsored appointment to any office normally filled by partisan election;
7. campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
8. solicitation, either directly or indirectly, or any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;
9. solicitation of the sale, or actual sale, of political party tickets e.g. fundraising;
10. partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
11. service as a witness or challenger for any party or partisan committee;
12. participation in political caucuses of a partisan nature; and
13. participation in a political action committee which supports partisan activity.



14. wearing shirts, badges, hats, attire, etc...worn to officially identify employees as members of the Tuscarawas County Sheriff's Office.

An employee in the classified service who engages in any of the prohibited activities listed above is subject to removal from his position in the classified service in accordance with Ohio Revised Code 124.34.

SECTION 6.18 DRESS AND HYGIENE

The Employer requires that an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable public image. Dress will be Business Casual defined as khaki pants, slacks, and skirts, short-sleeved and long-sleeved shirts/blouses including polo shirts, but excludes jeans, tight or short skirts, and athletic wear. Leggings or Tights may only be worn under dresses and skirts that fall from lower mid-thigh. Employees performing maintenance repair, or construction functions are required to wear shirts and long pants for health and safety purposes.

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

Some employees of the Sheriff's Office are required to wear a prescribed uniform. The purchase of uniforms and other related costs shall be paid by the employee, unless determined otherwise and authorized by the Employer.

Employees may wear pins, badges, and insignia of their choosing, provided that such displays are in good taste, not defamatory, obscene, nor hazardous, and do not exceed 2 inches in diameter. Only one name tag pin, badge, or other insignia may be worn at a time, unless otherwise authorized by the Employer. While working, Employees may not wear anything to promote a political candidate or issue.

Identification Badges, Pins

The Employer may require employees to wear an identification badge or a name tag while on County premises. An identification badge or name tag will be provided to new employees in the orientation session if such is deemed appropriate.

Any identification badges or name tags provided by the Employer must be returned upon termination of employment.

If an identification badge or name tag is lost, the employee must report the loss to the Employer. A replacement badge or name tag will be reissued to the employee at a nominal cost.

Hygiene

Employees are expected to engage in good hygiene. Issues or concerns regarding employee hygiene



will be addressed on a case by case basis.

Tattoos and Body Piercings

Employees may be required to cover tattoos and/or remove body piercings while at work or while identified as a Sheriff's Office employee. The standards shall be determined with consideration of work environment, safety, contact with public, and nature and/or content of the tattoos and piercings.

SECTION 6.19 BULLETIN BOARDS

Employer bulletin boards shall be used for official Sheriff's Office or County business only.

Employees wishing to have Sheriff's Office or County business or information posted on an office bulletin board shall submit the material to be posted to the Employer or his designee for prior approval. The material to be posted shall be signed by the person making the request. The Employer, upon approval, shall initial the material to be posted.

Information to be posted shall not contain:

- A. personal attacks upon any employee or public official;
- B. scandalous or derogatory attacks upon any employee, public official, or government unit/agency; and
- C. attacks on and/or unfavorable comments regarding a candidate for public office.

All agency, federal, and state required notices, and other legally required notices shall be posted by the Employer or his designee. Employees are encouraged to review bulletin boards on a daily basis.

Any material posted in violation of this policy should be removed from the Employer's bulletin boards.

SECTION 6.20 SMOKING

It is the Employer's policy to provide a "tobacco-free" and "smoke-free" work environment for employees, contractors and the public. The use of tobacco products and smoking or vapor products will not be permitted in County vehicles, or buildings, or areas of public access, except in specially designated areas.

The term "tobacco product" refers to any form of tobacco consumed by smoking or non-smoking means.

The term "tobacco-free" shall be interpreted to mean all forms of smoking tobacco, such as cigarettes, cigars and pipes, as well as smokeless tobacco products, such as snuff and chewing tobacco.

The term "smoking" refers to inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, or pipe and to the use of any such other electronic device that produces a smoke or vapor when in use.



Ohio laws regarding smoking will apply and be enforced. Specially designated areas shall be maintained in a clean and orderly manner. Tobacco products shall be disposed of in appropriate containers.

SECTION 6.21 EMPLOYEE USE OF PUBLIC RECORDS; RECORDING MEETINGS

No employee may release copy or remove any records, even those regarded as "public" under Ohio Revised Code 149.43, unless authorized by the Employer. Employees will be required to pay the same amount per page as a citizen who requests a copy of a public record. Employees may request documents or records by submitting a public records request.

No employee may release, copy or use any County public record in any grievance, administrative appeal, or legal action unless authorized by the Employer. This provision does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure.

Except for official office business, no employee may possess any County public records, unless obtained through the public records policy.

No employee may tape record any meeting, conversation, or telephone call, unless authorized by the Employer. Sheriff/designee may give permission on a case by case basis.

Any employee who is discovered to have violated any of the above provisions may be disciplined.

Any questions regarding public records policy should be directed to the Employer or the Prosecuting Attorney.

SECTION 6.22 COMPUTER AND TECHNOLOGY USE, EMAIL, CELL PHONES, SOCIAL MEDIA INFORMATION TECHNOLOGY POLICY

Employees are provided with Internet access and electronic communications services (which may include, but are not limited to, computers, e-mail, cell phones, iPhones, iPads, PDAs, and personal computers, etc.) as required for the performance and fulfillment of job responsibilities. All employees are obligated to make effective, safe and responsible use of this technology. This policy applies to all employees, including regular full-time, permanent part-time, temporary, and seasonal employees who are provided access to the technology systems.

The County offers access to technology for the purpose of increasing productivity and not for non-work related activities. Technology is meant to enhance operations by enabling users to, among other things: locate and retrieve information; communicate more effectively with other offices/departments, employees, and organizations; and more easily publish information of interest to the community and the general public. Users must understand that any connection to the Internet offers an opportunity for non-authorized users to view or access information stored in the system. Therefore, it is important that all connections be secured, controlled and monitored.



Electronic equipment and communications systems provided are County property to be used for valid business purposes only. All communications and/or information created, stored, received, sent or otherwise transmitted on or through provided technology, including without limitation the Internet, intranet, email, servers, personal computers, iPads, associated hardware and software, online services and other electronic communications services, are considered County property.

There shall be no expected right of privacy for any matter related to using equipment provided, including no personal privacy right in any matter passing through, viewed, downloaded, printed, created, stored, received, sent or otherwise transmitted from County provided technology and equipment. All employees should understand that the County reserves and intends to exercise the right to monitor, review, intercept, access and disclose all Internet usage, email communications sent or received, and all cell phone, iPhone, iPad and PDA usage, if necessary, to ensure that the system is being used for business purposes in compliance with this policy, to ensure that all other policies (including for instance those related to harassment and discrimination) are being followed, and to be able to access information in an employee's email or other electronic communications system. Audits of Internet activity and other electronic communications by employees may be implemented to identify and properly address unauthorized activity.

Internet Access, Email, Public Records

All users' access may be restricted to certain unapproved Internet sites and capabilities, for example YouTube and instant messenger capabilities.

Emails may be public records under State Law and may be subject to public records requests. Emails must be maintained and may be deleted only according to the public records policy.

Permitted Use

The Internet and electronic communications, including cell phones and other services are intended for the purposes of conducting County business. Valid business purposes include, but are not limited to:

- Locating, retrieving, collecting and/or disseminating information in connection with business;
- Communicating with other offices/departments and employees, as well as with outside contractors, businesses, individuals or organizations currently or potentially doing business with or assisting with the business of the County;
- Conducting research to obtain information and material related to County issues; and
- Limited personal use that does not result in the disruption of network operation or interfere with productivity at work. Personal use of County technology and electronic



devices must be kept to the minimum amount of time needed to address a situation. Excessive use will be determined on a case-by-case basis.

Prohibited Use

Internet and electronic communications services should not be used for any prohibited purpose.

Prohibited usage may result in the cancellation or loss of privileges, and the employee may be subject to discipline. Any non-work related use is defined as prohibited usage. Prohibited usage includes, but is not limited to:

- Conducting personal business activities or seeking personal financial gain.
- Playing games, surfing, etc.
- Bringing actual or potential embarrassment or harm to the County.
- Conducting illegal activities or otherwise violating federal, state, or local laws.
- Receiving, transmitting, downloading, viewing, or printing offensive materials of any kind, including any obscene or pornographic materials.
- Receiving, transmitting, downloading, viewing, or printing any materials of a derogatory, inflammatory, discriminatory, harassing, sexually explicit, obscene, offensive, defamatory, violent or threatening in nature, or other material which is inappropriate, including any content regarding an individual's or group's race, national origin, gender, age, marital status, sexual orientation, religion or disability, or other protected class.
- Downloading and/or installing software, games or any files or programs that could potentially change system configuration without the consent of authorized Information Technology personnel.
- Removing and/or copying software, shared files or programs without the consent of authorized Information Technology personnel.
- Any personal email, social media or messaging services use that is unrelated to an employee's duties and responsibilities.
- "Friending" individuals who are clients, or others with potential conflicts of interest with the employee.
- Use of any streaming or websites that impair system operations.
- Downloading, distributing or printing copyrighted materials, which include articles, software or intellectual property, in violation of the copyright laws.
- Copying programs from County owned systems for personal use or non-County use.



- Spamming email accounts or forwarding chain letters.
- Disclosing confidential information or otherwise violating the privacy rights of the County or its employees, citizens or business associates.
- Using the Internet or electronic communications systems of another employee without authorization.
- Vandalizing data of another user, including uploading or creating of computer viruses.
- Purchasing goods, materials, or services via the Internet using a County credit card or other credit means without having proper authorization.
- Violating any state or federal law.
- Other uses as determined by the County.

