

## POLICY 300 PERSONNEL

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### **300 PERSONNEL**

The Clermont County Board of DD is (“Board”) committed to recruiting, managing, developing, and retaining appropriate and competent personnel who will meet the needs of the person(s) served and who will contribute to the Board’s Mission and Philosophy.

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

The 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 Board shall meet the appropriate level of experience and education as defined by the certification and registration requirements of the Ohio Department of Developmental Disabilities, the Ohio Department of Education and Workforce, or other governing bodies.

The Board follows all equal opportunity and Americans with Disabilities Act (“ADA”) requirements for hiring staff and provides appropriate background and credential checks as required by the Ohio Department of DD and other governing bodies.

Position descriptions and postings will indicate minimum education and experience qualifications for all personnel. All Board employees have position descriptions that clearly identify their roles and/or responsibilities and expectations of a trauma informed community. These position descriptions are reviewed annually and periodically revised to comply with the ADA and to meet Bureau of Workers Compensation - 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. All employees shall sign an acknowledgement of receipt of the personnel policy. Appropriate orientation and training of all staff, which address 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. No employee or applicant will be discriminated against with respect to hiring, tenure, in terms, conditions, or privileges of 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 Director of Human Resources serves as the Equal Employment Opportunity Office for the Board.

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

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 Director of Human Resources or to the Superintendent by the supervisor or person to whom the incident is reported.

It is against the policy of the Board 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 hardship to the program, the Board shall take steps to reasonably 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 substantially limit one or more major life activities, 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. Should an accommodation for the incumbent position not be possible, consideration may be given to other positions for which the employee may be qualified, including a vacant position.
2. 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, while utilizing available sick or other paid 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 in accordance with Ohio Administrative Code Chapter 123:1-30.
- 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 Board 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 or employee. Failure to do so may result in termination of the contract.

### **301.04 Nepotism Policy**

Members of the immediate families of the seven-member Board or the Board of County Commissioners may not be hired to work for the Board of DD. For purposes of the preceding sentence, the term "immediate family" means "parents, grandparents,

brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law”.

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

### **301.05 Ethics**

As an employee of the Board, 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. Chapter 102 of the Ohio Revised Code sets forth certain ethical rules which govern the conduct of all current and former public employees and officials. All Board 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 whom 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 (including your employer or former employer) in any matter in which you had dealings as an employee.

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 Human Resources/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 Board 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 meet these purposes effectively and efficiently;
- 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 for classified employees**

The layoff procedures set forth in Ohio Revised Code Sections Section 124.321 through 124.327 and the administrative rules adopted by the Department of Administrative Services in Ohio Administrative Code Chapter 123:1-41, as applicable to the Board 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 Layoffs for Management Employees**

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 by job title 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 Board 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 within the budget set by the Board, 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 and Workforce, 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.

a. All job-related testing, where appropriate, will be conducted by the Board.

C. 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.

D. All required and necessary background checks in accordance with Ohio Administrative Code rule 5123-2-02 shall be conducted by Board.

E. All applicants will be checked with the DODD Abuser Registry and ODH Nurse Aide Registry and other registries as required by Ohio Administrative Code rule 5123-2-02 prior to being recommended to the Superintendent.

F. 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 5123.081 as amended and Ohio Administrative Code Rule 5123-2-02 upon effective date.
- E. Have been listed on the DODD Abuser Registry or other registries identified in Ohio Administrative Code rule 5123-2-02 .
- 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 kept and considered active up to six (6) months after the filing of the application.

### **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 a 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.

#### 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.

#### 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.

#### 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.

#### 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 5123-2-02.

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. 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: behavior support coordinator, computer network administrator, director of behavioral health, director of community relations, director of community support services, director of early childhood services, director of business operations, director of school age services, director/manager of service and support administration, investigations manager, Medicaid manager, safety and facilities coordinator, service coordination supervisor, 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 Board.

- C. 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's recommendation if applicable, by making a decision to recommend a contract for 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 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.

D. Conversion Plan for Management Contracts

Pursuant to Section 145.01 of the Ohio Revised Code and Ohio Administrative Code rule 145-1-26, the Board establishes 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 may convert in a calendar year is: Vacation leave for regularly employed employees – 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)**

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.
- 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 to the position from which the employee was promoted or to a similar position.
- 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. Management employees with a 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 the 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 a 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, not to exceed one hundred twenty (120) days . 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. An employee in a temporary appointment is in the unclassified civil service.
  - b. Intermittent/substitute employees are employees in the unclassified civil service who work an irregular schedule, 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 Board 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 Board will pay the costs of this physical examination. 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, and the employee shall authorize the licensed physician or psychologist to release the results of the examination to the Board.
- C. The Board will pay the cost of any examination requested by the Board. Both the Board and the employee will receive the results of any examination conducted under this policy.
- D. Medical records are not public records.
- E. 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 medical information regarding an employee 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 for 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, direct service staff must follow the following dress code:

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, the Program will not replace it.
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 four inches 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 CANNOT be worn as pants. Leggings can be worn under a dress, long tunic, or long sweater.
8. T-shirts will be allowed if there are no profanity or inappropriate words/messages.
9. Shorts and Dresses need to be NO shorter than four inches above knee.

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

When a person begins employment with the Board 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 Board 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 Board 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 and Workforce, 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 or approved by 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 Board's current tuition reimbursement policies apply.

### **304.12 Job Description**

The duties and responsibilities of all employees shall be those as shown in 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 Board 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 Board 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. General Liability Insurance covers all Board employees.
- D. All full-time employees of the Board are provided with life insurance protection paid for by the Board. 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 Board reserves the right to set a limit on their contribution toward insurance premiums. 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. The Clermont County Benefits Administrator administers COBRA information.
- G. Employees who are authorized to drive County/Board owned vehicles are covered by bodily injury and property damage insurance by the Board.
- H. Persons employed after April 1986 pay into Social Security Medicare under PL99-272. The Board makes no payments to or on the behalf of any employee in 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 from the retirement system in accordance with rules adopted by the retirement system . Employees who become eligible for retirement will receive retirement benefits based on their amount of contributions and length of service in accordance with the retirement system's governing statutes and rules.

