

# POLICY 300

## PERSONNEL

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### **300 PERSONNEL/HUMAN RESOURCES DEVELOPMENT**

The Clermont County Board of DD is committed to recruit, manage, develop, and retain appropriate and competent personnel who will meet the needs of the person(s) served and who will contribute to the Clermont County Board of DD's Mission and Philosophy.

It is the Clermont County Board's expectation that all staff understand and abide by the principles of a trauma informed community.

The Clermont County Board also agrees to provide appropriate staff ratios and configurations to meet the needs of the person(s) served, which adhere to all laws and regulations of the Ohio Department of DD or other governing bodies.

The organizational chart (Table of Organization) is reviewed by the Board, no less than annually, and will be modified as additional staff, programs or services are provided or as the needs of the overall program change.

All staff working for the Clermont County Board of DD shall meet the appropriate level of experience and education as defined by the certification and registration requirements of the Ohio Department of DD, the Ohio Department of Education, or other governing bodies. All staff members will receive training regarding the signs and symptoms of trauma and how trauma affects all people and will be supervised in promoting safety and recovery from adversity through the active creation of a trauma informed community.

Position descriptions and postings will indicate minimum education and experience qualifications for all personnel.

The Clermont County Board of DD follows all equal opportunity and ADA requirements for hiring staff and provides appropriate background and credential checks as required by the Ohio Department of DD and other governing bodies.

All Board employees have job descriptions that clearly identify their roles and/or responsibilities and expectations of a trauma informed community. These job descriptions are reviewed annually and periodically revised to meet all ADA, BWC - Public Employee Risk Reduction Program (PERRP) and other regulating body requirements.

All staff members are made aware of the personnel policies, and each receives a copy of the personnel handbook upon hire and updates as they occur. Appropriate orientation and training of all staff, which addresses knowledge and competency needs and which supports the achievement of individuals and other stakeholder expectations, is provided on a regular basis by their department Director or Designee.

## **301 GENERAL EMPLOYMENT CONDITIONS**

### **301.01 Equal Employment**

All employees are entitled to equal employment opportunities and no employee or applicant will be discriminated against for employment because of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), ethnicity, marital status, genetic information, status as a U.S. veteran, age, gender, national origin or ancestry, political affiliation, union affiliation, qualifying disability or any other factor(s) unrelated to the performance of the essential duties of the position.

No employee may aid, abet, compel, coerce, or conspire to discharge, harass, or cause another to resign because of race, color, religion, sex (including pregnancy, sexual

orientation, or gender identity), ethnicity, marital status, genetic information, status as a U.S. veteran, age, gender, national origin or ancestry, political affiliation, union affiliation, qualifying disability, or any other factor(s) unrelated to the performance of the essential duties of the position.

The Human Resources Coordinator serves as the Equal Employment Opportunity Officer for the Clermont County Board of DD.

Employees who believe that they have been victims of unlawful discrimination may file a complaint with the Human Resources Coordinator.

Nothing in this policy is to be construed to discourage an employee who believes they have been the victim of unlawful discrimination from filing a complaint with the appropriate court or administrative agency.

Alleged violations of this policy are to be reported to the Human Resources Coordinator or to the Superintendent by the supervisor or person to whom the incident is reported.

It is against the policy of the Clermont County Board of DD to discriminate against any employee or applicant with respect to hiring, tenure, terms, conditions or privileges of employment or any matter directly or indirectly related to employment because of disability.

### **301.02 Reasonable Accommodations**

If otherwise qualified applicants or employees can safely and substantially perform the essential functions of a job without undue expense or other hardship to the program, the Clermont County Board of DD shall take reasonable steps to accommodate an applicant's/employee's disability.

Decisions regarding reasonable accommodation of a known disability shall be made on a case-by-case basis.

For purposes of this policy "disabled" means a medically diagnosable condition which is expected to continue for a considerable length of time, whether correctable or uncorrectable by good medical practice, which can be reasonably expected to limit the person's functioning ability, including but not limited to: seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, sitting, rising, any related function or any limitation due to weakness and significantly decreased endurance, so that they cannot perform their everyday routine living and working without significantly increased hardship and vulnerability to what are considered the everyday obstacles and hazards encountered by the non-disabled. This policy does not require employment or training of disabled persons under circumstances that would significantly increase the occupational hazards affecting either the disabled person, other employees, the general public, or the facilities in which the work is to be performed or employment or training of a disabled person in a job that requires them routinely to undertake any task the performance of which is substantially and inherently impaired by a disability.

All staff must be able to do their entire job. In the event an employee is temporarily unable to perform the duties required by the job, attempts will be made to accommodate that employee for a reasonable period of time, providing the following guidelines can be met:

1. Consistency in programming for enrollees must be maintained.
2. The integrity of the Interdisciplinary Team must be maintained.

3. Injuries as the result of job performance should be given extra consideration. Should accommodations not be possible, consideration may be given to other positions for which the employee may be qualified. The procedures governing the use of sick leave and disability leave of absence without pay are in effect including the following:
  - a. The staff person may be allowed to take a disability leave to complete appropriate treatment and return to be able to do the job as stated.
  - b. If the person cannot complete the job as determined through medical examination and the review process, they cannot continue to be employed. Disability retirement or Voluntary/Involuntary Disability Separation may be necessary as per Civil Service rules.
  - c. The employee may be able to apply for wage reimbursement through the Bureau of Workers Compensation if the injury is work related and meets the appropriate criteria.

### **301.03 Non-Discriminatory Contracts**

Any individual, agency or service provider entering into contract with the Clermont County Board of DD shall act in a non-discriminatory manner, both as an employer and as a service provider, and shall act without regard to race, color, national origin, religion, age, sex (including pregnancy, sexual orientation, or gender identity), ethnicity, marital status, status as a U.S. veteran or handicapping condition toward any enrollee. Failure to do so may result in termination of the contract.

### **301.04 Nepotism Policy**

Members of the immediate families of the seven-member Clermont County Board of DD or the Board of County Commissioners may not be hired to work for the Clermont County Board of DD.

No person shall occupy any position in which they could directly supervise or otherwise influence a decision in favor of or against another member of their immediate family.

### **301.05 ETHICS**

As an employee of the Clermont County Board of DD, you hold a position of trust. All employees are expected to maintain the highest of ethical standards. The State has specific laws governing the conduct of public employees. All CCDD Employees are required to report any outside employment or involvement with individuals (persons served) and/or contracted agencies and sign a conflict-of-interest disclosure statement upon hire and at least annually thereafter.

The purpose of a Code of Ethics is to provide guidelines for everyone involved with the organization that will help them achieve their part of the organization's mission in an efficient, effective, and ethical manner. Everyone involved in providing programs and services, whether they are employees, Board Members, or volunteers, is expected to understand and adhere to this code.

**Misuse of Official Position:** You may not use your position as a public employee to gain personally as a result of decisions you make or have influence on at work. You may not use your position as a public employee to secure anything of value for persons or

entities with who you have a relationship that would impair your objectivity, such as your family members, business associates, employers, or others.

You may not represent another person or business before any public agency (including your employer or former employer) in any matter in which you had dealings as an employee. This is effective while you are a public employee and for one year or more after you leave DD employment.

Confidential Information: You may not use or release information you acquired as a result of your public service employment if it is confidential by statutory provision or officially designated as confidential.

Interest in Public Contract: You are prohibited from having any interest in a public contract of the public entity with which you are connected. You may not use your authority or influence to get approval of a public contract or secure investment of public funds if you, your family, or any business associate has an interest in the transaction.

Soliciting or Receiving Improper Compensation: You may not solicit or accept anything of value that is of such a character that it would manifest a substantial and improper influence upon an individual served.

Witnessing of Documents: It is common and acceptable for employees who are part of the interdisciplinary team to sign as a witness on internal documents that are generated and processed by the organization. For documents that are external to the organization, it is uncommon to witness them. Persons receiving services should be encouraged to have such documents witnessed by other pertinent parties such as family members. However, in circumstances where a signature is required immediately and no other more appropriate person is available, the decision to witness such a document will

be made on a case-by-case basis by a director or Superintendent. The above situations are only a few examples of the possible conflicts that confront public employees. They are not intended to represent the entire scope of conflicts of interest or ethics issues.

If an employee witnesses a violation of the Board's ethics code, the employee should immediately notify their supervisor, who will investigate the situation. If the employee's supervisor is the person who may have violated the Board's ethics code, the employee should notify the Director of Business Operations/designee, who will investigate. If a violation of the code of ethics has been found to occur, the Board's disciplinary process will be followed and discipline may result, up to and including termination.

### **301.06 Management Rights**

In accordance with Ohio Revised Code 5126.05 (A)(1), the Clermont County Board of DD maintains the ultimate authority to establish policies.

The Superintendent maintains the ultimate authority to interpret and administer policies and to direct the operation of the agency.

Management's rights include, but are not limited to the following - The right to:

- A. Determine the agency's goal(s), objectives, programs and services and to utilize employees in a manner designed to effectively and efficiently meet these purposes;
- B. Exercise complete control and discretion over the budget, organizational structure and method of performing the work required;
- C. Manage and determine the location, type and number of physical facilities, equipment, programs and work to be performed;

- D. Determine the adequacy, size, composition and qualifications of the work force, staffing patterns and organizational structure;
- E. Set standards of service and determine the procedures and standards of selection for employment;
- F. Determine the hours of work, work schedules and to establish the work rules, policies and procedures for all employees; some of these may be subject to negotiation with the Clermont County Special Education Association;
- G. Manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, supervise, recall, reprimand, suspend, discharge, and discipline for just cause, and to maintain order among employees;
- H. Determine when a job vacancy exists, the duties to be included, and the productivity and performance to be maintained;
- I. Take necessary action to abolish and create classifications;
- J. Determine the necessity to schedule overtime and the amount required thereof;
- K. Determine and implement necessary actions in emergency situations; and,
- L. Maintain the security of records and other pertinent information.

### **301.07 Layoffs**

The layoff procedure outlined by the Division of Administrative Services and defined by Section 124.321 thru 124.327 of the Ohio Administrative Code (State Personnel Board of Review) will be followed in the event that it becomes necessary to reduce classified staff and/or abolish positions. For Bargaining Unit employees, the procedures for layoffs and recall found in the Collective Bargaining Agreement will be followed.

### **301.08 Management Layoffs**

When the board determines a reduction in force is necessary, it may lay off management employees. Management positions are contingent upon adequate funding and may be laid off prior to contract expiration, if resources are not available. The board, in its sole discretion, shall determine the management positions in which a reduction in force shall occur. Management employees may not bump into other job titles or bump other managers. Management employees do not have reinstatement rights.

## **302 RECRUITMENT AND SELECTION**

The Clermont County Board of DD authorizes all new positions within the agency. The Superintendent determines when and if any vacancy will be filled, modifications to existing non-bargaining positions, as well as the job description, qualifications, salary level and application deadline.

All vacancies shall be posted to encourage applications from qualified potential candidates. Such postings shall include notices in program facilities and may include notices to universities, job posting websites, state associations, Ohio Department of Education, Ohio Bureau of Employment Services, available local minority publications, and the Ohio Department of DD.

All posting notices will be maintained by the Human Resources Department.

All postings will include an Equal Employment Opportunity statement.

### **302.01 Selection**

A. An applicant must complete the approved employment application form in order to be considered for a position or vacancy. Current employees should submit a letter of

interest or resume that includes their qualifications for the position, in lieu of the approved employment application. If an individual with a qualifying disability requests reasonable accommodation, it will be provided during the application and selection process.

- B. Fully qualified, current employees will be given first consideration for transfer or promotion to a vacant position.
- C. All job-related testing, where appropriate, will be conducted by the agency.
- D. Three (3) documented business or professional reference checks shall be conducted before an outside job applicant will be recommended for employment. For substitute positions, two (2) business or professional references may be accepted for an applicant without sufficient work experience to provide three references.
- E. All required and necessary background checks shall be conducted by the agency.
- F. All applicants will be checked with the DODD Abuser Registry and ODH Nurse Aide Registry and other registries as required by law prior to being recommended to the Superintendent.
- G. The most qualified applicant will be recommended to the Superintendent. All employment recommendations are subject to the approval of the Superintendent.

### **302.02 Disqualification**

An applicant will be eliminated from consideration if they:

- A. Do not possess the skills or abilities necessary to effectively perform the duties of the vacant position;
- B. Have made a false statement of material fact on the application form or any supplements;

- C. Have committed or attempted to commit a fraudulent act at any stage of the selection process;
- D. Have been convicted of any offense set forth in Ohio Revised Code Section 5126.28 as amended; or Administrative Rule 5123:2-2-02 upon effective date.
- E. Have been listed on the DODD Abuser Registry or has a negative listing on the ODH Nursing Aide Registry.
- F. Fails the post offer, pre-employment drug screen.

If an applicant is hired, and it is subsequently discovered that any of the above disqualifying criteria apply, the employee is subject to discharge.

### **302.03 Application Records**

An Equal Employment Opportunity form (voluntarily submitted) is attached to the application form provided to each applicant.

After it is completed, the Equal Employment Opportunity form will be removed, stored in a separate file, and kept for three (3) years. All applications will be considered active up to six (6) months after the filing of the application. Applications that do not result in employment are kept for six (6) months.

### **302.04 Employment Eligibility**

Successful applicants are appointed subject to the following employment constraints, as defined by the qualifications for the position or law. An offer of employment may be withdrawn if an applicant is determined to be unqualified for the position.

## IMMIGRATION/CITIZENSHIP STATUS

1. The Board will not discriminate in recruitment, hiring or discharge on the basis of a person's national origin or citizenship status. However, it will not knowingly employ any person who is not authorized to work in the United States.
2. A newly hired employee must provide suitable documentation and complete an INS Form I-9 to verify identity and employment eligibility.
3. A successful applicant refusing to provide documentation or providing false documentation will not be hired or will be subject to discharge for cause.

### A. DRIVING RECORD CHECK

A Driver's Abstract Report will be requested for each successful applicant. See Board Policy 1100 - Transportation, for requirements for drivers of agency vehicles and who may transport individuals in personal vehicles.

### B. POST-OFFER MEDICAL EXAM

The Superintendent shall require a post-offer medical examination and drug test for all final candidates for hire. Employment is contingent upon passing the medical examination and drug test.

### C. PROFESSIONAL CREDENTIALS

Appointment to a position requiring a college degree and/or professional credentials is subject to and contingent upon verification of the degree and/or those credentials. Failure to produce required official documentation within thirty (30) days may result in discharge.

D. BACKGROUND CHECKS

Employment is contingent upon applicant passing all background checks, including BCII, FBI (if applicable), DODD Abuser Registry, and ODH Nursing Aide Registry, and other registries as described upon the effective date of OAC 5123:2-2-02.

E. RAPBACK

Employees will be enrolled in the Ohio Attorney General's Bureau of Criminal Investigation's ("BCI") Retained Applicant Fingerprint Database for continuous criminal record monitoring.

**303 APPOINTMENT**

**303.01 Management Contracts**

Management employees are unclassified employees, who serve at the discretion of the Superintendent. As used in this section and Section 301.07:

- A. BOARD means the Clermont County Board of DD.
- B. EMPLOYEE means management employees of the board.
- C. MANAGEMENT EMPLOYEE means a person employed by the board in an unclassified position having supervisory or managerial responsibilities and duties, and includes employees in the positions listed in division (A) of section 5126.22 of the Revised Code. Positions include individuals performing the duties of: assistant superintendent, director of business, assistant director of business, service supervisor/coordinator, facilities manager/coordinator, Medicaid manager, service and support administration director/supervisor, investigative manager, confidential employees as defined in section 4117.01 of the Revised Code, positions designated

by the Director of Developmental Disabilities as having managerial or supervisory responsibilities and duties, and other management positions designated by the county board.

- D. JOB TITLE means the working title of a position from which the board determines a reduction in force is necessary.
- E. REDUCTION IN FORCE means a reduction in the number of employees employed by the board, which results in layoffs.
- F. LIMITED CONTRACT means a contract of limited duration which is renewable at the discretion of the superintendent.

Management employees must be advised no later than 90 days before contract expiration if their contract is not going to be renewed. The failure of the Superintendent to provide such notice, however, does not result in an extension of this Contract for any period of time or an entitlement to a new limited contract. Non-renewal of a contract may or may not be for performance reasons, and no reason need be given to the employee for such a contract to be non-renewed.

Management contracts may be 1 – 5 years in duration. The Superintendent makes the determination of contract duration. If the Superintendent believes that a multi-year contract is appropriate, they will make a recommendation to the Board. The Board must approve any contract greater than one year in length.

The Superintendent will consider the following factors, together with the supervising director or manager recommendation if applicable, in making a decision to recommend a contract of more than one year for Board approval:

1. That all new-hire contracts will typically be one year in length except that a management employee hired after the beginning of a program year may be employed under a limited contract expiring at the end of the program year (ORC 5126.21). Unique circumstances may occur wherein offering a multi-year contract at the time of initial hire may be strategically advantageous; for example, when hiring a very qualified individual with direct-match experience.
2. Multi-year contracts would generally occur after the first year, and at the Superintendent's discretion, based on incumbent performance. The Superintendent will make recommendations to the Board for multi-year contracts on a case-by-case basis. After the first year, no multi-year contract will be recommended to the Board without satisfactory performance documented by the immediate supervisor and supported by the Superintendent.
3. Non-satisfactory performance may result in subsequent contract(s) being reduced to one-year duration.

#### G. Conversion Plan for Management Contracts

Pursuant to Section 145.01 of the Ohio Revised Code and Ohio Administrative Code 145-1-26, the Clermont County Board of Developmental Disabilities is executing a plan for the conversion of vacation leave to cash for leave that is accrued, but not used, during the calendar year, as defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Leave shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year. For retiring employees, conversion payment must occur according to the plan and either prior to or during the month of their termination date for this earnable salary to be included in the calculation of Final Average Salary.

The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes:

- leave in excess of the annual amount of leave accrued January 1 to December 31 less leave used January 1 to time of payment
- leave earned in previous calendar years (*other than payments made in January for leave accrued but not used during the previous calendar year*)
- conversion of leave to employees separating employment
- conversion of leave to retiring employees outside the regular payment schedule

Employees receive conversion payments in the month after the month requested of each year for converted leave. The maximum amount of leave employees earn in a year is:

- Vacation leave for regularly employed employees on contract – the equivalent hours of one week for the position held.
- Vacation leave for retiring employees – the equivalent hours of the total accrued vacation subject to the terms of ORC 145.01 and OAC 145-1-26

Leave Accrual:

- Vacation leave is accrued per pay period.

This plan must be submitted to OPERS for approval by March 31 of each year, or prior to any conversion plan payments being made to employees.

**303.02 Probationary Period (ORC124.27, OAC123:1-19-01 through123:1-19-4)**

- A. The purpose of the probationary period is to determine the employee's suitability for the position to which appointment has been made. It is actually part of the assessment process. If it is to fulfill its purpose, the immediate supervisor and Department Director shall see to it that the probationary employee is given adequate instruction on the job and is made aware of any aspects of performance which need improvement.
- B. The probationary period begins with the first day worked of either a provisional or certified appointment and following each promotion. A promotion is defined as advancement to a position in a higher job classification, or an employee changing to a job in another classification.
- C. If the service of a probationary employee is considered unsatisfactory, removal may be made at any time during the probationary period. The removal cannot be effective after the final day of the probationary period. The employee's performance is to be evaluated during the probationary period. Whenever a probationary appointee is removed, the Superintendent/Designee will indicate, a reason for such removal. All such removed employees should be given a statement of the reason(s) for removal or otherwise clearly informed of the behavior constituting unsatisfactory performance. The employee is not able to appeal a probationary removal.
- D. An employee who resigns during a probationary period may not be eligible for reinstatement/rehire.

