

December 27, 2023

Agenda

Lord's Prayer
Pledge of Allegiance

Approve Minutes

Approve Before/After Expenditures

Approve Supplemental Appropriation (4)

Approve Transfer of Funds (2)

Approve Inter-Fund Transfer/Advance

Approve New Hire – Attorney Andrew Floor - JFS

Enact Frost Law – Wayne Township

Accept Resignation – Noah Porter – EMA Director

Approve Revised Personnel Manual Section 5.12 – Family and Medical Leave

Suspend Minutes 12-21-23 – Special Meeting – Village of Baltic

Pay Bills

Other Business

Adjourn

THE BOARD OF COMMISSIONERS OF TUSCARAWAS COUNTY MET IN REGULAR SESSION WEDNESDAY, THE 27th DAY OF DECEMBER, 2023 WITH THE FOLLOWING MEMBERS PRESENT:

Chris Abbuhl
Greg Ress

Commissioner Chris Abbuhl presiding.

NOTE: Commissioner Zemis was not in attendance.

The Lord's Prayer was said.
The Pledge of Allegiance was said.

RESOLUTION (1110-2023) APPROVE MINUTES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to approve the minutes from the December 20, 2023 meeting as written.

RESOLUTION (1111-2023) BEFORE/AFTER EXPENDITURES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following before/after expenditures:

VENDOR	OFFICE	AMOUNT
Horizons	JFS	\$25,990.10
TCFCFC	JFS	\$230.45
Ashley & Robert Bunton, JR	JFS	\$1,546.81

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1112-2023) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Park Department	E-1750-T027-T20	E-1750-T027-T06	\$8,000.00	PID #111280 Towpath Trail Extension 1 (Kimble Trail) project-construction
Park Department	E-1630-S095-S20	E-1630-S095 S21	\$7,150.00	PID #111280 Towpath Trail Extension 1 (Kimble Trail) project - final
Auditor	E-1380-Q099-Q20	E-1380-Q099-Q01	\$330,776.98	Record budgetary activity for OPWC CN12AA (CR 61 & 7) to Newton Asphalt in the amount of \$158,610.93 & OPWC DNAA04 to Newton Asphalt in the amount of \$172,166.05 <i>Disbursements are made directly by Ohio Public works Commission to Vendors – County is required to budget for this activity and reflect it on the financial records.</i>
Auditor	E-1380-Q099-Q20	E-1380-Q099-Q02	\$418,183.07	Record budgetary activity for ODOT #107134 to Black Horse Construction in the amount of \$418,183.07 <i>Disbursements are made directly by ODOT to Vendors – County is required to budget for this activity and reflect it on the financial records.</i>

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1113-2023) TRANSFER OF FUNDS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Muni Court	E-0180-A002-G15	E-0180-A002-G19	\$139.85	Needed to cover 2023 attorney fees
Muni Court	E-0180-A002-G16	E-0180-A002-G19	\$880.00	Needed to cover 2023 attorney fees
Muni Court	E-0180-A002-G17	E-0180-A002-G19	\$1,280.00	Needed to cover 2023 attorney fees
Muni Court	E-0180-A002-G18	E-0180-A002-G19	\$225.00	Needed to cover 2023 attorney fees
Common Pleas Court	E-0120-A202-B02	E-0120-A002-B02	\$300.00	Additional funds are needed to cover the employee salary line
Common Pleas Court	E-0120-A002-B19	E-0120-A002-B02	\$510.00	Additional funds are needed to cover the employee salary line
Common Pleas Court	E-0120-A002-B10	E-0120-A002-B02	\$325.94	Additional funds are needed to cover the employee salary line
Common Pleas Court	E-0120-A002-B12	E-0120-A002-B02	\$150.00	Additional funds are needed to cover the employee salary line
Common Pleas Court	E-0120-A002-B05	E-0120-A002-B02	\$800.00	Additional funds are needed to cover the employee salary line

