

# PERSONNEL POLICY MANUAL

## HURON COUNTY, OHIO

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## **INTRODUCTION, APPLICABILITY AND ADMINISTRATION**

The provisions of this Policy Manual are applicable to all Huron County employees except as specifically exempted by individual Huron County Appointing Authorities by the adoption of their own policies, or as exempted by an applicable collective bargaining unit or by law.

This Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Manual is not a contract of employment and does not guarantee continued employment, nor is it a guarantee of any rights or benefits, but is intended to be used to assist and guide employees in the day-to-day performance of their duties, the responsibilities of their positions, and expected standards of performance and behavior. Any promises or statements made by any individual that conflict with this Manual are unauthorized, expressly disallowed, and should not be relied upon. The policies adopted in this Manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual.

For purposes of clarity the use of the terms County, Appointing Authority and Employer are generally interchangeable throughout this document. The term Appointing Authority will generally refer to an elected official. Nothing in this Manual shall preclude an Appointing Authority in appointing a Designee/Supervisor to assist in the application and/or enforcement of the policies and procedures outlined herein.

This Manual is intended to be construed in such a manner as to comply with all applicable federal, state and civil service laws, and regulations. Ohio Revised Code and federal and local laws, when in conflict with statements contained herein, shall prevail.

The County will endeavor to give employees notice of any Manual changes. However, the County may revise these policies with or without notice. Revisions shall be provided to all Appointing Authorities for distribution to staff. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Human Resources Office (HR).

If any article or section of this Manual is held to be invalid by operation of law, the remainder of this Manual and amendments thereto shall remain in force and effect. Additionally, should a direct conflict exist between this Manual and a Collective Bargaining Agreement, the Bargaining Agreement shall prevail.

## **CLASSIFICATION STATUS**

The classified service shall comprise all County employees not specifically included in the unclassified service. Following completion of the probationary period, no classified employees shall be reduced in pay or position, fined, suspended or removed, or have his or her longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the State of Ohio. Such reasons include: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the County, any other failure of good behavior, any other acts of misfeasance, malfeasance or nonfeasance in office, or conviction of a felony, except for just cause.

Unclassified employees serve at the pleasure of the Appointing Authority and may be terminated or otherwise separated from employment for any reason not inconsistent with law. An unclassified employee may not be rendered classified due to the provisions of this Manual.

## **EQUAL EMPLOYMENT OPPORTUNITY**

The County is an Equal Opportunity Employer (EEO) and does not discriminate based on race, color, religion, sex, age, national origin, disability, military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification ("BFOQ"). All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above listed categories. The County intends for all its policies to comply with federal and state equal employment opportunity principles and other related laws.

The County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to HR or their Appointing Authority if the Appointing Authority is not the alleged perpetrator. Each of these persons shall have the authority and responsibility to work with the office of the County Prosecutor to investigate and take appropriate action concerning the complaint.

Reports and details regarding an alleged EEO violation should be in writing, thorough, factual, in chronological order and signed by the person who is the complainant or another who is an observer of the incident. An appropriate investigation will be performed by the County's EEO officer. Late reporting of complaints will not, in and of itself, preclude the County from acting; however, so that a thorough and accurate investigation may be conducted, employees are encouraged to report complaints in an expedient manner following the harassing or offensive incident(s).

## **AMERICANS WITH DISABILITY ACT**

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

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or a direct threat to the health, safety or well-being of themselves or others and/or a facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to HR or their Appointing Authority. Requests for accommodation will be fully investigated and appropriate action will be taken regarding the request. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The Appointing Authority and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Individuals may have the right to bring service animals into a public building. Service animals are those animals that are individually trained to do work or perform tasks for people with disabilities. Questions concerning a service animal should be presented to HR.

Any employee who feels that his or her rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

## **UNLAWFUL DISCRIMINATION/HARASSMENT**

### **Policy**

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

### **Definitions**

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

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

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

### **Examples**

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

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment based on an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.