User, Employee Responsibilities

Each employee has the following responsibilities:

- Ensuring the security of his accounts and related passwords. Passwords should never be shared between users or be in plain sight. If the integrity of a password has been compromised, it should be changed and/or the Information Technology personnel should be notified;
- Abiding by existing federal, state and local telecommunications and networking laws and regulations;
- Minimizing unnecessary network traffic that may interfere with the ability of others to make effective use of County network resources and to conduct normal business activities;
- Avoiding the overload of networks with excessive data, or wasting other County technical resources;
- Exercising good judgment and generally accepted rules of network etiquette when using the Internet or other electronic communications services to avoid offense to others;
- Maintaining the integrity and confidentiality of all County information;
- Exercising good judgment when providing information to other individuals and using all reasonable safeguards to avoid the mistaken distribution of another's information. The transmission of confidential, sensitive or personal information must follow current procedures and regulations. Employees should only disclose such information or messages from the electronic communications system to authorized individuals with a



need to know; and

- All dissemination of public records must follow the rules in this handbook and all public records policies and laws.

Violations

If it is determined that a user has violated any of the above policy guidelines, the user will be considered to have misused County property and will be subject to disciplinary action, up to and including termination, as well as the loss of electronic communications privileges. If necessary, the County will advise appropriate legal authorities of any illegal activities.

Email Use Policy

This policy provides employees with effective, consistent standards in regards to the use of the electronic mail systems (email). This policy applies to all employees. Violations of any guidelines listed above may result in disciplinary action, up to and including termination. If necessary, appropriate legal officials will be advised of any illegal activities.

All electronic communications and stored information transmitted, received, or archived in the County's information system are the property of the County. The County reserves the right to access and disclose all messages sent by email. Employees have no expectation of privacy with respect to any email coming into or going out of County resources, particularly those which come into, or go out of, a County email account. Email accounts are provided in order to carry out communications for County-related business only. Employees may not access their personal email accounts through the computer system.

Social Media

Public employees have responsibilities, higher standards of conduct, and a public image to follow and maintain.

There are many tools available today that enable people to publish and share content on the public Internet. These include social media and networking sites such as Facebook, Twitter, Yelp, YouTube, foursquare, and subscription services, as well as blogs, blog comments, forum posts, wikis, and other similar sites.

Employees may participate in any of these forms of communication using personal equipment during their personal non-work time. The County respects the right of its employees to use social media sites and other parts of the public Internet as a medium of self-expression, communication, and public conversation. The County does not discriminate against employees who use these media for personal interests and affiliations or for other lawful purposes.

However, employees should keep in mind that their postings can affect how the general public perceives the Sheriff's Office and the County. The Sheriff's Office and the County have the right to make sure that nobody has made unauthorized use of or discloses confidential information (e.g.,



personal and protected information about employees, inmates and/or citizens). Employees are cautioned that they should have no expectation of privacy while using the public Internet, even on their own personal time, and even when using their own personal equipment. Employees' public postings on social media and other Internet sites can be viewed by anyone.

The following guidelines apply to all use of social media or the public Internet by employees, even when on their own personal time and on their own personal equipment:

- Employees are free to identify themselves as an employee if they wish. (Certain law enforcement positions may be exempt.) However, they should state that their views are their own, and do not reflect those of the Employer.
- Only employees who are specifically authorized are permitted to prepare and modify content for the County's website, any official County blogs, and any of the County's official social sites. If an employee is uncertain about whether or not he is permitted to post certain content, he must discuss the proposed content with his supervisor prior to posting.
- If an employee sees a posting on the Internet from a member of the public that speaks adversely about any County operation or service, he should forward the post to his supervisor instead of responding directly to the poster.
- Employees may not claim to speak on behalf of the County in an official capacity on the public Internet or in any social networking service unless they have been specifically authorized to do so.
- Employees may not discuss or disclose on the public Internet or in any social networking service any confidential information that they obtained through their employment.
- Employees may not post or view any content on social media sites or to the public Internet during working time, except as part of the employee's official assigned job duties.
- Employees may not post any threats of violence or any unlawfully harassing or discriminatory content about any of their coworkers, or any person.

Any employee found to be violating this Policy is subject to immediate disciplinary action, up to and including termination.

Personal Cell Phones, Electronic Devices

This policy outlines the use of personal cell phones/electronic devices at work, the personal use of Sheriff's Office or personal cell phones/electronic devices and the safe use of cell phones/electronic devices by employees while driving.

While at work, employees are expected to exercise the same discretion in using personal cell phones/electronic devices as is expected for the use of Sheriff's Office phones. Excessive personal



calls/electronic device use during the work day, regardless of the phone/device used, interfere with employee productivity and distract others. Employees should limit personal calls and electronic device use to non-working time (i.e., authorized breaks and lunch periods) and ensure that friends and family members are aware of the Sheriff's Office's policy. Flexibility will be provided in circumstances demanding immediate attention or for emergencies.

Sheriff's Office Cell Phones and Electronic Devices

If an employee's duties require immediate access to other employees, the Sheriff's Office may issue a pager, cell phone or a hand-held radio (i.e., a "walkie-talkie") for work-related communications.

Permitted and prohibited uses are outlined in the previous provisions of this policy. Employees in possession of any County equipment are expected to protect the equipment from loss, damage, or theft (see Appendix for form). Upon resignation or termination of employment, or any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition may be expected to bear the cost of a replacement.

Safety Issues for Cell Phone/Electronic Device Use

Certain employees may be provided cell phones to communicate as needed to perform job duties and responsibilities on behalf of the Sheriff's Office. Employees who are issued cell phones by the Sheriff's Office shall be selected at the sole discretion of the Employer, in consideration of business need, and to enhance the efficiency and economy of County services. The Employer is responsible for ensuring that only those employees whose job demands require use of mobile telecommunications be issued a cell telephone.

When personal telephone calls on Sheriff's Office cell phones are necessary, they are to be brief in duration, and limited in number, in order to avoid tying up the cell phone on non-business related matters.

Access to County Devices and Employee Responsible for Costs

Sheriff's Office issued cell phones are the property of the Sheriff's Office and, as such may, be accessed and inspected at any time by the Sheriff/designee. There are absolutely no rights or expectations of privacy for any contents on Sheriff's Office or County-owned phones.

Lost, stolen, or broken Sheriff's Office cell phones shall be reported to the Employer immediately (see Appendix for form).

Each employee, who makes personal telephone calls on his Sheriff's Office issued cell phone, shall be required to reimburse the County in full, for any costs associated with personal calls.



The Employer shall review the monthly statements for phones. If the statement indicates charges related to an employee's calls, the Employer shall submit a copy of the bill to the employee. The employee shall promptly reimburse the County for the cost of any personal calls.

At an employee's option, and as an alternative to using the Sheriff's Office cell phone, the employee may, with the Employer's approval, use his own personal cell phone for Sheriff's Office business. If the use results in the Employee being billed for Sheriff's Office business related usage, the employee may submit a copy of his bill and seek reimbursement for these expenses from the County.

The Sheriff's Office shall comply with the Ohio Revised Code regarding use of cell phones while driving.

Upon termination of employment, any employee who has been issued a Sheriff's Office cell phone shall return the phone to the Employer.

SECTION 6.23 NO PRIVACY EXPECTATION

All employees must understand that they have no expectation of privacy regarding the use of desks, lockers, computers, vehicles, County-issued cell phones, or electronic devices and other such County property, even if keys are issued to lock a desk, locker, etc.

The Employer, or its designees, reserves the right to open/access and examine any contents contained in County-owned equipment, cell phones, computers, County-issued electronic devices or County property, facilities or locations.

The telephone lines at the Sheriff's Office are recorded and may be made subject to a public records request.

SECTION 6.24 CONCEALED WEAPONS

While on duty or on County premises, County employees excluding law enforcement personnel, are not permitted to carry weapons.

Any employee who carries, uses, brandishes, or displays a firearm while on duty or while on County property will not be defended or indemnified.

Accordingly, the Employer specifically prohibits the following activities:

1. carrying a weapon or firearm while on duty, whether or not licensed to do so;
2. possessing a weapon or firearm in any parking area owned, leased, or controlled by the County;
3. displaying a weapon, firearm, or empty handgun holster while on duty.



Any violation of this policy may result in discipline, up to and including termination, and the employee could be subject to criminal prosecution.

SECTION 6.25 WORKPLACE VIOLENCE

The safety and security of employees, citizens, contractors, and the general public are of vital importance to the Sheriff's Office and the County. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Employees experiencing violence issues or possibly subject to violence issues off duty may consult with their supervisor or their Office Holder so that precautions may be taken in the workplace. Employees may provide copies of civil or criminal protection orders, ("CPO"), to their supervisor or Employer.

The word "violence" in this policy shall mean an act or behavior that:

1. is physically assaultive;
2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
4. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
5. a reasonable person would perceive as intimidating or menacing;
6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.

The Employer prohibits the following:

1. any act or threat of violence by an employee against another person's life, health, well-being, or property;
2. any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
3. any act or threat of violence which endangers the safety of employees, citizens, contractors, or the general public;
4. any act or threat of violence made directly or indirectly by words, gestures, or symbols; and
5. use or possession of a weapon on County property, on an Employer controlled site, or an area that is associated with County employment. (This provision does not apply to law enforcement officers.)



Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County property as described herein shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

In accordance with this policy, all employees must report, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior that they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on an Employer-controlled site, or is associated with County employment.

All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or Employer. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.

All employees who apply for, obtain, or are the subject of a restraining order that lists office locations as being protected areas, must provide the Employer with a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order that is granted, and a copy of any protective or restraining order that is made permanent.

SECTION 6.26 CONVICTION OF A FELONY

Conviction of a felony is a separate basis for reduction in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by the Employer as a result of the employee's conviction of a felony. If an employee is removed for any other reason listed in Ohio Revised Code Section 124.34, and is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action.

Any employee convicted of a felony immediately forfeits his status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

As used in this policy, "felony" means any of the following:

1. a felony that is an offense of violence as defined in Ohio Revised Code Section 2901.01;
2. a felony that is a felony drug abuse offense as defined in Ohio Revised Code Section 2925.01;
3. a felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
4. a felony involving dishonesty, fraud, or theft; or



5. a felony that is a violation of Ohio Revised Code Sections 2921.05, 2921.32, or 2921.42.