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1114-2023) INTER-FUND TRANSFER/ADVANCE

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following inter-fund transfer/advance as per State Auditor's recommendation:

From: Foster Care Prevention Grant to Child Service Fund \$5,000.00

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

DISCUSSION: NEW HIRE: *Lynn Angelozzi, Interim JFS Director, requested the hiring of Andrew Floor as a new attorney for JFS in the Legal Unit.*

RESOLUTION (1115-2023) NEW HIRE – ATTORNEY – ANDREW FLOOR - JFS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to accept the approval of the new hire as follows:

WHEREAS, Attorney Andrew Floor has been determined by Tuscarawas County Job and Family Services, to meet the minimum qualifications established for the classification of Attorney in the Legal Unit.

Therefore, be it resolved that Andrew Floor shall begin his employment as full time Attorney in the Legal Unit effective January 2, 2024 at a rate of \$29.52 per hour.



389 16th Street SW
New Philadelphia, Ohio 44663
Phone: 330-339-7791 or 800-431-2347
Fax: 330-339-6388 TTY/TTD: 1-800-750-0750
www.tcjfs.org

December 21, 2023

On behalf of Tuscarawas County Job and Family Services, I respectfully request a resolution by the Tuscarawas County Board of Commissioners to approve the hiring of: Andrew Floor as the Attorney in the Legal Unit.

Andrew Floor would replace Lisa Vitale Arnold who took another position within the agency effective 11/5/2023.

Andrew would begin his new position effective January 2, 2024.

A copy of the Payroll Information (BO 13) is attached.

I have conducted an independent assessment to determine that this applicant meets the minimum qualifications for the position.

Lynn Angelozzi, Interim Director

Approved by Resolution:

Chris Abbuhl

12/27/2023
Date

Absent
Kristin Zemis

12/27/2023
Date

Greg Ress

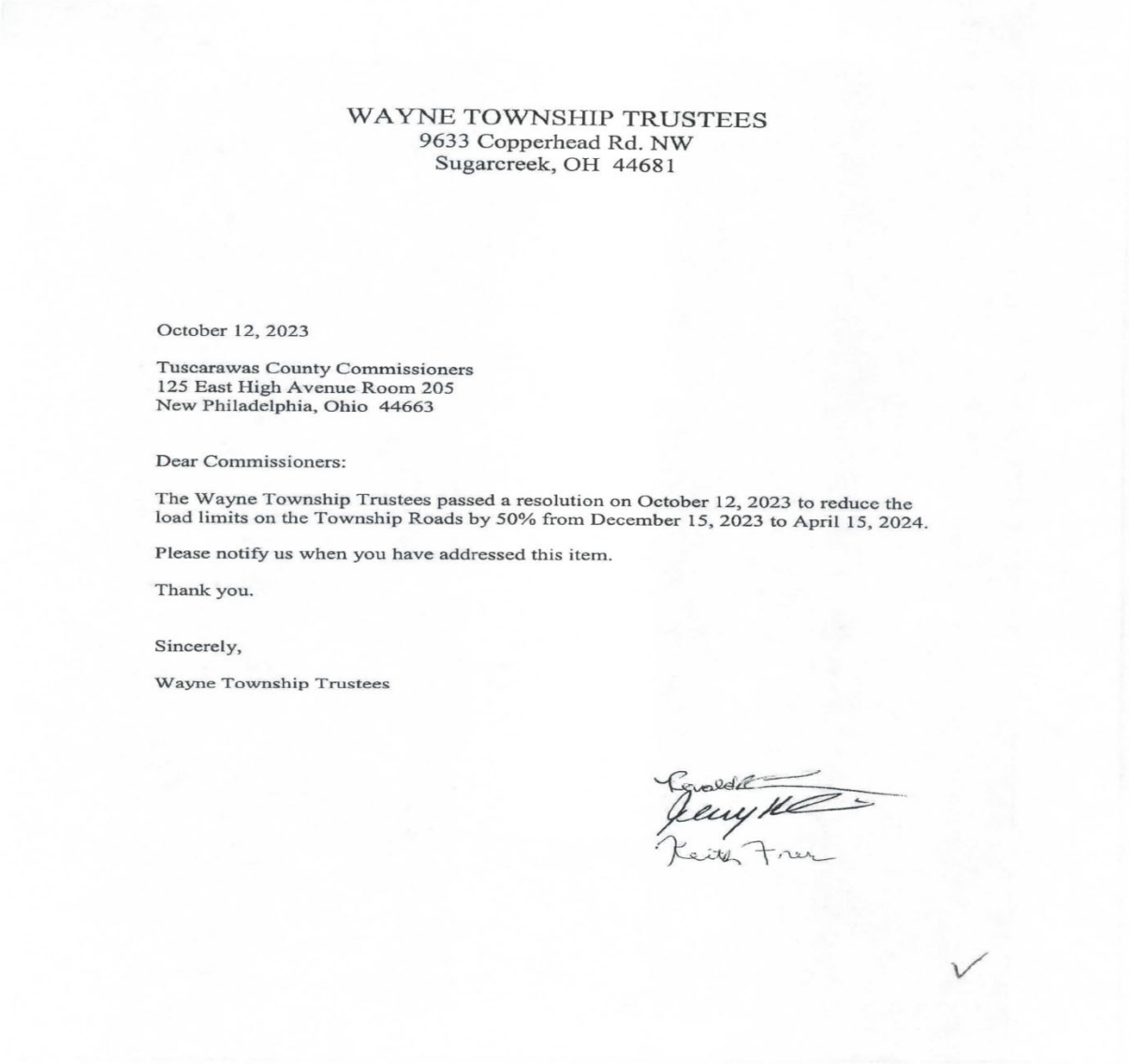
12/27/23
Date

TCJFS helps people achieve safety, security, and self-sufficiency.

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1115-2023) FROST LAW – WAYNE TOWNSHIP

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to enact “Frost Law” (50% load limit reduction) on ALL Wayne Township roads from December 15, 2023, to April 15, 2024. This is contingent on any road agreement with Wayne Township signed with any company. This action is taken upon the request and approval of the Wayne Township Trustees.



VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1117-2023) ACCEPT RESIGNATION FROM EMA – NOAH PORTER

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to accept the resignation of Noah Porter from Director of the Emergency Management Agency, as requested by Noah Porter, effective Friday, January 12, 2024.



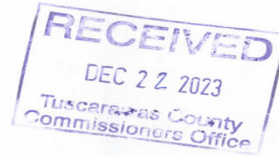
Tuscarawas County Homeland Security and Emergency Management Agency

portern@co.tuscarawas.oh.us

2295 Reiser Avenue SE | New Philadelphia, OH 44663

Phone: 330-308-6670 | Fax: 330-308-6675

Noah Porter
Director



December 21st, 2023

Tuscarawas County HS&EMA

Noah Porter, Director

Dear Commissioners Abbuhl, Ress, and Zemis,

I am writing to formally notify you that I am resigning my position as Director of the Tuscarawas County Homeland Security and Emergency Management Agency, effective Friday, January 12th.

I am extremely thankful for the opportunities I have had while working for this Agency. Tuscarawas County is where I got my start in this field, and where I have been able to learn so much about this rewarding career. When I started as an EMA Planner in May 2021, I anticipated being in that role for quite some time. Working my way up into the Deputy Director and Director roles with this Agency has been an honor. I made the tough decision to leave Tuscarawas County to pursue an opportunity with Ohio EMA's Regional Office where I will be able to use my knowledge gained here to assist other counties in NE Ohio and their Emergency Management programs.

Over the next few weeks I will work to ensure a smooth transition for this office and its staff. Please let me know if there is anything I can do to help during the transition period.