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



## **Off Duty Conduct**

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

## **Workplace Romances**

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their Appointing Authority and HR if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. In the event the County determines that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

## **Complaint Procedure**

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County, as outlined in the following Coverage section of this document, shall immediately report the conduct, in writing, to HR and their Appointing Authority, each of whom shall have the authority and responsibility to work directly with office of the County Prosecutor to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact HR and an Appointing Authority. Late reporting of complaints and verbal reporting of complaints will not preclude the County from acting. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All Appointing Authorities or their Designees are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews with the employee allegedly harassed, the employee committing the alleged harassment and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

## **Retaliation**

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County and its employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels subjected to retaliatory conduct because of actions taken under this policy, or because of his or her relationship with someone who acted under this policy, shall report the conduct to HR and their Appointing

Authority immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

### **False Complaints**

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

### **Corrective Action**

If the County determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its recurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior toward an employee who exercised a right under this policy, or who is a close friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

### **Coverage**

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

## **MEDICAL EXAMINATIONS/DISABILITY SEPARATION**

The County may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of his or her job, with or without reasonable accommodation. This examination shall be at the County's expense. If the employee disagrees with the County's licensed medical practitioner's determination, he or she may request to be examined by a second licensed medical practitioner of his or her choice at his or her own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the County and paid for by the County. The third opinion shall be controlling.

If an employee, after examination, is found to be unable to perform the essential functions of his or her position with or without reasonable accommodation, he may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.

If a classified employee remains unable to perform the essential functions of his or her position after exhausting available leaves, he or she may request a voluntary disability separation. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, an Appointing Authority may place the employee on an involuntary disability separation if the Appointing Authority has substantial credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties. Such involuntary disability separation may be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30.

An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination, which may lead to disciplinary action.

## **DRUGS/ALCOHOL**

### **Drug-Free Workplace**

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his or her job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The County will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The County may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The County maintains a drug and alcohol free workplace to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensation, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location, or in any vehicle, where employees are conducting County business. Also prohibited is the illegal use of legal substances.

To further the County's objective of maintaining a safe, healthful, and drug-free workplace, the County may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test(s), and/or to release the results of the test(s), shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits pursuant to statute contained in the Ohio Revised Code. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker must prove the use of drugs or alcohol did not cause the accident. A refusal to submit to test(s) for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

### **Drug Policy**

#### **Controlled Substance:**

- Means any controlled substance contained in Schedules I through V of section 202 of the Controlled Substance Act (21 United States Code section 812; or as defined in the Ohio Revised code section 3719.01).

#### **Conviction:**

- Means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

### **Criminal Drug Statute:**

- Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with Ohio Revised Code section 3719.01 et seq.

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

Any employee arrested or convicted of any federal or state criminal drug statute must notify the Employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.

Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug/alcohol rehabilitation program.

Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

The County has a zero-tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using marijuana with a valid recommendation/prescription are not exempt from this policy in any way. The use of marijuana in any form and for any purpose, with or without a valid prescription/authorization will be treated the same as the use of all other Schedule I controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule I controlled substances or illegal drugs, including marijuana with a valid recommendation/prescription or other authorization, are still subject to all provisions of this policy and may be subject to discipline including termination for such use. Pursuant to the Ohio Revised Code section 3796.28(a)(1), the County is not required to permit or accommodate an employee's use, possession, or distribution of medical marijuana.

### **Drug/Alcohol Testing Policy**

To maintain a safe and healthful work environment, the County reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the County. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.

Any employee who tests positive may request retesting of the original specimen at their own expense.

Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be referred by HR to rehabilitation through the County's health insurance plan or other programs. Any costs related to the rehabilitation shall be paid by the employee. Employees must use any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.

Employees subject to random drug tests who refuse to participate in a drug/alcohol testing and/or rehabilitation program, or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.

Any employee involved in an accident while on County business may be subject to post accident alcohol/drug testing.

Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the County's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold a CDL and their supervisors.

## **Discipline**

The County may discipline an employee, for any violation of this policy. Nothing herein shall be construed as a guarantee that the County will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The County's decision whether to discharge an employee shall be made based on the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g., injury, property damage, etc.) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

## **Refusal to Test**

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

- Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so.
- Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample.
- Failure to execute any release forms required as part of the testing process.

## **Prescription/Over the Counter Medications**

Employees must inform the County and their respective Appointing Authority if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they can perform their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any County function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the County or its employees, or result in criminal behavior.