CHAPTER 7 CORRECTIVE ACTION

- 7.1 Discipline
- 7.2 Guidelines for Discipline
- 7.3 Pre-disciplinary Process and Conference
- 7.4 Appeals
- 7.5 Employee Problem Solving / Complaint Procedure



SECTION 7.1 DISCIPLINE

Progressive discipline will normally be followed when correcting job behavior. It is the discretion of the Employer to determine to what extent, if any, progressive discipline will apply in the discipline of classified and unclassified employees.

Disciplinary Principles

The standards for discipline result from the standards of conduct expected of employees. Discipline will be considered in conjunction with the standards of conduct expected of employees. These standards of conduct are outlined throughout this manual. Common sense and expectations of employees will also be considered.

The following guidelines apply to the standards of discipline and progressive discipline:

- A. Employees should be aware of and are responsible for expected job behavior and performance, the types of conduct that the County has determined to be unacceptable, and the penalties for such unacceptable behavior.
- B. Discipline should be applied uniformly and consistently.
- C. Each offense should be addressed objectively, taking into account the nature of the violation, the employee's record of discipline and the employee's record of performance and conduct.
- D. Discipline should be progressive but, depending on the severity of the offense, may proceed immediately to removal.

Progressive Discipline

This discipline policy provides examples of progressive corrective/disciplinary action.

Corrective/disciplinary action should take into account the following: 1) the nature of the violation, 2) the employee's record of discipline/corrective action, and 3) the employee's record of performance and conduct.

The examples of corrective/disciplinary action provided in this policy do not preclude the application of a more or less severe action for a given infraction when circumstances warrant. Issuing instructions or providing general cautioning are not considered discipline.

Generally, progressive corrective/disciplinary action should include the following forms:

- 1. Verbal Warning
- 2. Written Warning



3. Suspension, including working suspension
4. Termination

SECTION 7.2 GUIDELINES FOR DISCIPLINE

This discipline policy provides guidelines and suggested penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, but **serve merely as a guide**. The standards for discipline established in civil service law found in Ohio Revised Code Section 124.34 apply to the discipline of employees, and the guidelines below are only intended to provide guidance and examples of violations and suggested discipline.

These discipline guidelines do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant more severe discipline.

Ohio Revised Code Section 124.34 sets forth the types of misconduct that are the legal basis for discipline of classified employees. These include:

- a. Incompetency;
- b. Inefficiency;
- c. Dishonesty;
- d. Drunkenness;
- e. Immoral conduct;
- f. Insubordination;
- g. Discourteous treatment of the public;
- h. Neglect of duty;
- i. Violation of any Employer policy, including the County Personnel Manual or work rule;
- j. Any violation of County, Office or Employer rules;
- k. Any other failure of good behavior;
- l. Any other acts of misfeasance, malfeasance, nonfeasance; or
- m. Conviction of a felony.

The examples of offenses set forth below are examples of the above types of misconduct and guidelines for determining the appropriate level of discipline for classified employees.

Unclassified employees are also subject to discipline. However, unclassified employees shall not be governed by any particular grouping of the offenses or the progressive discipline procedures.

Multiple infractions from a group or from more than 1 group may result in more severe discipline. Infractions of standards of conduct not included in the groupings are to be compared to other similar infractions.



The examples in the groupings are not exhaustive. Violations of the standards of conduct or of the policies and rules in this manual or established separately may also form the basis for discipline of employees.

In general, Group I Offenses are those infractions that violate a standard of conduct that would or could cause minimal disruption to the organization in terms of a decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually have only a temporary or minor impact on the organization unless such acts are compounded over time.

Group II Offenses include those infractions that violate a standard of conduct that would or could, 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 have a serious and longer lasting impact on the organization than Group I Offenses.

Group III Offenses include those infractions that violate a standard of conduct of serious or repeated acts of misconduct, negligence or that would or could cause or result in 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.

GROUP I OFFENSES

First Offense	Verbal Warning
Second Offense	Written Warning
Third Offense	Up to 24 hour or 3 day suspension
Fourth Offense	Up to 15 day suspension
Fifth Offense	Up to Termination

1. Discourteous or disrespectful treatment of the public, coworkers, supervisor, or other County employees.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Neglect or carelessness in clocking or signing in or out or recording time worked.



6. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
7. Distracting the attention of others, unnecessary shouting, demonstration, or otherwise causing disruption on the job.
8. Mischief, horseplay, gossip, wrestling, or other undesirable conduct, including use of abusive language.
9. Intimidating, coercing, or interfering with subordinates, supervisors, or other employees.
10. Failure to cooperate with other employees and supervisors.
11. Failure to exercise reasonable care in the use of County property or equipment.
12. Use or possession of another employee's working equipment without authorization.
13. Neglect or carelessness in observance of official safety or security rules, or disregard of common safety practices.
14. Failure to observe office unit and job performance rules, standards of performance and regulations.
15. Obligating the County for any minor expense, service, or performance without authorization.
16. Failure to report accidents, injury, or equipment damage.
17. Disregarding job duties by neglect of work.
18. Unsatisfactory work or failure to maintain required standards of performance.
19. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.)
20. A pattern of use of sick leave or other misuse or abuse of sick leave.
21. Unauthorized use of communications equipment for other than business purposes. This includes, but is not limited to, computers, telephones, fax machines, etc.
22. Smoking including other forms of tobacco in a non-designated areas or during non-designated times.
23. Changing work schedule without prior consent.
24. Failure to adhere to rules regarding personal grooming, appearance, dress codes, hygiene, etc.



25. Failure to attend a mandatory meeting.
26. Violation of any policy and/or work rule.

GROUP II OFFENSES

First Offense	Up to 3 days or 24 hour suspension
Second Offense	Up to 15 day suspension
Third Offense	Up to Termination

1. Sleeping, disregarding job duties or neglecting work during working hours.
2. Reporting for work or working while unfit for duty (may be a Group III offense).
3. Being in possession of, being under the influence of, or drinking alcoholic beverages or using illegal drugs during working time (may be a Group III offense).
4. Unauthorized use or neglect or carelessness in the use of office property or equipment.
5. Performing private work on County time or with County equipment or with County supplies.
6. Willful failure to sign in or out when required.
7. Willful failure to make required reports or logs.
8. Failure to obey an order of a supervisor or failure to carry out work assignments, including verbal instructions.
9. Failure to report for overtime work without good reason after being scheduled to work.
10. Solicitation on office premises without authorization.
11. The making or publishing of false, vicious, defamatory or malicious statements concerning employees, supervisors, the County, members of the public, the office or its operations.
12. Refusing to give testimony or submit statements when accidents are being investigated.
13. Giving false testimony or refusing to provide testimony or statements during a complaint, grievance, investigation or hearing.
14. Unauthorized posting, removal, or changing notices or signs from bulletin boards.



15. Distributing or posting written or printed matter of any description on Employer premises unless authorized.
16. Unauthorized presence on Employer property.
17. Willful disregard of office rules/policies.
18. Use of abusive or threatening language toward supervisors, coworkers, or the general public.
19. The unauthorized release of records.
20. Failure to "report off" work for any absence.
21. Unauthorized absence from work for 1 or 2 consecutive work days.
22. Disregard of health, security and safety rules and regulations.
23. Engaging in off-duty employment activities that the Employer has determined to be an interest conflict or time conflict.
24. Traffic violations or an accident while driving a Sheriff's Office vehicle which evidences recklessness/carelessness by the employee.
25. Violation of any work rule and/or policy.

GROUP III OFFENSES

First Offense Up to and including termination

1. Neglect or failure in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Abuse or deliberate destruction in any manner of Employer property, tools, equipment, or the property of employees.
2. Signing or altering other employees' time cards, or unauthorized altering of own time card.
3. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any Employer records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentation in an attempt to obtain any benefit from the Employer.
5. Revealing confidential information.



6. Illegal gambling during business hours.
7. Stealing or similar conduct, including destroying, damaging, or concealment of any property of the Employer or of other employees.
8. The illegal use of drugs or the use of alcohol during working hours, or the sale of narcotics on the premises or during working hours.
9. Fighting or attempting to cause injury to other employees, supervisors, or persons.
10. Carrying or possession of firearms, explosives, or weapons on County property at any time without proper authorization.
11. Knowingly concealing a communicable disease (such as TB) that may endanger other employees.
12. Misuse or removal of Employer records or information without prior authorization or in violation of the public records policy.
13. 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 concerted curtailment, restriction, or interference with work in or about the office's work stations.
14. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: falsification of records, logs or reports; theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes; tool kits; or other property of the County or other employees without authorization; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work.
15. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors.
16. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position.
17. Physical or verbal abuse, demeaning, verbally abusing and/or humiliating an employee, supervisor, inmate or other person.
18. Engaging in discriminatory harassment, including committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, disability, or other protected class.



19. Being convicted of a felony within the meaning of Ohio Revised Code Section 124.34, even if prior discipline has been issued for the underlying conduct or conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
20. Unauthorized absence from work for 3 or more consecutive workdays without calling off or reporting to work as scheduled.
21. Engaging in prohibited political activity.
22. Violation of ethics standards for public employees.
23. Knowing associating with convicted felons, visiting places of questionable character (i.e. prostitution or gambling establishments) frequented by criminals except in the line of duty as directed by the Sheriff or designee.
24. Engaging in off-duty employment or activities, which the Sheriff has determined may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position.
25. Withholding information that threatens the safety and security of the Sheriff's Office, its operation and employees.
26. Failure to adhere to rules regarding tattoos and piercings.
27. Violation of any work rule and/or policy.

Multiple Infractions

Discipline levels are determined by various factors. Discipline will be based on those factors and the infractions by an employee. All multiple policy infractions will generally be addressed by following the system of progressive discipline set forth below:

1. multiple offenses that are unrelated are progressively disciplined in the groups in which the offenses are classified; and
2. 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 occur.
3. multiple offenses that are closely related in time, even if unrelated or in different groups, hereunder, may be combined to result in discipline that exceeds the severity of the total sum of the separate offenses.