Sincerely,

Noah Porter
Director, Tuscarawas County HS&EMA
portern@co.tuscarawas.oh.us
330-440-1101

e: ea con

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

DISCUSSION: RESIGNATION: *Commissioner Abbuhl, stated Noah has been with the Emergency Management Agency (EMA) for a little while. We certainly want to wish Noah the best and would never want to hold someone back if they have the opportunity to move forward.*

We will have to aggressively look for a replacement. Kris Lowdermilk, HR Manager, stated we have the job posted and will look at some applications of people who have applied in the past and what we get for new applications. Commissioner Abbuhl stated we are happy for Noah, but sad that he is leaving the County.

DISCUSSION: REVISED PERSONNEL MANUAL: *Kris Lowdermilk, HR Director, was present to talk about the new FMLA revision in the Personnel Manual Section 5.12.*

RESOLUTION (1118-2023) REVISED PERSONNEL MANUAL – SECTION 5.12 – FAMILY AND MEDICAL LEAVE

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following revision to Section 5.12 of the Personnel Manual, Family and Medical Leave:

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, as amended.

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. FMLA is generally unpaid leave. An employee may, however, substitute accrued paid leave for FMLA. Additionally, an employer may require an employee to substitute accrued paid leave which Tuscarawas County does require the substitution of eligible accrued paid leave. 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, 2024, 4 weeks beginning June 1, 2024, and 4 weeks beginning December 1, 2024, the employee would not be entitled to any additional leave until February 4, 2025.
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 (eligible sick, vacation, etc., but not compensatory time) while on Family Medical Leave. That is, the FMLA leave runs concurrent to the paid leaves. The employee shall notify the Department of Human Resources what order he or she wishes to utilize the designated leave. If the employee fails to notify the Human Resources office, the accumulated leaves shall be utilized in the following order: sick leave, if applicable, vacation leave, and personal leave. 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 FMLA 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 available accrued paid vacation leave and eligible sick leave prior to using unpaid leave for the remainder of the 12-week period. 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 use their vacation leave and sick leave during the 12-week FMLA 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 use available accrued paid vacation and eligible sick leave prior to using unpaid leave for the remainder of the 12-week FMLA period.
4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes FMLA leave because of his or her serious health condition or the serious health condition of their family member must use their available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the 12-week FMLA 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.

Substitution of Paid Leave

Tuscarawas County employees are required to substitute accrued paid leave for FMLA leave. FMLA leave runs concurrently with other types of leave.

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.

Key Employee, General Rule

A "Key Employee" is a salaried FMLA eligible Employee who is among the highest paid ten (10) percent of all the Employees employed by the County within seventy-five (75) miles of the Employee's worksite.

Substantial and Grievous Economic Injury

To deny restoration to a key Employee, the County must determine that the restoration of the Employee to employment will cause “substantial and grievous economic injury” to our operations, not whether the absence of the Employee will cause such substantial and grievous injury.

Rights of a Key Employee

If the Employer believes that reinstatement may be denied to a Key Employee, the employer will give written notice to the Employee at the time the Employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a Key Employee. At the same time, the employer must also fully inform the Employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employer should determine that substantial and grievous economic injury to the employer's operation will result if the Employee is reinstated from FMLA leave.

Complying with Employer Policy

Please refer to the Paid Sick Leave Policy regarding employer notification for absence.

Scheduling Planned Medical Treatment

When planning medical treatment, the Employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to unduly disrupt operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with the employer prior to the scheduling of treatment to work out a treatment schedule which best suits the employers needs and the needs of the Employee subject to the approval of the health care provider.

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An Employee shall advise the employer, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The Employee and employer shall attempt to work out a schedule for such leave that meets the Employee's needs without unduly disrupting the employer's operations, subject to the approval of the health care provider.