Information regarding Retirement System benefits and obligations 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 Board are prohibited by Section 124.57 of the Ohio Revised Code from engaging in political activity and must comply with the provisions of 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 nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation .
5. Attendance at political rallies.
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. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
4. Circulating official nominating petitions for any candidate participating in a partisan election.
5. Holding an elected or appointed office in any partisan political organization.
6. Accepting a party-sponsored appointment to any office normally filled by partisan election.

7. Campaigning by writing for publications, by distributing political material or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
8. Soliciting the sale of or selling political party tickets.
9. Soliciting, either directly or indirectly, any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate.
10. Engaging in partisan activities at the election polls, such as soliciting votes for other than nonpartisan candidates and nonpartisan issues.
11. Acting as witness or challenger of any party or partisan activity.
12. Participation in political caucuses of a partisan nature
13. 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 Clermont County Prosecutor , 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 Board 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 Board may employ persons 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 identified Ohio Revised Code 5123.081 as amended, Ohio Administrative Code 5123-2-02 upon effective date, and Ohio Administrative Code Chapter 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 5123.081 or Ohio Administrative Code rule 5123-2-02.

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 5123.081, Ohio Administrative Code rule 5123-2-02, and Ohio Administrative Code Chapter 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 identified in Ohio Revised Code 5123.081 , OAC 5123-2-02 upon effective date, and Ohio Administrative Code Chapter 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.

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 an offense identified in Ohio Revised Code 5123.081 , OAC rule 5123-2-02 upon effective date, or Ohio Administrative Code Chapter 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 services to individuals served by the Board. Employee absenteeism impairs the Boards' ability to provide quality services because it hinders continuity of programming. Regular attendance, as scheduled, is expected from all employees. Each Director 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 up to and 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 should 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 should 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 events or attractions are appearing locally.
- b. Supervisory personnel should monitor leave usage to determine whether or not absences follow a pattern. If a pattern is determined, a supervisor should privately discuss the matter with the employee and advise them that if the situation does not improve, disciplinary action could be taken.
- c. If the private counseling does not correct the problem, progressive discipline should be pursued.

4. Absent Without Leave (AWOL)

An employee who has exhausted all paid leave or unpaid leave authorized by state or federal law 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 two (2) occurrences of tardiness totaling no more than fifteen (15) minutes in a thirty (30) day period. These occurrences should be noted. 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 could lead to disciplinary action. The supervisor conducting the counseling should indicate the availability of the Employee Assistance Program and/or Family Medical Leave if appropriate.
- B. An employee who arrives late is expected to acknowledge their tardiness with their immediate supervisor. The employee's timesheet sheet should accurately reflect hours worked. The employee should notify of the probability of tardiness if the tardiness is going to exceed fifteen (10) minutes. Tardiness shall be deducted from the current pay period in increments of fifteen (15) minutes for employees paid on an hourly basis. 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 could 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.

**304.20 Reporting Abuse and Neglect, other Major Unusual Incidents and Unusual Incidents**

In accordance with Ohio Revised Code Sections 2151.421 and 5123.61, Board employees are mandated reporters when the employee knows, or has reason to suspect, a child under eighteen years of age, or a person, under twenty-one years of age with a developmental disability or physical impairment, has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of that child or person. Board employees are required to immediately report their knowledge or suspicion to the County Department of Job and Family Services, the Delaware County Sheriff's Office, the Board's Investigative Agent, and/or the Department, as applicable. In accordance with Ohio Administrative Code rule 5123-17-02, Board employees shall immediately notify the Investigative Agent and their immediate supervisor of any major unusual incidents involving individuals served by the Board and follow up with a written report. If the Investigative Agent is not available, the report is to be made to a Director of Support Administration. The Investigative Agent will take a written report from the complainant, investigate the facts and make a report to the appropriate agencies. All records and information related to reports under this policy are confidential and are not public records.

Reference: MUI Policy 1200 Incidents Affecting Health and Safety.

## **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. RETURN TO WORK FOLLOWING A LEAVE**

For all employees on approved Family Medical Leave or Military Leave, the employee's return to work shall be governed by the rules set forth in the respective federal law (FMLA or USERRA). In the case of a return from leave of absence not governed by FMLA or USERRA, the return to work of all Bargaining Unit employees shall be governed by the terms of the Collective Bargaining Agreement. 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 remove 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, a classified employee earns .0575 hours of sick leave. Active pay status is defined as hours actually worked, including overtime, hours on vacation leave, 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. 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 is defined as hours actually worked, including overtime, hours on vacation leave, 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. 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.

- E. Sick leave may be granted to regularly scheduled employees, upon approval of the Superintendent, for the following reasons:
1. Death of a member of the employee's immediate family.
  2. Medical, dental, or optical examination or treatment of the employee or a member of the immediate family.
  3. 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.
  4. Pregnancy and/or childbirth and related conditions.
  5. 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 leave request.
- F. To justify each use of sick leave, the employee will complete a leave request. For unexpected absences, the leave request 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. Failure to submit a request may result in an employee paid on an hourly basis 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. Sick leave granted by reason of death in the immediate family will not exceed five (5) working days.
  - H. Sick leave taken for paternity will follow FMLA policies.
  - I. The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to the employee's credit upon the employee's re-employment in the public service, provided that the re-employment takes place within ten years of the date on which the employee was last terminated from public service. This ten-year period shall be tolled for any period during which the employee holds elective public office, whether by election or by appointment.
  - J. 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.
  - K. An employee on sick leave shall not be engaged in outside employment during their regularly scheduled work hours.
  - L. 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 Board of all salary or wages paid during such sick leave.
  - M. 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 or sick leave donation.