- E. Whenever an employee is promoted, a new probationary period is immediately started in the new classification. Following promotion, if the employee's services are found to be unsatisfactory during the probationary period, the employee may be removed, or reduced in accordance with rule 123:1-23-12 of the Administrative Code, at any time during the probationary period.
- F. No probationary period is required following a demotion.
- G. Length of probation;
  - 1. Bargaining Unit eligible employees will serve a probationary period as specified in the contract.
  - 2. The probationary period for all other classified employees shall be one hundred eighty (180) days, or as described for part-time employees in OAC 123:1-19-04.
  - 3. If an employee's performance is found unsatisfactory, a newly appointed probationary employee may be discharged at any time during the probationary period (ORC 124.27).
  - 4. Employees with a management or limited contract will not have a probationary period. However, a management employee shall receive notice of the superintendent's intention not to renew the employee's contract at least ninety days prior to the expiration of the contract. The failure of the Superintendent to provide such notice, however, does not result in an extension of this Contract for any period of time or an entitlement to a new limited contract.
  - 5. Time spent on leave of absence without pay, or during a period of layoff, shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.

## **304 CONDITIONS OF EMPLOYMENT**

### **304.01 Employment Status**

- A. Employees are classified as regular full-time, regular part-time, temporary, seasonal, or intermittent /substitute.
1. Regular Full-time employees are all employees who are regularly scheduled to work thirty-two and a half (32.5) or more hours per week.
  2. Regular Part-time employees are those who are regularly scheduled to work fewer than thirty-two and a half (32.5) hours per week.
  3. Seasonal employees are full and/or part-time employees who work only during a specific portion of each year. Those individuals who are designated nine (9) month employees are not considered seasonal.
  4. Temporary employees are full-time or part-time employees who perform assignments that are not considered permanent. These categories of employment are used to fill a short-term need without incurring a permanent employment obligation.
    - a. Temporary employment is for a limited period fixed by the Superintendent, generally not to exceed six (6) months. If the temporary employee is hired to perform the job of an employee on an approved leave, the appointment is limited to the duration of the leave.
    - b. Intermittent /substitute employees are employees who work an irregular schedule, generally less than one thousand forty (1,040) hours a year. A substitute employee is an individual who fills in for an individual absent from a Board approved position.

5. Probationary employees are regularly scheduled full-time or part-time employees who have not completed the established probationary period.
6. Full-time or part-time employees who have successfully completed a probationary period are considered in regular employment status. Regular classified employees are subject to discharge only for cause.

### **304.02 Seniority**

Seniority is used for determining the order in which classified employees within a classification are placed on layoff and recalled back to work. Seniority for classified employees shall have the meaning ascribed to it by Ohio Department of Administrative Services or as defined by the current Collective Bargaining Agreement.

- A. From time to time, employee layoffs may be necessary because of lack of work, lack of funds or job abolishment's. When layoffs do occur, the order in which employees are laid off is determined by length of service and classification.
- B. Seniority for all bargaining unit employees shall follow the language in the Contract.

### **304.03 Personnel Files**

- A. The Clermont County Board of DD will maintain official personnel files for all agency employees.
- B. Personnel files, except medical records and criminal background checks, are public documents and are subject to inspection by the public.
- C. Personnel records will be retained permanently.
- D. An employee may arrange a time with the Human Resources Department to review their personnel file during regular business hours. The employee may not remove the personnel file from the office but may request a copy of any items within the file. The

employee, who is the subject of the request, may be required to pay the established rate for each copy requested.

E. Each employee is responsible for providing the following current information to the Human Resources Department; and notifying Human Resources immediately of any changes:

1. Name, address, telephone number, emergency contact, and the number of exemptions claimed for tax purposes.
2. An employee covered by County health or other insurance policies must provide the Human Resources Department with current information on dependents and beneficiaries which are also kept confidential.

F. When a member of the public requests an opportunity to examine an employee's personnel file, the Director of Business Operations or their Designee will arrange for the individual to review the file during regular business hours in the Director of Business Operations' or their Designee's presence. The employee will be notified of the request.

#### **304.04 Medical Exam**

All newly employed personnel shall be required to have a physical examination which shall be scheduled by Human Resources. The costs of this physical examination will be paid by the Board. Employees who fail to keep follow up appointments that result in the need for retesting shall be responsible for the cost of the retesting. Post offer, pre-employment medical exams are required to be completed at the Board's designated facility.

- A. All newly employed staff shall present documented evidence of having a negative tuberculin test as defined by the "American Thoracic Society" within 90 days of the first day worked. If there is a positive reaction, a chest X-ray and any other medical laboratory examination as deemed necessary by the Board of Health and the Superintendent, must be submitted.
- B. The Superintendent may require a current employee to submit to an examination to determine if they can perform the essential duties of the position with or without reasonable accommodation. The examination will be conducted by a licensed physician or psychologist approved by the Superintendent. The Board will pay the fee of the Board ordered exam.
- C. An employee requesting leave for a serious medical condition under the family/medical leave policy shall be required to provide certification from a health care provider to verify that there is a qualifying condition. The Superintendent or Designee may request a second evaluation by a health care provider of their choice. If the second opinion differs substantially from the first, the employee and the Superintendent/Designee will choose a third health care provider for the examination. The third opinion shall be binding.
- D. The agency will pay the cost of any examination requested by the agency. Both the agency and the employee will receive the results of any examination conducted under this policy.
- E. Medical records are not public records.
- F. All employees and volunteers who so desire shall, at the Board's expense, be allowed to receive Hepatitis A and B immunizations through the Clermont County Health

District. This offer is made to all employees at the time of hire. Additional blood tests to determine if the series was effective and any booster shot deemed necessary by medical personnel shall be paid by the Board and shall be done by the Clermont County Health District.

### **304.05 Medical Records**

- A. Employee medical records are maintained in a file separate from the personnel file.
- B. Employee medical records are not public documents and will not be given to the public or the press under any circumstances. O.R.C. 149.43(A)(1)(a).
- C. Medical records are confidential and may be released only in the following circumstances:
  - 1. Supervisors and department heads may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation.
  - 2. First aid and safety personnel may be informed if an employee requires emergency treatment.
  - 3. Government officials investigating compliance with the law may be provided with relevant information.
- D. Employee Exposure (Bloodborne Pathogens et.al.) Records: Employee exposure records shall be made available to the employee who is the subject of the record. Exposure records will also be made available to designated representatives, but only after the employee has provided a written signed consent.
- E. Employee Medical Records:

1. Employee medical records will be made available to the employee who is the subject of the record.
  2. Designated representatives will be given access to an employee's medical record(s) only upon tendering to the employer a signed written consent form from the employee who is the subject of the record.
- F. Accident Reports: Accident reports shall be made available to the supervisors of employees involved and the employee(s) or their designated representatives.
- G. The PERRP Form 300AP summary of all recorded occupational injuries and illnesses is a public record.
- H. The state agency charged with monitoring any part of the safety program under O.R.C. 4167 may have access to any record at any reasonable time.

#### **304.06 Fitness for Duty**

All employees are expected to be "fit for duty" at all times with or without reasonable accommodation. "Fit for duty" means the ability to perform the essential functions and tasks outlined in the job description in a responsible manner. The Superintendent is authorized to establish guidelines to regulate the implementation of this policy.

#### **304.07 Physical Ability to Lift, Carry, and Position Individuals**

- A. Training: It is an essential function that employees are capable of performing the tasks of lifting, carrying, and positioning individuals according to approved training. All direct service staff are required to attend training which stresses body mechanics, basic anatomy, prevention aspects, and safe suggested means of lifting, carrying and

positioning. Substitutes shall receive training and all direct service staff will attend a refresher course to be held annually.

B. Job Descriptions: The following statement will be on the job descriptions for all direct service staff: Must be physically capable to lift, carry, and position enrollees, including children, adolescents, and adults in a safe manner, according to in-service training.

The following statement will be on job descriptions for all other staff: May be requested to lift, carry, and position enrollees, including adults and children.

### **304.08 Appropriate Dress**

Each Department Director will determine what is considered appropriate dress for positions within the department and will inform employees. When an employee fails to meet the standards for the dress code, they will be made aware that they are out of compliance by their supervisor. The second time the employee will be sent home to change and return to work – without pay. Because of the need for lifting, carrying, and positioning, the following dress code must be followed by direct service staff:

1. Staff who are in a class, group, or environment where they may be expected to lift or be involved in a behavioral intervention, must wear closed-toe/closed-heel shoes with a flat, wide-base heel.
2. Jewelry of any type that could be broken, grabbed, or pulled by or scratch an enrollee, and/or could be inhibiting to moving individuals should be carefully considered before being worn. If any jewelry is broken, with the exception of watches as described in the Bargaining Unit Agreement, it will not be replaced by the Program.

3. Loose clothing which could be caught in wheelchairs or braces and tight-fitting clothing which could limit movement should not be worn.
4. If shorts are permitted in the employee's work area, they must not be shorter than 4" above the knee. Tank tops and exposed midriffs are not permitted.
5. Business casual for all non-direct service staff (excluding maintenance and custodial staff)
6. Jeans are acceptable if there are no rips/frays/tears.
7. Leggings CAN NOT be worn as pants. Leggings can be worn under a dress, long tunic, or long sweater.
8. T-shirts will be allowed if there is no profanity or inappropriate words/messages.
9. Shorts and Dresses need to be NO shorter than 4" above knee.

#### **304.09 Experience Credit for Salary Determination**

When a person begins employment with the Clermont County Board of DD in a position equal or similar to a position formerly held with another agency, the Superintendent may at their sole and exclusive discretion grant experience credit for the purpose of determining the initial rate of pay. Such experience credit is contingent upon an evaluation by the Superintendent/Designee as to the length and relevancy of such prior service. Documentation of such prior experience must be submitted prior to employment. An employee moving to a job within the agency that is in the same classification will maintain their current experience rate for placement in the salary range. For current employees accepting a job in a different classification, the following applies: Bargaining unit employees will follow the current contract for new hires. Non-bargaining

employees will have their experience evaluated and determined by the Superintendent or designee.

#### **304.10 Pay Periods and Payroll**

There are normally twenty-six (26) pay periods per year. All employees are paid every other Friday unless modified by the Clermont County Auditor. At the end of each pay period, the payroll department processes timesheets and submits the information to the Auditor's office. The Clermont County Auditor's office determines all deductions to be made and generates the payroll Direct Deposit.

Employees are required to complete a timesheet in ESS/Munis. Leave requests must be completed and submitted in ESS/Munis for supervisor approval. Timesheets must be accurately completed and submitted for approval by the manager by the end of the pay period.

Questions regarding an employee's pay are to be referred immediately to their supervisor for resolution.

Pay advances of any kind are not permitted. Refer to Policy 322- Safe Harbor for additional information regarding inadvertent payroll errors.

#### **304.11 Certification/Licensure**

- A. All staff providing services to the programs operated by the Clermont County Board of DD must be properly certified/licensed for the position in which they are working, pursuant to the standards of the Ohio Department of DD, the Ohio Department of Education, Ohio Department of Health, and any other applicable agency.
- B. Failure to maintain a current required license and/or certification may result in disciplinary action up to and including discharge.

- C. Payment of any license, registration, or examination fee is the responsibility of the employee, unless otherwise contracted with the Superintendent.
- D. Employees may be required to attend additional training, including college courses, in order to meet the requirements to obtain or maintain their certification or registration. The cost of any courses and related expenses is the responsibility of the employee. The agency's current tuition reimbursement policies apply.

**304.12 Job Description**

The duties and responsibilities of all employees shall be those as shown on the position description for their respective position. Each employee receives a copy of their position description at the time of hire and annually at the time of the performance evaluation. Position descriptions may be revised or amended at any time by the Superintendent.

**304.13 Insurance Coverage**

Employees of the Clermont County Board of DD are covered by the following insurances:

- A. Unemployment Compensation
- B. The Workers' Compensation Laws in the event of a disability or medical expense incurred as a result of injury while on duty. If an employee requires an extended absence from work due to a Workers' Compensation claim, the Clermont County Board of DD will pay the employer's share of the medical premium for that staff person for up to 12 weeks. This may be extended by the Superintendent based on the expected date of return to work, if longer than 12 weeks. During this period, the employee is required to pay their share (out-of-pocket) of their medical premium costs.

- C. All Clermont County Board of DD employees are covered by General Liability Insurance.
- D. All full-time employees of the Clermont County Board of DD are provided with life insurance protection paid for by the Clermont County Board of DD. The limits of the policy are set by the Board.
- E. Health Insurance is available to all full-time employees. It is currently offered through the Clermont County Commissioners. An employee may choose the plan best suited to them. Once chosen, a plan cannot be changed until the next annual enrollment period. Contact the Human Resources Department for any exceptions. Employees are responsible for notifying the Human Resources Department of any change in status including, for example, marital status, dependent status or residence, within thirty (30) days of such change or changes in coverage may not be approved.  
  
The Clermont County Board of DD reserves the right to set a limit on their contribution. The employee is responsible for the balance.
- F. Health Care Benefits Continuation (COBRA) - In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates. COBRA information is administered by the Clermont County Benefits Administrator.
- G. Employees who are authorized to drive County/Board owned vehicles are covered by bodily injury and property damage insurance by the Clermont County Board of DD.
- H. Persons employed after April 1986 pay into Social Security Medicare under PL99-272. Clermont County Board of DD makes no payments to or on the behalf of any employee into the retirement sections of the Social Security Act.

### **304.14 Compensation of Employees**

Employees are expected to provide services equal to the compensation received. Salary schedules and/or ranges for classified personnel are the basis for determining the amount of compensation the employee will receive. Periodic updates of those salary schedules and/or ranges are made by the Superintendent and approved by the Board. Salary schedules and/or ranges for employees covered by the Bargaining Unit Agreement are subject to bargaining. Classified and unclassified positions which fall under a grant will be paid according to the terms of the grant.

Unclassified personnel are provided compensation based on ability and experience and may be determined by using approved salary schedules and/or ranges. Increments are made at the discretion of the Superintendent.

### **304.15 Retirement Contributions**

All employees in regular status are required to participate in the Public Employees Retirement System (OPERS) or the State Teacher's Retirement System (STRS) of Ohio. The Employee's contribution is deducted from each pay. Employees who leave public service before they become eligible for retirement may withdraw their contributions after ninety (90) days from date of termination. Employees who become eligible for retirement will receive an annuity based on their amount of contributions and length of service.

Information regarding the Retirement System is available from the Ohio Public Employees Retirement System or State Teachers Retirement System.

### **304.16 Political Activity**

#### **A. GENERAL STATEMENT**

Classified employees of the Clermont County Board of DD are prohibited by Section 124.57 of the Ohio Revised Code from engaging in political activity and must follow Section 123:1-46-02 of the Ohio Administrative Code: Political activity of employees in the classified service.

. Herein, "Political Activity" and/or "Politics" shall be defined as partisan activities and will refer to campaigns and elections involving primaries, partisan ballots and/or partisan candidates.

#### B. ACTIVITIES PERMITTED TO EMPLOYEES IN THE CLASSIFIED SERVICE

1. Registration and voting.
2. Expressing opinions, either oral or in writing.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulating petitions on legislation relating to their employment.
5. Attendance at political rallies: Employees may attend political rallies that are open to the general public.
6. Nominating petitions: Employees may sign nominating petitions in support of individuals.
7. Political pictures: Employees may display political pictures in their homes or on the employee's property.
8. Badges, buttons and stickers: Employees may wear political badges or buttons or display political stickers on their private automobiles.
9. Serving as a precinct election official under section 3501.22 of the Revised Code.

#### C. ACTIVITIES PROHIBITED TO EMPLOYEES IN THE CLASSIFIED SERVICE

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

2. Declaring candidacy for an elected office which is filled by partisan election.
3. Circulating official nominating petitions for any candidate participating in a partisan election.
4. Holding an elected or appointed office in any partisan political organization.
5. Accepting a party-sponsored appointment to any office normally filled by partisan election.
6. 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.
7. Soliciting the sale of or selling political party tickets.
8. Soliciting, either directly or indirectly, any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
9. Engaging in partisan activities at the election polls, such as soliciting votes for other than nonpartisan candidates and nonpartisan issues.
10. Acting as witness or challenger of any party or partisan activity. Participation in a political action committee which supports partisan activity.

#### D. ENFORCEMENT IN THE CLASSIFIED SERVICE

An employee who engages in any of the activities listed in Section "C" is subject to removal from their position. The Superintendent may initiate such removal action in accordance with the usual procedures cited in Section 124.34 of the Ohio Revised Code. The Attorney General, and County Prosecutor of the county in which an offense is allegedly committed, may also institute action where the law has been violated.

## E. CONTINGENCIES FOR THE ACCEPTANCE OF AN APPOINTIVE OR ELECTIVE POSITION

An appointed or elected position is prohibited when such position is subordinate to or in any way a check upon a position encumbered by an employee, or when it is physically impossible for one person to discharge the duties of both positions, or if some specific constitutional or statutory bar exists prohibiting a person from serving both positions.

F. Employees in the unclassified service, who serve at the pleasure of the appointing authority and are not subject to competitive examination, are not prohibited from engaging in political activity unless specifically precluded by federal or state constitutional or statutory provisions.

### **304.17 Criminal Record Background Check**

The Clermont County Board of DD will request from the Superintendent of the Bureau of Criminal Identification and Investigation (BCII) record checks of candidates under final consideration for employment with the Board and an employee being recalled or reemployed after a layoff. The Clermont County Board of DD may employ persons responsible for the care, custody, or control of enrollees on the condition the candidates submit to and pass a BCII and Federal Bureau of Investigation (FBI) (if applicable) criminal record check. The applicant shall submit a statement attesting that the applicant has not been convicted of, or pleaded guilty to, any offense in violation of Ohio Revised Code 5126.28 as amended, Ohio Administrative Code 5123-2-2-02 upon effective date, and Ohio Administrative Code 3301-20 (if applicable). Any applicant who has not been a resident of Ohio for the five-year period immediately prior to the date upon which the criminal records check is completed shall also be required to complete a FBI criminal

background check. Any person conditionally hired who fails to pass a BCII or FBI criminal background check shall be subject to disciplinary action up to and including termination of employment.

Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated except as specified in Ohio Revised Code 5126.28.

Any applicant not hired because of information received from the record check shall be assured that all records pertaining to such information shall be handled in accordance with Ohio Revised Code 5126.28 and Ohio Administrative Code 3301-20 (if applicable).

The Board shall pay the fee of the initial BCII and applicable FBI background check. For employees needing a criminal background check for re-certification purposes, the Board shall pay the fees for this job-related fingerprinting each time the certificate is renewed according to the following schedule:

DODD Certification/Registration	Upon hire and additionally if requested by DODD.
ODE Educational Aide	Once a year if employee has not performed their duties for a minimum of two years under one-year aide permits; once every four years for all other renewals.
ODE Alternative Intervention Specialist	Upon initial application
ODE Conditional Permit	Upon initial application
ODE Supplemental Teaching License	Annually
ODE Short and Long-Term Substitute License	Once every five years
ODE Long-Term Intervention Specialist Substitute License	Annually
ODE Professional License	Once every five years

Staff will be responsible for any subsequent fees for additional background checks which may be required for certification and registration purposes.