Discipline for multiple offenses should be consistently and uniformly applied. Examples clarifying the application of the progressive discipline policy include:

- A. If an employee, as a first offense, is found to have violated Group I Offense #11, failure to exercise reasonable care in the use of County property or equipment, unless there are special circumstances, he would receive an instruction and cautioning. If that employee commits no other related offense during the next 12 months, the record of such verbal warning will cease to have force and effect. Then, if the employee subsequently commits the same offense, absent special circumstances, he would still just receive the verbal warning.
- B. If an employee is found to have committed a Group I Offense where there are not any special circumstances, he would receive verbal warning. If, 2 months later, the employee is found to have committed another unrelated Group I Offense, he would, absent special circumstances, receive a written warning. If, 3 months later, the employee is found to have committed still another unrelated Group I Offense, barring special circumstances, he would receive up to a 3 day (24 hour) suspension.
- C. If an employee is found to have committed a Group I Offense for which he receives verbal warning and then commits an unrelated Group II Offense, his discipline, absent special circumstances, would be verbal warning and a 2 day (16 hour) or 3 day (24 hour) suspension.
- D. If an employee, as a first offense, is found to have violated the Group I Offense #8, use of abusive language, he would receive, absent special circumstances, verbal warning.

If, however, the same employee subsequently is found to have violated the Group II Offense #18, use of abusive or threatening language toward supervisors—a related Group II Offense—he, absent special circumstances, would receive up to a 15 day suspension.
- E. If an employee is found to have committed a Group II Offense, (i.e. Offense #7, willful failure to sign in when required) which results in his receiving a 24 hour suspension and then is found to have committed a related group I Offense (i.e., Offense #5, neglect or carelessness in signing in), absent special circumstances, he would receive up to a 15 day suspension.
- F. If an employee is found to have committed a Group II Offense for which he receives verbal warning and a 24 hour suspension and then is found to have committed an **unrelated** Group I Offense, absent special circumstances, he would receive verbal warning.

See Appendix for [Investigatory Interview Notice](#) and Order, [Garrity Warning](#) and Corrective Action Form.

Force and Effect

Records of verbal and written reprimands shall cease to have force and effect twelve (12) months from the date of issuance, provided no intervening discipline has occurred.



Records of suspension, reduction or discharge shall be maintained in the official personnel file for a period of three (3) years. Any such record after three (3) years shall cease to have force and effect providing no intervening discipline has occurred. Intervening discipline shall, for the purpose of this provision, shall mean a suspension of three (3) days or more.

SECTION 7.3 PRE-DISCIPLINARY PROCESS AND CONFERENCE

1. Generally:

Whenever the Employer or designee determines that a classified employee may have committed an offense which could result in a suspension, fine, reduction, or removal, the employee will be notified of the allegations and a pre-disciplinary conference will be scheduled to give the employee an opportunity to respond to the charges and offer an explanation of the alleged misconduct. A pre-disciplinary conference is primarily an informal fact-finding session, not a legal proceeding. The objective of the conference is to obtain information through discussion, testimony, documentation, and/or questioning of the employee and witnesses to determine whether the alleged misconduct occurred.

2. Notice of Pre-disciplinary Conference:

Whenever the Employer has cause to believe an employee should receive a suspension, fine, disciplinary reduction in pay or position, or removal from public service, the Employer should reduce such charges or allegations in writing. The written statement should indicate or outline the behavior or conduct that is the basis for the Employer's belief that discipline is necessary (see Appendix for form).

The written allegations should be delivered to the employee in the form of a [Notice of Pre-disciplinary Conference](#). The employee may waive the pre-disciplinary conference.

The employee will be notified of the time, location, and person who will conduct the conference. In response, the employee must sign an acknowledgement of the notice and may:

- appear at the conference to present an oral or written statement in response to the charges and answer questions regarding the alleged misconduct; or
- elect to waive the pre-disciplinary conference.

Administrative Leave: The Employer may place the employee on administrative leave while the charges are being investigated and until the pre-disciplinary conference procedures are completed.

Delay of Pre-disciplinary Conference: Upon a reasonable request from the employee, the Employer may temporarily delay the pre-disciplinary conference. Generally, the Employer should permit only 1 such delay, not to exceed 24 hours.



Representation: If the employee requests, he should be permitted to be accompanied, represented, and advised by an attorney, or person of his choice.

Witnesses: At the conference, the employee may present any testimony, documents, or witnesses that explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the Employer and the hearing officer prior to the conference. It is the employee's responsibility to notify witnesses that their attendance is desired. The hearing officer shall determine if and which witnesses may speak.

Hearing Officer: Pre-disciplinary conferences will be conducted by a hearing officer. The hearing officer may be the Employer, or any person the Employer selects to serve in such capacity.

Recording of Proceedings: At the discretion of the hearing officer, the pre-disciplinary conference may be recorded. The employee may also record the proceedings in a similar manner if the hearing officer authorizes recording of the proceedings.

Pre-disciplinary Conference: The hearing officer conducting the conference will review the allegations, allow the Employer representative to summarize the evidence that is the basis of the allegations, and ask the employee to respond. An employee who elects to attend the conference and present evidence or who is called to testify **must** answer all questions truthfully. If it is later proven that the employee's answers were not truthful, such dishonesty may result in disciplinary action.

The hearing officer shall determine when the conference is concluded and will adjourn the meeting. The hearing officer may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses, and may reconvene the conference if necessary to get additional information or to allow the employee an opportunity to respond further or to respond to new matters.

For example, if the employee provides an explanation that involves alleged facts unknown to the Employer's representative, the hearing officer may continue the conference to allow time to investigate the newly submitted information. As another example, if the employee or a witness provides information that indicates that the employee committed additional infractions, the hearing officer may continue the conference to allow time to investigate the new allegations and/or to allow the Employer to issue a revised notice before concluding the pre-disciplinary conference.

Hearing Officer Report: If a written report is prepared, the employee shall be provided a copy.

The hearing officer shall consider the charges submitted and prepare a written report concluding whether or not the alleged misconduct occurred. The hearing officer shall not recommend discipline. The report of a hearing officer is not binding on the employee and is meant to provide the employee with an opportunity to respond to charges.

Determination of Corrective Action: Within a reasonable time following the receipt of the report, the Employer shall determine what discipline or corrective action, if any, is to be issued. The



Employer shall determine the severity using the discipline policies and standards of conduct violated as guidelines.

See Appendix for Corrective Action Form.

SECTION 7.4 APPEALS

A classified employee may appeal either through the internal grievance procedure contained in this manual or to the State Personnel Board of Review "SPBR" in any of the following cases:

- a reduction (in pay or classification);
- a suspension of either 40 or more work hours in the case of an employee exempt from the payment of overtime compensation, or a suspension of 24 work hours or more in the case of an employee required to be paid overtime compensation;
- a fine of either forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, or a fine of 24 or more hours' pay in the case of an employee required to be paid overtime compensation; or
- a removal, except for the reduction or removal of a probationary employee and a removal of an employee for a conviction of a felony.

Appeals to the SPBR by classified employees must be filed with the SPBR within 10 calendar days of the date the employee is served with the order. An appeal from a layoff or a displacement must be filed no later than 10 calendar days after receipt of the notice of layoff or displacement. The SPBR maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the SPBR may affirm, disaffirm, or modify personnel actions implemented by the Employer. However, in an appeal of a removal order based upon a violation of a last chance agreement, SPBR may only determine if the employee violated the agreement, and thus affirm or disaffirm the judgment of the Employer.

Employees may file an internal grievance with the Employer in the following cases:

- classified employees who receive a suspension or fines not appealable to the SPBR as described above;
- Unclassified employees (including External Interim, Temporary, and Intermittent); or
- Probationary employees.

Appeals through the internal complaint procedure shall be submitted within 7 calendar days of the occurrence of the incident giving rise to the complaint.



SECTION 7.5 EMPLOYEE PROBLEM SOLVING

INTRODUCTION AND PURPOSE

The problem solving system or complaint procedure is a procedure designed to assist all employees in obtaining a response to any complaint they may have about their job, working conditions, management action, Employer personnel policy, or benefit programs. This procedure is not intended to be utilized to grieve any matter that is related to a labor agreement.

The employee shall be responsible for presenting problems and complaints through the problem solving procedure. Employers are encouraged to use the problem solving form (see Appendix for [form](#)).

The Sheriff/designee shall be responsible for hearing any problems or complaints presented by employees.

Step One

A complaint is any disagreement with a policy or resulting management action in an employee's office or work unit. The complaint may be resolved by the employee and supervisor(s) discussing their opinions, feelings, and concerns about any work-related or interpersonal issues.

The employee shall first discuss the complaint with the immediate supervisor who shall investigate the situation and provide a response to the employee, generally within 7 calendar days after receipt of the complaint.

If the employee does not receive a satisfactory answer from the immediate supervisor, the employee shall complete a written statement of the complaint, outlining the problem and presenting a specific request for resolution to the division head. If the employee directly reports to a divisional head, the written complaint shall be taken to Step 3 of this procedure.

Step Two

The division head (where applicable) will meet with the employee on the complaint and provide a written decision to the employee within 7 calendar days.

If the complaint is not resolved to the employee's satisfaction in Step 2, the employee may, submit the complaint to the Sheriff, within 7 calendar days after receiving the division head's decision.

Step Three

The Sheriff/designee will meet with the employee and review the complaint and the response from the lower step. The Sheriff/designee may interview personnel involved, and shall review the documentation pertinent to the complaint. Additionally, the Sheriff/designee may bring parties together to discuss the issue in order to attempt to assist the parties in reaching an amicable solution.



The Sheriff/designee shall respond to the employee's complaint within 14 calendar days after receiving the employee's complaint at Step 3. The Sheriff's decision will be final.

Until a complaint or problem has been properly resolved through the complaint procedure, it should not be discussed with coworkers.

If the Sheriff is the employee's immediate supervisor, the employee may submit the complaint to the Sheriff.



CHAPTER 8

SEPARATION RELATED MATTERS, LAYOFFS

- 8.1 Resignation
- 8.2 Exit Interview
- 8.3 Layoffs and Abolishments



SECTION 8.1 RESIGNATION

Employees who plan to voluntarily resign or retire should notify the Employer at least 2 weeks in advance of the effective date of resignation or retirement.