- N. 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.

**305.02 Sick Leave Conversion Upon Retirement**

- A. All non-bargaining unit eligible employees of the Board 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: All unused sick leave credits shall be converted at one-fourth (1/4) the value of the accrued sick leave credit. The converted value of accrued but unused sick leave credit that is paid shall not exceed the value of thirty days of accrued but unused sick leave, unless addressed differently in a Management Contract.
- B. Payment 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. All bargaining unit eligible employees will be eligible for sick leave conversion upon retirement in accordance with the terms of the bargaining unit contract.

**305.03 Annual Sick Leave Conversion**

- A. 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.
- B. Conversion of sick leave under this policy shall eliminate those converted sick leave credits from the employee’s accrued sick leave balance.

**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 bargaining unit 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 otherwise 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 at least 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. Unless addressed differently in a Management Contract, all vacation leave is computed on the basis of years of 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 Board , 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. Clermont County Board of DD will not apply unpaid vacation leave balances from other public or private employers. Upon documentation of prior public employment and in accordance with Ohio Revised Code sections 325.19 and 9.44, new hires from another public agency or political subdivision who have worked for more than one (1) year of full-time service 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 during 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 Board 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 vacation leave employees can convert 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 December 31 of each year, or prior to any conversion plan payments being made to employees.

K. For non-bargaining employees, the Board 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 bargaining unit 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 Board . 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.

**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 Board 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) personal days per calendar year. Such leave shall not carry over from year to year.
- B. Employees shall request such personal days off in writing to, and in a manner prescribed by the Superintendent/Designee, except bargaining unit employees shall follow the process set forth in the bargaining unit contract.
- 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**

The Board 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 Board 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 Board 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 Board will notify its employees sixty (60) days in advance, in writing, if it decides to change this option.

In complying with the FMLA, the Board 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.
5. Qualifying exigency leave-leave for certain reasons due to a family member's military deployment to a foreign country.
6. Military caregiver leave – leave when a family member is a current servicemember or recent veteran with a serious injury or illness

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, as appropriate, for purposes of Family Medical Leave before entering into unpaid leave status. Any FMLA leave entitlement shall run concurrently with the use

of the paid leave. 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 spouses eligible for leave are employed by the Board, 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) care for a parent with a serious health condition
- d) care for a military family member with a serious injury or illness

may be limited to a combined total of twelve (12) weeks during any twelve-month period for a, b and c, and a combined total of twenty-six (26) workweeks for d. If one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12/26 weeks of FMLA leave. Where the spouses both use a portion of the total 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 12/26 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, to care for a spouse, child, or parent, or for military family leave reasons. Such leave may not be used for the birth or adoption/placement of a child unless the Board agrees.

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 Board will maintain the employee's health coverage under the group health insurance plan during the FMLA leave and will pay its share of the health coverage premiums during the leave. Even 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. If the insurance coverage is terminated, the Board must reinstate the insurance coverage upon the employee's return to work. Generally, 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 delay or deny the leave if the employee does not meet the notice requirements.

F. CERTIFICATION

An employee requesting leave for a serious medical condition under this 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 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. The Board is responsible for paying for the second and third opinions, including any reasonable travel expenses for the employee or family member. The employee is provisionally entitled to FMLA leave while waiting for the second or third opinion.

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 could include:

- Limit intermittent or reduced-schedule leave if taking leave would mean being absent a large portion of the academic period.
- Require the employee to continue the leave until the end of the school term if certain timing conditions near the end of a term are met.

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 on behalf of the employee 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. MILITARY FAMILY LEAVE

Legislation expanded the FMLA to provide job protection of unpaid leave for up to a total of twenty-six 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**

Employees whose absence is necessitated by reason of service in the uniformed services, in the Ohio organized militia, or the Ohio National Guard shall be granted a leave of absence, and such absence and employee rights shall be governed by Ohio Revised Code Chapters 5903 and 5923 and the Uniformed Services Employment and Reemployment Rights Act, as applicable.

## A. As used in this policy:

- (a) "Federal fiscal year" means the year beginning on the first day of October and ending on the thirtieth day of September.
- (b) "Month" means twenty-two eight-hour work days or one hundred seventy-six (176) hours within one federal fiscal year.
- (c) "Permanent public employee" means any person holding a position at the Board that requires working a regular schedule of twenty-six consecutive biweekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. "Permanent public employee" does not include student help; intermittent, seasonal, or external interim employees; or independent contractors.
- (d) "Ohio organized militia" means the Ohio national guard, including both the Ohio air national guard and the Ohio army national guard, the Ohio naval militia, the Ohio military reserve, and the Ohio cyber reserve.
- (e) "Service in the uniformed services" means the performance of duty, on a voluntary or involuntary basis, in a uniformed service, under competent authority, and includes active duty, active duty for training, initial active duty for training, inactive duty for training, full-time national guard duty, and performance of duty or training by a member of the Ohio organized militia pursuant to Chapter 5923. of the Revised Code. "Service in the uniformed services" includes also the period of time for which a person is absent from a position of public or private employment for the purpose of an examination

to determine the fitness of the person to perform any duty described in this paragraph.

- (f) “Uniformed services” means the Armed Forces, the Ohio organized militia (which includes the Ohio national guard) when engaged in active duty for training, inactive duty training, or full-time national guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.
- (g) The “Ohio Organized Militia” consists of the Ohio National Guard, including both the Ohio Air National Guard and the Ohio Army National Guard, the Ohio Naval Militia, the Ohio military reserve, and the Ohio cyber reserve.