Employee Notice Requirements for Unforeseeable FMLA Leave

Calling in “sick” without providing more information will not be considered sufficient notice to trigger an employer's obligations under the Act.

Certification, General Rule

The employer will require that an Employee's leave to care for the Employee's covered family member with a serious health condition or due to the Employee's own serious health condition that makes the Employee unable to perform one or more of the essential functions of the Employee's position, be supported by a certification issued by the health care provider of the Employee or the Employee's family member. The employer also requires that an Employee's leave because of a qualifying exigency or to care for a covered service member with a serious injury or illness be supported by such certification.

Timing

The Employee must provide the requested certification within fifteen (15) calendar days after the employer's request, unless it is not practicable under the circumstances to do so despite the Employee's diligent, good faith efforts. The Employee must provide a complete and sufficient certification to the employer. A certification is considered incomplete if the employer receives a certification, but one or more of the applicable entries have not been completed.

Unforeseeable Leave

When the need for FMLA leave is unforeseeable and an Employee fails to give notice, the extent to which an employer may delay FMLA coverage for leave will be determined based up on the facts of the case.

Interaction with Federal and State Anti-discrimination Laws

The employer will not discriminate against Employees because of the approved use of family care or medical leave or a proper request for such leave. Requests for family care and medical leave will be considered without regard to race, color, citizenship status, national origin, ancestry, gender, sexual orientation, age, religion, creed, physical or mental disability, marital status, or veteran status.

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.

VOTE: Chris Abbuhl, yes;
 Kristin Zemis, absent;
 Greg Ress, yes;

RESOLUTION (1119-2023) SUSPEND THE READING OF THE MINUTES

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to suspend the reading of the minutes of the December 21, 2023 special meeting with the Village of Baltic.

VOTE: Chris Abbuhl, yes;
 Kristin Zemis, absent;
 Greg Ress, yes;

DISCUSSION: SPECIAL MEETING IN VILLAGE OF BALTIC: *Commissioner Abbuhl stated this is our joint meeting we had with the Village of Baltic Council for the purpose of providing Water & Sewage to the Village. The Clerk, Rhonda Jordan, stated the minutes needed to be suspended because we have not received the documents that were signed in the meeting.*

RESOLUTION (1120-2023) PAY BILLS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve payment for the following bills:

911

Staley Technologies	Lifesize 2024 Renewal	\$3,497.00	
Staley Technologies	Key/ID Cards	\$510.00	
			\$4,007.00

American Rescue Plan Act

John Patrick Picard Architect Inc	Services/Health Dept	\$22,973.40	
	Multi Use Bldg/PymntApp		
Massillon Construction & Supply LLC	#3	\$207,997.33	
	Multi Use Bldg/PymntApp		
Wood Electric Inc	#1	\$53,150.44	
			\$284,121.17

Auditor

Staples Business Advantage	Supplies	\$21.09	
Harris Computer Systems	Supplies	\$191.81	
			\$212.90

Child Support

First Communications LLC	Service	\$13.17	
Quadient Leasing USA Inc	Postage Machine Lease	\$457.39	
Tusc Co Sheriff's Dept	2023 IV-D Contract	\$6,135.22	
Tusc Co Treasurer	2023 IV-D Contract	\$993.92	
Tusc Co Treasurer	2023 IV-D Contract	\$659.21	
Verizon Wireless	Service	\$80.22	
			\$8,339.13

Clerk of Courts

Independence Business Supply	Supplies	\$10.08	
			\$10.08

Commissioners

AEP	Electric Utility	\$1,667.56	
Amazon Capital Services	Supplies	\$447.46	
BA Widder Architects	Security Station/COB	\$754.80	
Blasenbauer Plumbing & Heating	Repair	\$212.00	
John's Sweeper Service	Supplies	\$55.97	
Liberty Distributors Inc	Supplies	\$483.00	
			\$3,620.79