## **TOBACCO USE**

To promote a healthy and comfortable work environment, County employees are prohibited from using tobacco while on County property, while performing duties related to County employment whether on/off site, while traveling for County business, and in any other circumstances or locations where an employee is representing the interests of the County. County property includes, but is not limited to: buildings, offices, restrooms, hallways, common work areas, parking lots, garages, County vehicles, conference rooms, sidewalks, green space, stairs, cafeterias/break rooms, and storage areas.

In addition, in compliance with Ohio Revised Code section 3794.02, smoking in locations immediately adjacent to locations of ingress or egress to the public place or place of employment is prohibited.

For this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation.



## **LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time 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 co-workers 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.

## **EMPLOYMENT STATUS**

The County regards a full-time employee as one who works thirty-seven and one-half (37.5) to forty (40) hours per week and does so on a regular basis.

A regular part-time employee is one who generally works twenty hours (20) or more, but less than thirty-seven and one-half hours (37.5) per week, and does so on a regular basis.

Seasonal, temporary and intermittent (casual) employees are not considered permanent/regular staff. A general definition of these follows:

Seasonal staff are those who work generally only in the summer months.

Temporary employees will generally be assigned to a position for less than six (6) months to fill an extraordinary need for labor due to an overload of work, a temporary absence due to sickness/disability of a regular employee or similar circumstances.

Intermittent (casual) employees are those who work on an as needed basis. Generally, this employee will work less than 1,000 hours per year.

## **JOB ASSIGNMENTS**

Employees shall be expected to fully, dutifully, and conscientiously perform the tasks assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description. If an employee objects to an assignment, he should complete the assignment first and then file a complaint under the provisions of this Manual. No employee can refuse a job assignment unless it would violate law or place him in an imminently harmful or life-threatening situation.

## **WORKPLACE SAFETY**

The County believes workplace safety is a fundamental value of the organization and is committed to the safety and health of its employees and the public. Employees must comply with all applicable Ohio Public Employees Risk Reduction Standards (PERRP) and with the County's established safety rules. It is important that employees in all areas attend safety training programs that are offered onsite, as well as participating in off-site and online programs. Appointing Authorities should require employees to attend training whenever possible within the realm of departmental operations and should themselves model the County's commitment to safety by attending the training programs and promoting safety in employee meetings, performance evaluations, accident investigations, and day-to-day operations. An approach to safety that includes all levels of employee participation helps to create a safety culture.

Employees must notify HR in writing within one business day of any accident or incident that occurs on the job, on County property or to County property. These incidents may include County staff and/or ordinary citizens. It is imperative that incident reports are filed timely. Damaged or malfunctioning machines or equipment must be reported immediately. An employee who observes a hazard or suspected hazard must report immediately that observation to his or her Appointing Authority or Designee.

## **PERFORMANCE EVALUATIONS**

The County may complete annual performance evaluations. Evaluations, if conducted, will be based upon defined and specific criteria and will generally be reviewed and signed by the employee's Appointing Authority, direct supervisor, and those superiors in the direct chain-of-command. The results will be discussed with the employee and the employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign. Employees may offer a written response to their performance evaluation. Such response, if given, will be maintained with the evaluation.

## **HOURS OF WORK AND OVERTIME**

The County and/or Appointing Authority will establish the hours of work for all employees. Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the County will attempt, as far in advance as possible, to provide notice to employees regarding significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with approval from their Appointing Authority or in emergency situations. Additionally, non-exempt employees who receive an unpaid meal period are prohibited from working during their meal period except with approval from their Appointing Authority or in emergency situations. Non-exempt employees should not remain at their desks, or computers, without notice and approval of their supervisor. Non-exempt employees who work outside their regularly scheduled hours in contravention of this policy shall be paid for all hours worked, but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, working overtime without approval, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours worked more than forty (40) in any one work week (forty-three (43) for law enforcement and safety services), regardless of the employee's regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times (1 ½) the employee's regular rate of pay for actual overtime worked.

The County may mandate overtime as a condition of continued employment. Appointing Authorities will attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flexible schedule in a work week. For overtime, eligible employees, a flexible schedule must occur within a single forty-hour work week.

A partial overtime exemption, or differing work schedule, may apply to certain employees, such as safety forces.

### **Overtime Exempt Employees**

Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate Appointing Authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature. At the discretion of the Appointing Authority, exempt employees may be required to keep track of, and report, their hours without altering their exempt status.