B. Pursuant to and in accordance with ORC 5923.05, a permanent public employee of the Board who is a member of the Ohio Organized Militia or other reserve units of the Armed Forces of the United States shall be entitled to leave of absence, without loss of pay, for such time as they are performing service in the uniformed services for periods of up to one month, for each federal fiscal year in which they are performing service in the uniformed services. The term “without loss of pay” means the Board shall pay the employee their regular pay for that period of service in addition to the employee’s receipt of their gross military pay and allowances. The maximum number of hours for which payment under this section will be made is one hundred seventy-six (176) hours in each federal fiscal year. The employee shall be required to submit to the department head the published order authorizing the call or order to the uniformed services or a written statement from the

appropriate military commander authorizing that service, prior to being credited with the leave. There is no requirement that the service be in one continuous period of time during the federal fiscal year.

C. Employees who are members of those units listed above and who are called or ordered to service in the uniformed services for longer than a month for each federal fiscal year, because of an executive order issued by the President of the United States, an act of Congress, or because of an order to perform duty issued by the Governor pursuant to Ohio Revised Code Section 5919.29, are entitled, during the period designated in the act or order, to a leave of absence from their respective duties and to be paid each monthly pay period of that leave, the lesser of:

1. The difference between the employee's gross monthly wage or salary and the sum of the employee's gross military pay and allowances received that month; or
2. Five hundred dollars (\$500).

No employee will receive payment under this section C if the sum of the employee's gross military pay and allowances received in a pay period exceeds the employee's gross wage or salary as a Board employee.

D. Employees who are members of the Ohio Organized Militia will be granted emergency leave for mob, riot, flood, civil defense, or similar duties when so ordered by the Governor to assist civil authorities in accordance with Ohio Revised Code Section 5923.21. The leave will cover the official period of the emergency. If an employee has not been paid the full allotment of one hundred seventy-six

(176) hours in the federal fiscal year when the employee is called to duty pursuant to Ohio Revised Code Section 5923.21, the employee will be paid for the balance of those hours remaining. An employee is not entitled to a payment under Section C for services performed in accordance with Ohio Revised Code Section 5923.21.

- E. Proper military orders are required for an employee to request and use military leave with pay or military leave without pay. In most cases, these orders are printed and distributed prior to the start of the employee's active duty. In those cases where orders are not available prior to the start of the employee's active duty, a letter (on military unit letterhead) signed by the military commander is acceptable as a temporary document, but needs to be replaced by a copy of the actual orders when they become available.
- F. Employees will be granted a leave of absence without pay to be inducted or to otherwise enter military service. Employees are not paid for such leave unless they are members of reserve components as specified in Paragraph A, g.
- G. 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 time limits specified within USERRA according to the duration of military service.
- H. Employees are entitled to the protections under all other state and federal laws, including USERRA, with respect to military leave and employee benefits, including reinstatement follow a period of military leave.

1. Except as otherwise provided in 38 U.S.C. 4312, USERRA reemployment rights apply if the cumulative length of service that causes an employee's absences from a position does not exceed five years. Further, the employee must separate honorably from service in the uniformed services, and a separation from service under the circumstances described in 38 U.S.C. 4304 would preclude reinstatement rights.
2. The employee must make a timely written request for reinstatement to the Board. The timeliness of the request is dependent on the length of the active duty call-up:
  - Active-duty service of less than 30 days – the request for reinstatement must be made immediately upon the employee's release from active duty;
  - Active-duty service of 31 to 180 days – the request for reinstatement must be made within 14 days of the employee's release from active duty; or
  - Active-duty service in excess of 180 days – the request for reinstatement must be made within 90 days of the employee's release from active duty.
3. Depending on length of service, an employee is to be promptly reemployed in (1) the job the person would have held had the person remained continuously employed, (2) a position of like seniority status and pay so long as the person is qualified for the job or can become qualified after reasonable efforts by the employer, or (3) if not qualified for either job after

reasonable efforts, in a position that is the nearest approximation to the positions described above (in that order) which the person is qualified to perform, with full seniority. "Prompt reemployment" means as soon as is practicable under the circumstances of each individual case.

4. For employees who have a disability that was incurred or aggravated during the military service, reinstatement to a Board position shall comply with 38 U.S.C. 4313 (a) (3) and 20 CFR 1002.225
5. The Board has the right to request that a person who is absent for a period of service of 31 days or more provide documentation showing that:
  - the person's application for reemployment is timely;
  - the person has not exceeded the five-year service limitation; and
  - the person's separation from service was other than disqualifying under 38 U.S.C. 4304.

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

The Board 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 covered by leave without pay or vacation or personal days.

### **305.12 Paternity Leave**

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

### **305.13 Employee Injury**

Each employee must be aware of the importance of and indeed report injuries, to the facility nurse and/or immediate supervisor without delay. Supervisory personnel or other designated persons must also be 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 employee's 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 Board, 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 significant 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 with the approval of the Superintendent. 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.

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 Board 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 Board. 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 Board 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 Board 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 the Board . 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.

### **305.17 Lactation Breaks**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from employees and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. Lactation breaks are not compensable break time.

### **305.18 Ohio Military Family Leave**

Once per calendar year, the Board shall allow an employee to take leave up to ten days or eighty hours, whichever is less, if all of the following conditions are satisfied:

1. The Board has employed the employee for at least twelve consecutive months and for at least 1,250 hours in the twelve months immediately preceding commencement of the leave.
2. The employee is the parent, spouse, or a person who has or had legal custody of a person who is a member of the uniformed services and who is called into active duty in the uniformed services for a period longer than thirty days or is injured, wounded, or hospitalized while serving on active duty in the uniformed services.
  - a. For purposes of this policy, the term "active duty" means full-time duty in the active military service of the United States or active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or a proclamation of the governor. "Active duty" does not include active duty for training, initial active duty for training, or the period of time for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any duty unless such period is contemporaneous with an active duty period.
  - b. purposes of this policy, the term "uniformed services" means the armed forces, the Ohio organized militia when engaged in full-time

National Guard duty, the commissioned corps of the public health service, and any other category of persons designated by the president of the United States in time of war or emergency.