Community Corrections		
First Communications LLC	Service	\$16.62
		\$16.62
Coroner		
Axis Forensic Toxicology	Services	\$784.00
Clear Communications	Interpreter Fee	\$75.00
Smith Livery Service	Services	\$1,400.00
Smith Livery Service	Services	\$700.00
Tri-County Joint Ambulance Service	Services	\$50.00
		\$3,009.00
Dog & Kennel		
Action NOW Pest Control	Services	\$45.00
Cummins Sales & Services	Repairs	\$1,706.53
Cummins Sales & Services	Repairs	\$332.25
Hillyard	Supplies	\$185.48
Hillyard	Supplies	\$212.00
Oak Pointe Vet Care	Supplies	\$189.59
Miller's Clothing	Uniforms/Boots	\$344.95
Twin City Vet Clinic	Supplies	\$690.50
Humble Creatures Vet Clinic	Medical Care	\$321.60
		\$4,027.90
EMA		
VEIT	Copier Contract	\$7.19
Imprint Logo Inc	Supplies	\$2,413.36
		\$2,420.55
Engineer		
Kathy's Cookies & Catering	Services	\$513.00
		\$513.00
Information Technology		
Silco Fire & Security	Testing	\$709.50
		\$709.50
JFS		
CBTS	Phones	\$1,692.32
Charter Communications	Internet	\$109.99
Christopher Neary	Services	\$3,600.00
Dominion Energy Ohio	Prevention	\$721.67
Dr Nicholas Varrati MD	D Test	\$110.00
Forensic Fluids Laboratories	Services	\$5,200.00
Frontier	Service/Fire Lines	\$147.22
Gannett Media Corp	Legal Ad	\$219.44
Gerald Gibbs	FACES-Rent	\$788.26
Go Shred	Services	\$277.50
Goodwill Ind of Greater Cleveland	FACES	\$1,950.00
Interpreters XP LLP	Interpreter	\$305.00
Lowe's	Supplies	\$17.50
Melymbrosia Associates Inc	Court Appearance	\$375.00
Monique Bailey	FP Reimb	\$14.86
Muskingum Valley Health Center	Services	\$137.25
Ohio Turnpike	Tolls	\$12.50
Propio Language Services LLC	Interpreter	\$632.59
Quadient Leasing USA Inc	Postage Machine	\$594.75
Society For Equal Access	Nov 2023 Transportation	\$10,947.68
Superfleet Mastercard Program	Nov 2023 Fuel	\$37.52
Superfleet Mastercard Program	Nov 2023 Fuel	\$70.44
Tiff Health LLC	Bd Home/Purchd Care #3	\$19,950.00
Tusc Co Board of DD	Shared Funding/8/24-11/24	\$14,871.27