### **Compensatory Time – Non-Exempt Employees Only**

At the discretion of the Appointing Authority, certain non-exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times (1 ½) the hours worked more than forty (40) in any one work week. Employees may not exceed the maximum accrual cap of forty (40) hours. Employees are strongly encouraged to use their accrued compensatory time and an

Appointing Authority, at its sole discretion, may cause any accrued time to be used. In the event compensatory time remains at the time of an employee's separation that time will be paid out at the current rate of pay of the employee.

### **Earned Time off – Overtime Exempt Employees**

Employees who are exempt from the overtime provisions of the FLSA shall not receive compensatory time. However, if approved by the Appointing Authority, a bona fide executive, administrative or professional employee may receive earned time off. Earned time off may not be given on a time and one half basis, but may be given as an hour for hour trade or as a lump sum "bonus" for hours worked on a project. Earned time off shall not be paid out and shall either be used or lost.

### **Improper Deductions**

The County intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited. Additionally, improperly classifying individuals as "exempt" from overtime is prohibited. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed. Any employee who believes that he or she has had an improper deduction from his or her salary, or who believes he or she has been improperly classified under the FLSA, shall submit a complaint in writing to HR who will investigate and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

### **Meal Periods**

Appointing Authorities will make every effort to allow each employee an unpaid meal period each workday. The Appointing Authority will designate the length of the meal period. Employees must work at least four (4) hours in a day to be eligible for a meal break. The meal break will be taken at the time set by the employee's Appointing Authority. Every effort will be made to ensure that meal periods are provided to employees in a fair manner and in consideration of service demands.

An employee will be relieved of all duties and may not stay in his or her work area during any unpaid meal period. If an employee is required to perform job duties during a meal period, it will be considered part of the employee's compensable work hours.

### **Rest Periods**

An Appointing Authority will determine if employees will be granted reasonable periods of rest during their workday. Generally, employees will be granted one (1), fifteen (15) minute paid rest break for each four (4) consecutive hours of work. The Appointing Authority will ensure that breaks are provided to employees in a fair manner and in consideration of service demands. An employee must remain on the work premises during rest breaks and may be interrupted to perform job duties. Rest breaks are a privilege, not a right. Breaks may not be taken at the beginning or end of a work day or to extend a meal period. Rest breaks may not be accumulated and used later. Any time beyond the approved fifteen (15) minutes must be noted on the employee's time card.

## **On-Call Duty Periods**

### **General**

An Appointing Authority may assign and/or approve an employee to be assigned to on-call status for specified periods. Designated on-call status may be terminated or denied by the Appointing Authority at any time.

### **Eligibility for On-Call**

An employee on sick leave or FMLA leave, or on leave under workers' compensation or wage continuation is not available to perform on-call duties and is not eligible for an on-call stipend. As conditions warrant, exceptions may be considered at the discretion of the Appointing Authority. Every effort will be made to avoid placing an employee into on-call status if such status promotes overtime pay plus the on-call stipend. Unclassified, FLSA exempt employees do not qualify to be placed in on-call status.

### **Duties On-Call**

An employee on-call is free to engage in personal activities remaining alcohol/substance free and must remain available, without delay, to perform on-call duties as necessary. An employee on-call is expected to be onsite at the emergency location within one hour of the call. An employee on-call may be furnished an activated device for contact, a cell phone, be paid a monthly cell phone stipend, or be reimbursed for business calls made on his or her personal cell phone. On-call employees must ensure that their Appointing Authority has the proper telephone number to contact the employee.

### **Stipend While On-Call**

An employee on-call will be compensated by stipend for his or her on-call time. That stipend shall be \$22.00 per weekday and \$45.00 per weekend or holiday, in addition to his or her regular hourly rate of pay. This pay will be in accordance with federal and state laws regarding overtime and compensatory pay (i.e. on-call pay is included in the calculation of overtime pay).



## **REPORTING TO WORK/TARDINESS/ATTENDANCE**

Employees are expected to report for and remain at work as scheduled and to be at their work stations at their starting time. Employees who call off work for personal reasons should call off in advance of their starting time in accordance with procedures established by their Appointing Authority. Employees who call off must contact their Appointing Authority each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. The Appointing Authority will consider the underlying reason for the absence to determine whether to grant approved leave.