After hiring, any employee who is formally charged with, convicted of, or pleaded guilty to any offense listed under Ohio Revised Code 5126.28, OAC 5123:2-2-02 upon effective date, and Ohio Administrative Code 3301-20 (if applicable) must report this information in writing to the Superintendent within fourteen calendar days. Failure to report formal charges, a conviction, or a guilty plea may result in termination of employment.

According to 5123-2-02, all Board employees will be entered into the retained applicant fingerprint database (Rapback). The Board will maintain enrollment in the Rapback for each employee throughout the employee's tenure.

If the employee BCII criminal background check indicates a violation of Ohio Revised Code 5126.28, OAC 5123:2-2-02 upon effective date, or Ohio Administrative Code 3301-20 (if applicable), the employee may be subject to disciplinary action up to and including termination.

### **304.18 Attendance**

#### **A. ABSENCE REPORTING**

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

as scheduled, is expected from all employees. Each Administrator may modify the specific notification procedures for their department.

When an employee is unable to report to work, the employee must notify their immediate supervisor or another designated person as soon as possible, no later than one-half hour before the start of their scheduled working hours on the first day of absence and each day thereafter, unless emergency conditions make it impossible or prior arrangements have been made with the supervisor. Exceptions can be made by the Superintendent or Designee under extenuating circumstances. More specific reporting requirements may be implemented by each department's Director or the Superintendent.

## B. FREQUENCY OF ABSENCES

1. Regular attendance is expected of all employees. Supervisors will monitor absences to determine whether absences meet definition of excessive or pattern absence. Falsification of the reason for leave will be grounds for disciplinary action--including dismissal.
2. Excessive Absenteeism
  - a. Some indicators of excessive absenteeism include, but are not limited to:
    - Use of sick leave as soon as it becomes available.
    - Excessive intermittent absences (less than three (3) days.)
    - Use of annual sick leave allotment without verified disability or extended illness.

- b. Supervisory personnel will privately counsel those employees who are excessively absent or who have "zero" or very low leave balances. The purpose of this counseling is to find out the reason(s) for such absenteeism and to advise the employee that continued absenteeism may lead to disciplinary action.

The supervisor conducting the counseling may, at this time, indicate to the employee the availability of an Employee Assistance Program.

- c. If private counseling does not correct the absenteeism, progressive discipline will be pursued.

### 3. Patterned Absences

- a. Some indicators of patterned absences include, but are not limited to:

-Absent on the first working day following paydays.

-Absent on the same calendar day of the week.

-Absent immediately before or after a holiday.

-Absent on the day before or after a weekend or scheduled day(s) off.

-Absent when refused time off.

-Absent as soon as sick leave becomes available.

-Absent when spouse or friends are scheduled off.

-Absent when special events or attractions are appearing locally.

-Absent when workload is the heaviest or facility is undergoing a survey.

-Absent when undesirable job is to be performed.

-Going home sick when assigned to another work area.

- b. Supervisory personnel will monitor leave usage to determine whether or not absences follow a pattern. If a pattern is determined or possible, a supervisor will privately discuss the matter with the employee and advise them that if the situation does not improve, disciplinary action will be taken.
  - c. If the private counseling does not correct the problem, progressive discipline will be pursued.
4. Absent Without Leave (AWOL)
- (i) An employee whose intermittent absences cause them to exceed the balance of accrued sick leave, and is docked, may be considered to be absent without leave (AWOL) and disciplinary action may result.

**304.19 Tardiness Policy**

- A. All employees are expected to be at their work site on time and ready to work at their established start time. As problems can arise that may prevent an employee from arriving on time, supervisors may excuse one (1) or two (2) occurrences of tardiness totaling no more than fifteen (15) minutes in a thirty (30) day period. These occurrences will be noted on an attendance record but will not be considered cause for disciplinary action unless the occurrences are excessive or patterned. If tardiness becomes excessive or patterned, the immediate supervisor may counsel the individual. The purpose of this counseling is to find out the reason(s) for such tardiness and to advise the employee that continued tardiness will lead to disciplinary action. The supervisor conducting the counseling may, at this time, indicate to the employee the availability of an Employee Assistance Program.

- B. An employee who arrives late is expected to acknowledge their tardiness to the immediate supervisor. The employee's timesheet sheet should accurately reflect a late arrival. The employee should call in to notify of the probability of tardiness if possible and if the tardiness is going to exceed fifteen (15) minutes. Tardiness shall be deducted from the current pay period in increments of fifteen (15) minutes. An employee whose tardiness is excessive or patterned and is docked, may be considered to be absent without leave (AWOL) and disciplinary action may result.
- C. If counseling does not correct the problem, progressive discipline will be pursued.
- D. The employee's timesheet should accurately reflect all hours worked. Falsification of submitted absence requests or the use of leave will be grounds for disciplinary action- including dismissal.

### **305 EMPLOYEE LEAVES OF ABSENCE**

When an employee is absent from work, an employee may request paid Leave as applicable. Intermittent absence for which there is insufficient paid leave does not constitute an unpaid Leave of Absence. All requests for Unpaid Leaves of Absence must be submitted in writing to the Superintendent. See Policy 305.14 for additional information.

#### **A. ABUSE OF LEAVE**

If a paid or unpaid leave of absence is granted for a specific purpose, and it is found that the leave is not actually being used for such purpose, the Superintendent may cancel the leave and direct the employee to report for work by giving written notice to the employee.

## B. REINSTATEMENT FROM LEAVE

For all employees on approved Family Medical Leave or Military Leave, the reinstatement process specified in the respective federal law (FMLA or USERRA) will be followed. For Bargaining Unit employees, upon completion of a leave of absence, the employee is to be returned to the position formerly occupied if on leave less than thirty (30) days or to the same classification if longer than thirty (30) days of leave. For non-bargaining employees, if the leave of absence is for more than thirty (30) days the employee will be returned to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave is to be on a temporary basis.

An employee may be returned to work before the scheduled expiration of leave if requested by the employee and agreed to by the Superintendent. If an employee fails to return to work at the expiration of an approved leave of absence, and does not submit a resignation, an order of removal must be processed in order to delete the employee from the payroll. An employee wishing to convert to a disability leave at the termination of personal leave may do so with the approval of the Superintendent.

### **305.01 Sick Leave**

A. For each completed hour in active pay status, an employee earns .0575 hours of sick leave. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, hours on paid sick leave, other authorized paid leave and for school employees, the period between the end of one school year and the start of the succeeding school year. Sick leave does not include overtime (over 40 hours) under any circumstance. The amount of sick leave an employee can accrue is not limited.

- B. Staff employed by the Board on contracts shall accrue .0575 hours of sick leave for each completed hour in active pay status. Active pay status may be defined as hours worked, hours on vacation, hours on holiday leave, hours on paid sick leave, other authorized paid leave and for school employees, the period between the end of one school year and the start of the succeeding school year. Sick leave does not include overtime (over 40 hours) under any circumstance. The amount of sick leave an employee can accrue is not limited.
- C. Sick leave is deducted in increments of fifteen (15) minutes, in the pay period in which the absence occurs.
- D. Definition of immediate family: an employee's spouse, parents, children, grandparents, siblings, grandchildren, respective in-laws, aunt, uncle, or other person who stands in the place of a parent (in *loco parentis*) or another person who assumes a similar parent/child relationship to the employee and who resides in the employee's household. Unmarried employees who are cohabitating may not use sick leave for their significant other's needs.
- E. Sick leave may be granted to regularly scheduled employees, upon approval of the Superintendent, for the following reasons:
1. Illness or injury of the employee or a member of the employee's immediate family. In the case of a member of the immediate family not living with the employee, the Superintendent may credit sick leave when it appears justified, but such cases may be carefully investigated.
  2. Death of a member of the employee's immediate family.

3. Medical, dental or optical examination or treatment of the employee or a member of the immediate family.
  4. When, through exposure to a contagious disease, either the health of the employee would be jeopardized or the employee's presence on the job would jeopardize the health of others.
  5. Pregnancy and/or childbirth and related conditions.
  6. An employee must provide a minimum of twenty-four (24) hours' notice of a doctor's appointment or medically related appointment, except in an emergency, in order to be able to use paid sick leave for the appointment, on the designated form.
- F. To justify each use of sick leave, the employee will complete a signed, written statement on the designated form, explaining the nature of illness or other reason for taking sick leave. For unexpected absences, this statement should be submitted on the first day of return from the absence, but no later than the end of the pay period. Sick leave shall be deducted within the pay period that an allowable use of sick leave occurs, and employees will be paid according to the attendance records for that pay period, whether the form has been submitted or not. However, failure to submit an approved statement may result in the employee being docked for the period of absence. For non-bargaining staff, if medical attention is required, the employee may be asked to submit a certificate from a licensed physician stating the nature of the illness. Bargaining-unit eligible staff will follow the procedures outlined in the contract. Falsification of either the written, signed statement or the physician's certificate will be grounds for disciplinary action--including dismissal.

- G. Where sick leave is requested to care for a member of the immediate family, the supervisor may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.
- H. Sick leave granted by reason of death in the immediate family will not exceed five (5) working days.
- I. Sick leave taken for paternity will follow FMLA policies.
- J. An employee who transfers to the Clermont County Board of DD from another public agency, political subdivision, or who is reappointed or reinstated, will be credited with the unused balance of accumulated sick leave of the previous employer, provided the time between separation and reappointment does not exceed ten years. The words "public agency" as used above include the State, Counties, Municipalities, General Health Districts, and all Boards of Education within the State of Ohio.
- K. An employee who is unable to report to work will notify the immediate supervisor or other designated person. The Superintendent/designee will determine the specific notification procedures for Agency departments and/or individuals.
- L. An employee on sick leave shall not be engaged in outside employment during their regularly scheduled work hours.
- M. Any employee failing to comply with sick leave rules and regulations will not be paid. Application for sick leave with intent to defraud will result in dismissal and require a refund to the Clermont County Board of DD of all salary or wages paid during such sick leave.

- N. If an illness or disability continues past the time covered by accrued earned sick leave, an employee must then use available vacation leave or personal leave before applying for an unpaid leave of absence.
- O. The Superintendent may require an employee to take an examination conducted by a licensed physician, to determine capability to perform the duties of the position. If found not capable, the employee may be placed on sick leave, disability leave or voluntary/involuntary disability separation. The examination cost will be paid for by the Clermont County Board of DD.
- P. Upon request, an employee who becomes pregnant may use any or all of their accrued sick leave prior to the birth of the baby for pregnancy-related illness and/or for a recovery period. FMLA leave will run concurrently with such requested leave.
- Q. Intermittent or substitute employees are not entitled to sick pay for days missed.
- R. While on approved FMLA the employee is required to pay the employee's portion of the medical premium costs after their sick leave and other paid leave options are exhausted, within the required timeframes, or the insurance may be cancelled, and COBRA offered.

**305.02 Sick Leave Conversion Upon Retirement**

- A. All employees of the Clermont County Board of DD who, at the time of retirement from active service with the Board have ten (10) years of service with the County, the State, any political subdivision, or combination thereof, are entitled to convert all accrued but unused sick leave credits to cash at the following rates:

1. All unused sick leave credits earned and credited prior to January 23, 1984, by an employee employed with Clermont County as of January 1, 1983, shall be converted at 100% of the value of the accrued by unused credits.
  2. All unused sick leave credits earned and credited between January 1, 1983, and January 23, 1984, by an employee employed with Clermont County between January 1, 1983, and December 31, 1983, shall be converted at 100% of the value of the accrued by unused credits.
  3. All unused sick credits earned on and after January 23, 1984, shall be converted at one-fourth (1/4) the value of the accrued credits. The converted value of accrued but unused credits shall not exceed the value of thirty days of accrued but unused sick leave, unless addressed differently in a Management Contract.
- B. Payment under A.1, A.2, A.3, shall be based upon the employee's hourly rate of pay at the time of retirement.
- C. Payment under this policy shall be made only once and shall eliminate all sick leave credit accrued by an employee.
- D. Employees who pass away shall be considered to have retired from their employment as of the date of their death and be eligible for such sick leave payment for which they would otherwise have qualified. Such payment shall be made in accordance with Section 2113.04 of the Ohio Revised Code or paid to the employee's estate.
- E. The Superintendent/Designee shall be responsible for maintaining accurate records of sick leave accrual and for submitting a breakdown of the appropriate types and

amounts of sick leave (pursuant to Section A. of this policy) to the County Auditor at the time of retirement of an employee.

**305.03 Annual Sick Leave Conversion**

- A. An employee of the Clermont County Board of DD, who maintains a total sick leave balance of at least 240 hours may, once annually, convert up to forty (40) hours of sick leave earned prior to January 23, 1984, to a cash payment at the employee's current rate of pay at the time of request for conversion.
- B. Conversion of sick leave under this policy shall eliminate those converted credits from the employee's accrued balance.
- C. This conversion will take place annually to be determined by the County Auditor.
- D. Once annually, in January, an employee shall be permitted to convert five (5) sick days to two (2) personal days, which must be used in that calendar year. The employee must have a minimum of ten (10) accrued sick leave days at the time of conversation in order to convert sick leave days under this provision.

**305.04 Vacation Leave**

All classified twelve-month employees whose base work year is two hundred forty (240) days or more earn annual vacation leave according to their number of years of service. Employees on Management Contracts earn annual vacation leave according to their number of years of service unless addressed differently in the management contract. Employees covered by the Collective Bargaining Agreement receive vacation leave in accordance with the contract.

Less than one year of service-----No Vacation

One year of service to Six years-----10 Working Days.

Seven years of service to Ten years-----15 Working Days

Eleven years of service to Sixteen years-----20 Working Days

Seventeen years of service to Twenty-four years-----25 Working Days

Twenty-five years of service or more-----30 Working Days

Vacation credit is accumulated to a maximum of that earned in three (3) years of service unless as addressed in a Management Contract. Credit in excess of this maximum is eliminated from the employee's vacation leave balance upon the employee's anniversary date.

Annual vacation leave will be taken at such time as the employee and the department head, or supervisor, mutually agreed upon. The Superintendent should not deny any employee's request unless it would work a manifest hardship on the program or on other employees. All vacation leave should be requested five (5) days in advance and authorized on the designated form. If the request is an emergency, the employee should note this in the comments section of the designated form. These are only guidelines and can be waived by the supervisor, in order to ensure adequate staffing of the program.

**305.05 Regular Full Time Employees Vacation Leave**

- A. All vacation leave is computed on the basis of years' service, each year being computed on the basis of twenty-six (26) pay periods.
- B. The above service required need not be continuous. However, completion of a total of one (1) year of service is required before eligibility for any vacation leave is established, unless the employee has worked for another public agency or political

subdivision in the State of Ohio. Whenever possible the employee should use Vacation Leave during the year in which it is accrued.

- C. Annual vacation schedules should be arranged by the department heads with approval of the Superintendent. It is understood that the number of employees allowed to go on vacation during any one time period will be determined by the administration, in accordance with the staffing needs and workload of the agency.
- D. Upon separation from service with the Clermont County Board of DD, an employee is entitled to compensation for any earned but unused vacation leave credit at the time of separation. No payment will be made to employees having less than one (1) year of service.
- E. An employee who transfers from one agency to another is paid by the releasing agency at the time of transfer for any unused, legally accrued vacation leave. Clermont County Board of DD will not apply unpaid vacation leave balances from other public or private employers. Upon documentation of prior public employment, new hires from another public agency or political subdivision who have worked for more than one (1) year with the other agency, may begin to accrue and use their vacation as soon as they earn it according to the vacation request procedures. Documentation must be received in Human Resources within 30 days of hire to be applied retroactively to date of hire. After 30 days, if documentation of prior service is received, the accrual rate will become effective on the next pay period.
- F. In the case of the death of the employee, any earned but unused vacation leave shall be paid to the day of death in accordance with Section 2113.04 of the Ohio Revised Code to the deceased employee's estate.

- G. Holidays will not be charged to vacation leave regardless of the days of the week on which they occur.
- H. Vacation leave is earned during the time the employee is in active pay status. It is not earned while on unpaid leave of absence or unpaid military leave.
- I. When an employee converts from twelve-month employment into a position that is scheduled for fewer than 240 days per year, they will be paid for any accrued but unused vacation leave at the rate they were paid when they exited the twelve-month position. The employee will not be able to transfer accrued vacation leave to this position and will not be eligible for vacation leave while in this position.
- J. For non-bargaining employees who are not on a contract, pursuant to Section 145.01 of the Ohio Revised Code and Ohio Administrative Code 145-1-26, the Clermont County Board of Developmental Disabilities is executing a plan for the conversion of vacation leave to cash for leave that is accrued, but not used, during the calendar year, as defined as January 1 to December 31, as part of an annual conversion plan. These earnings are earnable salary on which employee and employer contributions shall be remitted to OPERS.

Eligibility:

The employee must have completed one full year of employment by the Board and must have a minimum balance of three weeks of vacation at the time of conversion.

Leave shall be converted on a last in, first out (LIFO) basis. The leave to be considered earnable salary is the leave accrued to date in the current calendar year, less any leave used to date in the same calendar year. For retiring employees, conversion payment must occur according to the plan and either prior to or during the month of

their termination date for this earnable salary to be included in the calculation of Final Average Salary.

The following payments made to employees shall not have retirement contributions withheld as the payments do not meet the definition of earnable salary for OPERS purposes:

- leave in excess of the annual amount of leave accrued January 1 to December 31 less leave used January 1 to time of payment
- leave earned in previous calendar years (*other than payments made in January for leave accrued but not used during the previous calendar year*)
- conversion of leave to employees separating employment
- conversion of leave to retiring employees outside the regular payment schedule

Employees receive conversion payments in the month after the month requested of each year for converted leave. The maximum amount of leave employees earn in a year is:

- Vacation leave for regularly employed employees on contract – the equivalent hours of one week for the position held.
- Vacation leave for retiring employees – the equivalent hours of the total accrued vacation subject to the terms of ORC 145.01 and OAC 145-1-26

Leave Accrual:

- Vacation leave is accrued per pay period.

This plan must be submitted to OPERS for approval by March 31 of each year, or prior to any conversion plan payments being made to employees.

K. For non-bargaining employees, the Clermont County Board of Developmental Disabilities is executing a plan for the conversion of one week of vacation leave balance to cash during the calendar year, as defined January 1 to December 31. To be eligible, the employee must have a minimum balance of three weeks of vacation at the time of conversion. These earnings are not earnable salary towards OPERS, and no employee and employer contributions shall be remitted to OPERS.

**305.06 Holidays**

- A. All employees covered by the Collective Bargaining Agreement receive holidays in accordance with the contract.
- B. All other full-time employees with a base work year of 255 days or more shall be entitled to holiday pay for the following holidays:

- |                        |                               |
|------------------------|-------------------------------|
| NEW YEARS DAY          | LABOR DAY                     |
| MARTIN LUTHER KING DAY | VETERAN'S DAY                 |
| PRESIDENTS DAY         | THANKSGIVING DAY              |
| MEMORIAL DAY           | FRIDAY AFTER THANKSGIVING DAY |
| JUNETEENTH             | CHRISTMAS DAY                 |
| INDEPENDENCE DAY       |                               |

and any other holidays adopted by the Clermont County Board of DD. The Superintendent may designate that certain holidays can be used as "floating" holidays. With supervisor approval, an employee may work on a "floating" holiday and take another day off in its place.