	Utilities Mid 10/23-Mid 11/23	\$1,990.18	
Tusc Co Commissioners			
Tusc Co Sheriff	Nov 2023 Fuel	\$283.37	
Tusc Co Wtr & Sewer Dept	Sub Station Fee	\$150.00	
			\$65,206.31
Park			
David Smith	Services	\$276.90	
Piedmont Gas Co	Gas Utility	\$56.33	
Yoders Small Engines LLC	Supplies	\$24.44	
			\$357.67
Public Defender			
Staples	Office Supplies	\$208.27	
Bloom's Printing	Envelopes	\$389.00	
Zashin & Rich	Legal Fees	\$2,230.00	
American Electric Power	Service	\$428.74	
Pitney Bowes	Postage Machine Lease	\$189.18	
Wells Fargo Financial Leasing	Copier Contract	\$228.73	
			\$3,673.92
Recorder			
Lori Smith	Supplies Reimbursement	\$19.96	
			\$19.96
Sheriff			
Amy Fomenko	Travel	\$497.20	
Hobart	Repairs	\$4,280.25	
American Electric Power	Service	\$9,947.28	
Verizon Wireless	Cell Service	\$240.66	
			\$14,965.39
Southern District			
AEP	Electric Utility	\$521.93	
Navitas Credit Corp	Service	\$412.20	
Quill	Supplies	\$348.45	
Twin City Water	Service	\$65.00	
			\$1,347.58
Veterans			
Debra S Cook	PIV Renewal Expense Reimb	\$102.00	
Tusc Co JFS	Services/Supplies Nov 2023	\$38.75	
			\$140.75
Water & Sewer			
AEP	Electric Utility	\$80.75	
Engineering Associates Inc	Services	\$3,500.00	
Engineering Associates Inc	Services	\$2,750.00	
Engineering Associates Inc	Services	\$6,500.00	
First Communications LLC	Service	\$216.02	
Frontier	Service	\$44.98	
Frontier	Service	\$51.43	
Henry Heating & Cooling Inc	Repairs	\$1,084.84	
Occupational Medical Center	Services	\$55.00	
Otto Electric Ltd	Repairs	\$364.43	
Otto Electric Ltd	Repairs	\$62.89	
Otto Electric Ltd	Repairs	\$351.29	
SAL Chemical	Supplies	\$1,027.75	
Twin City Water & Sewer District	Service	\$6,605.73	
Twin City Water & Sewer District	Service	\$3,939.67	
USA BlueBook	Materials	\$417.09	
Ward & Emler Surveying Inc	Services	\$1,500.00	
			\$28,551.87
	GRAND TOTAL		\$425,271.09

VOTE: Chris Abbuhl, yes;
 Kristin Zemis, absent;
 Greg Ress, yes;

OTHER BUSINESS: *Commissioner Ress stated it has been a pleasure working my first year here. This is the last meeting of the year and it has gone by quickly.*

RESOLUTION (1121-2023) RECESS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to recess at 9:30 a.m. for the purpose of possible year-end financial requests.

VOTE: Chris Abbuhl, yes;
 Kristin Zemis, absent;
 Greg Ress, yes;

Commissioner Abbuhl called the meeting out of recess at 2:01 p.m. on and back into Regular Session

RESOLUTION (1122-2023) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Auditor	E-1380-Q099-Q20	E-1380-Q099-Q01	\$56,624.38	Record budgetary activity for OPWC DNAA04 (CR94, 98, 110 Resurfacing) to Newton Asphalt in amount of \$56,624.38 <i>Disbursements are made directly to Ohio Public Works Commission to vendors – County is required to budget for this activity and reflect it on the financial records</i>
Auditor	E-1380-Q099-Q20	E-1380-Q099-Q02	\$380,434.58	Record budgetary activity for ODOT PID 114260 (CR 62) to Palmer Engineering in amount of \$380,434.58 <i>Disbursements are made directly to ODOT to vendors – County is required to budget for this activity and reflect it on the financial records</i>

VOTE: Chris Abbuhl, yes;
 Kristin Zemis, absent;
 Greg Ress, yes;

RESOLUTION (1123-2023) LEASE TERMINATION – TUFF BAGS

It was moved by Commissioner Ress, and seconded by Commissioner Abbuhl to terminate the following lease between S & B Good Works LLC and the Tuscarawas County Board of Commissioners. This agreement has been approved as to form by Kristine Beard, Tuscarawas County Assistant Prosecutor.

MUTUAL AGREEMENT TO TERMINATE LEASE

This Mutual Agreement to Terminate Lease is made and entered into by and between S & B Good Works LLC, hereinafter referred to as "Lessor", and the Tuscarawas County Board of Commissioners, hereinafter referred to as "Lessee".