An employee who reports to work late, extends his or her meal or break period without authorization, who leaves before the end of his or her scheduled shift, or exhibits any degree of excessive absenteeism may be disciplined and/or docked pay. Pay will be docked in the lowest increments permitted by the County's timekeeping system.

In this section tardiness/early departure is considered five (5) minutes late to work or leaving work five (5) minutes prior to the end of the workday.

**LAYOFF**

If it becomes necessary to reduce staffing levels, the County shall lay off employees in accordance with appropriate Ohio statutes. The County shall determine the number of positions and the classifications in which layoffs will occur. Layoffs and job abolishment may occur for lack of work, lack of funds, or reorganization.

## **PROBATIONARY PERIOD**

Newly hired regular full-time employees (thirty-seven and one-half (37.5) to forty (40) hours per week) and newly promoted employees shall be required to successfully complete a one-hundred twenty-day probationary period (calendar days).

Newly hired regular part-time employees (twenty (20) hours per week but less than thirty-seven and one-half (37.5) per week), shall be required to successfully complete a one hundred forty-four-day probationary period (calendar days).

Employees working irregular schedules and intermittent (casual) employees shall be required to complete their probationary period based upon the completion of six hundred forty (640) hours in active pay status.

The probationary period allows the County to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions.

If, at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, he or she may be terminated without appeal rights. Time spent on inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

The failure of a promoted employee to complete a probationary period due to unsatisfactory performance shall result in the employee being returned to the same or similar position he held at the time of his or her promotion.

An employee who resigns during a probationary period is not eligible for re-employment.

## **ETHICS/CONFLICTS OF INTEREST**

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that a public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code sections 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all County officials and employees:

- No employee shall use his or her official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which conflicts with the proper discharge of his or her official duties.
- No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall he or she use such information to advance the financial or other private interest of himself or others.
- No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his or her duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- No employee shall represent private interests in any action or proceeding against the interest of the County in any matter wherein the County is a party.
- No employee shall use the County name or its tax-exempt status for personal advantage in any purchase.
- No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment or action in the performance of his or her official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his or her assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his or her Appointing Authority and legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his or her Appointing Authority of the gift offer. The Appointing Authority will decide or will refer the individual to the office of the County Prosecutor for an opinion on acceptance or declining of the gift. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.

State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to discuss the matter with the appropriate Appointing Authority and consult legal counsel.

## **STAFF DEVELOPMENT**

The County encourages the professional growth of all employees through continuing education and training. Employees in certain positions are required as a condition of continuing employment to take coursework, attend training, or attain continuing education units for professional certification or licensing. The County will pay an employee for time spent at educational conferences, professional meetings, and training seminars when they are required and approved by the County. Training that is not required, but is nevertheless approved, may require the employee to take accrued vacation or personal time or may be approved for regular pay or unpaid time off at the discretion of the Appointing Authority.

The County will pay the cost of registration and travel expenses when the employee's attendance is required. When attendance is not required, but is nevertheless approved, any reimbursement of registration costs and travel expenses is at the discretion of the Appointing Authority and subject to budgeted funding.

## **NEPOTISM**

### **Hiring**

The County will receive employment applications from relatives of current employees. However, the following four (4) situations shall prevent the County from hiring a relative of a current employee:

- If one relative would have supervisory or disciplinary authority over another.
- If one relative would audit the work of another.
- If a conflict of interest exists between the relative and the employee or the relative and the County.
- If the hiring of relatives could result in a conflict of interest.

### **Employment**

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

The provisions of Ohio Revised Code sections 102.03 and 2921.42 render it unlawful for a public official to use his or her influence to obtain a benefit, including a job for his or her relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action. For purposes of the Article, the term "relative" shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

## **OUTSIDE EMPLOYMENT**

Employees are required to notify their Appointing Authority of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform his or her duties and responsibilities with the County. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a County employee.

## **POLITICAL ACTIVITY**

Although the County encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of the County whether in active pay status or on a leave of absence. The following activities are examples of conduct permitted by classified employees:

- Registration and voting.
- Expressing opinions, either orally or in writing.
- Voluntary financial contributions to political candidates or organizations.
- Circulating non-partisan petitions or petitions stating views on legislation.
- Attendance at political rallies.
- Signing nominating petitions in support of individuals.
- Displaying political materials in the employee's home or on the employee's property.
- Wearing political badges or buttons, or the display of political stickers on private vehicles.
- Serving as a precinct official under Ohio Revised Code section 3501.22.