- C. If a holiday falls on Sunday, it will be observed on the following Monday. If a holiday falls on Saturday, it will be observed on the preceding Friday.

D. Payment will not be made for a holiday that occurs during an unpaid leave of absence.

If a holiday occurs during a period of paid sick leave, the employee will be regarded as having been off duty and will draw their normal pay, without being charged for sick leave. A regular full-time employee who works their normal day or has an approved absence immediately preceding a holiday will be considered entitled to holiday pay.

### **305.07 Calamity Days**

Regardless of program closing due to a Calamity Day, all twelve (12) month employees are expected and required to report to work unless ordered otherwise by the Superintendent. The Clermont County Board of DD reserves the right to have employees report to work when one (1) or more of the agency's programs may be closed due to weather condition or other unexpected reasons, provided, however, that any employee(s) not required to report to work on any such day shall not suffer any loss of pay. Employees who are required to report to work on such a day will not be docked or disciplined for reporting late, provided the employee makes a good-faith effort to report to work.

### **305.08 Personal Days**

A. All regular full-time employees who have completed their probationary period and employees on Management Contracts are entitled to two (2) times the number of hours worked per day of personal leave, with pay, per calendar year. Such leave shall not accumulate from year to year.

B. Employees shall request such personal days off in writing to, and in a manner prescribed by, the Superintendent/Designee, unless altered by a Collective Bargaining Agreement.

- C. Employees on personal day leave shall be compensated at their current rate for only those hours regularly scheduled during that day.
- D. A personal day may be taken at the request of the employee and the approval of the Superintendent/Designee. The total time off work will not exceed the time regularly scheduled to work during that workday, exclusive of any overtime, etc.
- E. A regular full-time employee is defined as an employee who is regularly scheduled to work at least thirty-two and a half (32.5) hours each week.
- F. Up to two (2) unused personal days will be paid at the employee's per diem rate of pay at the end of the calendar year. Payment will be made the first pay period in January.

**305.09 Family/Medical Leave Act**

Clermont County Board of DD will provide leave to eligible employees consistent with the Family Medical Leave Act (FMLA). Eligible employees are entitled up to twelve (12) work weeks of unpaid family and medical leave in a twelve (12) month period. An employee who has worked for the Clermont County Board of DD for at least twelve (12) months is eligible for twelve (12) work weeks of FMLA leave during a twelve (12) month period provided the employee has worked at least 1,250 hours in the twelve (12) months preceding the beginning of the leave. The Clermont County Board of DD will use the "Rolling Year" option which is a twelve (12) month period measured backward from the date on which an employee uses FMLA leave. The Clermont County Board of DD will notify its employees sixty (60) days in advance, in writing, if it decides to change this option.

The Clermont County Board of DD will continue to pay the Board's share of the employee's health benefits during the leave. In addition, the Clermont County Board of DD will restore the employee to the same or a similar position after the termination of the leave in accordance with Board policy and the Collective Bargaining Agreement.

In complying with the FMLA, the Clermont County Board of DD will adhere to the requirements of applicable federal and state laws.

#### A. TYPES OF LEAVE

An eligible employee may take FMLA leave for:

1. the birth and first year care of a child;
2. the adoption or foster placement of a child;
3. the serious illness of an employee's spouse, parent or child;
4. the employee's own serious health condition that keeps the employee from performing the essential functions of their job.

An employee may not take FMLA leave to care for a parent-in-law.

The Board requires an employee to use accrued paid vacation, personal or sick leave days for purposes of Family Medical Leave before entering into unpaid leave status.

The Board also requires that a workers' compensation-related absence for a serious health condition be counted toward the 12-week FMLA entitlement. If the employer offers the employee a light-duty job that the employee is capable of performing, but the employee's serious health condition still prevents performance of the previous job, the employee can decline the light-duty offer and remain on FMLA leave. 29 C.F.R. §825.207(d)(2).

## B. SPOUSES EMPLOYED BY THE BOARD

If a husband and wife eligible for leave are employed by the Clermont County Board of DD, their combined amount of leave for

- a) birth of a child and to care for the child after birth,
- b) adoption or foster care placement or to care for a child after placement, or
- c) parental illness

may be limited to a combined total of twelve (12) weeks during any twelve-month period. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave. An employee may not take FMLA leave to care for a parent-in-law. Where the husband and wife both use a portion of the total 12-week FMLA leave entitlement for one of the purposes in this section, the spouse would each be entitled to the difference between the amount taken individually and 12 weeks for FMLA leave for a purpose other than those contained in this section.

## C. INTERMITTENT AND REDUCED LEAVE

Intermittent leave is leave taken in separate blocks of time due to a single qualifying reason.

Reduced leave is a leave schedule that reduces the employee's usual number of hours per work week or hours per workday.

Intermittent or reduced leave is available only for the employee's own serious health condition or to care for a seriously ill spouse, child, or parent. Such leave may not be used for the birth or adoption/placement of a child.

The employee who wishes to use intermittent or reduced leave must have the prior approval of the Superintendent/designee. Although the Superintendent/designee and

employee may agree to an intermittent or reduced leave plan, the employee who uses family leave is not automatically entitled to use such leave on an intermittent basis or on a reduced leave schedule. The Superintendent/designee may transfer the employee to a position which is equivalent, but more suitable for intermittent periods of leave. The employee must furnish the Superintendent/designee with the expected dates of the planned medical treatment and the duration of the treatment. The Superintendent may authorize such leave in writing.

#### D. BENEFITS

The Clermont County Board of DD will maintain the employee's health coverage under the group health insurance plan during the FMLA leave. If on unpaid status during leave, the employee remains responsible for paying their share of the insurance premium. The employee should make arrangements with the Superintendent/designee to pay the employee's share of the health insurance (e.g., family coverage) prior to the beginning of the FMLA leave. The employee's health insurance coverage may cease under FMLA if an employee's share of the premium payment is more than 30 days late. The Superintendent/designee will provide written notice to the employee that the payment has not been received. The notice will be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided. The Board may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which

the Board maintains health coverage by paying the employee's share after the premium payment is missed. The employee will not lose any other employment benefits accrued prior to the date on which the leave began but is not entitled to accrue seniority or employment benefits during the leave period except for that portion of the leave that is paid. Employment benefits could include group life insurance, sick leave, annual leave, and pensions.

#### E. NOTICE

Supervisors should notify HR as soon as they learn that an employee or employee's immediate family member has a medical condition that may qualify for FMLA. When the need for FMLA leave is foreseeable, the employee must notify the Superintendent/designee of their request for leave at least thirty (30) days prior to the date when the leave is to begin. If the leave is not foreseeable, the employee must give notice as early as is practical. When the employee requests medical leave, the employee must make reasonable attempts to schedule treatment so as not to disrupt the Board's operations. The Superintendent/designee may deny the leave if the employee does not meet the notice requirements.

#### F. CERTIFICATION

The Board may require the employee to provide certification from a health care provider containing specific information required under the law if they request a medical leave. If there is a question concerning the validity of such certification, a second and, if necessary, a third opinion can be required both at the expense of the Board.

## G. RESTORATION

When the employee returns from leave, the Board will restore the employee to the same or an equivalent position with equivalent benefits, pay, terms and conditions of employment in accordance with Board policy and the Collective Bargaining Agreement.

Under certain circumstances, the Board may deny restoration to a key employee. The Board will comply with the notice requirements of the FMLA in denying restoration. A key employee is one who is among the highest paid ten percent (10%) of the employees and whose absence would cause the Board to experience a substantial and grievous economic injury.

## H. INSTRUCTIONAL EMPLOYEES

Special leave rules apply to instructional employees. Instructional employees are those employees whose principle function is to teach and instruct students in a small group or an individual setting.

This term includes teachers, physical development specialists, occupational therapists, physical therapists, language development specialists, nurses, and certified occupational therapy assistants for the School Age Program. It does not include teacher assistants or aides who do not have as their principle job actual teaching or instructing. It also does not include cafeteria workers or maintenance/custodial workers. Instructional employees must work 1250 hours per year to be eligible for FMLA.

I. FAILURE TO RETURN

The Clermont County Board of DD is entitled to recover health care premiums paid during the leave if the employee fails to return from leave. However, recovery cannot occur if the employee fails to return because of the continuation, recurrence, or onset of a serious health condition or due to circumstances beyond the control of the employee. Other circumstances beyond the employee's control would not include a situation where a parent chooses not to return to work to stay home with a well, newborn child, or an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care.

J. ADDENDUM

Recent legislation has expanded the FMLA to provide job protection of unpaid leave for up to a total of 26 workweeks of leave during a 12-month period for an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member in the Armed Forces. This particular leave will only be available during a single 12-month period. Those employees taking FMLA leave for covered service members must provide Human Resources with sufficient proof of eligibility for this leave and a certification issued by a health care provider, stating that the service member is being cared for by the employee. For more information, please contact the Human Resources office or see the U.S. Department of Labor's Fact Sheet at <https://www.dol.gov/agencies/whd/fact-sheets/28ma-fmla-servicemember-caregiver>

K. Outside Employment While On FMLA

The Board policy on Outside Employment prohibits the employee from working for another employer while an employee is on FMLA leave. Violations of this policy may be subject to disciplinary action up to and including termination.

**305.10 Military Leave**

A. The Clermont County Board of DD will follow the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA). All employees of the Clermont County Board of DD who are members of the Ohio National Guard, the Ohio Reserve Corps, the Naval Militia, or member of other service components of the Armed Forces of the United States are entitled to leave of absence from their respective duties without loss of pay for such time as they are in the military service on field training or active duty for periods not to exceed a total of thirty-one (31) calendar days in any one (1) calendar year.

The employee is required to submit to the Superintendent advanced oral or written notice whenever possible. There is no requirement that the service be in one continuous period of time. The maximum number of hours for which payment may be made in any one calendar year under this provision is one hundred and seventy-six (176) hours.

B. Employees will be granted a leave of absence without pay to be inducted or to otherwise enter military service. They are not to be paid for such leave unless they are members of reserve components as specified in Paragraph A.

C. An appointment may be made to fill a vacancy created when an employee enters military service. However, if the person filling such a vacancy also enters military

service, they may be reinstated to the position after completion of service only if the first employee (the original incumbent) fails to apply for reinstatement within the timeframes specified within USERRA according to the duration of military service.

- D. An employee who re-enlists while on active duty, or a commissioned officer who voluntarily enters on extended active duty beyond that required upon accepting a commission, is not eligible for reinstatement if the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services exceeds five years. Employees who are members of the Ohio National Guard will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities. Such leave will be without pay if it exceeds authorized paid military leave for the year. The leave will cover the official period of the emergency.
- E. A veteran separated or discharged under honorable conditions must make application for re-employment to the former position the timeframes specified within USERRA according to the duration of military service.

The following procedures apply:

1. Reinstatement must be accomplished within thirty (30) days after application is received by the Superintendent.
2. A photo static copy of the discharge or certificate of service must accompany all requests for reinstatement or reappointment.
3. The veteran must be physically qualified to perform the duties of the position.

Where a disability sustained in the military service precludes restoration to the

original position, the veteran will be placed in a position of like status and pay, compatible with their physical condition.

4. The veteran is entitled to all salary benefits or other advancements accruing to the position during military absence as described within USERRA.

### **305.11 Court Leave and Subpoenas**

The Clermont County Board of DD shall grant full pay when an employee is subpoenaed for any work-related court appearance or jury duty by the United States, the State of Ohio, or a political subdivision.

Upon the receipt of a work-related subpoena the employee shall immediately notify the Superintendent's office and provide a copy. Employees will honor any subpoena issued to them, including those for worker's compensation, unemployment compensation, and Board of Review hearings.

It is not considered proper to pay employees when appearing in court for their personal involvement in any criminal or civil cases, such as traffic court, divorce proceeding, custody, appearing as directed with juvenile, etc. These absences would be leave without pay or vacation.

### **305.12 Paternity Leave**

The Board will follow the regulations of the Family Medical Leave Act for employees requesting paternity leave.

### **305.13 Employee Injury**

Each employee must be made aware of the importance of and indeed report any injury, no matter how insignificant it seems, to the facility nurse and/or immediate supervisor without delay. Supervisory personnel or other designated persons must also

be made aware of their responsibility and indeed see to it that all pertinent injury forms are accurately completed and promptly forwarded to the Human Resources Department. Unless incapacitated, it is the responsibility of the employee to report all injuries and to complete all necessary documentation. Employees whose injuries require outside medical attention are required to complete post-accident drug and alcohol testing.

Workers' compensation-related absences for a serious health condition will be concurrent with the 12-week FMLA entitlement. If the employer offers the employee a modified-duty job that the employee is capable of performing, but the employee's serious health condition still prevents performance of the previous job, the employee can decline the light-duty offer and remain on FMLA leave. Nonetheless, the refusal of the modified-duty offer would disqualify the employee from further receipt of temporary total disability compensation.

Guidelines for administering Worker's Compensation process are set forth as follows:

- A. Should an employee be injured during the course of employment with the Clermont County Board of DD, their supervisor shall notify the Superintendent/Designee (Human Resources). The supervisor shall make sure that the appropriate forms are completed and submitted. The Injury Report form shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. Such reports shall be forwarded to the Human Resources Department no later than 24 hours after the accident/injury.
- B. Should an employee's injury require medical attention, the facility nurse and/or supervisor shall provide the injured employee with the "Worker's Compensation" injury form(s) and a Worker's Compensation Information Card. The employee shall be

referred to the agency's preferred medical provider although each employee may select their own medical provider. The attending physician shall complete the medical information form(s). This completed report should be forwarded to the Human Resources Department at the earliest possible date to facilitate processing.

- C. In the event of a serious injury, the injured employee's facility nurse and/or supervisor shall notify the Superintendent/Designee (Human Resources) immediately, and an investigation about the cause of the injury and preventive measures to take will be conducted by the Supervisor.
- D. Worker's Compensation claim forms shall be completed by the employee for the purpose of initiating compensation claims for injury. If needed, the injured employee shall meet with their Supervisor for assistance in completing the forms. When necessary, the supervisor shall visit the employee in their home or at the medical facility to initiate the claim.
- E. The Superintendent/Human Resources Department must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing to their supervisor their expected date of return (if known).
- F. Any documents received from the injured employee, their physician, hospital, or the State, regarding Worker's Compensation claims must be immediately forwarded to the Human Resources Department.
- G. Employees who are injured in the line of duty and must leave work before completing their work period shall be paid at their regular compensatory rate, for the balance of time left in their scheduled workday.

- H. An injured employee may elect to use accrued sick leave and vacation leave in lieu of receiving payments from Worker's Compensation. Employees are prohibited from receiving payment for sick leave while simultaneously receiving payment from Worker's Compensation. The injured employee must notify Human Resources with the date they request to be placed on "inactive leave status" to receive payment from BWC instead of from accrued paid leave.
- I. Whenever possible, an injured employee will be accommodated on their job for up to 60 days if restricted by the doctor to modified duties. The Superintendent will make the final decision of whether to accommodate an employee with modified duties or whether the employee may receive wage continuation for up to 60 days if unable to provide accommodations. The Superintendent may require the employee to apply for payment from BWC instead of offering wage continuation.
- J. All medical appointments for follow-up and therapy should be scheduled outside work hours or at the beginning or end of the day whenever possible to minimize time away from the work setting.

### **305.14 Unpaid Leave of Absence**

An employee may request an unpaid leave of absence for up to six (6) months with the approval of the Superintendent. A leave of absence for public service or education may be granted for up to two (2) years. The request for a leave of absence must be submitted in writing and request a specific period of time and reason for the request. This policy does not apply to situations such as intermittent absence that exceeds paid sick leave and causes a person to be docked.

A. AUTHORIZATION OF LEAVE

The authorization of a leave of absence without pay is a matter of administrative discretion. The Superintendent should decide in each individual case if a leave of absence is to be granted. A leave of absence should be requested in writing and should be requested in advance whenever foreseeable. The duration of the leave and estimated date of return should be included in the request.

Acceptable reasons for an unpaid leave of absence include:

1. Voluntary service in any government sponsored program of public betterment,
2. Education or training that would benefit the Board,
3. Family reasons that do not fall within the circumstances outlined in the Family Medical Leave policy,
4. Other approved reasons.

B. County paid health benefits may not continue during an unpaid leave of absence related to non-medical reasons. An employee may be eligible to pay for benefits under COBRA for the time allowed by law.

**305.15 Sick Leave Credit and Vacation Credit During Leave Without Pay**

An employee on leave of absence without pay does not earn sick leave or vacation credit. However, the time spent on authorized leave of absence is to be counted in determining length of service for purposes of extended eligibility or other purposes, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.

### **305.16 Sick Leave Donation Program**

Employees of the Clermont County Board of Developmental Disabilities (CCDD) may donate paid sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave and is also an employee of the Clermont County Board of Developmental Disabilities. The intent of the sick leave donation program is to allow employees to voluntarily aid their co-workers who are in critical need of leave due to the serious illness of the employee or the employee's spouse, child, or parent.

- A. An employee may receive donated leave up to the number of hours the employee is scheduled to work each pay period if the employee who is to receive donated leave:
1. Has a serious personal illness or injury or has a spouse, child, or parent who has suffered a serious illness or injury, as certified by a physician;
  2. Has been an employee of the CCDD for a minimum of one year;
  3. Is or has recently been on active pay status;
  4. Has exhausted all paid leave;
  5. Has applied for and been denied or has not completed the eligibility period for any benefit programs for which the employee is eligible;
  6. Has previously used sick leave in a responsible manner;
  7. Has submitted a request to the Superintendent on a Sick Leave Donation Request Form accompanied with a physician's verification.
- B. The total sick leave donation that may be received by an employee is limited to a lifetime maximum of 25% of the employees total scheduled hours per year. The Clermont County Board of Developmental Disabilities does not represent or in

any way guarantee that an employee will receive the maximum allowable time.

An employee in a position to receive donated leave must acknowledge that the amount of leave the employee receives under this policy is completely dependent on the voluntary donations from their fellow employees.

- C. Employees may donate leave if the donating employee:
1. Voluntarily elects to donate leave and does so with the understanding that donated leave will not be deducted until it is needed by the recipient and once deducted will not be returned;
  2. Must have a minimum balance of 240 hours of sick leave after the donated sick leave is deducted from their accrued balance;
  3. Donates time in increments of 4 hours.
- D. Employees who are eligible to donate sick leave may donate up to 10% of their accrued sick leave balance (in even four-hour blocks) to one employee per year but may not donate more than the number of hours earned during service with CCDD. An employee may donate no more than 20% of their accrued sick leave balance (in even four-hour blocks) in any one year regardless of the accrued balance. The one-year period begins on the date of the first utilization of donated sick leave by the employee that received the donated time. The total sick time accrued upon which all calculations will be based is the total sick time accrued and available on the first day of the one-year period.
- E. The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would

otherwise be entitled. All leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall be considered sick leave but shall never be converted into a cash benefit. If in any pay period there are no hours donated, an employee must return to work, continue to exhaust FMLA entitlement, or use disability separation.