Whereas, Lessor and Lessee entered into a Lease Agreement dated August 1, 2021 (the "Lease Agreement"), for the commercial premises located at 1060 Cookson Ave. SE, New Philadelphia, Tuscarawas County, Ohio (the "Premises");

Whereas, the Lease Agreement was to provide a location for the TUFF Bags Program of the Tuscarawas County Juvenile Court (the "Juvenile Court");

Whereas the Juvenile Court will no longer be operating the TUFF Bags Program, but will continue to participate and support the program; and,

Whereas the Lease Agreement provides that it will terminate when the Juvenile Court no longer uses the premises for the exclusively for the TUFF Bags program;

Accordingly, Lessor and Lessee agree as follows:

- 1) The Lease Agreement is hereby terminated, effective December 31, 2023 (the "Effective Date");
2) The parties mutually release each other from any further obligations under the Lease Agreement;
3) The parties waive any notice requirements of the Lease Agreement as it pertains to a termination of the Lease Agreement; and,
4) All of the remaining terms of the Lease Agreement will continue to be in full force and effect through the Effective Date

Remainder of this page intentionally left blank.

IN WITNESS WHEREOF, the parties have knowingly and voluntarily executed this Lease on the date(s) indicated.

LESSOR
S & B Goodworks, LLC

LESSEE
Tuscarawas County Board of Commissioners

By: Steve Mastin, Member

By: Chris Abbuhl, President

By: Rebecca Mastin, Member

Date: 12/27/2023

Date:

STATE OF OHIO, COUNTY OF TUSCARAWAS, SS.:

The foregoing instrument was acknowledged before me this day of 2023 by S & B Good Works, LLC by Steve Mastin and Rebecca Mastin, its Members, the Lessor therein.

Notary Public

STATE OF OHIO, COUNTY OF TUSCARAWAS, SS.:

The foregoing instrument was acknowledged before me this 27th day of December, 2023 by Chris Abbuhl, President of Tuscarawas County Board of Commissioners, the Lessee therein.



Notary Public Crystal M DiGenova My commission expires 5-14-2025

VOTE: Chris Abbuhl, yes; Kristin Zemis, absent; Greg Ress, yes;

RESOLUTION (1124-2023) RECESS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to recess at 2:05 p.m. for the purpose of possible year-end financial requests.

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

Commissioner Abbuhl called the meeting out of recess at 4:04 p.m. on Thursday, December 28, 2023 and back into Regular Session

RESOLUTION (1125-2023) SUPPLEMENTAL APPROPRIATIONS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to approve the following supplemental appropriations:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Auditor	E-1710-T024-T05	E-1710-T024-T01	\$610.00	Needed to pay the registration costs

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1126-2023) TRANSFER OF FUNDS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl to approve the following transfer of funds:

DEPARTMENT	FROM	TO	AMOUNT	REASON
Law Library	E-1411-S020-S03	E-1411-S020-S02	\$18.00	To cover PERS cost for 2023

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

RESOLUTION (1127-2023) RECESS

It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to recess at 4:05 p.m. on Thursday, December 28, 2023 for the purpose of possible year-end financial requests.

VOTE: Chris Abbuhl, yes;
Kristin Zemis, absent;
Greg Ress, yes;

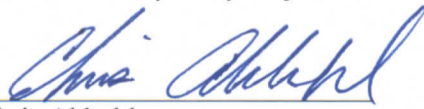
Commissioner Abbuhl called the meeting out of recess at 10:06 a.m. on Friday December 29, 2023 and back into Regular Session

RESOLUTION (1128-2023) ADJOURN

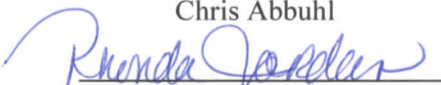
It was moved by Commissioner Ress, seconded by Commissioner Abbuhl, to adjourn at 10:07 a.m. to meet in Regular session Wednesday, the 3rd day of January, 2024.

VOTE: Chris Abbuhl, yes;
Kristin Zemis, Absent;
Greg Ress, yes;

We hereby certify the above and foregoing to be a true and correct account of the proceedings as had by and before us on the day and year first written above.


Chris Abbuhl


Greg Ress


Attest: Rhonda Jordan, Clerk