A formal letter of resignation or retirement should be required by the Employer and should include:

1. a statement indicating the employee's intention to resign from County service;
2. the date the notice was given;
3. the effective date of the resignation/retirement;
4. the reason for the resignation/retirement (optional); and
5. the employee's signature.

Failure to give proper notification may result in ineligibility for reinstatement.

The Employer shall notify the Auditor's Office of the pending resignation/retirement so that payroll records may be updated and appropriate documents processed.

A person who resigns in good standing may be reinstated, at the discretion of the Employer, in his former classification within 1 year following resignation, provided the person remains qualified to perform the duties of the classification and such reinstatement would be in the best interests of the Agency. After 1 year, any return to the office by the employee will be handled as a rehire for purposes of continuous service.

SECTION 8.2 EXIT INTERVIEW

Upon resignation or separation, an employee may be requested to complete an Exit Interview Questionnaire and, where applicable, an Exit Checklist and may be interviewed.

The exit interview/questionnaire is intended to:

1. attempt to discover any previously unknown causes of the separation, the knowledge of which could prevent the recurrence of such action in the future, if applicable;
2. learn of any complaints or specific problems so that the Employer can investigate possible solutions;
3. determine the employee's availability for future employment with the Employer, if applicable;
4. exit checklist;
5. health and life insurance information; and/or
6. make other relevant inquiries.



SECTION 8.3 LAYOFFS AND ABOLISHMENTS

The Employer maintains the legal right to layoff from its work force whenever a reduction is necessary due to:

1. lack of work or projected lack of work;
2. lack of funds or projected lack of funds; and
3. job abolishment.

Layoffs shall substantially comply with the requirements specified in Ohio Revised Code Sections 124.321 through Ohio Administrative Code 124.328 and Ohio Administrative Code Chapter 123:1-41. Each Employer or Office is an autonomous layoff jurisdiction, and layoff, displacement, and reinstatement rights and procedures shall apply only within the jurisdiction affected by the layoff.

Whenever a reduction in the work force is necessary, the Employer shall determine the classification(s) in which the layoff(s) will occur, and the number of employees to be laid off within each classification. The Employer shall follow the procedure outlined in Ohio Administrative Code Chapter 123:1-41 to determine the order of layoff. The procedures include consideration of each employee's classification, appointment type, status, and date of continuous service.

An employee subject to layoff shall be notified, in writing or person, of the layoff or displacement at least 14 days prior to its effective date. An employee shall be notified at least 17 days prior to the effective date in cases where the layoff notice is sent by certified mail.

An employee who is laid off or whose job has been abolished may, at his option, exercise his rights to displace another employee or fill an available vacancy in the same or lower related classification, as provided in Ohio Administrative Code Chapter 123:1-41. An employee exercising his displacement rights shall be paid according to the rate of pay or range assigned to the classification into which the employee displaces/bumps.

A person who was laid off may be reinstated at any time within 1 year of the effective date of layoff, provided the person remains qualified to perform the duties of the position. Reinstatement of laid off employees shall comply with the provisions outlined in Ohio Administrative Code Chapter 123:1-41. Each employee eligible to be recalled from layoff shall be notified of the offer of reinstatement by certified letter.

A laid off employee shall be responsible for keeping a current address on file with the Employer. Failure to do so may result in the inability to notify the laid off employee of his eligibility for reinstatement. Each recalled employee shall be allowed 10 calendar days from the date of receipt of the certified letter to return to work, except in the event of approved extenuating circumstances.

Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.



Appendix

Personnel Manual Receipt – Chapter One
Discriminatory Harassment Complaint Form – Chapter Two and Chapter Six
Application for Employment – Chapter Two
Authorization to Release Employment/Pre-Employment Records – Chapter Two
Conditional Offer of Employment Form – Chapter Two
Drug Free Workplace Published Statement – Chapter Two and Chapter Six
Expense Report – Chapter Four
Employee Injury-Illness (Incident/Accident/Exposure) Form – Chapter Four
Workers' Compensation Flowchart – Chapter Four
Application for Leave Form (*located on computer in Forms Folder*) – Chapter Five
Prior Service Form – Chapter Five
Administrative Leave Sample Letter – Chapter Five
Family and Medical Leave Form (*located on U.S. Department of Labor website and in Personnel Manual folder*) – Chapter Five
Damaged-Lost Equipment Form (including uniforms) – Chapter Six
Computer Usage and Guidelines Form – Chapter Six
Investigatory Interview Notice and Order to Appear – Chapter Seven
Garrity Warning – Chapter Seven
Notice of Pre-Disciplinary Conference – Chapter Seven
Record of Corrective Action and Instructions (*Union Members shall consult Union Representative and Applicable Union Contract*) – Chapter Seven
Problem Solving Form for Non-Union Employees – Chapter Seven



Tuscarawas County Sheriff's Office Employee Acknowledgement of Receipt of Personnel Manual

This manual has been prepared to provide our employees with a general understanding of our personnel policies, work rules and an overview of benefits. All employees are responsible for becoming familiar with the policies and procedures contained within this handbook. If you have any questions regarding the material in the handbook, please contact your supervisor or any other member of management for clarification.

The manual is not an employment contract or agreement for employment for any specified period of time. The Sheriff's Office and the County reserves the right to add, revise, and/or update to these policies at any time. When changes are necessary, the Employer will notify you of changes and make available the new or updated policies.

I understand and agree that nothing in these policies, in any way, creates an express or implied contract of employment between me and the Sheriff's Office; except as required by a collective bargaining agreement.

A number of the policies included in this handbook are based on state or federal law. In order to demonstrate compliance, the Sheriff's Office and the County have attempted to describe the federal and state laws. If there is a conflict, the laws will prevail. To assist us in this effort, please sign the receipt form on the lower portion of this page and return it. This page will be kept in your personnel file.

Included in the Personnel Manual were the following policies:

- ✓ Equal Employment Opportunity
- ✓ Reporting Fraud Abuse
- ✓ Drug Free Workplace
- ✓ Anti-Discriminatory Harassment
- ✓ Americans with Disabilities Act
- ✓ Ethics and Confidentiality Policy
- ✓ Ethics of Public Employment
- ✓ Computer Usage Policy

Acknowledgement of Receipt of the Tuscarawas County Sheriff's Office Personnel Manual

I, _____, acknowledge receipt of the Tuscarawas County Sheriff's Office Personnel Manual and agree to comply with its provisions. I understand that it is my responsibility to maintain a copy of this manual or know where to secure a copy for continued reference throughout my employment.

Acknowledgement of Receipt of Additional Documents

I, _____, acknowledge receipt of any applicable SOPs, a copy of my job description, the Emergency Response Plan and the union contract (if applicable).



**Tuscarawas County Sheriff's Office
Discriminatory Harassment Complaint Form**

If claiming discriminatory harassment, please provide the following information:

1. The name of the subject of the complaint: _____
2. Is the above named person a County employee? _____
3. Describe the acts complained of (use reverse side or attach additional pages if necessary):

4. List the date(s) of the alleged act(s): _____
5. List any known or suspected witnesses to the alleged act(s): _____
6. What remedy or resolution do you request? _____

Any employee, who believes that he has been subject of or witness to discriminatory, harassing or unethical conduct, should immediately submit this report to his/her immediate supervisor. If the immediate supervisor is the subject of the complaint, the employee should report the harassment to the next highest ranking person in the table of organization or to the Sheriff, or to the person responsible for handling human resources in the Sheriff's Office (if applicable). Tuscarawas County prohibits any form of retaliation or intimidation against employees who report good-faith concerns of this subject matter.

If there is no one in the office to which the employee can report the alleged act(s) (for example, the Sheriff is the subject of the complaint), the employee should submit the report to the County Prosecutor. If the County Prosecutor is the subject of the complaint, the employee should submit the report to the Board of County Commissioners.

Signature of Complainant

Date

Administrative Use Only

Signature of Recipient

Date

Employee Name (Please Print)

Employee Signature

Date: _____



Tuscarawas County Sheriff's Office Employment Application

Tuscarawas County Sheriff's Office does not discriminate on the basis of race, color, religion, national origin, sex, ancestry, age, or disability or any other protected class. Consideration was given in the development of this form to your right to individual privacy and equal opportunity. The information requested is needed to assist our office in assessing your employment interests and qualifications. Consideration for employment may be denied if this form is not completed accurately and in its entirety. Attach additional information if needed.

All applications must clearly indicate how the *minimum qualifications* and *positive specific minimum qualifications*, if applicable, are met. Applications that do not indicate this will not be given consideration.

EMPLOYMENT INTERESTS

Position Desired:

PERSONAL INFORMATION

Name: _____
Last M.I. First Date of Application

Disclosure of SSN is voluntary; upon appointment and pursuant to Section 5101.312 of Ohio Revised Code, a request for disclosure of SSN is mandatory.

Social Security Number

Have you been known to others (e.g., schools, references, etc.) under a different name? If so, please list.

Present Address:

_____ Street Address City State Zip Code

Telephone:

_____ Home Cell Work

Are you of legal age to work in the United States? Yes No

Do you have any relatives who are currently employed by the county? Yes No

If yes, list employee's name and relationship.

Referral Sources: Advertisement Friend Relative Employment Agency Other

Are you able to meet the attendance requirements of this position? Yes No

Explain any scheduling conflicts due to outside interests and/or commitments

If the position requires travel, can you supply your own transportation? Yes No

EDUCATION

Educational Level	School Name/Location	Course of Study or Major	Graduate?	Degree or Diploma
High School			<input type="checkbox"/> Yes <input type="checkbox"/> No	
College			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Graduate School			<input type="checkbox"/> Yes <input type="checkbox"/> No	
Vocational/Technical			<input type="checkbox"/> Yes <input type="checkbox"/> No	



EMPLOYMENT HISTORY

Please provide the following information on former employers, assignments, or volunteer activities, beginning with your present or most recent position. (You may submit a resume in addition to completing this section.) If you need additional space, attach extra copies of this page.