F. Employees who wish to donate leave shall certify on the Sick Leave Donation Authorization form:

1. The name of the employee for whom the donated leave is intended;
2. The number of hours of sick leave to be donated; and
3. That the leave is donated voluntarily, and the employee understands that the donated leave will not be returned.

G. The Superintendent shall ensure that no employees are forced to donate leave. All employees' right to privacy shall be respected, and all leave donations will be kept confidential. With permission from the employee in need of leave or permission from a member of the employee's immediate family, the Superintendent may inform employees of their co-worker's critical need for leave. There will be no direct solicitation of leave donations from employees. Leave donation shall occur on a strictly confidential and voluntary basis.

## **306 EVALUATIONS**

Although the primary purpose of a performance evaluation is to focus on an employee's job performance uniformly and objectively, the evaluation serves several other purposes as well:

- A. It gives the employee and the supervisor the opportunity to discuss positive aspects of the employees' job performance that have contributed to the Boards successful attainment of its mission.
- B. By acting as a means of communication between employee and supervisor, it can reveal conditions which are contributing to poor morale or low productivity.
- C. It offers the employee an opportunity to give input into their development as a Clermont County Board of DD employee and gives the supervisor opportunities to coach the employee for development and/or improvement.
- D. It gives the employee an opportunity to identify and correct specific performance problems that have been addressed during the year and still need improvement.
- E. It may serve as the means of determining job efficiency for layoff purposes.
- F. Performance evaluations which are applied conscientiously will not only provide employees with an increased awareness of their work and what is expected of them but will enable supervisors to detect some of the gaps and limitations in their own supervision.

### **306.01 Evaluation Periods**

Employees will be given both probationary and bi-annual evaluations as follows:

A. PROBATIONARY

All employees in probationary status following appointment or promotion will be evaluated twice during the probationary period. The first evaluation will be made at the end of the first half of the probationary period, and the second probationary evaluation will be made within ten (10) days of completion of the probationary period. Should the employee be given a probationary removal before the end of the probationary period, the final evaluation will be made at the time of the removal.

B. BI-ANNUAL

All employees who are not on probationary status or not covered by the Bargaining Unit agreement will be evaluated at least twice a year. The bi-annual evaluation will cover the employee's performance since the pervious evaluation or since the completion of a probationary period.

Bargaining Unit members will be evaluated according to the terms of the Bargaining Unit Agreement.

C. SPECIAL

Special performance evaluations may be given at any time at the discretion of the Superintendent/Designee.

D. EVALUATIONS

Each employee will be evaluated by their immediate supervisor. If an employee has been reassigned to a new supervisor within one month of the evaluation date, both supervisors should cooperate in the evaluation; or if an employee receives approximately equal supervision from two persons, both supervisors should cooperate in the evaluation, and both should sign it.

## **307 GRIEVANCES**

### **307.01 Grievance Procedure**

Bargaining unit members must follow the grievance procedure found in Article 4 of the bargaining unit agreement.

Any grievance or dispute of interpretation of this policy or other policies which may be added shall be settled in the following manner:

**STEP I:** The aggrieved employee or group of employees must present the grievance to their immediate supervisor in writing within three (3) actual working days after the occurrence of the act or acts complained of. The aggrieved employee has the right to have whomever they wish to be present during such discussion. The immediate supervisor will reply to the grievant within three (3) actual working days after the grievance is presented to them in writing. Group grievances, in this stage, shall be presented in the first instance to the lowest ranking supervisor, common to all employees in the group. If the grievance is not satisfactorily settled at this step, the procedure in Step II shall be used.

**STEP II:** If a satisfactory solution is not secured in Step I, files relating to the grievance shall be forwarded to the Superintendent or their Designee for the solution of the grievance. The Superintendent or their Designee shall hold a meeting relating to the grievance, within three (3) actual working days following receipt of the grievance. Both the grievant and the Superintendent shall have the right to have available such witnesses as are necessary for the explanation and investigation of the grievance.

The Superintendent shall reply to the grievance, in writing, within seven (7) actual working days from the date of the termination of the meeting.

STEP III: If this does not prove satisfactory the case will be referred to the Personnel Committee of the Board of DD for resolution within ten (10) actual working days of the referral.

STEP IV: If this is still unsatisfactory, the grievant and their representative will then meet with the Board for final disposition. The Board of DD will designate a time and place for a hearing with the grievant and their representative at the earliest and most practical time. The Board will hear all the facts and witnesses concerning the grievance. The Board will make the decision in writing to the grievant within ten (10) actual working days following the hearing. All decisions of the Board of DD shall be final and binding upon all parties who participate. The parties may, by mutual agreement, waive the time limits of this provision. Exceptions may be made to the order of procedure by permission of the Personnel Committee.

### **307.02 Grievance Procedure - Section 504**

The Board of DD has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the Office of Revenue Sharing's (ORS) regulations [31 C.F.R. 51.55 (d) (2)] implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), Section 504 states, in part that "no otherwise qualified handicapped individual, shall, solely by reason of their handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance..."

Complaints should be addressed to the Superintendent of the Clermont County Board of DD, 2040 US Highway 50, Batavia, Ohio 45103, who has been designated by the Board to coordinate Section 504 compliance efforts.

- A. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- B. A complaint must be filed within one hundred eighty (180) days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination occurring before this grievance procedure was in place will be considered on a case-by-case basis).
- C. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Superintendent or their Designee. These rules contemplate informal but thorough investigations, affording all interested persons and their representative, if any, an opportunity to submit evidence relevant to a complaint.
- D. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Superintendent and a copy forwarded to the complainant no later than thirty (30) days after its' filing.
- E. The Section 504 Coordinator shall maintain the files and records of the Clermont County Board of DD relating to the complaints filed.
- F. The complainant can request a reconsideration of the case in instances where the complainant is dissatisfied with the resolution. The request for reconsideration should be made within seven (7) days to the Superintendent of the Clermont County Board of DD.

- G. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the Office of Revenue Sharing, U.S. Department of the Treasury. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- H. These rules shall be construed to protect the substantive rights of interested persons, to meet due process standard and to assure that the Clermont County Board of DD complies with Section 504 and the Office of Revenue Sharing regulations.
- I. The contractually agreed grievance procedure for Bargaining Unit members shall take precedence over the general Board Policy grievance procedure unless/until the two procedures become uniform.

## **308 DISCIPLINE**

### **308.01 General Statement**

The removal of an employee from their position with the Clermont County Board of DD, the suspension from a job for a limited time, or the reduction to a lower classification or salary are serious disciplinary measures which are ordinarily taken only when the more normal methods of supervision have failed to produce the desired result. Nevertheless, there will be no hesitance in using these measures when circumstances warrant. Allowable appeals of each of these forms of disciplinary measures, are made to the State Personnel Board of Review, and must be made in writing within ten (10) calendar days of the disciplinary action.

### **308.02 Suspensions (ORC 124.34)**

- A. Suspensions of more than three days are appealable by the employee.
- B. Working Suspensions: An appointing authority may require an employee who is suspended, to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions.

### **308.03 Reduction**

Reduction is a change to a classification with a lower base pay range, a change to a lower step within the salary range for a given classification, or the foregoing of an automatic step increase to which an employee is entitled. This is a rarely used form of disciplinary action. The employee has rights to appeal in cases of reduction, except that voluntary written agreement by an employee to a demotion or reduction shall be considered a satisfactory basis for such action in the absence of evidence to the contrary.

### **308.04 Removal**

Removal is usually the last step taken in the disciplinary process. It is a permanent separation from service with the Clermont County Board of DD. Grounds for removal are limited to those statutory reasons listed in Section 124.34 of the Ohio Revised Code. They are as follows: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the employee's appointing authority, violation of ORC 124.34 or the

rules of the director of administrative services or the commission, any other failure of good behavior, any other acts of misfeasance,

One or more of these reasons must be cited in every removal action; any removal is appealable by the employee.

### **308.05 Grounds for Disciplinary Action and Penalties**

(The Following Examples are not to be construed as all-inclusive)

The examples of Group I, II, and III Offenses, set forth below are characteristic of those offenses which State Personnel Board of Review has historically judged to be of such a nature as to warrant those penalties established for the group.

In general, Group I Offenses are those infractions which do not warrant immediate suspension, reduction, or termination and which are subject to corrective action through progressive discipline.

Group II Offenses are those infractions which are of a serious nature, and which may warrant an unpaid suspension for the first offense.

Group III Offenses are those infractions which are of a very serious nature warranting reduction or removal for the first offense.

#### **A. Group I Offenses and Discipline**

First Offense: Verbal Reprimand

Second Offense: Written Reprimand

Third Offense: Three (3) Day Suspension with or Without Pay (not appealable to the State Personnel Review Board)

Fourth Offense: Ten (10) Day Suspension Without Pay or Reduction in Pay or Position

Fifth Offense: Removal

1. Failure to commence duties at the beginning of the work period or leaving work prior to the end of the work period.
2. Leaving the job or work area during the regular working hours without authorization.
3. 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.
4. Leaving post of continuous operations positions prior to being relieved by employee of incoming shift.
5. Neglect or carelessness in signing in or out.
6. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
7. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
8. Failure to cooperate with other employees as required by job duties.
9. Failure to use reasonable care of DD property or equipment.
10. Use or possession of another employee's working equipment without authorization.
11. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices, including those which may have a detrimental effect on an individual served, but which may not rise to the definition of neglect in statute or rule.

12. Failure to observe DODD, ODE, ODH, and/or other Agency/ Department rules.
13. Obligating the DD for any expense, service, or performance without authorization.
14. Failure to report accidents, injury, or equipment damage.
15. Disregarding job duties by neglect of work, reading for pleasure or studying other than job-related material during working hours.
16. Unsatisfactory work or failure to maintain required standard of performance.
17. Unauthorized use of telephone or Agency cell phone for other than business purposes.
18. Excessive garnishments.
19. Failure to complete absence forms as required.
20. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors or other staff person having authority to direct the employee.
21. Minor violations of HIPAA regulations, such as leaving computer unattended while computer is signed on, or failure to verify the identity of a person requesting PHI.

**B. Group II Offenses and Disciplines**

- First Offense: Action can range from written reprimand up to and including a three (3) day suspension without pay (not appealable).
- Second Offense: Ten (10) day suspension without pay, or reduction in pay and position.

Third Offense: Removal

1. Reporting for work or working while unfit for duty.
2. Gambling during working hours.
3. Unauthorized use of DD property or equipment.
4. Performing private work on DD time.
5. Willful failure to sign in or out when required.
6. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
7. Failure to make required reports.
8. Solicitation on DD premises without authorization.
9. The making or publishing of false, vicious, or malicious statements concerning employees or supervisors of the DD or its operations.
10. Refusing to provide testimony in court before the State Personnel Board of Review, during an accident investigation, or any type of public hearing.
11. Giving false testimony during a complaint or grievance investigation or hearing.
12. Unauthorized posting or removal of notices or signs from bulletin boards.
13. Distributing or posting written or printed matter of any description on DD premises unless authorized.
14. Unauthorized presence on DD property.
15. Disregard of agency rules.
16. Use of abusive or threatening language toward Supervisors.
17. Unauthorized partisan political activity as outlawed in ORC 124.57.

18. Falsification of Agency records.
19. Use of property of persons served for personnel without authorization.
20. Unexcused absence from work.
21. Failure to "report off" work for any absence.
22. Violations of client's rights as stated in Board Policy per Section 5123.62 of the Ohio Revised Code.
23. Failure to provide information or giving false testimony during an MUI investigation.
24. Discourteous treatment of the public.
25. Malicious mischief, horseplay, wrestling, or other undesirable conduct including use of profane or abusive language.
26. Intimidating, coercing, or interfering with subordinates, peers, or other employees.
27. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors or other staff person having authority to direct the employee.
28. Actions which may have a detrimental effect on persons served but which do not rise to the level of neglect in statute or rule. These actions would have the potential to affect the health and welfare of the person.
29. Moderate violations of HIPAA regulations, such as making an unauthorized cell phone video of an individual served (electronic PHI) and showing it to co-workers.

**C. Group III Offenses and Disciplines**

First Offense: No less than three (3) but no more than ten (10) Day Suspension, Reduction, or Removal

1. Verbal, physical, or psychological abuse or neglect of clients, residents, or students. (Abuse or neglect may exist even if the criteria for criminal abuse or neglect is not met. Refer to Section 1500 of this manual for more detailed definitions of abuse/neglect and their subtypes).
2. Wanton and willful neglect in the performance of assigned duties or in the care, use, or custody of any DD property.
3. Abuse or deliberate destruction in any manner of DD property, tools, equipment, or the property of employees. (Includes computer data)
4. Signing or altering other employees' timecards, time sheets or unauthorized altering of own timecard or sheet.
5. Falsifying testimony when accidents are being investigated, falsifying, or assisting in falsifying or destroying any DD records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
6. Making false claims or misrepresentation in an attempt to obtain DD benefit.
7. Conduct violating morality or common decency during working hours, for example, sexual harassment or unlawful harassment. Examples include actions, words, jokes or comments based on race, religion, gender, sexual orientation, national origin, handicap, age, ancestry, persistent, sexually abusive, and suggestive remarks; continued requests for a date and to visit

- the employee's home; grossly offensive and improper sexual remarks to a co-worker and touching and sexual remarks.
8. Retaliation against an employee who files a complaint of harassment or other unlawful workplace activity.
  9. Stealing or similar conduct, including destroying, damaging, or concealing any property of the DD or of other employees.
  10. The use of narcotics or the sale of narcotics.
  11. Being in the possession of or consuming intoxicating substances on the job.
  12. Fighting or attempting injury to other employees, supervisors, or persons.
  13. Carrying or possession of firearms on DD property at any time without proper authorization.
  14. Knowingly concealing a communicable disease, such as TB, which may endanger other employees and consumers.
  15. Misuse or removal of DD records or information (either electronic or on paper) without prior authorization.
  16. Instigating, leading, or participating in any illegal walkout, strike, down, stand-in, refusal to return to work at the scheduled time for scheduled shift, or other unlawful concerted curtailment, restriction, interference with work in or about the DD's work stations.
  17. Dishonesty or 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, theft and pilfering through lunch boxes, tool kits, or other property of the DD or other

employees without authorization; inserting slugs in vending machines without paying the proper charge therein; 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 absence from work. The foregoing are examples only and do not limit the terms of "dishonesty" or "dishonest action".

18. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors or other staff person having authority to direct the employee.
19. Failure to comply with certification/licensing requirements. Cross Reference: ORC Section 5126.26 (IMMEDIATE TERMINATION SUBJECT TO DUE PROCESS)
20. Sleeping during working hours.
21. Committing an egregious violation of HIPAA regulations, such as selling Medicaid billing information from agency systems for fraudulent billing.

### **308.06 Pre-Disciplinary Conference**

For Bargaining Unit employees, the pre-disciplinary procedure will follow the process agreed upon in the current Contract. For non-bargaining unit employees:

- A. Whenever the Supervisor has cause to believe that an employee under their direction should receive a suspension, disciplinary reduction in pay or position, or removal from public service, the supervisor must reduce such allegations to writing.

- B. The written allegation should indicate in sufficient detail the behavior or conduct which is the basis for the supervisor's belief that discipline is necessary.
- C. The written allegation should next be sent up the chain of command to the Superintendent or Designee for review and approval, and delivery to the responding employee.
- D. The supervisor and employee will be notified by the Superintendent or the Designee of the time, location and who will conduct the conference.
- E. At the conclusion of the Supervisor's case, the employee may present any relevant evidence which rebuts the evidence presented by the Supervisor or which establishes a reason for the employee's conduct.
- F. Within a reasonable time following the hearing, the Superintendent or Designee shall determine what discipline, if any, is warranted based upon the facts found by the supervisor.
- G. If discipline is warranted, the Superintendent shall follow the Clermont County Board of DD disciplinary policy and procedures.
- H. For bargaining unit members, the pre-disciplinary procedure found in the Bargaining unit agreement will be followed.

### **309 DRUG FREE WORKPLACE & SUBSTANCE ABUSE POLICY**

The Clermont County Board of DD supports the Drug-Free Workplace Act of 1988, the Omnibus Transportation Employee Testing Act of 1991, House Bill 523 and any other federal or state laws or regulations requiring substance abuse testing. Therefore, the Board maintains a zero-tolerance policy on the use of alcohol and/or the abuse of legal

or illegal drugs in the workplace. Consequently, the Board prohibits employees from any unlawful manufacture, distribution, dispensing, possession, or use of controlled or prohibited substances (defined in OAC 123:1-76-01, as amended) on the premises or work sites of the Board or in Board owned or leased vehicles or private vehicles while employees are on the business of the Board. The Board reserves the right to discipline employees who violate this policy. Such discipline may include discharge and/or criminal prosecution.

The purpose of this policy is to assure worker fitness for duty and to protect our employees, clients, and the public from the risks posed by the use of alcohol and prohibited drugs. This policy is intended to be in compliance with all applicable federal regulations governing workplace anti-drug programs. The Clermont County Board of DD is dedicated to providing safe, dependable, and economical services to clients. The employees are the most valuable resource of the Board. It is the goal of the Board to provide a healthy, satisfying working environment, which promotes personal opportunities for growth. In meeting these goals, it is the Board's policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner; (2) create a workplace environment free from adverse effects of drug and alcohol abuse or misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) to encourage employees to seek professional assistance anytime personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

The Drug-Free Workplace Act Policy will be included in all Personnel Policy Procedures Manuals, and any future revisions of employment handbooks.

Employees will be made aware of the dangers of drug abuse in the workplace.

Directors and Supervisors will be instructed to recognize the symptoms of drug-abuse and to recognize commonly abused controlled substances, the effects, consequences, behavioral and manifestations of controlled substance use or abuse.

Employees will be made aware of the penalties for drug-abuse related acts in the workplace. Employees will receive the Drug-Free Workplace policy. Employees will be notified of their responsibilities under this policy. Employees will be disciplined as appropriate.

For purposes of this policy, “abuse” means:

- Any use of an illegal drug.
- Intentional misuse of any over-the-counter drug in cases where such misuse impairs job performance.
- Use of any prescription drug in a manner inconsistent with its medically prescribed intended use, or under circumstances where use is not permitted.
- Use of alcohol where such use impairs job performance.
- Intentional and inappropriate use of any substance, legal or illegal, which impairs job performance.

Marijuana (medical or adult use cannabis)

The Board has a zero-tolerance policy for employees who are under the influence of illegal drugs and alcohol while at work. For purposes of this policy, employees who use medical marijuana pursuant to a medical marijuana card under ORC chapter 3796 or who use, possess, or distribute adult use cannabis in compliance with ORC Chapter 3780 are not exempt from this policy in any way. The use of marijuana in any form, with or without

a card or compliance with Ohio law, will be treated the same as the use of all other controlled substances, illegal drugs, or the abuse of legal drugs.

The Board is not required to permit or accommodate an employee's use, possession, or distribution of either medical marijuana or adult use cannabis. The Board is permitted by law to refuse to hire, discharge, discipline, or otherwise take an adverse employment action against an individual with respect to hire, tenure, terms, conditions, or privileges of employment with the Board because of that individual's use, possession, or distribution of either medical marijuana or adult use cannabis. An employee's use, possession or distribution of adult use cannabis in the Board's buildings and on the Board's grounds is prohibited, and employees are not permitted to use medical marijuana or adult use cannabis while on lunch or other breaks.

