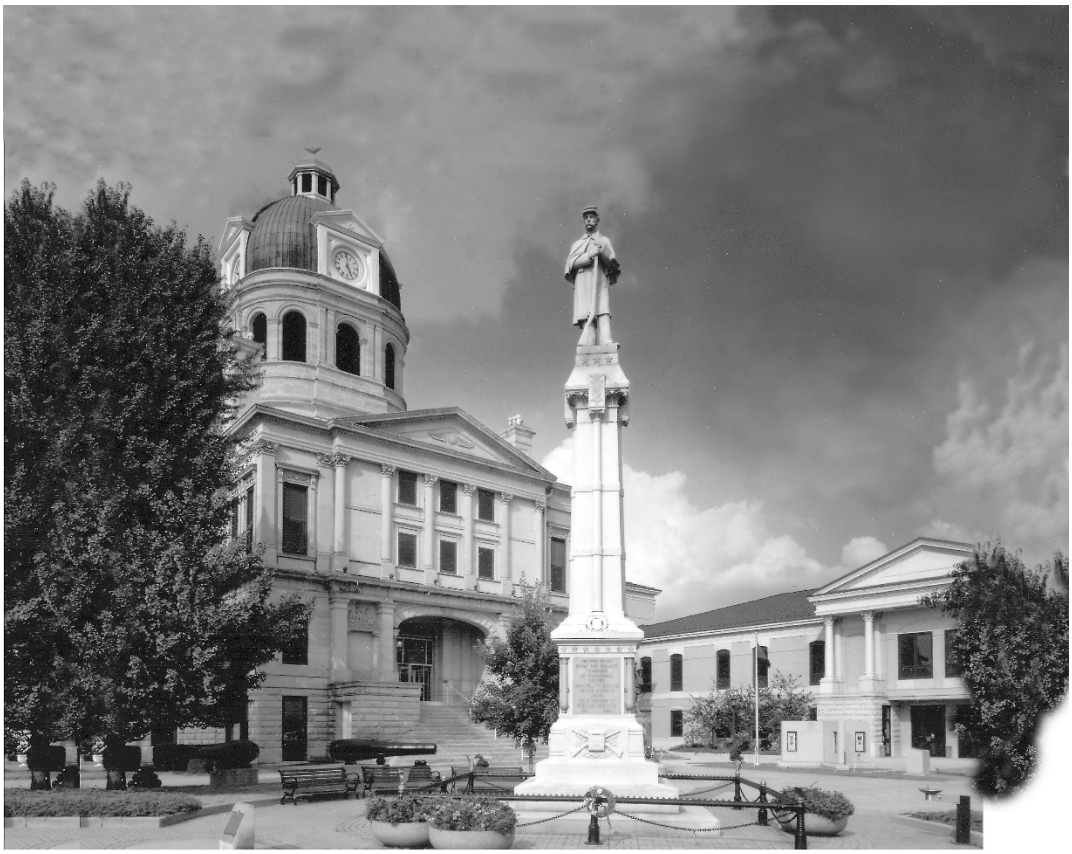
Tuscarawas County

Personnel Manual



Tuscarawas County Board of Commissioners

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This document is not a contract

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CHAPTER 1
GENERAL POLICIES

1.1 Introduction
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 "County" and "Employer" interchangeably. "Employer" includes departments under the supervision of the Commissioners and others as designated by elected officials.

The term "Appointing Authority" means the board or 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, "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 County policy. 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.

Tuscarawas County 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. Tuscarawas County reserves the right to modify, amend, delete, supplement, rescind or revise any or all provisions in this manual at any time if Tuscarawas County 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 Commissioner's Office and the several departments thereof.

Other elected office holders, boards, and commissions of the County that have the authority to hire and dismiss employees may adopt any or all parts of this manual. Additionally, those other offices may adopt modified versions of the policies contained in this manual.

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 appointing authority, the Employer 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 Employer and designated individuals maintain the ultimate right to administer the business of the Employer. 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;
12. to determine and implement necessary actions in emergency and other situations; and
13. to exercise complete control and discretion over department and County organization and the necessity for technology.

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.