JOB TITLE:			
Employer: _____	Telephone: _____		
Address: _____			
Employed From: _____	To: _____	Involuntarily Terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reason for Leaving: _____			
Salary Beginning: \$ _____ /hr.	Salary Ending: \$ _____ /hr.		
Immediate Supervisor/Title: _____	May We Contact? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Later		
Description of Work Responsibilities:	Comments:		
JOB TITLE:			
Employer: _____	Telephone: _____		
Address: _____			
Employed From: _____	To: _____	Involuntarily Terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reason for Leaving: _____			
Salary Beginning: \$ _____ /hr.	Salary Ending: \$ _____ /hr.		
Immediate Supervisor/Title: _____	May We Contact? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Later		
Description of Work Responsibilities:	Comments:		
JOB TITLE:			
Employer: _____	Telephone: _____		
Address: _____			
Employed From: _____	To: _____	Involuntarily Terminated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reason for Leaving: _____			
Salary Beginning: \$ _____ /hr.	Salary Ending: \$ _____ /hr.		
Immediate Supervisor/Title: _____	May We Contact? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Later		
Description of Work Responsibilities:	Comments:		



SKILL EXPERIENCE INVENTORY

Please indicate your proficiency in the following skill and/or knowledge areas (check all that apply).

All information is subject to verification.

Office Skills

<input type="checkbox"/> Keyboarding _____ wpm	<input type="checkbox"/> Accounting
<input type="checkbox"/> Customer Service (human relations)	<input type="checkbox"/> Cash Handling
<input type="checkbox"/> Legal Terminology	<input type="checkbox"/> Report/Letter Writing
<input type="checkbox"/> Multi-line Phone System	<input type="checkbox"/> Budgeting
<input type="checkbox"/> Dictation	<input type="checkbox"/> Document Imaging/Scanning
<input type="checkbox"/> Other _____	
<input type="checkbox"/> Windows	<input type="checkbox"/> Software Installation
<input type="checkbox"/> Word Processing _____	<input type="checkbox"/> Hardware Installation/Repair
<input type="checkbox"/> Spreadsheets _____	<input type="checkbox"/> System Maintenance
<input type="checkbox"/> Presentation Software _____	<input type="checkbox"/> Peripherals (printers, scanners, etc.)
<input type="checkbox"/> Internet	
<input type="checkbox"/> Other _____	

Certifications, Licenses and Training

<input type="checkbox"/> Peace Officer Certification	<input type="checkbox"/> CPR and First Aid Certification
<input type="checkbox"/> Nursing License	<input type="checkbox"/> Radar Certification
<input type="checkbox"/> Paramedic License	<input type="checkbox"/> Use of Force Training
<input type="checkbox"/> Corrections Officer Training	<input type="checkbox"/> Firearms Certification
<input type="checkbox"/> Other _____	

Administrative and Non-Law Enforcement Skills

<input type="checkbox"/> Supervision or Human Resource Management	<input type="checkbox"/> Medical, Emergency or Clinical Services
<input type="checkbox"/> Fiscal Management	<input type="checkbox"/> Repairs (i.e. HVAC, plumbing, etc...)
<input type="checkbox"/> Policy Development	<input type="checkbox"/> Maintenance (i.e. HVAC, plumbing, etc...)
<input type="checkbox"/> Grant Writing	<input type="checkbox"/> Food Preparation or Food Services
<input type="checkbox"/> Other _____	

AFFILIATIONS

List professional, trade, business, or civic organizations and offices/licenses held. *(Exclude memberships which would reveal sex, race, religion, national origin, age, disability, or any other similarly protected class.)*

_____	_____
_____	_____
_____	_____
_____	_____

REFERENCES

Please list the name and telephone number of three (3) individuals whom we may contact for a professional or work-related reference. Exclude relatives and personal references.

Name/Title	Address	Phone
_____	_____	() _____
_____	_____	() _____
_____	_____	() _____



CERTIFICATION

I hereby affirm that the foregoing statements are true and complete to the best of my knowledge. I realize that any misrepresentation or false information presented in this application could lead to withdrawal of any offer of employment or termination after employment.

I understand that this application will be given every consideration, but its receipt does not guarantee nor imply that I will be granted a selection interview or employment. I further understand that this application will be maintained on file for future reference for two years.

I also understand that a background check and drug testing may be required prior to employment.

I understand and accept that any applicant who is under final consideration for a position that involves providing direct care to clients must undergo a criminal records check.

I understand and accept that, if I am selected for employment, my employment may be conditioned upon my passing any medical/psychological examination that the Employer deems necessary to determine whether I can perform the essential functions of the position, with reasonable accommodation when necessary. I understand and accept that this may include drug, alcohol, or substance abuse testing.

I understand and accept that given the duties and responsibilities of the Employer, I may be required to work weekends, evening hours, or at other times as determined by the Employer, including overtime hours.

AUTHORIZATION

I authorize investigation of all statements contained in this application. I understand that any employment offer is subject to a reference check. I specifically authorize the Tuscarawas County Sheriff's Office to contact any pertinent individual and/or firm for the purpose of obtaining information relating to my work history and job performance.

I hereby authorize the employers, schools, and personal references named in this application to provide information regarding me to the employer. I further authorize the release of personnel, academic, and other records to the employer.

You may be asked during the employment process if you have been convicted of a felony or misdemeanor for job-related matters but such convictions may not automatically render applicants ineligible for employment.

I waive all provisions of law forbidding colleges or universities which I have attended or past employers from disclosing any information which they have acquired relevant to my employment.

Applicant's Signature

Date



**TUSCARAWAS COUNTY SHERIFF'S OFFICE
AUTHORIZATION TO RELEASE EMPLOYMENT/PRE-EMPLOYMENT INFORMATION**

I authorize all persons to whom this request (original or facsimile) is presented to furnish information relating to or concerning me to a duly appointed and authorized member of the Tuscarawas County Sheriff's Office. I am aware that this information is not ordinarily open to public inspection and which I may claim to constitute an invasion of my personal privacy or may otherwise be protected from disclosure by constitutional statutory or common law privileges. I expressly waive all rights and privileges, which may attach to such communication or disclosure and release all persons, firms and corporations from all claims of any nature as a result of said communication or disclosure.

The following information to be disclosed includes the following: personal history, education records, fitness for duty records (including medical, psychological and polygraph information), employment records (including evaluations and disciplinary actions), military service records, financial records, criminal history records (including conviction(s) of domestic violence crime), organizational memberships, reference information and other information pertaining to suitability for employment (including applications and subsequent pre-employment screenings conducted when seeking employment with other agencies).

I represent that I have not been convicted of a crime of domestic violence or an associated crime of violence involving a family or household member in Ohio or any other State. I understand that this is part of my application process and falsification of this information will be considered grounds for dismissal or not hiring. I authorize release of information that may contain my home address, telephone number and social security number. This release will be considered part of my application and if hired, considered part of my personnel file.

Please list current employer along with all prior employers (attach additional paper if needed).

Please list all agencies that you have applied to in the past two (2) years (attach additional paper if needed).

Name of Applicant (Print) and Social Security Number

Signature of Applicant and Date

Name of Authorized Member of Sheriff's Office (Print)

Signature of Authorized Member of Sheriff's Office and Date

To Be Completed by Responding Agency

Please indicate which of the following applies:

- Current Employee (please forward copies of background check report, pre-employment testing involving polygraph results, evaluations, letters of support or complaint and disciplinary actions)
- Former Employee (please forward copies of background check report, pre-employment testing involving polygraph results, evaluations, letters of support or complaint and disciplinary actions)
- Applied Only (no other information available)
- Background Check Conducted (not selected) (please forward copy with any appropriate exemptions)
- Interviewed (not selected)
- Polygraph Test Conducted (not selected) (please forward copy)

Name (Print) of Releasing Official

Signature of Releasing Official with Date

Telephone Number

Please forward results to the authorized member stated above within seven (7) days of receipt to the following: email to sheriff@co.tuscarawas.oh.us. If you have any questions or comments, please contact the authorized member stated above at 330-339-2000. Any applicable records exemptions shall apply. Thank you in advance for your cooperation.



**Tuscarawas County Sheriff's Office
Conditional Offer of Employment**

The Tuscarawas County Sheriff's Office is extending a conditional offer of employment contingent upon the following:

- Provided a negative drug test result

If the applicant fails to complete the drug test, the conditional offer will be rescinded.

The conditional offer of employment will be rescinded if there is a positive drug test result.

I acknowledge that I understand the terms of this conditional offer.

Signature and Date



**Tuscarawas County Sheriff's Office
The Drug Free Workplace Published Statement (Notice)**

The Tuscarawas County Sheriff's Office supports the Drug Free Workplace Act of 1988 (PL-100-690). Consequently, any unlawful manufacture, distribution, dispensation, possession, or use of controlled substances on these premises by employees is strictly prohibited and violators will be subject to discipline and criminal prosecution. This includes but is not limited to medical marijuana.

This policy is to be regarded as a condition of employment and any employee convicted of a work-related drug offense must notify the Employer no later than five (5) calendar days after conviction.

A handwritten signature in black ink that reads "Orvis Campbell".

Sheriff Orvis Campbell
Tuscarawas County Sheriff

Note:

The law requires that the Employer "publish" a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the Employer's workplace and that action will be taken against employees for the violation of this rule. This includes but is not limited to medical marijuana.

The law itself does not define the word "publish." Generally, according to Webster's Third New International Dictionary, publish means, "to declare publicly" or "make generally known." Thus, this requirement may be satisfied by posting a notice in a public place which is reasonably accessible to all affected employees. The Sheriff's Office has posted this notice as part of the Personnel Manual, which can be accessed from most computers throughout the building. A copy of the Personnel Manual on CD-ROM is also provided to all new employees.