### **309.01 VIOLATIONS OF POLICY**

It is a violation of Board policy for any employee to possess, sell, trade, or offer for sale illegal drugs or otherwise engage in the illegal use of drugs on the job.

It is a violation of Board policy for anyone: to report to work under the influence of illegal drugs or alcohol, or medical marijuana: to be under the influence of controlled substances on Board premises or while on Board business or while in Board supplied vehicles; the use, possession, transfer or trafficking of intoxicants, illegal drugs, or controlled substances in any amount, in any manner, or at any time.

It is a violation of Board policy for anyone to engage in agency business, operate agency machinery, equipment and/or vehicles (i.e., machines, telephones, trucks, cars, etc.) including any and all safety sensitive work while under the influence of illegal drugs or alcohol.

It is a violation of Board Policy for anyone to use prescription drugs illegally. Any employee who is under medication or taking any drug which may affect the employee's ability to perform their job in a safe and productive manner must report such use to their supervisor. Management will determine if the employee should remain at work, be restricted in their duties, or be sent home. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.)

It is a violation of Board policy for any other use; possession trafficking of intoxicants, illegal drugs, or controlled substances in a manner which has an adverse impact on the company.

It is a violation of Board policy for an employee not to report any DUI/OVI or criminal drug statute arrest or conviction within 24 hours of the arrest or conviction. Within thirty days of such notice, the Board shall take appropriate disciplinary action against the employee up to and including termination and/or criminal prosecution.

Violations of this policy are subject to disciplinary action up to and including termination and/or criminal prosecution.

Employees found to have violated the policy may be required to satisfactorily participate in a drug abuse counseling or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.

Each employee will be provided with a copy of this policy. As a condition of employment, employees will abide by the terms and be required to sign a verification of receipt and understanding of this policy.

### **309.02 Applicability**

This policy applies to all employees when they are on Clermont County Board of DD property or when performing any board related business. This policy applies to off-site lunch periods or breaks when an employee is scheduled to return to work.

Visitors, vendors, and contractor employees are governed by this policy while on Clermont County Board of DD premises and will not be permitted to conduct business if found to be in violation of this policy.

The Clermont County Board of DD is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to be deliberately misusing the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination and/or criminal prosecution.

### **309.03 Drug/Alcohol Testing**

Drug testing may be performed at the following times:

A. Pre-employment

All applicants are required to undergo drug/alcohol testing and medical examination prior to hire and are required to agree in writing to permit such test and examinations for Board use of their results. Those applicants who fail such tests will not be offered employment.

B. Reasonable Suspicion

The Board reserves the right to require employees to submit to drug/alcohol testing. A positive test will result in termination of any CDL driver and may result in termination for other employees.

Examples of reasonable suspicion include, but are not limited to the following:

1. Adequate documentation of progressively unsatisfactory work performance or on-the-job behavior where prior performance has been satisfactory.
2. Physical signs and symptoms consistent with prohibited substance use.
3. Evidence of the manufacture, distribution, dispensing, possession or use of controlled substances, drugs, alcohol or other prohibited substances.
4. Occurrence of a serious or potentially serious accident that may have been caused by human error.
5. Fights (to mean physical contact), assaults and flagrant disregard or violations of established safety or security procedures.

Reasonable suspicion determinations will be made by trained supervisors who conclude that an employee may be adversely affected or impaired in their work performance due to prohibited substance abuse or misuse.

#### C. Post-Accident and Work-Related Injury

Clermont County Board of DD reserves the right to test all employees involved in any on-the-job accident or injury requiring medical attention. A positive test may result in termination.

In addition, a post-accident test will be conducted if an accident results in injuries requiring transportation to a medical treatment facility; or one or more vehicles incurs disabling damage that requires towing from the site; or the employee receives a citation

under state or local law for a moving traffic violation arising from the accident. Post-accident testing may be conducted for non-vehicle, work-related injuries.

Following an accident, the employee will be tested as soon as possible, but not to exceed eight hours for alcohol testing and 32 hours for drug testing. Any employee involved in an accident must refrain from alcohol use for eight hours following the accident or until they undergoes a post-accident alcohol test. Any employee who leaves the scene of the accident without justifiable explanation prior to submission of drug and alcohol testing will be considered to have refused the test and their employment will be terminated.

D. Random

The Clermont County Board of Developmental Disabilities reserves the right to have any employee who performs a safety sensitive duty to be eligible for periodic selection for random drug testing. This pertains to all commercial licensed drivers (CDL), employees who provide direct service to consumers and employees who operate mechanical or motorized equipment.

Upon notification that you have been selected you will be required to report immediately to a designated facility. You will be notified verbally by Human Resources. A positive test result may result in termination of any safety sensitive employee.

E. Refusal To Test, Failure To Pass or Return To Duty

Refusal to submit to a test (alcohol/drug screen) will be handled as a positive result and is grounds for disciplinary action up to and including termination. Failure to comply with a test, impeding the results of a test, or altering/falsifying a test will be considered the same as a positive result.

F. Possible Action

Clermont County Board of DD has the right to:

1. Discipline employees, including dismissal, for felony conviction regarding illegal use, possession or trafficking of drugs.
2. Search, based on reason to believe this policy is being violated, computer, locker, desk, and workstation. Entry on Clermont County Board of DD premises constitutes consent to searches and inspections.
3. Test employees, including blood and/or urine tests, and perform medical examinations for the purpose of determining if the employee has engaged in illegal drug use.
4. Take disciplinary action against any employee who violates this policy, including refusal to submit to testing, inspection, searches, or failure to pass.
5. Any CDL driver who tests positive will be terminated.
6. Any other employee who tests positive may be terminated.

The Board has a zero-tolerance policy on drug or alcohol use while on duty.

Therefore, on the first occasion in which an employee has a confirmed positive alcohol or other drug test resulting from reasonable suspicion testing, or other testing conducted pursuant to Board policy, the employee will be referred to an Employee Assistance Program (EAP) and will be removed from the work setting. The employee may also be terminated as a result of investigation of details and the potential impact on health and safety of individuals served and/or staff.

### **309.04 System Contact**

Any questions or concerns regarding this policy or any aspect of the Clermont County Board of DD substance abuse program should contact the following agency representative:

Kathy Booth  
Human Resources Coordinator  
2040 US Highway 50  
Batavia, OH 45103  
(513) 732-4929

Each division, subsidiary or affiliate of Clermont County Board of DD will be responsible for adhering to the substance abuse policy.

## **310 REIMBURSEMENTS**

### **310.01 Travel**

All travel expenses must be approved by the Superintendent or his Designee. All requests for overnight travel must have prior approval and be submitted well enough in advance to allow sufficient time for approval.

### **310.02 Routine Travel**

Where employees routinely travel and overnight travel is not involved, the approval of the Clermont County Board of DD is not required. However, on any day an employee expects to be traveling out of County, they shall so inform their supervisor of the destination and expected departure and return times. Employees are required to use safety belts while operating a vehicle in the course of agency business.

### **310.03 Items Subject to Reimbursement**

The following items are reimbursable subject to the regulations contained herein.

#### **A. TRANSPORTATION**

1. Travel by air, bus or other common carrier must be at the most economical means, including consideration of time constraints. The employee is responsible for notifying the carrier at the earliest time of any reservation change or cancellation. Whenever possible, travel tickets will be paid in advance directly to a travel agent or transportation line.
2. Reimbursement for taxi fares, bridge, highway, and tunnel charges may be claimed upon presentation of receipts.
3. Mileage reimbursement for travel in privately owned vehicles will be at the current Clermont County Board of DD approved rate. The mileage reimbursement shall be deemed to cover all expenses incurred by use of the privately owned depreciation, insurance and all other expenses of operation. No reimbursement for mileage will be made unless an employee carries stated mandated levels of automobile/liability insurance on their vehicle.

Employees so designated to use privately owned vehicles in the performance of their duties, shall file an accurate expense report in the form prescribed by the County Auditor detailing the mileage and the purpose of the travel with their supervisor or department head.

#### **B. LODGING**

1. Expenses covering the actual cost of lodging at the single room rate will be reimbursed in full, upon approval of the employee's supervisor, when an employee travels out of the county on official agency business and such travel requires an overnight stay. Whenever possible, arrangements shall be made with the lodging facilities for direct bill of room charges.
2. Only business telephone calls will be reimbursed.

C. MEALS

1. An employee authorized to travel on official agency business may claim reimbursement for meals with the prior approval of the Superintendent/Designee at the rates established herein. Reimbursement for meals will be made for overnight travel at a maximum of fifty (\$50.00) dollars per diem. Lunch expenses when attending professional conferences or seminars will be reimbursed up to fifteen (\$15.00) dollars. The unused per diem from one day may not be carried forward.
2. Employees authorized to travel on official agency business may claim reimbursement for the actual cost of meals when traveling to cities where the cost of meals are outside of the norm, only upon approval of the Superintendent.
3. Tips, alcoholic beverages, entertainment, laundry and dry cleaning, and charges for a travel companion are not reimbursable. Employees may be reimbursed for business related expenditures such as parking meters and pay phones.

4. No expenses will be reimbursed without proper receipts. Requests for reimbursement of travel expenses are to be made on the expense reimbursement form and are to be submitted to the Superintendent/Designee. Receipts for all expenditures must be attached, unless specifically excluded elsewhere in this policy.
5. Reimbursement for parking meters and business-related telephone calls from a pay phone may be reimbursable without receipts provided the expenditures are fully documented as to location, time and necessary by the employee and approved by the supervisor or department head.

D. REGISTRATION

Registration fees will, whenever possible, be paid in advance directly to the Vendor by the Board upon presentation of an invoice or notice of registration reservation form.

**310.04 Procedure for Reimbursement**

A. ROUTINE TRAVEL

A travel expense form should be submitted to the Business Operations Department for processing. The travel expense form should be properly completed and signed by the employee and supervisor, along with original receipts for any expenses claimed.

B. OVERNIGHT/OTHER

A travel expense form should be submitted to the Business Operations Department for processing. The travel expense form should have the following documentation attached:

1. Travel expenses/reimbursement form signed by the supervisor and employee,  
and
2. Original receipts for expenses claimed.

### **310.05 Purchasing Policy**

All purchases of equipment, material, or supplies, to be made out of funds of the Clermont County Board of DD must be made on regular purchase orders issued through the Business Operations Department. No staff member is to purchase any supplies on credit for the Board with the expectation of being reimbursed without the approval of the Superintendent/Designee. Also, cost of items purchased without a regular purchase order becomes the responsibility of the purchaser unless the Superintendent/Designee has given authorization for the purchase.

### **310.06 Reimbursement for Personal Items**

Any employee of the Clermont County Board of DD may be reimbursed for personal items that are damaged by a client while the employee is providing direct service to the client except as noted in section 304.08 item #2. The incident will be reported to the employee's Supervisor immediately. Each incident will be considered on an individual basis by the employee's Supervisor and the Superintendent. Receipts for the items replaced must be provided before reimbursement is made. Reimbursement will be made up to, and will not exceed, a total of \$150.00.

Reimbursement for the cost of damage to glasses, hearing aids or other prosthesis while in the course of the performance of the job may be authorized at the sole discretion of the Superintendent after any insurance coverage has been paid for the destroyed item or damage done.

The Superintendent also has sole discretion to determine the amount to be reimbursed. (Reference: Clermont County Board of DD Resolution #97-120)

**310.07 Tuition Reimbursement**

- A. The Clermont County Board of DD may provide reimbursement for tuition costs associated with the attendance by a full-time employee in work related courses or programs offered by accredited universities, colleges or technical schools that meet the criteria for licensure or certification by the Ohio Department of Developmental Disabilities, the Ohio Department of Education, or ORC Title 47 Occupations-Professions, for the purpose of assisting employees in more adequately and effectively carrying out current job assignments and in promotional advancements. A degree is job related when such a degree is required or necessary to hold any particular position with the Board, or is in fact, related to an employee's current duties with the Board. As long as an employee is enrolled in such a degree program, any course required to be taken of that program will be reimbursable.
- B. Participation in a tuition reimbursement program must be open for participation by all full-time employees within the jurisdiction subject to the specific provisions of the program.
- C. Attendance at seminars, workshops, and training sessions that do not meet these requirements shall not be eligible for reimbursement.
- D. In order to qualify for tuition reimbursement, the following requirements must be met:

1. The employee must be full-time and have successfully completed one (1) full year of employment.
  2. The course must be offered by an accredited institution that meets the criteria for licensure or certification by the Ohio Department of Developmental Disabilities, the Ohio Department of Education, or ORC Title 47 Occupations-Professions. Contact the Human Resources Department prior to enrollment in a degree program for verification that it will meet the requirements.
  3. The course or the degree program requiring the course must be job related and must provide enhanced ability to perform current job assignments or preparation for advancement within the DD program. For non-job-related courses, evidence must be submitted at the time of application that the course is required and/or accepted as credit under a job-related degree program in order to be eligible for reimbursement.
  4. The application must have prior approval by the tuition reimbursement review committee and the Superintendent/designee.
- E. An employee wishing to request tuition reimbursement must submit a written application to their department head along with a course description at least fifteen (15) working days prior to the commencement of classes. If prior approval is received, final reimbursement is subject to the requirements of paragraph D & G of this section.
- F. The tuition reimbursement committee shall verify the applicant's eligibility and availability of funds within current appropriations. The application will be reviewed

by the tuition reimbursement review committee. The committee shall issue a recommendation to the Superintendent to either accept or reject the application based upon job relatedness, the status of the institution and other factors set forth herein.

- G. Once approved by the Clermont County Board of DD, an employee shall be reimbursed at a rate of 80% of the cost of tuition, fees and books related to the course(s) approved for which a grade of C or better is received. Total reimbursement under this policy is limited to \$2,500.00 per employee in any year.
- H. Employees participating in the tuition reimbursement program agree to continue Board employment for one year after the last class reimbursed under this program. Any employee who voluntarily terminates employment with the Board before the completion of that year shall repay the Board for the balance of the reimbursed amount based on the following schedule: Nine (9) month employees shall repay 1/9th for each month not fulfilled, ten (10) month employees shall repay 1/10th for each month not fulfilled, and Twelve (12) month employees shall repay 1/12th for each month not fulfilled.
- I. Courses for which reimbursement is made under this policy must be taken during the employee's non-work hours, or during approved leave.

**310.08 Procurement Cards**

The Board of Developmental Disabilities adopts the policy and procedures established by the County Commissioners and County Auditor for the use of Procurement Cards.

Clermont County Procurement Card Policy and Procedures

### Background

The Procurement card is designed to efficiently and effectively execute low-dollar, non-capital purchases. It represents a significant enhancement over a more traditional acquisition process. The procurement card program is not designed to entirely replace the current purchasing process. The program is designed to provide a new, easier and faster method to make blanket purchases.

### Authority

Ohio Revised Code Section 301.29 permits counties to use procurement cards. The Board of County Commissioners, with the advice of the County Auditor, shall formulate the policy for the use of the cards. The resolution shall set limits for spending activity and allowable expenditures as well as administrative controls that the board determines, after consulting with the County Auditor, will be sufficient for use of a procurement card. The County Auditor shall develop internal accounting controls in consultation with the Auditor of State.

### General Information

The procurement card program is not intended to avoid or bypass the competitive bid requirements of Ohio Revised Code Section 307.86, appropriation of funds process, approval process, or payment process. Rather, the program complements the existing processes. Expenditures may not exceed appropriations under any circumstances.

The card can be used for in-store purchases as well as mail, e-mail, internet, telephone, and fax orders.

THE PROCUREMENT CARD DOES NOT AVOID OR BYPASS ANY OTHER BOARD POLICY OR PROCEDURES THAT ARE IN PLACE.

## Procurement Card Responsibilities

### Program Administrator

The program administrator is the County Auditor's Office who will coordinate the procurement card program. The County Auditor's Office is the primary contact with the procurement card issuer and with the Superintendent and designees.

The County Auditor's Office is available to help employees with:

Questions regarding the procurement card policy and procedures

Problems encountered with card use or vendor authorization

Lost or stolen cards

Approving supervisor changes

Activating and setting up the purchase cards

Cardholder transfer, relocation, or termination

Establishing the controls and limits on the cards as determined with the help of the Superintendent and designees.

### Board of Developmental Disabilities

The Superintendent/Designee will determine which individuals may have procurement cards. The Superintendent/Designee will provide the list to the Board of County Commissioners for approval.

Before participating in the program, the Board of Developmental Disabilities shall adopt the Board of County Commissioner's policies and procedures. The Superintendent may establish more restrictive practices within their department.

The Superintendent/designees will be responsible to review the reconciliations performed by the department purchasing clerk.

### Department Purchasing Clerk

The Department Purchasing Clerk will establish purchase orders for their department's procurement cards.

The Department Purchasing Clerk will reconcile the department's procurement card statements to the department receipts.

### Cardholder

A cardholder is an individual who has been approved by an appointing authority to pay for certain work-related expenses with a procurement card.

The cardholder is responsible for the security and physical custody of the card and is accountable for all transactions made with the card.

The cardholder must maintain all receipts for procurement card purchases.

The cardholder is also responsible for timely reconciliation of the billing statement.

### Card Usage Guidelines

The procurement card is to be used exclusively for Clermont County business purposes. It cannot be used for personal or non-job-related purchases. Should an employee become aware of instances in which the County's policies and procedures are not being followed, the employee is to report this to the Superintendent/Designee immediately and in writing.

The card may be used for the following expenses:

- Supplies and Materials (5700-5993, 5999)
- Items below \$5,000 (5994-5998)
- Travel and Training expenses (5470-5479) including:
- Food expenses

- Transportation expenses (including airfare, car rental, and parking)
- Lodging expenses
- Registration expenses
- Gasoline expenses with county vehicle

The card may NOT be used to purchase the following:

- Capital Equipment (items over \$5,000)
- Entertainment
- Alcoholic beverages
- Long-distance telephone charges (except for calls allowed under your travel policy)

#### Card Limits

Individual procurement cards are subject to the following maximum limits:

- Daily spending per card \$5,000
- Monthly spending per card \$25,000
- Single transaction limit \$5,000
- Daily number of transactions per card 3
- Monthly number of transactions per card 25

All procurement cards of each department are subject to the following maximum limits:

- Monthly number of transactions per merchant code 100
- Monthly spending using procurement cards \$100,000

Through the cardholder application process, departments will define limits for specific cardholders, not to exceed the limits established above.

#### Sales and Use Tax

Purchases made with the County procurement card are tax-exempt. The name of the County and the words "tax-exempt" will be printed on each card.

If tax is charged inappropriately, the agency should present a tax exemption certificate to the vendor and receive a credit for the unnecessary tax.

#### Issuance of Cards

To participate in the procurement card program, the Board of Developmental Disabilities shall adopt the Board of County Commissioner's policy and procedures. The Superintendent may establish more restrictive practices within their agency. Any department that establishes its own practices cannot increase its procurement card limitations beyond what is stated in the Board of County Commissioners policy.

Procurement cards will be issued to individuals upon the recommendation of the Superintendent/Designee and upon approval of the Board of County Commissioners. Procurement cards CANNOT be transferred to, assigned to, or used by anyone other than the designated cardholder at any time.