Employees having questions regarding any provision of this manual should immediately contact their immediate supervisor 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 provided to departments, offices and employees.

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 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.

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

Employers 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.

Employer 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, Director or

Employer if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the Employer determine a conflict exists between an employee's employment and a personal relationship with a co-worker, the Employer 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, to their immediate supervisor or Equal Employment Act Officer ("EEO"), their Department Head, Appointing Authority, Employer or Office Holder. If the alleged harasser is the Appointing Authority (e.g. Board Member) or the elected Officer Holder, 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 Employer/designee. Late reporting of complaints and verbal reporting of complaints will not preclude the Employer/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 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 County 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.

The employer out of operational necessity may place an employee into a temporary assignment that has a higher pay or salary range. Temporary assignments may be necessary to fill vacancies due to a leave of absence made necessary by reason of sickness, disability, or other approved leave of absence of a regular officer or employee. The assignment may be for an indefinite period of time, but shall continue only during such period of sickness, disability, or approved leave of absence.

When an employee is temporarily assigned to work in a position with more responsibilities or management rights as defined in SECTION 1.3, the employee's base rate of pay shall be adjusted. The rate of pay shall be a minimum of at least 5% above his/her current rate. The adjustment in pay shall be at the discretion of the appointing authority and shall take into consideration the employee's background, competencies and years of experience.

The employee shall retain all rights and privileges of their former position once the assignment has concluded. Upon completion of a temporary assignment, the employee will revert to his/her duties, classification and interim pay adjustments to which the employee would have otherwise been entitled.

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. 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, 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.

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. The Employer will pay for the cost of such examinations.

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 County 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. The employer does not complete and return questionnaires of other employers conducting reference checks.

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
- Fire, Disaster and Evacuation Plan
- Questions and Answers
- Employer-Provided Benefits
- Drug Free Workplace
- Any Other State or Federal Required Forms

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 employee's department head or 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 department with which the employee is assigned to work.

Following the orientation by the department, 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 department 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 department 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 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, 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 Employer's Drug Free Workplace statement and policy and will be required to sign a receipt for it, 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). This shall include medical marijuana.

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;
- A current copy of the Employer's Drug Free Workplace policy;
- 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. This includes but is not limited to medical marijuana.

The County Commissioners may refuse to hire, discharge, discipline or otherwise take adverse employment action against an individual due to his use, possession or distribution of medical marijuana.

SECTION 2.17 ETHICS OF PUBLIC EMPLOYMENT

The proper operation of government requires that actions of public officials and employees be impartial; that government decision 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, form 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 should 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
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

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, a written statement signed by the employee must be given to the Employer, or designee, prior to the Employer releasing a paycheck to any person other than the employee. Such statements must explicitly identify the specific person authorized to pick up the employee's check in lieu of the employee. The authorized person receiving the paycheck must sign an authorization acknowledging that he is who he claims to be and that he has received 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 hour shifts, 5 days per week. 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 department 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

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.

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 employee required to work on one of the recognized holidays will receive compensation at his regular base rate of pay, 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.

Mileage, Parking and Tolls

Employees or authorized individuals shall be reimbursed for actual miles while on approved official 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 14 days in advance or as practical 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 County business or when authorized to represent the County, and when such business occurs outside of the County, will be reimbursed at actual cost. Daily maximum(s) established by the Board of County Commissioners and defined herein may be adjusted as the geography and seasonality dictate.

Meals will be reimbursed at thirty-five dollars ($35) per day when out-of-County business including travel time, is less than twelve (12) hours.

Meals will be reimbursed at fifty dollars ($50) per day when out-of-County business including travel time, is twelve hours (12) or more.

Meals from 12:00 a.m. to 11:00 a.m. will only be reimbursed when overnight lodging is required and approved for the preceding night. See overnight expenses for requirements.

Itemized receipts for all meal expenses must be submitted and may include a meal gratuity, not to exceed 20% per meal, and subject to the daily maximum established by the Board of County Commissioners. 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 must be submitted along with all itemized receipts.