Tuscarawas County Expense Report 2015

Employee's Name _____

Position _____

Home Address (Number, Street, City, Zip) _____

Date	Travel Info.	Time	Travel Purpose/ Supply/Other	Living Expenses		Auto Mileage		Comm	Miscellaneous		
				Meals	Lodging	Miles	X \$.46	on	Parking	Other	
	From Name: Address:	Dep	Arr	\$	\$	X	\$	\$	\$	\$	
	To Name: Address: From	Dep	Arr								
	Name: Address:	Dep	Arr								
	To Name: Address:	Dep	Arr								
	From Name: Address:	Dep	Arr								
	To Name: Address:	Dep	Arr								
Name(s) of other county employee(s) travelling in the same car:				Totals	\$ 0.00	\$ 0.00	0	\$ 0.00	\$ 0.00	\$ 0.00	\$ 0.00

Mileage Rate \$ 0.46

Certificate: I certify that the expenses identified in this report are limited to those which I actually incurred on county business and that these expenses meet the requirements of County Policy 4.6, no alcohol or entertainment was purchased as part of these expenses and the required receipts are attached.
 In the event that I am driving a privately owned motor vehicle on county business, I also certify that I have a valid driver's license and am insured under a policy of liability insurance meeting the requirements of R.C. 4509.51.

Employee's Signature: _____

Date: _____

Employer's Signature: _____

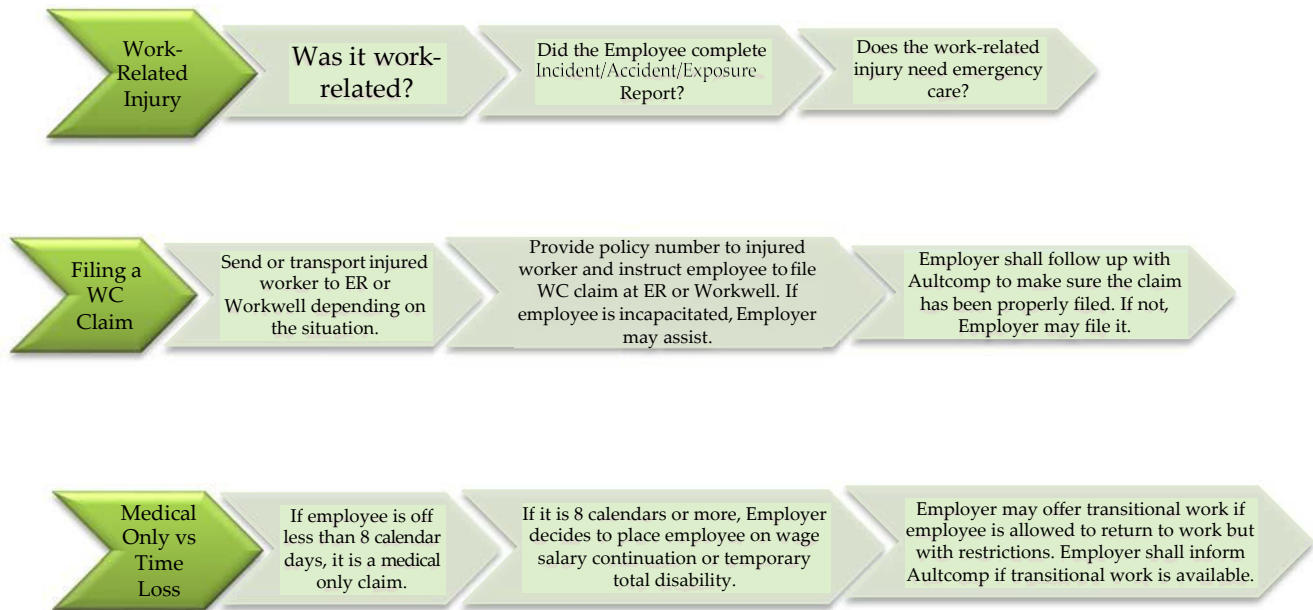
Date: _____

Grand
Total

\$ 0.00

Note: The employee is required by County Policy to provide all information requested on the form as well as detailed receipts and other relevant information required by the Tuscarawas County Auditor. Your report will be used to determine your eligibility for reimbursement.

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Flowchart for Workers' Compensation Claim

Even if the injury does not result in a Workers' Compensation Claim, the employee shall complete an [Injury/Accident/Exposure Form](#)



**Tuscarawas County Sheriff's Office
Prior Service Certification Form**

Employees may be entitled to have prior service with the State or any political subdivision of the state credited for the purposes of computing vacation leave. Employees may also be eligible to transfer sick leave balances as well. However, awarding of prior service for bargaining unit members will be governed by the individual contract.

Please complete the top part of the form and submit it to the former employer for completion. Once completed by the former employer, please submit the form to your payroll officer so determination can be made. **It is the employee's responsibility to submit the completed form to the payroll officer for determination.**

Employee's Full Name (print): _____ SSN: _____

Name of Former Public Employer: _____

Address of Former Public Employer: _____

Job Title: _____

Signature: _____ Date: _____

Please provide the following information so that the above person may receive appropriate service credit. Please return completed portion to requesting employee for processing.

Employment Status

Is the entity a political subdivision of the State of Ohio? _____

Was the position funded by public or private funds: _____

Employment Status: Full-Time (40 hours a week) Part-Time Intermittent

Date of Hire: _____ Date of Separation: _____

Did the employee work every pay period? _____ If not, number of pay periods worked? _____

Number of Sick Leave Hours upon Separation: _____

Any additional comments: _____

Information Verified By:

Print Name: _____ Title: _____ Contact Number: _____

Signature: _____ Date: _____



**Tuscarawas County Sheriff's Office
Notice of Administrative Leave**

RE: Administrative Leave

Dear _____:

Please be advised that [name of employer] is conducting an investigation into allegations of potential misconduct. Consequently, you are hereby placed on paid administrative leave pursuant to [policy or contract section, if applicable]. Your placement on paid administrative leave is effective immediately and shall continue until the completion of the investigation or as otherwise directed.

During the period of paid administrative leave, you are required to remain available to answer any inquiries between the hours of 8 a.m. and 4 p.m. You are not to come on the premises or contact [name of employer] employees during their working hours absent prior approval by [name of supervisor]. You are not to disclose any details of the investigation to any party, other than a personal legal representative or union representative. Similarly, you are not to conduct any work for, or otherwise hold yourself out to represent the [name of employer] absent prior approval from [supervisor].

If you have any questions or comments, please do not hesitate to contact [name of supervisor].

Sincerely,



Tuscarawas County Sheriff's Office
Damaged/Lost Equipment Form (Including Vehicles and Uniforms)

The Sheriff's Office requires that all employees report any damage to or loss of County owned equipment (including vehicles and uniforms) issued to them or under their control. This form must be completed and signed by the Shift Supervisor at the end of the shift that the damage or loss was discovered and forwarded to the Division Commander. If a vehicle was damaged in a crash and a crash report exists, a copy should be attached.

To: Division Commander: _____

From: Employee: _____

Date: _____

Description of property damaged or lost:

Explain how damage or loss occurred: _____

Employee Signature/Date

Shift Supervisor/Date

Division Command/Date



Tuscarawas County
Automatic Data Processing Board Computer Usage Guidelines

Name _____

Office _____ Office/Department/Division _____

Users MAY:

- a) Maintain a backup copy of software licensed to their County-owned equipment, if one is not maintained in the Information Technology Department.

Users MUST:

- a) Use only software licensed to the County on a County-owned system.
- b) Protect the validity and security of their passwords.
- c) Use their equipment (computers, printers, and scanners, etc.) only for legitimate County business. Private use is not permitted.
- d) Refrain from eating and drinking near County equipment.

Users shall NEVER:

- a) Allow another person to use their network or computer account.
- b) Share their passwords with another user.
- c) Intentionally or unintentionally deface or vandalize County equipment.
- d) Install County-owned software on personal or home computers.
- e) Install unlicensed software on any County equipment.
- f) Install personal software on County equipment.
- g) Store personal files on County equipment.
- h) Install non County-owned peripherals, such as mouse, printer, modem or scanner for use on County equipment.
- i) Deliberately crash or attempt to crash any County equipment.
- j) Install a virus of any type, destructive or non-destructive, on County equipment.
- k) Transmit, print, display or store any language or images, which in the opinion of the board are obscene, vulgar, abusive or offensive.

Violations of any of the above policies are subject to the disciplinary guidelines stated in the County Policy manual. It should be understood that nothing in these guidelines precludes enforcement under the laws and regulations of the State of Ohio. If an employee is found guilty of committing a crime as outlined in the Ohio statues relating to criminal mischief, he or she could be subject to criminal penalties.

I hereby acknowledge that I have read the above policies, and agree to abide by these regulations as established. I acknowledge that a written copy of these policies is available for my reference, through my employer, the Tuscarawas County ADP Board, or the County Information Technology Department.

 Signature

 Date

Tuscarawas County, Ohio Internet and E-Mail Policy

General Information

Tuscarawas County, Ohio provides computer equipment, software, e-mail and Internet access to its employees for governmental purposes only. Users of equipment must adhere to strict guidelines, outlined in the following document. The County may modify these regulations at any time, providing proper notification of modifications to all users.

Signatures at the end of this document are legally binding and indicate that the parties have read the terms and conditions carefully, understand their significance and the user's responsibilities, and agree to abide by the established rules.

System administrators, office holders, and department heads reserve the right to monitor all activity on County-owned computers. They also reserve the right to immediately **terminate and prosecute** any employee who misuses the system.

On-line Conduct / Use of the System

- The user agrees not to publish on or over the system any information, which violates or infringes upon the rights of any other person, or any information, which would be abusive, profane or sexually offensive to an average person.
- The user also agrees not to publish any advertising or solicitation to use goods or services.
- The user agrees not to use the facilities and capabilities of the system to conduct any business, or solicit the performance of any activity, which is prohibited by law.
- Internet access shall not be used for the solicitation of money for religious or political purposes.
- The user will not seek to benefit personally or permit others to benefit personally by any confidential information, which has come to you by virtue of your position in the County.
- Internet access is for County business use only. The user is granted permission to utilize Internet access only on County-owned equipment.
- Internet access shall not be used for recreational purposes, including computer games.
- Tuscarawas County does not condone the use of objectionable materials. The user therefore specifically agrees not to submit, publish, or display any defamatory, inaccurate, abusive, obscene, profane, sexually oriented, threatening, racially offensive, or otherwise illegal materials.
- The user will not encourage the use, sale, or distribution of controlled substances.