The following activities are examples of conduct prohibited by classified employees:

- Candidacy for public office in a partisan election.
- Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
- Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
- Circulating official nominating petitions for any partisan candidate.
- Holding an elected or appointed office in any partisan political organization.
- Accepting appointment to any office normally filled by partisan election.
- Campaigning by writing in 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.
- Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
- Solicitation for the sale, or actual sale, of political party tickets.
- Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and



nonpartisan issues.

- Service as a witness or challenger for any party or partisan committee.
- Participation in political caucuses of a partisan nature.
- Participation in a political action committee that supports partisan activity.

Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should discuss the matter with their Appointing Authority prior to engaging in such conduct.

## **INVESTIGATIONS/DISCIPLINE**

The County has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation. Investigations shall be conducted upon the receipt of an allegation of potential misconduct. Investigations shall be conducted promptly, in a reasonable and efficient manner to determine whether the alleged misconduct occurred.

Classified employees may be placed on a paid "administrative" leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid "administrative" leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

Employees who have completed their probationary period and who are in the classified civil services may only be disciplined for just cause. Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee's position, the employee's record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the County's discretion to impose a higher level of discipline under appropriate circumstances.

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in Ohio Revised Code section 124.34.

The property and image of the County is to be respected always. As such, the off-duty conduct of an employee, that has a nexus to the workplace or could reasonably negatively impact the County, may form the basis for disciplinary action. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's Appointing Authority.

Employees have an obligation to immediately inform the County of any on-duty or off-duty arrests or convictions, which includes traffic citations. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The County may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative investigation or charge is independent of a disciplinary investigation. Although the County may utilize information obtained during other investigations, the County's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the County is just cause for termination.

Staff are responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policies and Procedures. This duty includes incidents observed, reported by residents, reported by staff, or suspected due to other facts.

When the County believes that discipline of a classified employee in the form of a paid or unpaid suspension, reduction or elimination of longevity pay, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary conference, the employee will be provided with written notice of the charges against him. At the pre-disciplinary hearing, the employee may respond to the charges in verbal or written fashion, or have his or her chosen representative respond. The employee may also waive the pre-disciplinary conference. Failure to attend the pre-disciplinary hearing shall be deemed a waiver of the hearing. Unclassified employees and probationary employees are not eligible for a pre-disciplinary conference.

## **DISCIPLINE**

This section outlines expected job behavior, conduct that is unacceptable, and penalties for unacceptable behavior.

Supervisors are expected to follow an established system of progressive discipline when correcting job behavior. Each offense must be documented and dealt with promptly and objectively, taking into consideration the nature of the violation, the employee's record of discipline, and the employee's record of performance and conduct.

The progressive discipline policy is established as a guide for management employees to use in administering discipline in a uniform manner. The discipline policy in no way limits the statutory rights enumerated in the Ohio Revised Code.

This policy provides standard penalties for specific offenses however, the examples of specific offenses given in any grouping are not all-inclusive and merely serve as a guide.

The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant. When a penalty deviates from the recommended standard penalty, the reason for deviation should be noted and must be approved by the Appointing Authority.

For the application of appropriate disciplinary action, disciplines within the same group, and related offenses within different groups, are to be disciplined progressively (that is, each incident is disciplined at the next higher level). Unrelated offenses in different groups are to be considered individually.

The employee's supervisor will log documentation of discipline, instruction, and cautioning. Copies will be given to the employee and placed in the employee's personnel file. Records of verbal instruction and cautioning will become inactive and be removed from the employee's personnel file after twelve (12) months, if there are no subsequent or related violations. If there are subsequent violations, the verbal instruction and cautioning will remain in effect until twelve (12) month after the most recent incident.

Written disciplinary action will remain active in the employee's file and be counted in the progressive scheme of discipline for twenty-four (24) months. If at the end of a twenty-four (24) month period there have been no further instances of the same or a related offense, the action will become inactive and be removed from the employee's personnel file. If there are subsequent violations, the written disciplinary action will remain in effect until twenty-four (24) months after the most recent incident.