Overnight Expenses

Overnight stays while on County business may be authorized with pre-approval by the Board of County Commissioners in accordance with ORC 325.20; however, such authorization shall take into consideration the mode of travel authorized and/or travel time involved. Lodging expenses will be reimbursed only with prior written authorization of the Board of County Commissioners, excluding emergency situations, as determined by the Board. Itemized receipts for such expenses are required.

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

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.

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 Employer. All forms should be copied and forwarded to the Commissioners' and Auditor's offices.

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 light duty position. The Employer may, at its discretion, discontinue the light 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.

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.

SECTION 4.9 LONGEVITY PAY

Full-time non-bargaining unit employees 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:

- A lump sum payment of $125.00 after 5 years of uninterrupted continuous full-time employment; and

- An additional $25.00 for each full year of service upon the completion of each additional full year of service, to a maximum of $500.00 total payment.

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. After completion of 5 years of uninterrupted continuous full-time employment with Tuscarawas County, and for each year thereafter, the employee shall be eligible and receive the applicable longevity payment.

Longevity payments shall be paid on an annual basis in December of each year, in a lump sum.

For purposes of this policy, the employment year and the computation of the additional $25.00 per year shall be based on complete uninterrupted continuous years of full-time employment as of December 1 of each year for those employees who are hired or become eligible for this benefit after the adoption date of this policy.

Employees who are currently receiving this benefit shall continue to receive payment based on previous computations (i.e., years of service).

Elected County officials shall not be eligible for this benefit.

The maximum annual payment shall not exceed the 20 year accumulation rate.

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.

CHAPTER 5
LEAVES

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SECTION 5.1 HOLIDAYS

The Employer shall observe the 10 holidays designated by state law, plus 1 additional full day and 1 additional 1/2 day. 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 nineteenth 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
12. Christmas Eve 1/2 day if on a business day
13. The twenty-fifth day of December, known as Christmas Day

Definitions and Use

A part-time employee whose normal workday falls on a recognized holiday shall receive holiday pay for his normal work hours scheduled on that day. 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 holiday pay for the hours they are normally scheduled to work, prorated for half day, up to 8 hours pay, at their regular base rate of pay for full day holidays, and up to 4 hours pay at their regular base rate of pay for 1/2 day holidays. To be eligible for holiday pay, an employee must work the scheduled workday immediately preceding and the scheduled workday after the holiday, unless on an approved paid leave. An employee scheduled to work a holiday who reports off sick will not receive holiday pay.

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, except for Christmas Eve.

Due to continual operations of certain departments within the County, if an employee's work schedule is other than Monday through Friday, he is entitled to holiday pay for holidays observed on his 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, such vacation day shall not be charged against his vacation leave.

A full-time employee required to work on a recognized holiday shall receive compensation at his regular rate of 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. Employers 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.

Years Of Service	Employee Earns	80 Hour Rate Of Accrual
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 not 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 leave request form. 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 plus vacation leave accumulated in the current year.

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.

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 1 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.

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 shall acknowledge that the employee is able to return to work without any restrictions. In order to receive pay for sick leave usage, an employee must comply with all departmental 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.

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

An employee who has a death in his immediate family as defined below and attends the funeral or is required to assist in making funeral arrangements shall be granted up to 5 working days (maximum 40 hours) chargeable to sick leave. In the event that an employee has insufficient sick leave, leave of absence without pay or vacation leave may be granted.

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, daughter-in-law, son-in-law, sister-in-law, brother-in-law, stepparent, stepchild, stepbrother, stepsister, and legal guardian or other person who stands in place of the employee's parents.

Employees must request sick leave for funeral leave and shall use the leave request form.

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. 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 County, its morale, and/or delivery of its services due.

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.

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. 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 two 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

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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 County, or could create a negative image for 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, 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, clients, coworkers, supervisors 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 department, 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 the Employer's telephone, computers, cell phones, radios, etc., for anything other than business purposes unless authorized.

20. Employees shall only smoke in designated areas.

21. Employees shall not change or amend work schedules without prior consent.

22. Employees shall not sleep during working hours.

23. Employees shall always report to work fit for duty.

24. Employees shall refrain from possessing, using or being under the influence of drugs, including misuse or abuse of prescription drugs, or alcoholic beverages during working hours.