3. The employee gives notice to the Board that the employee intends to take leave pursuant to this policy at least fourteen days prior to taking the leave if the leave is being taken because of a call to active duty or at least two days prior to taking the leave if the leave is being taken because of an injury, wound, or hospitalization. If the employee receives notice from a representative of the uniformed services that the injury, wound, or hospitalization is of a critical or life-threatening nature, the employee may take the leave under this section without providing notice to the Board.
4. The dates on which the employee takes leave pursuant to this section occur no more than two weeks prior to or one week after the deployment date of the employee's spouse, child, or ward or former ward.
5. The employee does not have any other leave available for the employee's use except sick leave or disability leave.

The Board may require an employee requesting to use the leave established under this section to provide certification from the appropriate military authority to verify that the employee satisfies the criteria under (2), (3) and (4)

The Board shall continue to provide benefits to the employee during the period of time the employee is on leave pursuant to this policy. For purposes of this policy, the term "benefits" means the employment benefits, other than salary or wages, that the Board regularly provides or makes available to employees, including, but not limited to, medical

insurance, disability insurance, life insurance, and retirement plans. The employee shall be responsible for the same proportion of the cost of the benefits as the employee regularly pays during periods of time when the employee is not on leave. The Board is not required to pay salary or wages to the employee during the period of time the employee is on leave pursuant to this policy.

Upon the completion of the leave taken pursuant to this policy, the Board shall restore the employee to the position the employee held prior to taking that leave or a position with equivalent seniority, benefits, pay, and other terms and conditions of employment.

The Board may require an employee requesting to use the leave established under this section to provide certification from the appropriate military authority to verify that the employee satisfies the criteria described in (2), (3), and (4) of this policy.

### **306 EVALUATIONS**

Although the primary purpose of a performance evaluation is to focus on an employee's job performance 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 Board 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 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 before the end 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 in a probationary status 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 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 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 reply is 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.

### **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 Board 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 Board.
- 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 Board 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 hesitation in using these measures when circumstances warrant.

**308.02 Suspensions for Classified Employees (ORC Section 124.34)**

- A. An employee may be suspended for violations of ORC Section 124.34 and Board policy. The length of suspension is determined in accordance with Policy 308.06. .
- B. Working Suspensions: The Superintendent 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 for Classified Employees**

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 a rights to appeal a reduction, except that a 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 for Classified Employees**

Removal is usually the last step taken in the disciplinary process. It is a permanent separation from service with the Board . 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 Disciplinary action for Management Employees**

Disciplinary action against a management employee of the Board shall be in accordance with the terms and conditions of Ohio Revised Code Section 5126.23 and this Policy.

### **308.06 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 Offense are characteristic of offenses considered to warrant the penalties established for the group.

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

Group II Offenses infractions may warrant an unpaid suspension for the first offense.

Group III Offenses infractions may warrant a reduction or removal for the first offense.

The Superintendent and supervisors will follow an established system of progressive discipline when correcting unacceptable job performance or conduct. The Board has adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the Superintendent and the Board as set forth in the Ohio Revised Code. Therefore, the Board reserves the right to issue appropriate discipline, progressive or otherwise, to an employee after considering the seriousness of the conduct, its impact upon other employees and individuals, the employee's record of discipline and work performance, and any possible criminal nature of the conduct. Thus, the standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such penalties.

**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 start working 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 permission.
3. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.
4. Failure to cooperate with other employees as required by job duties.
5. Failure to use reasonable care of DD property or equipment.
6. Use or possession of another employee's working equipment without permission.
7. 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.
8. Failure to observe Board rules.
9. Obligating the Board for any expense, service, or performance without authorization.
10. Failure to report accidents, injury, or equipment damage.
11. Disregarding job duties by neglect of work, studying or reading non-job-related material during working hours.
12. Unsatisfactory work or failure to maintain required standard of performance.
13. Unauthorized use of telephone or cell phone for non-business purposes.

14. Excessive garnishments.
15. Failure to complete leave request as required.
16. 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.
17. 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 Board property or equipment.
4. Failure to make required reports.
5. Solicitation on Board premises without authorization.
6. The making or publishing of false, vicious, or malicious statements concerning employees or supervisors of the Board or its operations.
7. Refusing to provide testimony in court before the State Personnel Board of Review, during an accident investigation, or any type of public hearing.

8. Giving false testimony during a complaint or grievance investigation or hearing.
9. Unauthorized posting or removal of notices or signs from bulletin boards or distributing or posting written or printed matter of any description on Board premises unless authorized.
10. Unauthorized presence on Board property.
11. Disregard of agency rules.
12. Use of abusive or threatening language.
13. Unauthorized partisan political activity as outlawed in ORC 124.57.
14. Falsification of Board records.
15. Use of property of persons served for personnel without authorization.
16. Unexcused absence from work.
17. Failure to "report off" work for any absence.
18. Violations of client's rights as stated in Board Policy per Section 5123.62 of the Ohio Revised Code.
19. 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.
20. Actions which may have a detrimental effect on persons served but which do not rise to the level of abuse or neglect in statute or rule. These actions would have the potential to affect the health and welfare of the person.

21. 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 persons served. (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. Willful neglect in the performance of assigned duties or in the care, use, or custody of any DD property.
3. Stealing, abuse or destruction in any manner of Board property, tools, equipment, or the property of other employees. (Including computer data)
4. Falsification of payroll records.
5. Falsifying testimony when accidents are being investigated, falsifying, or assisting in falsifying or destroying any Board records, including giving false information or withholding pertinent information called for in making application for employment.
6. Making false claims or misrepresentation.
7. Conduct violating common decency, 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. Violation of the drug free workplace policy.
10. Fighting or attempting to injury others on Board property
11. Carrying or possession of firearms in a manner that violates Board policy.
12. Knowingly concealing a communicable disease, such as TB, which may endanger others.
13. Misuse or removal of Board records or information (either electronic or on paper) without prior authorization.
14. 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 or interference with work.
15. Dishonesty or any dishonest action, such as theft, opening desks assigned to other employees without authorization, making false statements; making inaccurate or false reports.
16. 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.