Suspensions will remain active in the employee's file and be counted in the progressive scheme of discipline for three (3) years. If at the end of a three (3) year period there have been no further instances of the same or a related offense, the

action will become inactive, but must remain in the employment file. If there are subsequent violations, the suspension will remain in effect until three (3) years after the most recent incident.

An employee may serve a “working suspension,” during which the employee will be required to work and will be paid for all hours worked, but the time will count as a disciplinary suspension. Such working suspensions will be treated the same as off-work suspensions and the record of suspension will be counted in the progressive discipline scheme for a period of three (3) years.

All verbal and written records and disciplinary action involving incidents of moral turpitude (conduct considered contrary to community standards of justice, honesty, or good morals (e.g., forgery, rape, and robbery) will remain in effect during the entire period of an employee’s employment with the County. Inactive records will not be considered when processing subsequent disciplinary actions.

### **Progressive Discipline Infractions**

**Group One** infractions are minor in nature and cause minimal disruption. They include, but are not limited to:

- Failure to call in an absence or calling an absence in late (unless there are extenuating circumstances).
- Excessive absences that disrupt services of other employees.
- Unexcused absence from a scheduled staff meeting.
- Chronic tardiness, starting late or leaving early, without following established procedures.
- Preparing to quit work before the appointed break or quitting time.
- Leaving the assigned work area without authorization.
- Interfering with the work of others.
- Malicious mischief, horseplay, wrestling, or other misconduct.
- Unnecessary shouting or disruption.
- Use of profane or abusive language.
- Gossip, rumor-mongering that disrupts the workplace; promoting a negative or hostile work environment.
- Neglect of work.
- Unsatisfactory work or failure to maintain a required standard of performance.
- Failure to work cooperatively with other employees.
- Careless use of County property or equipment.
- Use or possession of another employee’s equipment without authorization.
- Poor housekeeping in work area.
- Contributing to or creating unsafe or unsanitary conditions.
- Failure to follow safety rules and procedures.
- Failure to observe department rules, policies, or procedures.
- Unauthorized personal use of telephones.
- Prohibited use of department computers and/or software.
- Unauthorized posting or removal of notices or signs from official bulletin boards.
- Speeding and all other two-point violations while operating a motor vehicle on County business.
- Failure to wear a passenger restraint while operating a motor vehicle on County business.
- Repeat violations of attire standards.

#### Appropriate disciplinary action for Group One infractions includes:

- First Offense: Verbal instruction and cautioning.
- Second Offense: Written reprimand.

Third Offense: Written documentation and a one (1) to three (3) day suspension pay.  
Fourth Offense: Written documentation and a five (5) to fifteen (15) day suspension pay.  
Fifth Offense: Removal

**Group Two** infractions are of a more serious nature than Group One infractions and if left undisciplined may cause a serious and lasting disruption to the operation of the County. They include, but are not limited to:

Disobeying orders of a supervisor.  
Disorderly conduct.  
Use of abusive or threatening language toward supervisors.  
Discourteous treatment of the public.  
Reporting for work or working while unfit for duty.  
Creating a negative or hostile work environment, including sexual harassment.  
Transmitting offensive material over the e-mail system.  
Sleeping during work hours.  
Failure to report for overtime work.  
Failure to provide required documentation of absences.  
Willful disregard of County or departmental rules, regulations, policies, or procedures.  
Willful failure to complete or submit required reports.  
Instigating or participating in malicious gossip or rumor-mongering.  
Making or publishing false, vicious, or malicious statements about employees or County operations.  
Unauthorized use of County property or equipment.  
Performing private work on County time.  
Unauthorized solicitation or distribution of unauthorized materials on County property.  
Obligating the County for any expense or service without authorization.  
Failure to report an accident, injury, or damage to County property.  
Failure to report equipment that is malfunctioning, damaged, or defective.  
Refusing to give testimony in accident or incident investigations.  
Excessive garnishments.  
Negligence resulting in injury to a person or damage to County property while on County business.

Appropriate disciplinary action for Group Two infractions includes:

First Offense: Written documentation and up to a three (3) day suspension.  
Second Offense: Written documentation and a five (5) to fifteen (15) day suspension pay.  
Third Offense: Removal.