25. Employees shall conduct themselves in a moral manner and demonstrate common decency.

26. Employees shall not use department property or equipment without authorization.

27. Employees shall not perform private work or personal business on department 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 County, the department, or its operations.

30. Employees shall give factual and honest testimony during conduct investigations, predisciplinary 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 County policy and the Ohio Revised Code.

36. Unless specifically authorized, Employees shall not disclose or distribute any County records or reveal confidential information regarding clients' 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.

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 department. 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 County 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 department head, following the reporting off time lines established by the Employer, each day of the employee's illness or injury, unless other arrangements arranged 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 Illness, Incident, Accident, Exposure Report 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 hour shift shall receive one 1/2 hour unpaid meal period per scheduled shift. In addition, employees may receive 2, 15 minute break periods per 8 hour shift if authorized by their immediate supervisor. 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 County.

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 department 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 department protocol. Employees have no expectation of privacy in receiving personal mail at work.

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

Employees are prohibited from conducting 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.

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

Employees must report lost, broken, or damaged equipment to their Employer.

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.

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 his supervisor or department head or Employer as soon as possible.

SECTION 6.10 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 County 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 County 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 County.

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 County.

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 County or the employee or adversely affect the County or the employee's ability to perform his duties.

SECTION 6.11 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 6.12 ETHICS

All County employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the state of Ohio and other 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 or department 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.

Each case possibly involving an ethics/confidential information violation will be treated on a separate basis.

SECTION 6.13 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, 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 Employer, or to Human Resources of the Employer (if applicable).

3. If the subject of the complaint is both the Employer 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 form at the end of this policy manual). 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 6.14 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 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. 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 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 6.15 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 department head or the Employer.

SECTION 6.16 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.

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

1. registration and voting;
2. expression of opinions, either oral or written;
3. voluntary financial contributions to political candidates or organizations;
4. circulation of nonpartisan petitions or petitions stating views on legislation;
5. attendance at political rallies;
6. signing nominating petitions in support of individuals;
7. display of political materials in the employee's home or on the employee's property;
8. wearing political badges or buttons, or the display of political stickers on private vehicles; 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.

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 6.17 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. 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 County 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 or display any pins, badges, etc. 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 County 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 6.18 BULLETIN BOARDS

Employer bulletin boards shall be used for official County business only.

Employees wishing to have County business or information posted on a department 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 6.19 SMOKING

It is the Employer's policy that employees have the right to work in an environment free of the hazards of tobacco smoke. Ohio laws regarding smoking will apply and be

enforced. Smoking is not permitted in County vehicles, or buildings, or areas of public access, except in specially designated areas.

SECTION 6.20 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 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 departmental 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.

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 6.21 COMPUTER AND TECHNOLOGY USE, WI-FI, 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 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.

The County may provide free wireless Internet hotspots within County buildings for non-work related activities. This free service is an open network provided for your convenience and its use is at your own risk. The County does not guarantee the privacy of your data and communication while using this service. By using this service, you acknowledge and agree that you do so at your own risk.

The configuration and connections of personal electronic devices to the Wi-Fi is the employee's responsibility. The County IT staff are not be responsible for assisting you in making changes to your devices.

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, WI-FI, 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.

The County makes no warranty that the Wi-Fi service, or that any information, software or other material accessible on the Wi-Fi service is free from viruses or other harmful components or will be able to be available due to funding .

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 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 to include WI-FI use. 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, WI-FI 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 and WI-FI 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 County. The County has the right to make sure that nobody has made unauthorized use of or discloses confidential information (e.g., personal and protected information about employees 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 Cellular Phones, Electronic Devices

This policy outlines the use of personal cell phones/electronic devices at work, the personal use of County 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 cellular phones/electronic devices and WI-FI as is expected for the use of County phones. Excessive personal calls/electronic device and WI-FI use during the work day, regardless of the phone/device used, interfere with employee productivity and distract others. Employees must 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 County's policy. Flexibility will be provided in circumstances demanding immediate attention or for emergencies.