17. Failure to comply with certification/licensing requirements. Cross Reference:  
ORC Section 5126.26 Sleeping during working hours.
18. Committing an egregious violation of HIPAA regulations, such as selling  
Medicaid billing information from agency systems for fraudulent billing.
19. Failure to provide information or give false testimony during an MUI  
investigation.

### **308.07 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 and management 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 Board's disciplinary policy and procedures.
- H. For bargaining unit members, the pre-disciplinary procedure found in the Bargaining unit agreement will be followed.

**308.08 Appeals of Disciplinary action**

- A. Classified employees can appeal the following discipline to the State Personnel Board of Review: removal, reduction, a suspension of more than forty work hours in the case of an employee exempt from the payment of overtime compensation, or a suspension of more than twenty-four work hours in the case of an employee required to be paid overtime compensation. Appeals must be filed in writing with the State Personnel Board of Review within ten (10) calendar days of the disciplinary action.
- B. A management employee may challenge a demotion, suspension or removal in accordance with the terms and conditions of Ohio Revised Code Section 5126.23.

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

The Board 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 Board 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 trained 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.
- The use of recommended medical marijuana in a manner inconsistent with a medical purpose, or under circumstances where use is not permitted.
- 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 marijuana, medical or otherwise: 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, marijuana (medical or otherwise) 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 Board 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 Board premises and will not be permitted to conduct business if found to be in violation of this policy.

The Board 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 post-employment offer 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

The Board 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 undergo 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 Board 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 individuals 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. Human Resources will verbally notify you. 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

The Board 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 Board 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 an investigation.

### **309.04 System Contact**

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

Kathy Booth

Director of Human Resources

2040 US Highway 50

Batavia, OH 45103

(513) 732-4929

Each division, subsidiary or affiliate of the Board 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 Board 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 Board approved rate. The mileage reimbursement shall be deemed to cover all expenses incurred by use of the privately owned vehicle, including, but not limited to, 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 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, excluding sales tax, 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 twenty (\$20.00) 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.
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 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 Board 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 Board 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 Board 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 and Workforce, 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. For Non-Bargaining Unit eligible employees Human Resources will review the application, verify the applicant's eligibility and availability of funds within current appropriations, and make 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. For Bargaining Unit eligible employees, the tuition reimbursement committee shall review the application, verify the applicant's eligibility and availability of funds within current appropriations, and make 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.
- H. Once approved by the Board, 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.
- I. 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. When applying for such reimbursement, employees shall acknowledge on the form the obligation to repay the Board.
- J. 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 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 execute low-dollar, non-capital purchases efficiently and effectively. 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 of County Commissioners 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 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 for reviewing 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 the Board or the Superintendent 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 for 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 shall adopt the Board of County Commissioner’s policy and procedures. The Superintendent may establish more restrictive practices within the Board. 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 declines the purchase, the County Auditor’s Office must be contacted immediately.

When making a purchase, the cardholder shall 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 contacted immediately.

#### 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 limit 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 513-732-7150 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 ANTI-HARASSMENT POLICY**

The Board is committed to providing a work environment (including all educational programs, activities, and employment practices) that is free from harassment, bullying, discrimination, and retaliation. Note, however, it is not a violation of this policy for a member of management to expect performance improvement with the understanding that if such improvement is not forthcoming, the employee may face discipline or termination. Corrective action should be offered in a constructive manner not calculated to embarrass or humiliate the employee.

No employee shall unlawfully harass, bully, discriminate or retaliate against 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.

Harassment and discrimination include actions, words, jokes, or comments, etc. based on race, color, religion, gender identity, sexual orientation, national origin, disability, age, ancestry, genetic information, military status, or any other legally protected characteristic of the individual.

Definitions:

Harassment: Unwanted, offensive conduct that insults, demeans, or causes a person to feel intimidated, degraded, humiliated, or that creates a hostile environment based upon a protected classification. Harassment includes:

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

Sexual Harassment: Harassment that includes unwanted sexual advances, verbal or physical conduct of a sexual nature, or requests for sexual favors.

Retaliation: An act of harm, intimidation, or negative action taken in return for a previous action

Complainant: A person or entity that initiates a formal complaint

Respondent: A person who has been accused of engaging in conduct that could constitute harassment or discrimination

Protected Classes: Race, color, religion, gender identity, sexual orientation, national origin, disability, age, ancestry, genetic information, military status, or any other legally protected characteristic of the individual.

A. Compliance Officers

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

Complaints of harassment and discrimination should be filed with Dan Ottke, Superintendent 513 732-4930 or [dottke@clermontdd.org](mailto:dottke@clermontdd.org) or Kathy Booth, Human Resources Director 513 732-4929 or [kbooth@clermontdd.org](mailto:kbooth@clermontdd.org).

B. Prohibition of Retaliation

The Board prohibits retaliation against anyone who reports, files a complaint, or participates in an investigation.

C. Sexual harassment prohibited

The Board neither condones nor tolerates sexual harassment or discrimination 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 influence 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. A written statement of this policy will be given to each student's

custodial parent or guardian at least once during the school year. This statement will include compliance officer contact information.

E. Staff Training

All staff will receive ongoing training to identify and address bias and harassment.

F. Complaint investigation

1. An employee who believes that they are a victim of harassment or discrimination may contact any supervisory employee, whether the supervisor is in the employee's department or agency, and/or the EEO Officer, Kathy Booth, [kbooth@clermontdd.org](mailto:kbooth@clermontdd.org) or 513 732-4929 to file a formal complaint. Upon receipt of such a complaint, a supervisor or the EEO Officer must immediately (within one business day) notify the Superintendent or their Designee. The Superintendent will immediately (by the 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 harassment, the Superintendent (or another appropriate individual, as identified in #1 above) will investigate as follows:
  - a. The employee will be required to document the complaint in writing. 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 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 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 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 all circumstances of harassment.