The Superintendent/Designee must complete a Procurement Card Application for the individual cardholder. The application will specify monetary and transaction limits, as well as approved merchant commodity codes for the individual cardholder in compliance with the above card usage guidelines.

The Superintendent/Designee will send the application to the Board of County Commissioners for approval. Once approved by the Board of County Commissioners, the application will be sent to the County Auditor's Office to establish the controls on the card and meet with the individual cardholder before giving the cardholder the procurement card.

The cardholder will attend training on the county policy and procedures of procurement cards with the County Auditor's Office. After training, the cardholder will sign an agreement and acceptance of the procurement card.

The Superintendent/Designee can modify card limits, merchant commodity codes, names, addresses, and telephone numbers once the procurement card has been issued as long as the changes are within the limits set by this policy or the agency's practices. A new Procurement Card Application needs to be completed by the Superintendent/Designee and sent to the County Auditor's Office to initiate the changes.

#### Making a Purchase and Record Keeping

A blanket purchase order must be established for each procurement card of the department or one blanket purchase order for all combined procurement cards in the department. The vendor for the procurement cards will be the "Banking Vendor's Name" – Procurement Cards. The "Bill To" and the "Ship To" addresses on the blanket purchase order will be used to identify the individual card holder or the department in the following ways:

Individual blanket purchase orders for each procurement card in a department:

A separate blanket purchase order for each procurement card with the vendor's name as "Banking Vendor's Name" – Procurement Cards and the "Bill To" and "Ship To" would be in the name of the individual cardholder and the department name

One blanket purchase order for all procurement cards in a department:

One blanket purchase order for all procurement cards held by the department with the vendor name as "Banking Vendor's Name" – Procurement Cards and the "Bill To" and "Ship To" would be the name of the department.

The blanket purchase order can be encumbered to a line-item account named “procurement cards” within each department’s group (for example, encumber the group material and supplies or the group purchased services). The blanket purchase order can also list the individual line items (for example, copier supplies, office supplies).

The blanket purchase order cannot be encumbered for more than the spending limits set on the card and for more than appropriations. Additional blanket purchase orders may be set during the year if needed. No procurement card purchase can be made without a blanket purchase order being established for the card.

Purchases can be made wherever credit cards are accepted, and the merchant is an approved merchant established on the cardholder’s card. Remember, whenever a cardholder makes a purchase, the purchase CANNOT include sales tax.

If a supplier refuses to authorize and/or decline the purchase, the County Auditor’s Office must be contacted immediately.

When making a purchase, the cardholder should obtain and retain the original receipt. The receipt must contain the vendor’s name, date of purchase, itemized description of purchase, per unit price and extended price. The cardholder will match and attach receipts to billing statements as part of the account reconciliation.

#### Purchases Made by Internet, Telephone and Fax

Procurement cards may be used to purchase goods over the internet, telephone, or fax. These purchases must be evidenced by an order confirmation along with either the original packing slip that accompanied the purchased goods or an itemized receipt.

When making purchases via internet, the cardholder must make sure the web site where the card information is given is secure, and that all account numbers are encrypted

while passed electronically. A cardholder can determine if the web site address is secure in two ways:

- 1) An internet web site is secure when the address changes from http://www to https://www. The “s” stands for secure.
- 2) A symbol resembling a “lock” will appear at the bottom of the browser. The lock symbol signifies that the web site is secure and that all card numbers will be encrypted when passed.

Cardholders will be held responsible for all orders placed.

The cardholder should inform the vendor that the purchase will be paid through the County procurement card, and that the purchase is tax exempt.

If there are any issues with the use of the procurement card, the County Auditor’s Office should be immediately contacted.

#### Declined Attempts

The procurement card will be declined if one of the embedded limits is exceeded, if the merchant commodity code is blocked, if the card issuer has a security concern because of a spending pattern, or sometimes if the “bill to” address does not match the “ship to” address.

The cardholder should contact the County Auditor’s Office whenever there are declined attempts.

#### Agent, Acceptance or Service Fees

Some vendors charge an agent, acceptance, or service fee in order to process a credit card charge. If the fee is disclosed upfront at the time of purchase, the allowable dollar limit on the fee is three percent of the total bill, not to exceed \$50. If the fee is NOT

disclosed to the cardholder at the time of purchase, the fee once identified needs to be disputed immediately, regardless of the fee amount. The County Auditor's Office should be notified immediately of this breach of contract.

### Vendor Invoices

Vendors should not invoice the cardholder for purchases made with the procurement card. The vendor will be paid by the card issuer, not by the county. However, the cardholder must always receive an itemized receipt or order confirmation.

### Recordkeeping

Each cardholder will maintain a purchasing log with an envelope of all itemized receipts from purchases made with the procurement card. The log records the transaction date, vendor name, merchandise purchased, date goods/services received, how the order was placed, and dollar value of sale. A separate line is required for each purchase. The itemized receipt for each purchase should be in the envelope and attached to the purchasing log.

### Account Reconciliation and Payment of Procurement Card Bill

Each cardholder will receive a statement identifying all transactions made during the billing cycle. The cardholder will reconcile the statement's accuracy against the purchasing log and receipts. Once reconciled, the cardholder will sign the purchasing log indicating they reconciled their log with the billing statement. The cardholder should also attach any information on any disputed amounts on the bill. The cardholder will forward the statement, envelope of receipts, and purchasing log to their department's purchasing clerk.

The department purchasing clerk will receive a billing statement for the whole department. The department purchasing clerk will reconcile this statement to the cardholders' individual statements and to their purchasing logs and receipts. The department purchasing clerk will prepare a voucher stating which line items the purchases should be posted and to which purchase order the purchases were against. Once this is completed, the department purchasing clerk will give the billing statement to the Superintendent/Designee to review it and approve it for payment.

After approving the billing statement, the Superintendent/Designee will send the voucher information and the department billing statement to Accounts Payable for processing.

If any expenses are for travel and training, receipts and a travel reimbursement form must also accompany the statement to Accounts Payable. See policy on travel and training expenses.

The reconciliation process must be completed within five business days of receiving the cardholder statement and department statement. If this time frame cannot be met for any reason, the Superintendent/Designee must notify the County Auditor's Office.

Each department using procurement cards is subject to an internal audit at least once within the first year and then at least once every two years. Each department is also subject to an external audit each year.

#### Returns, Credits and Dispute Resolution

If there is a problem with a purchased item or billing resulting from use of the card, the cardholder should:

First try to resolve the dispute with the supplier or merchant. In most cases, disputes can be resolved directly between the cardholder and the supplier or merchant.

If the cardholder needs to return a purchased item for any reason, the cardholder should send the item back to the supplier, request a credit to the cardholder's procurement card account and notify the cardholder's department purchasing clerk. The cardholder should include the receipt showing the credit and add to the cardholder's purchasing log.

If the dispute cannot be resolved with the supplier, contact the County Auditor's Office. The cardholder must also complete a Statement of Questioned Item form within 15 days from the initial statement date when the charge occurred. The County Auditor's Office will research the disputed charge further with the supplier until resolved.

#### Travel and Training Expenses

Proper approval is still required for any travel and training expenses.

A travel reimbursement form must be completed for any travel and training expenses and all itemized receipts for the trip must accompany the travel reimbursement form. No travel expenses will be paid by the Board until this information is obtained.

The procurement card can only be used for the cardholder's travel expenses (i.e., transportation, meals, lodging, registration, and parking).

Each department should follow its travel and training reimbursement policy for allowable purchases with the procurement card.

#### Late Fees or Finance Charges

No late fees or finance charges shall be paid unless authorized by the Board of County Commissioners.

Paying late fees or finance charges will be expended from the department's budget and could result in the loss of use of the procurement cards.

#### Suspension or Cancellation of Card

The Superintendent/Designee, the County Auditor's Office, or the Board of County Commissioners can initiate suspension or cancellation of the card. Cardholders who terminate their employment or whose job duties change and no longer include purchasing must surrender the card immediately. Employees on extended leave will have their cards suspended until they return.

#### Lost or stolen cards

If the card is lost or stolen during normal business hours (8:00am – 5:00pm), the cardholder must notify the Director of Business Operations/Designee, who will notify the County Auditor's Office immediately at 732-7150 and follow-up with notification in writing. If the card is lost or stolen after business hours, contact the bank immediately and follow up with notification to the Director of Business Operations/Designee who will contact the County Auditor's Office during normal business hours. Upon receipt of the phone call, the Auditor or the bank will block further use of the card. Prompt action will reduce the liability for fraudulent charges. The date and time of the phone report of the lost or stolen card should be included in the written notification. After reviewing the situation of which the card was lost or stolen, it will be decided if a replacement card should be issued.

#### Penalties for improper use of card

The card is to be used only by the cardholder to pay for authorized, work-related expenses. Policy violations include, but are not limited to, the following:

- Purchasing items for personal use or items not approved for purchase by department policy
- Use of the card by someone other than the cardholder
- Failure to provide receipts
- Failure to obtain appropriate credits for merchandise returns and sales tax before next billing cycle
- Attempting to get a cash advance or returning an item for a cash refund
- Occurring late fees or finance charges

Violations of the policy will result in the revocation of the card and may also result in disciplinary action including termination of employment and criminal prosecution for misappropriation of funds.

Employees are responsible for reporting instances where the Board's policies and procedures are not followed. When an employee becomes aware of such an instance, they must notify the County Auditor's Office and the Superintendent immediately and in writing.

#### Retention Schedule

As mentioned above, departments using procurement cards are subject to an internal audit at least once within the first year and then at least once every two years. Each department is also subject to an external audit each year.

Departments are required to keep receipts, purchasing logs, individual billing statements, and department billing statements for the current year. The department also must keep the previous year's information on file until May of the current year. (For example, the department must keep all 2004 records until May 2005). After May, the

department can box the previous year information and send it to the County's Records Center. All receipts, purchasing logs, and individual billing statements must be kept for a total of 5 years.

### **311 UNLAWFUL HARASSMENT POLICY**

The Clermont County Board of DD is committed to providing a work environment that is free of discrimination and unlawful harassment.

NO employee shall unlawfully harass any other employee, service provider, contractor, client of the Board, member of the public or any other individual with whom the employee interacts in connection with the employee's job duties.

"Unlawful harassment" includes actions, words, jokes, or comments based on race, religion, gender, sexual orientation, national origin, handicap age, ancestry, participation in the bargaining unit, non- participation in the bargaining unit, or any other legally protected characteristic of the individual.

As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person. It undermines the employment relationship and is strictly prohibited.

#### **311.01 Sexual Harassment**

##### **A. Definitions**

1. Prohibited behavior: any unwelcome attention of a sexual nature from a co-worker, supervisor, or visitor to the workplace. It includes behavior which causes discomfort to the employee subjected to the harassment and which interferes with the employee's ability to perform their job.

The behavior can take the form of insults, derogatory remarks, sexually suggestive comments and/or demands, subtle or overt forms of pressure to engage in sexual activity; unwanted touching or leering, pinching, patting, and can end up as attempted or actual rape.

Ohio courts have found the following types of behavior to constitute actionable sexual harassment:

- a. Persistent, sexually abusive and suggestive remarks;
  - b. Continued requests for a date and to visit the employee's home;
  - c. Grossly offensive and improper sexual remarks to a co-worker; and/or
  - d. Touching and sexual remarks.
2. Sexual harassment: the above behavior (also) constitutes prohibited sexual harassment when...
- a. Submission to the conduct is made a condition of employment;
  - b. Submission to or rejection of the conduct is used as the basis for an employment decision; or
  - c. The conduct interferes with an employee's ability to perform their job or creates an intimidating, hostile, or offensive working environment.

B. Overview

1. Sexual harassment can be committed by a woman against a man, a man against a woman, or by members of the same gender against one another.
2. Employees sometimes do not realize when they are crossing the line between being friendly or humorous and engaging in sexual harassment.

Sexual harassment does not refer to generally acceptable, pleasant, friendly, or even mildly flirtatious interactions, so long as no reasonable person would be offended by such behavior.

Employees should ask themselves, however, whether remarks or statements with a sexual content are, in fact, necessary for the performance or their jobs or to provide instruction to a subordinate employee. If such remarks are unnecessary, employees should refrain from making them.

3. Any employee who is told by a co-worker that their behavior is offensive, should make every effort to refrain from repeating the complained of actions. If the employee does not believe that the behavior in question would be offensive to a reasonable person, the employee should consult their supervisor or the EEO Officer.

C. Sexual harassment prohibited

The Board neither condones nor tolerates sexual harassment in the workplace, whether committed by supervisory or non-supervisory employees. No Board employee is permitted to imply or threaten that cooperation with or refusal of advances of a sexual nature will have an effect on an individual's status, advancement, assignment, career development, compensation or another condition of employment or appointments.

D. Notification of policy

The Superintendent (Appointing Authority) has communicated and delegated the responsibility for administration and compliance with this policy to all levels of management. Supervisors and other management employees will ensure that all

employees are aware of the policy against sexual harassment and that employees are aware of the procedures for reporting, investigation, and obtaining remedial action.

All new employees receive Sexual Harassment training during orientation and HR reviews the policy with new employees at that time.

E. Supervisor's responsibilities

Any supervisor or management employee who observes any behavior that could be interpreted as sexual harassment is responsible for taking immediate action to stop the behavior and to report the incident to the Superintendent and/or the EEO Officer.

F. Complaint investigation

1. An employee who believes that they are a victim of sexual harassment may contact any supervisory employee, whether or not the supervisor is in the employee's department or agency, and/or the EEO Officer to file a formal complaint. Upon receipt of such complaint, a supervisor or EEO Officer must immediately (within one business day) notify the Superintendent or their Designee. The Superintendent will immediately (by end of the following business day) order a thorough investigation of the complaint and, if the complaint is valid, take necessary steps to halt the harassing behavior. The Superintendent reserves the right to take a reasonable time to complete the investigation once it has begun.

In the interest of maintaining confidentiality to the extent possible, the EEO Officer will conduct the investigation. If the EEO Officer is unavailable, the

Officer will assign the conduct of the investigation to a responsible member of the Superintendent's staff.

2. If the Superintendent is the subject of a complaint, the County Prosecutor will conduct the investigation.
3. Upon being advised, either orally or in writing, of a complaint of sexual harassment, the Superintendent (or another appropriate individual, as identified in #2 above) will investigate as follows:
  - a. The employee will be required to document the complaint either in writing or on audio tape. The report will include a factual description of the incident(s) which the employee considers to constitute harassment.
  - b. If the investigator, after a discussion with the complainant and such witnesses as the investigator deems necessary, finds that the complaint is credible and may constitute sexual harassment, the alleged offender will be required to meet with the Superintendent/Designee to be advised of the complaint, and be given an opportunity to respond.
  - c. If, at the conclusion of that discussion, the investigator has reason to believe the reported acts did occur and did constitute sexual harassment, that finding will be reported in the investigator's final report to the Superintendent. After investigation, all complaints will receive a final report, even those deemed without merit.

- d. If the Superintendent has reason to believe that the reported acts did occur and did constitute prohibited sexual harassment, the employee will be advised that such conduct is improper and in violation of federal and state law and that the employee is subject to disciplinary action, up to and including discharge.
- e. The Superintendent will thereafter take appropriate disciplinary action. The Superintendent/Designee will continue to monitor the behavior of the harassing employee to ensure no repetition of the offensive behavior.
- f. All complaints and the results of investigations will be held confidential to the extent possible.

All management staff will be routinely trained to recognize, investigate, and attempt to prevent any and all circumstances of unlawful harassment.

Violations of this policy will not be tolerated. Any employee guilty of unlawful harassment will be disciplined in accordance with the policies outlined in the Clermont County Board of DD's Board Policy.

Any employee who falsely accuses another employee of unlawful harassment will be disciplined in accordance with the policies outlined in the Clermont County Board of DD's Board Policy.

### **312 SEXUAL MISCONDUCT**

An DD employee cannot engage in any sexual conduct nor have any sexual contact with an individual with a developmental disability who is in the DD employee's

care and who is not the employee's spouse. Any employee committing abuse, neglect, misappropriation, or other misconduct will have their name put into the registry of those convicted. The registry is known as the Abuser Registry. It is our policy under the law to check the Abuser Registry as part of the hiring process as well as once per year on all employees. Any employee either on or added to the registry will become ineligible for employment.

### **313 NON-FRATERNIZATION POLICY**

A. The Board respects each employee's right to privacy when off-duty. Therefore, with respect to personal or romantic relationships that may develop the following will apply:

1. Board employees are free to develop and conduct personal relationships with co-workers. Such relationships shall be conducted away from the workplace, while off-duty, and such relationships shall not interfere with either employee's ability to perform the duties and responsibilities assigned to them.
2. No supervisor may pursue, develop, establish, or maintain a personal romantic relationship with a subordinate employee over whom the supervisor has direct or indirect authority to make decisions pertaining to the terms and conditions of the subordinate's employment.
3. The Board prohibits employees who are on duty from using work time, or Board supplies, equipment, or facilities to promote, pursue, develop, establish, or maintain a personal relationship with any other Board employee, or any other person.

4. No Board employee with supervisory authority may attempt to affect the working conditions of any other County employee with whom they have any relationship whether familial, personal, friendly, or romantic by approaching that employee's supervisor.
  5. The Board prohibits any employee from using their authority or perceived authority as a Board employee to promote, pursue, develop, establish, or maintain a relationship with any member of the public that they may come in contact with during the course of employment with the Board.
  6. Employees who have a "caseworker" or "case manager" type position with any department under the jurisdiction of the Board are specifically prohibited from cultivating or developing any sort of personal relationship with any current client, or family member of a current client, of a program administered by the employee's department.
  7. At no time may a personal relationship, whether with a co-worker of another person, interfere with an employee's job performance or cause disruption in the workplace.
- B. Employees who violate this policy will subject themselves to Board discipline at the Group Two or Group Three level depending on the nature of the violation.

### **314 WORKPLACE VIOLENCE**

The Clermont County Board of DD is committed to providing its employees with a work environment that is safe, secure, and free of harassment, threats, intimidation, and violence. The Board recognizes that workplace violence is a growing problem that should

be addressed by all employers and therefore adopts this zero-tolerance policy for workplace violence. The Board maintains this zero-tolerance of violence at work, whether the violence originates inside or outside the workplace. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect DD employees, or which occur on DD property or while DD employees are working in the community will not be tolerated. Employees shall refer any questions regarding their rights and obligations under this policy to their supervisor or the Human Resources department.

Employees who engage in any violence in the workplace or threaten violence in the workplace or with a co-worker or a co-worker's family outside of the workplace will be subject to disciplinary action up to and including termination. Violations of this policy by any individual will be subject to legal action, as appropriate. "Violence" includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons, and threatening or talking of engaging in those activities. It is the intent of this policy to ensure that everyone associated with this agency, including employees, consumers/students, and the public, never feels threatened by any employee's actions or conduct. The company provides an employee assistance program (EAP) for all employees. This EAP offers services to these employees and their eligible dependents. Where a supervisor suspects that an employee has work-related and/or personal problems, the supervisor should recommend that the employee contact the Employee Assistance Program (EAP) for counseling and support. In all situations, if violence appears to be imminent, employees should take the precautions necessary to assure their own safety and the safety of others.