County Cellular Phones, Electronic Devices

If an employee's duties require immediate access to other employees, the County may issue a pager, cellular 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. 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 Cellular Phone/Electronic Device Use

Certain employees may be provided cellular telephones to communicate as needed to perform job duties and responsibilities on behalf of the County. Employees who are issued cellular telephones by the County 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 cellular telephone.

When personal telephone calls on County cellular phones are necessary, they are to be brief in duration, and limited in number, in order to avoid tying up the cellular telephone on non-business related matters.

Access to County Devices and Employee Responsible for Costs

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

Lost, stolen, or broken County cell phones shall be reported to the Employer immediately.

Each employee, who makes personal telephone calls on his County-issued cellular telephone, 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 County cellular telephone, the employee may, with the Employer's approval, use his own personal cell phone for County business. If the use results in the Employee being billed for County business related usage, the employee may submit a copy of his bill and seek reimbursement for these expenses from the County.

When using a County-issued cellular telephone in a County or personal vehicle, the employee is required to first pull over and stop the vehicle at a safe location, placing the call or texting. When receiving a cellular telephone call while driving, the employee is required to pull over, as soon as it is safe and practicable to do so. If needed to remain safe, the employee receiving a cell phone call should place the caller on hold, or advise that the employee will return the call, when the employee can safely park the vehicle. For the safety of the employee and other drivers, the employee is required to remain parked during the entire telephone conversation. No texting while driving will be permitted.

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

SECTION 6.22 NO PRIVACY EXPECTATION

All employees must understand that they have no expectation of privacy regarding the use of desks, lockers, computers, vehicles, 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.

SECTION 6.23 CONCEALED WEAPONS

While on duty or on County premises, County employees, are not permitted to carry weapons unless authorized through administrative action of the Tuscarawas County Commissioners and Sheriff. Only an officer, agent or employee of this State or any other State or the United States, or to a law enforcement officer , who is authorized to carry concealed weapons or dangerous ordinance or is authorized to carry handguns and is acting within the scope of the officer's , agent's, or employee's duties.

Any employee who carries, uses, brandishes, or displays a firearm while on duty or while on County property, without proper administrative authorization, 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. Except as provided in paragraph 3 below, possessing a weapon or firearm in any area owned, leased, or controlled by the County:

3. Pursuant to Ohio Revised Code 2923.126(B)(7), any person licensed to carry a concealed handgun may have a firearm in any parking area owned, leased, or controlled by the County so long as the firearm is stored in a locked vehicle in a manner that the firearm is not accessible to the operator or passenger. The firearm must be unloaded and carried in a closed package, box or case or in plain sight with the action opened or the weapon stripped;

4. 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 6.24 WORKPLACE VIOLENCE

The safety and security of employees, citizens, contractors, and the general public are of vital importance to 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 department head or Employer so that precautions may be taken in the workplace. Employees may provide copies of civil or criminal protection orders, ("CPO"), to their supervisor, department head 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 or persons recognized under section 6.23 of the Tuscarawas County personnel manual.)

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 department 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 6.25 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	Predisciplinary 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. Instructions on 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 move 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, Department 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, 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 rules, or disregard of common safety practices.

14. Failure to observe department, 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 in 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 for CDL holders).

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; for CDL holders see separate policy).

4. Unauthorized use or neglect or carelessness in the use of department 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.

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 department 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 department 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 department 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 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. 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 department's work stations.

14. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: falsification of records; 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 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. 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 24 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.

SECTION 7.3 PREDISCIPLINARY 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 Predisciplinary 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.

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.

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 / COMPLAINT PROCEDURE

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.

The supervisor, department head, all members of management, and the Employer 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 department 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 department head. If the employee directly reports to a department head, or the Employer the written complaint shall be taken to Step 3 of this procedure.

Step Two

The department 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 Employer, within 7 calendar days after receiving the Employer's decision.

Step Three

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

The Employer or designee shall respond to the employee's complaint within 14 calendar days after receiving the employee's complaint at Step 3. The Employer'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 Employer is the employee's immediate supervisor or the department head, the employee may submit the complaint to the Employer. Where a board or commission is the Employer, that board or commission may decide, on a case-by-case basis, at what step a complaint may be submitted. The board or commission may also decide how each complaint may be addressed.

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. 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.