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

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

Contact information for filing a complaint with the Office of Civil Rights

Denver Office

Office of Civil Rights

U.S. Department of Education

Cesar E. Chavez Memorial Building

1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582

Phone: 303-844-5695

Fax: 303-844-4303

TDD: 800-877-8339

Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

## **312 SEXUAL MISCONDUCT**

A Board employee cannot engage in any sexual conduct nor have any sexual contact with an individual with a developmental disability who is in the Board's 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 authority 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 or 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 Board 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 Board employees, or which occur on Board property or while Board 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, individuals/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 is 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 Council (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 Board property, even after working hours. Board 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 Board employment, may not be performed during Board 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 Board 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 Board 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 BOARD PROPERTY**

#### **317.01 Board Property**

All property of the Board 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. Therefore, employees should have no expectation of privacy while in or while using the Board's facilities and equipment described herein, including 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 storage media.

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 a Board 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. Refer to <https://www.transportation.ohio.gov/phonesdown> and <https://codes.ohio.gov/ohio-revised-code/section-4511.204/4-4-2023> for laws governing phones usage. Employees who are transporting individuals in Board vehicles shall pull off the road before using the cell phone unless otherwise impossible.

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 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) that the Board has authorized to connect to the Board's enterprise network. This policy defines the commitment requirement, provides guidance for secure use of end-user mobile devices. Employees who access the Board's 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 Board's network and to access resources therein. The employee, through meeting eligibility requirements, must follow the requirements listed below in exchange for access to the Board's 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 the Board harmless (not liable) for any damage to personal mobile computing or telecommunications devices, regardless of its use for Board or personal business at the time the damage occurred.
- Agreement from the employee that the device security settings will be managed by the Board's mobile device management system.
- Understanding that the employee is solely responsible for backing up any personal content on the device.

- Acknowledgment that the Board 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 Board business will be based on a documented business need and appropriate management approval.

### **User Responsibilities**

Work-related files used or created for the Board 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 Board email account for security purposes.

### **General Security/Safety**

- 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 entered. 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, the Board will perform a remote wipe that 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 Board 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 while driving.

### **E-Discovery**

In the unlikely event that the Board 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 Board's network resources through a mobile device.

### **Termination Of Privileges**

Access can be terminated, and all Board 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 Board data wiped after termination from the Board. 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 Board's network or other Board resources with the user's password.

By accepting Board 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 the Board and users should not have any expectation of privacy regarding those materials.

### **318 TOBACCO POLICY**

All properties operated by the Board 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 Board equipment (laptop, cell phone, pager, etc.) from the employee prior to departure on the last day. Human Resources will contact the employee 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 to retire 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 Board 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 trained for the level of functioning appropriate for their designated position and duties. Employees who may drive Board vehicles or transport individuals 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 Board 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 Board follows all applicable pay and Fair Labor Standards Act (FLSA) requirements pertaining to employee compensation, payroll deductions, and other pay matters. Accordingly, the Board makes every good faith effort to prohibit improper deductions from its employee's pay. However, the Board 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 have 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 time limit (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 Board shall respond to law enforcement investigations and government or accrediting agencies in an honest and forthright manner, cooperate with, and be courteous to all law enforcement investigators and government or accrediting agency inspectors or auditors. Information shall be provided as required for them to perform their investigation, inspection, or evaluation. Documents shall not be concealed, altered, or destroyed either during or prior to an investigation or inspection. Board 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 should follow the procedures set forth below:

B. **Procedures**

1. Reports to be made

An employee of the Board who learns of the following shall make a report as required by Section B of this policy:

- (a) A violation of local, state or federal statutes, including, but not limited to, Medicaid fraud per the Deficit Reduction Act of 2005, which the Board could correct, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution;
- (b) A violation by a fellow employee of any state or federal statute, any ordinance or regulation of a political subdivision, or any work rule or company policy of the Board, and the employee reasonably believes that the violation is a criminal offense that is likely to cause an imminent risk

of physical harm to persons or a hazard to public health or safety, a felony, or an improper solicitation for a contribution;

- (c) A violation of Ohio Revised Code Chapters 3704 (Air Pollution Control Act), 3734 (Solid and Hazardous Wastes Act), 6109 (Safe Drinking Water Act, or 6111 (Water Pollution Control) that is a criminal offense;
- (d) A violation of state or federal statutes, rules, or regulations that the employee reasonably believes is not a criminal offense, which his/her supervisor or the Superintendent could correct;
- (e) The misuse of public resources, which his/her supervisor or the Superintendent could correct; or
- (f) A violation of state or federal statutes, rules, or regulations or misuse of public resources that is also a violation of Ohio Revised Code Chapter 102, Section 2921.42, or Section 2921.43.

C. Reporting Procedures

- (1) For reports to be made under **B.1 (a) and (b)** above, the employee orally shall notify the employee's supervisor, Department Director, or the Superintendent of the violation and subsequently shall file with the supervisor, Department Director, or the Superintendent a written report that provides sufficient detail to identify and describe the violation. The employee is to submit the written report in a timely manner (no later than the end of the next working day). Failure to report within twenty-four (24) hours will not prohibit the Board from taking action. If the issue to be

reported falls within the definition of MUI/UI reporting, the employee must follow those guidelines set forth in Ohio law and Board policy.