### **315 OUTSIDE EMPLOYMENT**

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives, or operations of the Board.
- B. Employment "conflicts" under this policy are defined as an impairment of the employee's ability to perform the duties of their position with the Board. Two common conflicts which may arise are:
  - 1. Time Conflict - Defined as when the working hours required of a "secondary job" conflict with the scheduled working hours of an employee's job with the Board; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Board.
  - 2. Interest Conflict- Defined as when an employee engages in outside employment which tends to compromise their judgment, actions and/or job performance with the Board or which impairs the Board's reputation in the community. This includes any employment with an agency contracting with the Board and any employment dependent upon Board funding.
- C. Full-time employment with the Board shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. "Outside employment" or "Moonlighting" shall be a concern to the Superintendent only if it adversely affects the job performance of the employee's duties with the Board or constitutes a conflict of interest.
- E. Should the Board feel that an employee's outside employment is adversely affecting the employee's job performance, the Superintendent may request that

the employee refrain from such activity. Any conflict, policy infraction, or other specific offenses which is the direct result of an employee's participation in outside employment shall be disciplined in accordance with the policies set forth in this manual.

- F. No employee shall be employed by any entity having a contract with the Board unless the employee notifies the Superintendent and receives written authorization from the Superintendent permitting such employment. Employment with an agency contracting with the Board and any outside employment dependent upon Board funding must be approved by the Board's Ethics Committee (ORC 5126.033). The Superintendent cannot approve contracts that violate the Ethics Laws.
- G. Employees who are absent and being paid sick leave, who are on Family Medical Leave, or who are absent due to a work-related injury and receiving salary continuation, accrued personal or vacation leave or compensation from the Bureau of Worker's Compensation are not permitted to work for other employers while receiving such compensation.
- H. Employees who hold outside jobs are not permitted to perform any duties related to that job while on DD property, even after working hours. DD equipment, including cell phones, computers, copiers, fax machines, etc. may not be used for outside employment purposes at any time. Volunteer or educational activities are not usually considered to be outside employment. However, work related to volunteer or education activities, not connected to Clermont County DD

employment, may not be performed during DD working hours, except on approved breaks.

### **316 MINIMUM AGE, EXPERIENCE AND EDUCATIONAL STANDARDS FOR EMPLOYMENT ELIGIBILITY**

The minimum age and educational requirements for general employment eligibility with the Clermont County Board of DD shall be eighteen (18) years of age accompanied by a High School diploma, GED, or better.

Education, experience and/or age requirements for positions with the Clermont County Board of DD may vary from position to position based on minimum position classification qualifications or better.

If the minimum age requirement exceeds 18 years of age or the educational requirements exceed that of a High School diploma, or GED, the age, experience and/or educational requirements will be identified in each position description.

### **317 DD BOARD PROPERTY**

#### **317.01 Board Property**

All property of the Clermont County Board of DD and the contents thereof, including desks, lockers, cell phones, and computers, are subject to Board control and supervision and are not private areas for employees. This includes any information contained in Board owned computers such as E-mail, any data in the computer's memory and software used in Board computers, including memory disks. The Board will maintain and keep confidential, employee social security numbers and any other data as required by law. If any Board property requires maintenance or repair, employees must complete

the proper maintenance request forms and follow the designated procedures to notify the Maintenance Department.

All county property shall be returned to the Board upon termination of employment. Failure to return any/all county property may result in legal action against the person responsible.

### **317.02 Computer Usage**

See Policy 2500.04.01 Computer Usage

### **317.03 Cell Phone Policy**

Employees who are provided with an Agency cellular phone will be provided with an agreement governing the use of the cell phone. The employee is responsible for reimbursing the Board for all non-business calls.

Employees must comply with all laws governing use of cell phones and texting while driving. Employees who are transporting consumers in Agency vehicles should pull off the road before using the cell phone whenever possible.

Employees are provided with voicemail to receive messages during work hours and may return personal calls during breaks. During work hours, calls that are of an emergency nature should be directed through the main switchboard rather than through personal cell phones. To minimize disruption to the operations of the programs, employees in direct service positions should refrain from using personal cell phones or texting during client-contact times. Employees are not permitted to use camera cell phones to take photos of the workplace or of individuals without prior management approval.

### **317.04 Employee-Owned Electronic Device Policy**

The purpose of this policy is to define accepted practices, responsibilities, and procedures for the use of employee-owned mobile devices (i.e., cell phones, smartphones, or tablets, etc.) that the Clermont County Board of Developmental Disabilities (CCBDD) has authorized to connect to the CCBDD enterprise network. This policy defines the commitment requirement, provides guidance for secure use of end-user mobile devices. Employees who access the CCBDD network without full compliance with this policy will be subject to disciplinary action.

#### **Scope**

This standard applies to all personally owned mobile devices, which are configured to connect to the CCBDD network and to access resources therein. The employee, through meeting eligibility requirements, must follow the requirements listed below in exchange for access to CCBDD network resources. It is important that the obligations and consequences of this arrangement are understood. A signature is required on the last page of this policy confirming that it has been read and understood. These obligations include, but are not limited to:

- Employee(s) will hold CCBDD harmless (not liable) for any damage to personal mobile computing or telecommunications devices, regardless of its use for CCBDD or personal business at the time the damage occurred.
- Agreement from the employee that the device security settings will be managed by the agency's mobile device management system.
- Understanding that the employee is solely responsible for backing up any personal content on the device.

- Acknowledgment that the CCBDD will in no way be responsible for lost or stolen personal devices.
- The decision to be eligible to use a personally owned mobile device for CCBDD business will be based on a documented business need and appropriate management approval.

### **User Responsibilities**

Work-related files used or created for CCBDD must be maintained in accordance with its record retention policies. Any data residing on the mobile device must be uploaded at the end of each day to at least the user's CCBDD email account for security purposes.

### **General Security/Safety**

- Each device in use must be granted access through the authorization outlined in this policy and signature acceptance of this policy and approval of the IT Department.
- When accessing the CCBDD network, email is the only application permitted to be used.
- Keep mobile devices with you at all times or store them in a secured location when not in use. Do not leave devices unattended in public locations (airport lounges, coffee shops, libraries, restaurants, conferences, unattended vehicles).
- Mobile devices must be password protected. The password should block all access to the device until a valid password is enabled. Passwords must never be shared or revealed to others.

- Users shall apply the appropriate safeguards for security of Protected Health Information in accordance with the Privacy and Security Standards as proscribed by HIPPA regulations.
- Lost, stolen, misplaced, or replaced mobile devices should be reported to the IT Department within 24 hours of discovery. Employee understands that, in the event of a lost or stolen phone, CCBDD will perform a remote wipe which destroys all data on the phone, including any personal data.
- Employees using a mobile device under this policy, prior to any upgrade or replacement of their device, must first bring their current device to the CCBDD IT Department who will remove all CCBDD work information from that device. Employees must then bring the new device to the IT Department for enrollment.
- Users should not text or otherwise communicate via a mobile device while driving.

### **E-Discovery**

In the unlikely event that CCBDD needs access to the device for e-discovery purposes, the employee is obliged to hand over the device along with the necessary passcodes. It is up to the end user to back up personal applications and data prior to this event.

### **Audit**

Random audits to ensure compliance with this policy will be conducted by the Information Technologies Department. Employees must surrender the device for audit. Audits will be conducted in the employee's presence.

Employees failing to comply with this policy may be subject to loss of access to the CCBDD network resources through a mobile device.

**Termination Of Privileges**

Access can be terminated, and all agency data wiped from a device upon written request from an employee’s supervisor submitted to the Human Resources Department.

Access will be terminated, and all agency data wiped after termination from the CCBDD. It is both the employee and the Supervisor’s responsibility to notify the Information Technologies Department to terminate this access.

Employees placed on Administrative Leave will have their user accounts disabled until such time they may return to active status.

A user may have mobile device access terminated for any violations of this policy committed by someone else who, with the user’s expressed or implied permission or by the user’s negligence, accesses the Network or other CCBDD resources with the user’s password.

By accepting CCBDD Network access privileges, users waive any and all rights of privacy in connection with their usage including, but not limited to, protections provided by the Federal Wiretap Act of 1968 and the Electronic Communications Privacy Act of 1986, 18 U.S.C. & 2510-22. All such information, content, and files shall be and remain the property of CCBDD and users should not have any expectation of privacy regarding those materials.

**Acknowledgement**

I have read and understood my responsibilities and conditions outlined in this policy related to mobile device access to the CCBDD network and resources.

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Employee Signature

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Printed Name Date Signed

### **318 TOBACCO POLICY**

All properties operated by the Clermont County Board of DD are tobacco-free facilities, this includes all forms of tobacco.

Tobacco use is not permitted anywhere on agency property such as agency vehicles, buildings, structures, grounds, walkways, sidewalks, parking lots as well as personal vehicles in these areas.

This policy also prohibits the use of electronic nicotine delivery systems (also known as e-cigarettes).

Employees may not smoke in their personal vehicles if individuals are being transported in them.

### **319 VOLUNTARY TERMINATION OF EMPLOYMENT**

When an employee resigns or retires, formal notice and a written resignation should be given to the Supervisor and forwarded to Human Resources for inclusion in the employee's personnel file. The Supervisor should collect keys and any DD equipment (laptop, cell phone, pager, etc.) from the employee prior to departure on the last day. The employee will be contacted by Human Resources to conduct an exit interview and confirm leave balances and final paycheck forwarding information.

Retirees should initiate the retirement benefits process by contacting the retirement system under which they plan on retiring at least 90 days prior to retirement. The Human Resources Department can assist retiring staff with phone numbers, addresses, and informational brochures. Paperwork from the retirement system may be sent to the Human Resources Department for completion. Human Resources will then

send the paperwork to the Clermont County Auditor's Office to complete the Fiscal certification portion of the forms.

### **320 ORIENTATION AND TRAINING**

Upon hire, the Human Resources Department will schedule all new employees to attend an Agency Orientation, and other required training will be provided by their department within their first ninety days of employment. Annual training is required for all DD employees on: Client Rights, HIPAA, Computer Security Awareness, MUI - Recognizing Abuse and Neglect, and Universal Precautions. Staff involved in Behavior Support programs shall be identified and properly trained for the level of functioning appropriate for their designated position and duties. Employees who may drive Agency vehicles or transport consumers must also attend an initial Vehicle Operations training and annual refresher training on Driving Procedures and must have valid First Aid and CPR per Board Transportation policy 1100.06. Additional training that is department or job specific will be arranged and scheduled by Administrators within each department. Records which document that HIPAA training was provided must be recorded and retained for 6 years.

### **321 CONFIDENTIALITY**

Employees are required to maintain the confidentiality of information about other employees as well as persons served by the Board. Employees may not discuss confidential medical information about other employees. Employees who wish to disclose their own personal information at work, for example, hospitalizations or illnesses, will not

be considered to have violated this policy. The Clermont County Board of DD complies with the Health Insurance Portability and Accountability Act (HIPAA). See Policy 2400 for requirements concerning confidentiality of information about persons served.

### **322 SAFE HARBOR POLICY: IMPROPER PAY DEDUCTIONS**

The Clermont County Board of DD follows all applicable pay and Fair Labor Standards Act (FLSA) requirements pertaining to employee compensation, payroll deductions, and other pay matters. Accordingly, the agency makes every good faith effort to prohibit improper deductions from its employee's pay. However, the agency recognizes that improper deductions may happen inadvertently from time to time due to human error or payroll processing malfunctions; therefore, it sets forth the following procedure for reporting improper deductions:

1. In the event an employee finds that they has been compensated in error with regard to deductions from pay, the employee must, as soon as feasible, bring the error to the attention of the Payroll Clerk. The Payroll Clerk will then investigate the error and communicate the findings with the employee within a reasonable timeframe (i.e. one pay period).
2. If the Payroll Clerk deems an error has occurred, the employee shall be compensated for the full amount of the shortage on or before the end of the next pay period. The amount of the reimbursable shortage will remain subject to any deductions that applied during the pay period when the compensation would have initially been processed.

3. The Superintendent or Designee shall review the reason for the improper deduction, and adjustments to pay processes, procedures and policies shall be made so that improper pay deductions are not made in future payrolls.
4. The Clermont County Auditor's office is the Fiscal Agent for the Board and payroll adjustments are subject to their procedures.

### **323 COOPERATION WITH INVESTIGATIONS, AUDITS, INSPECTIONS, WARRANTS OR SUBPOENAS**

Employees of the Clermont County Board of Developmental Disabilities respond to law enforcement investigations and government or accrediting agencies in an honest and forthright manner and cooperate with and are courteous to all law enforcement investigators and government or accrediting agency inspectors or auditors. Information is provided as required for them to perform their investigation, inspection, or evaluation. Documents are not concealed, altered, or destroyed either during or prior to an investigation or inspection. CCDD employees shall not lie or make misleading statements or cause a colleague to obstruct, mislead or delay communication of information or records to an investigator, inspector, or surveyor.

In the event that an employee receives a work-related subpoena, search warrant, or other work-related legal action, the employee will immediately notify their supervisor, who will notify the Superintendent's office. If legal advice is needed, the Prosecutor's office will be contacted for guidance. A copy of the document will be submitted to Human Resources for filing in the employee's personnel file. Employees will be granted release time to attend work-related court proceedings when issued a subpoena.

### **324 PROTECTIONS OF "WHISTLEBLOWERS"**

A. Any employee of the Board who learns in the course of their employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, which their supervisor or the Superintendent, could correct may report that violation or misuse without reprisal as follows:

1. Reports must be written. Oral reports have no protection under the "whistleblower" statute, O.R.C. §124.341.
2. The report must be filed with either the Superintendent or the employee's supervisor unless the employee reasonably believes the violation or misuse constitutes a criminal offense or a violation of O.R.C. Chapter 102 (ethics) or O.R.C. §2921.42 (unlawful interest in a public contract) or O.R.C. §2921.43 (soliciting or receiving improper compensation).

Suspected criminal offenses can be reported to a prosecuting attorney, the chief legal officer of a municipality, or a peace officer.

Suspected violations of O.R.C. Chapter 102, §2921.42, or §2921.43 may also be reported to the Ohio Ethics Commission.

B. Except as provided in Section C of this policy, employees may not be punished for making any report authorized by Section A.

C. Employees shall make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be punished, up to and including removal, for purposely, knowingly, or recklessly reporting false information.

D. Employees who are punished as a result of reporting violations or misuse under this policy may appeal that punishment to the State Personnel Board of Review. Appeals must be filed no more than thirty (30) calendar days after the employee learns they have been punished. O.R.C. §124.341(D) makes appeal to the State Personnel Board of Review the exclusive remedy for employees who are punished for reporting violations or misuse under this policy.

E. For purposes of this policy:

1. A person acts purposely when it is the specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is the specific intention to engage in conduct of that nature.
2. A person acts knowingly, regardless of the purpose, when they are aware that their conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when they are aware that such circumstances probably exist.
3. A person acts recklessly when, with heedless indifference to the consequences, they perversely disregard a known risk that their conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, they perversely disregards a known risk that such circumstances are likely to exist.

(References: O.R.C. §102.01, et seq.; O.R.C. §124.341; O.R.C. §2901.22; O.R.C. §2921.42 and O.R.C. §2921.43.)

## **325 REMOTE WORK**

The authorization of an employee to work remotely is not an entitlement and in no way does it change the terms and conditions of employment with the Board.

### **Definitions**

The term “Remote Work” for purposes of this policy includes working from an alternate worksite (other than assigned facility-based office). Remote work includes accessing files and information contained on the agency server from a location outside of the facility, meeting with individuals served and other team members virtually when requested. Virtual staff meetings and trainings are included in this definition.

### **Authority to Grant Permission for Remote Work**

The Superintendent authorizes the option to work remotely provided that all relevant rules and laws (such as HIPAA) are observed. All work policies and rules apply, regardless of location, including restrictions on working overtime. Employees permitted to work remotely shall read the terms of remote work as specified in this policy and shall sign the individual agreement of understanding of remote work requirements.

### **Remote Work Guidance**

Employees shall attend all meetings as specified by supervisors and shall be reachable during work hours. Meeting attendance may be virtual, or in-person as specified by supervisors.

The amount of time the employee is expected to work per day or pay period is the same as if the employee were working in the office. Employees are expected to be engaged in work activities at all times while on Board time. Employees are expected to meet agency productivity and efficiency requirements. Employees are also expected to

be available throughout the workday. Reasonable response time is expected and is defined as within the workday. Failure to meet any of these requirements or reasonable work performance expectations will be grounds for ending the remote work arrangement.

Remote work is voluntary and can be revoked if the employee fails to follow the agreed to requirements of the remote work policy and procedure. The remote work option is not specifically for the convenience of the employee and is not a condition of employment. The employee must determine any tax or legal implication under IRS, state, and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

Termination of the remote work arrangement is at the agency's discretion.

Clermont DD is responsible for providing work equipment such as computer equipment which includes a cell phone option. The employee is responsible for internet when working remotely.

Unless an alternate location is approved in advance by the supervisor, work is to be performed at the employee's place of residence. Employees shall designate and maintain a workspace that is free from hazards and other dangers to the employee and equipment. The workspace must be reasonably free from interruptions and distractions that would affect work performance.

All confidential data must be secure so that no such data can be accessed or transmitted over unsecure (non-password-protected) Wi-Fi connections.

Remote workers are covered by the appropriate provision of the State of Ohio Workers' Compensation if injured while performing official duties. The employee agrees to bring to the immediate attention of their supervisor any accident or injury occurring

while working remotely. The Board is not responsible for any injuries to family members, visitors, and others in the employee's home.

Remote work is not a substitute for childcare, elder care, or pet care. Remote work is not intended to be a substitute for the use of vacation, sick, or personal leave, or other paid time off.

Employees shall follow established procedures for requesting an obtaining approval of leave including unplanned absences and emergencies.

The Board will not be liable for damages to an employee's personal property during the performance of official duties in the employee's residence.

The Board will not be responsible for operating costs, home maintenance, homeowner's liability insurance, nor any other incidental costs (e.g., utilities) associated with the use of the employee's residence to perform work for the Board. The Board will not pay work-related voice and data communication expenses.

The employee will apply approved safeguards to protect agency records from unauthorized disclosure or damage and will comply with the Board 's privacy and confidentiality requirements.

The employee shall not meet with the public or individuals served in their home office in any official capacity or connected with the Board's business.

### **Remote Work Verification**

Remote workers shall respond within their regularly scheduled workday to emails, texts, or telephone calls.

If asked to report to the office during business hours, remote workers should be at the office in a reasonable amount of time.

Remote workers must continue to meet all departmental and board expectations regarding documentation.

### **Remote Work Schedule**

Remote work is available for up to four (4) working days each week with the expectation that staff will work at least one day every week in the office. A remote work schedule is subject to supervisor approval. **If for any amount of time the employee needs to report to the office, the employee shall remain in-office for the full or remainder of the workday.** Schedules should reflect in-office days as full days with travel time outside of the full workday. In-person attendance may be required at meetings as requested by supervisors. Employees will adhere to timelines and deadlines as if working in the office. Newly hired staff members shall work in-office through their probationary period (at minimum). A remote work schedule may commence with approval of supervisor.

### **Travel**

Normal travel to and from work is not reimbursable. For staff to make the most efficient use of their time and travel, occasionally it is more efficient for the staff to travel from their home to a temporary work site in lieu of reporting to the Board offices first. When this occurs, the board shall reimburse mileage based on the lesser of the two distances.