**Tuscarawas County, Ohio
Internet and E-Mail Policy**

Transmission of material, information, or software in violation of any local, state or federal laws is also prohibited.

- The user agrees to indemnify Tuscarawas County of any losses, costs, or damages, including attorney fees incurred relating to or arising out of any breach of this agreement by the user.
- The user understands that access to the Internet will be restricted by station and username.

Licensed Software / Copyrighted Materials

- No user shall install, upload or download any software on County equipment without the consent of the Information Technology Department.
- Copyrighted materials must not be placed on any system. All copyright laws must be observed.
- Downloads will be restricted / filtered by site, file, station and user.

E-Mail

- The County owns the computers and their software, including the words written with them and time spent using them.
- E-mail transmissions can and will be monitored by the system administrator.
- E-mail transmissions which contain offensive, harassing or defamation messages are not permitted, including transmissions with disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs, or any other protected class.
- E-mail transmissions and receipts will be filtered for content, virus activity and attachments.

Any violations of these policies or attempts to breach the integrity or security of the systems or network will result in termination of your email service and internet access along with disciplinary action, which may include, but is not limited to reprimand, suspension, dismissal, and prosecution.

I have read and understand Tuscarawas County's internet and e-mail policy, and agree to assume the responsibilities as outlined.

Signature

Date

Employer

Date

Print

Name



Tuscarawas County Sheriff's Office
Investigatory Interview Notice and Order to Appear

TO:

DATE:

RE: Investigatory Interview

This Notice and Order to Appear is provided to you as a result of an investigation conducted by the_____. You are hereby ordered to appear for an interview at on at_____on_____at_____.

You are entitled to all the rights and privileges guaranteed by the Constitution and the Laws of the State of Ohio and the Constitution of the United States, including the right to appear at the interview with your chosen Union representative (if applicable), and/or the right to be accompanied, represented and advised by an attorney of your choosing. (Ohio Revise Code § 9.84)

You are expected to truthfully and completely answer all questions presented to you. Failure to answer, or answer truthfully or completely may be a basis for a charge of insubordination that may result in discipline, including dismissal. Any statements and or information of evidence gained in the course of this interview may be used against you in relation to subsequent administrative disciplinary charges or hearings or other proceedings, if applicable. Any statements made by you will not be used against you in a subsequent criminal proceeding, if applicable.

If you have any questions, please contact_____.

A copy was served on_____on this the___day of_____,
_____.

Person Serving Notice



**Tuscarawas County Sheriff's Office
Internal Investigation
Garrity Warning**

I, _____, understand:

1. That I am being questioned as part of an official investigation by the _____
_____.
2. That I will be asked questions related to the performance of my official duties or my conduct as it affects my ability to perform my duties;
3. That I must truthfully and completely answer all questions presented to me and that failure to answer truthfully or completely will be the basis for charges of insubordination which may result in discipline, including dismissal;
4. That I am entitled to all the rights and privileges guaranteed by the Constitution and the Laws of the State of Ohio and the Constitution of the United States, including the right to be accompanied, represented and advised by an attorney and/or a Union representative during this interview;
5. That I, if I so choose, may waive my right to be accompanied, represented and advised by an attorney and continue with this interview without the presence of an attorney.
6. That any admissions made in the course of this interview may be used against me in relation to subsequent administrative disciplinary charges or hearings;
7. That I, the undersigned individual, hereby acknowledge that I have been advised of my rights.

Employee Signature

Date Time

Witness Signature

Date Time



**Tuscarawas County Sheriff's Office
Notification of Pre-Disciplinary Conference**

This notice is provided to _____ (*Name of Employee*) to advise that a meeting will be held at _____ (*Time*) at _____ (*Location*) on _____ (*Date*) to provide you with an opportunity to respond to the following allegations of misconduct (state specific group number(s) and charge(s)): _____

(attach supplement if necessary)

You have the right to: (1) appear at the conference to present an oral or written statement in your defense; (2) appear at the conference and have your chosen representative present an oral or written statement in your defense; or (3) elect in writing to waive your opportunity to have a pre-disciplinary conference. Failure to respond or respond truthfully may result in further disciplinary action.

At the conference you may present any testimony, documents or witnesses, which explain whether or not the alleged conduct occurred. You may be represented by any person you choose, whether such individual is an employee or not. The applicable policy or contract will determine the length of delay or postponement in order to enable your representative to attend. **Please be advised that the pre-disciplinary conference may result in suspension or termination.** Please consult your personnel manual or your applicable union contract regarding the disciplinary procedure process. If you have any questions in regard to this procedure, please contact me immediately.

The pre-disciplinary conference will be conducted by (if applicable): _____

Signature of Officeholder and Date

Employee's Signature and Date

Waiver of Pre-Disciplinary Conference

I acknowledge that I have been given written notice of a pre-disciplinary conference stating that allegations of misconduct have been lodged against me and I hereby waive my right to have a pre-disciplinary conference.

Employee's Signature and Date

Waiver Received by:

Officeholder's Signature and Date



Tuscarawas County Sheriff's Office - Record of Corrective Action

Employee Name: _____ Employee Job Title: _____

Date and Location of Violation Occurred: _____

Description of Violation: _____

(Attach Additional Sheets if Necessary)

Type of Violation:

- Incompetency Neglect of Duty Failure of Good Behavior
- Inefficiency Dishonesty Misfeasance
- Drunkenness Immoral Conduct Malfeasance
- Insubordination Violations of Rules Nonfeasance
- Discourteous Treatment of the Public Other (Explain)

Type of Action: Verbal Warning Written Warning

Suspension (# of Days) _____ Termination (Date): _____

Date of Meeting or Hearing: _____

Did the Employee have Union representation? Yes (Name) _____

Declined

Date(s) That Suspension from Duty without Pay Will Occur: _____

If additional training was required, please provide further information:

This corrective action will normally cease to have force and effect per the personnel manual or the applicable union contract. Any further violations could result in more severe disciplinary action, up to and including termination.

Signature of Employer, Title and Date

I hereby acknowledge that a copy of the above record of corrective action has been given to me.

Signature of Employee and Date

cc: Employee and Employee's Personnel File



Instructions

Important Instructions to the Appointing Authority

Actual signature means that each order served on the employee must contain the actual signature of the Appointing Authority. Appointing Authority means the actual appointing officer of the office, department or agency as well as any approving officer or board required by law.

If the appointment of an employee requires the approval of a board or commission, then a certified copy of the resolution of such board or commission approving the action must accompany this Order unless the actual signatures of the members of the board or commission appear on the front of the Order served on the employee.

The Appointing Authority must set forth in detail the particular acts and circumstances constituting the offense(s) charged. Evidence presented on appeal must be limited to that which relates to the charge(s) made; hence the Appointing Authority must set forth the charges(s) broadly enough to encompass all the evidence the Appointing Authority intends to offer. It is equally important that the Appointing Authority fully state the ground(s) for the action.

The Appointing Authority MUST provide an original of the Order to the employee on or before the effective date. The date on which the Order is served is the date the Order is delivered to the employee by hand or to the employee's last known mailing address by certified United States mail, whichever occurs first.

Important Instructions to the Employee (Union Employee shall consult Union Representative and Applicable Union Contract)

If you wish to appeal this action, then you must file your written appeal with the State Personnel Board of Review ("SPBR") at 65 East State Street, Suite 1200, Columbus, Ohio 43215-4213. Your appeal must actually be received and time-stamped by SPBR by the tenth calendar day from the date this Order was served. For the purposes of your appeal, the date on which this Order is served is the date the Order is delivered to you by hand or to your last known mailing address, as maintained by your Appointing Authority, by certified United States mail, whichever occurs first. You may obtain SPBR's Administrative Rules by writing the above office or by telephoning SPBR at (614) 466-7046. You may also obtain the rules at SPBR's website at pbr.ohio.gov.

Example of deadline to file appeal

An employee is given a 40-hour suspension. The suspension is to begin on October 11 and run five working days through October 15. The employee is served with the forthcoming suspension Order on October 8. The employee has until October 18 to file a written appeal (ten days from the date the employee was served with the Order).

Reminder: If you are employed by a municipality or township that has a civil service commission, your appeal lies with that commission and not SPBR.

**Tuscarawas County Sheriff's Office
Problem Solving Form for Non-Union Employees**

Employee's Name: _____ Date: _____

Step One – Informal (Verbal) Concern/Complaint to Supervisor

Was the concern/complaint informally discussed with your Supervisor? Yes No

Brief Description of Concern/Complaint (attach paper if needed):

Did your Supervisor respond within 7 days of receiving the informal concern/complaint? Yes No

Supervisor's Signature: _____ Date of Informal Response from Supervisor: _____

Were you satisfied with the response received to your informal concern/complaint? Yes No

Employee's Signature: _____ Date: _____

Copy of response was given to employee (check box). If satisfied with response, original placed in employee's personnel file.

Step Two – Written Concern/Complaint to the Division Head

Employee shall provide written statement of concern/complaint and present it to the Division Head (attach additional paper and/or documentation if needed):

Employee's Signature: _____ Date Presented to Division Head: _____

Response from Division Head (attach additional paper if needed):

Division Head's Signature: _____ Date: _____

Are you satisfied with response? Yes No Employee's Signature with Date: _____

Copy of response was given to employee (check box). If satisfied with response, original placed in employee's personnel file.

Step Three – Present Concern/Complaint to the Employer

Date Presented to the Employer: _____

Was the Problem Solving Form (along with any other documentation) provided to the Appointing Authority?
Yes No

Response from the Employer (attach additional paper if needed): _____

Employer's Signature: _____ Date Presented to Employee: _____

Copy of Employer's response was given to employee (check box). Original placed in employee's personnel file.

Note: Appointing Authority's decision is final.