- (2) For reports made under **B.1 (c) and (d)** above, the employee shall file a written report identifying the violation or misuse with the employee's supervisor, Department Director, or the Superintendent. In addition to or instead of filing a written report with the employee's supervisor, Department Director, or the Superintendent, the employee may file a complaint with the Auditor of State's fraud-reporting system under Ohio Revised Code Section 117.103. **The Auditor of the State has an established fraud reporting system to be used for reporting fraud, including misuse of public money by any public official or office. Employees are able to make anonymous complaints via the fraud hotline (1-866-FRAUD OH or 866-372-8364), the Auditor of State's website ([www.ohioauditor.gov](http://www.ohioauditor.gov)) or through the United States mail (Special Investigations Unit, 88 East Broad Street, Columbus, OH 45215).** Moreover, if the employee believes the violation or misuse is a criminal offense, in addition to or instead of filing a report with the employee's supervisor, Department Director, or the Superintendent, the employee may report it to the Clermont County Prosecuting Attorney or a peace officer, such as the Clermont County Sheriff or a municipal police officer.
- (3) For reports made under **B.1 (c)** above, the employee directly may notify, either orally or in writing, any appropriate public officials or agency that has regulatory authority over the Board.

- (4) For reports made under **B.1 (f)** above, in addition to filing a report with the employee's supervisor, Department Director, or the Superintendent, the employee may report the violation or misuse to the Ohio Ethics Commission.
- (5) Supervisory staff receiving initial reports (orally or in writing) is to immediately relay this information to the Superintendent/designee. If the issue involves a privacy violation under HIPAA, the Privacy Officer shall also be notified by the supervisor staff receiving the initial report. Reports of Medicaid fraud shall also be reported to the Superintendent/designee by the supervisory staff receiving the initial report. The Superintendent will inform the Board President of the allegation and begin an investigation into the matter. Should the matter appear to be criminal in nature, the appropriate authorities shall be informed.

D. Employee Responsibilities

It is the employee's responsibility to make a reasonable and good faith effort to accurately report the alleged impropriety to the appropriate authority. There are consequences for purposely, knowingly or recklessly reporting false information. Those consequences may include discipline, up to and including termination. Failure to report may also result in disciplinary action, up to and including termination, subject to due process.

- E. Except as provided in Section C of this policy, employees may not be disciplined for making any report authorized by this policy .

- F. Employees shall make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be disciplined, up to and including removal, for purposely, knowingly, or recklessly reporting false information.
- G. Employees who are subject to disciplinary or retaliatory action punished as a result of reporting violations or misuse under this policy may appeal that action 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 subject to discipline or retaliation. O.R.C. §124.341(D) makes appeal to the State Personnel Board of Review the exclusive remedy for employees who are subject to discipline or retaliation for reporting violations or misuse under this policy.
- H. 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 cause a certain result or will be of a certain nature. A person has knowledge of circumstances when they are aware that such circumstances 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 Board 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 signifying understanding of the 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 Board 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 on 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 Board's discretion.

The Board 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 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.

## **326 RETIRE/REHIRE**

It is a goal of the Board to recruit and retain highly qualified administrative personnel. Therefore, when appropriate circumstances dictate, the Board/Superintendent may enter into administrative employment agreements with qualified retired administrators. Assessment of circumstances that warrant this action will include the following factors: continuity of the Board's operational efficiency; preservation of the measured impact and relational value of the administrator within the Board's strategic goals; consideration of the administrator's length of service and overall contributions to the functional and financial health of the Board; and determination of such action to be in the best interests of Board .

The following criteria will be applied to the Board/Superintendent's assessment, when asked to consider re-employment of retired administrators:

1. What is the importance of this position to the organization?
2. How difficult is this position to fill?
3. Is the employee position mandated or part of a mandated service?
4. What level of specialized skill does the employee possess?

5. What level of positive rapport does the employee have with Clermont County officials?
6. What is the employee's evaluation history?
7. What is the employee's attendance history?
8. How many years of service does the employee have with the Board ?
9. What has been the employee's measurable impact on the organization during his or her time?
10. What amount of savings would occur through retire-rehire that would benefit the Board ?

For purposes of this policy, a "retired administrator" is an individual who has retired pursuant to OPERS rules and regulations.

The Board/Superintendent is under no obligation to employ any retired Board administrator, and, further, there is no expectation of continued employment or re-employment when a current administrator retires from the Board.

Lengths of contracts for administrators employed by the Board/Superintendent after retirement will be at the discretion of the Board/Superintendent. It is understood that all retire/rehire employment contracts shall expire without further action by the Board/Superintendent. Salary shall be set at a percentage of the administrator's last annual salary prior to retirement.

A retired administrator shall be eligible for medical, dental, and vision insurance coverages provided to other Board administrators.

Administrators employed by the Board/Superintendent after retirement shall not be eligible for a severance payment, tuition reimbursement, or any retirement incentive program.

Previously retired administrators shall return to employment with no sick leave balance but will be eligible to accumulate sick leave days and be eligible for vacation and personal leave.

**ACKNOWLEDGEMENT OF PERSONNEL POLICY**

**PLEASE READ CAREFULLY, SIGN AND RETURN TO THE  
ADMINISTRATIVE OFFICE**

I hereby acknowledge that I have received a copy of the personnel policy of the Clermont County Board of Developmental Disabilities (“Board”) and further acknowledge that the current policy of the Board is located SharePoint on the Board’s network. I acknowledge that I have been asked to review the policy, that it is my responsibility to read and understand the policy, and that it is my responsibility to contact my immediate supervisor or the Director of Human Resources with any questions.

This policy is not an employment contract either expressed or implied. It is presented as a matter of information only. The Board reserves the right to modify, revoke, suspend, terminate or change these policies and procedures with or without prior notice. Any verbal statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied upon by anyone. Since the policy is subject to change, I understand I will be notified of such changes through the usual channels of communication.

I understand that the Board may change, modify, suspend, interpret or cancel, in whole or part, any of the policies or procedures with or without notice, at its sole discretion. I understand and agree that I will read and comply with the policies and procedures, and any revisions, and that I am bound by the provisions contained herein. If I have any questions about the policies, I understand it is my responsibility to seek clarification from my immediate supervisor or the Director of Human Resources.

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Print Name

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Signature

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Date