**Group Three** infractions are of a very serious or possibly criminal nature and cause critical disruption to the operation of the County. They include, but are not limited to:

Conviction of a felony.  
Failure to maintain required licenses or registrations.  
Absence from duty without approved leave.  
Insubordination by refusing to perform assigned work or comply with written or verbal instructions of supervisors.  
Wanton or willful neglect of duties.  
Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work, or other concerted curtailment, restriction, or interference with work.  
Conduct violating morality or common decency, including sexual harassment.

Gambling during work hours.  
Possessing, selling, or being under the influence of illegal drugs.  
Being under the influence of alcohol during work hours.  
Carrying or possessing firearms, explosives, or weapons on County property without prior authorization.  
Fighting or attempting to injure other employees, supervisors, or the public.  
Threatening, intimidating, coercing, or interfering with other employees.  
Abuse or deliberate destruction of County property or equipment, or of the property or equipment of other employees.  
Stealing, destroying, damaging, or concealing property of the County or of another employee.  
Dishonesty or dishonest action such as theft, pilfering, and opening desks assigned to others, making false statements, making inaccurate or false reports concerning absences, etc.  
Giving false information or withholding pertinent information requested in an employment application.  
Knowingly concealing a communicable disease that may endanger others.  
Unauthorized altering of a time sheet.  
Making false claims or misrepresentation to obtain an employment benefit.  
Giving false testimony during the investigation of a complaint.  
Falsifying testimony when an accident is being investigated.  
Falsifying, assisting in falsifying, or destroying County records.  
Misusing or removing records or information without authorization.  
Unauthorized release of confidential information.  
Unauthorized political activity.  
Driving while under the influence of alcohol or drugs while on County business.  
Failure to repay any debt.

Appropriate disciplinary action for Group Three infractions includes:

First Offense:	From fifteen (15) day suspension to removal
Second Offense:	Removal

## **COMPLAINT PROCEDURE**

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. The County believes these questions and concerns must be heard promptly, and action taken to resolve or clarify a situation. Complaints regarding unlawful discrimination or harassment should be brought per the unlawful discrimination and harassment policy contained in this Manual.

All employees shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner because of filing a complaint. A complaint is defined as a disagreement between an employee and the County as to the interpretation or application of official policies, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to treatment or other conditions of employment. The following is the procedure to be followed when an employee has a complaint as defined above:

### **Step 1: Immediate Supervisor**

An employee having a complaint shall file it in writing with his or her Immediate Supervisor, as outlined in the procedure for his or her work unit. The employee's Immediate Supervisor will review the complaint and attempt to resolve the complaint within a reasonable time and will provide the employee with a written response. Step 1 may be bypassed by either the employee or Immediate Supervisor if the Immediate Supervisor lacks the authority to make a change and/or the Immediate Supervisor is the subject of the complaint.

### **Step 2: Department Head**

Where the employee is not satisfied with Step 1 response of the Immediate Supervisor, the employee may submit the original complaint to the Department Head within seven (7) calendar days of the Supervisor's written response. The Department Head will review all material provided and provide the employee with a written response in a timely manner.

### **Step 3: Employer (Elected Official/Appointing Authority)**

Where the employee is not satisfied with the Step 2 response, the employee may submit the original complaint to the Elected Official/Appointing Authority within seven (7) calendar days. The Elected Official/Appointing Authority will review all material provided and will provide the employee with a written response in a timely manner. The Step 3 response shall be final.

## **SOLICITATION**

Individuals not employed by the County are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

The County may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- Distribution of literature, solicitation and the sale of merchandise or services is prohibited in public areas.
- Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized meal or rest periods or other times when the employee is not required to be working.
- Distributing literature in a way that causes litter on County property is prohibited.

The County maintains various avenues to communicate County-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.



## **RISK MANAGEMENT/LOSS PREVENTION**

The County recognizes the need to protect its assets and to preserve operational continuity by recognizing risks and hazards that may arise during business or from other activities or events that may affect the County. It also recognizes that the health of its employees is tantamount to providing for efficient operations. The following matters are addressed to provide a framework for a safe and healthy environment for employees and members of the public and to ensure the solvency of the County.

### **General**

All County policies and procedures shall be adhered to consistently and equitably by employees and management. A Department of Human Resources (HR) has been established to ensure adherence to policies and procedures and to confer with Elected Officials, Appointing Authorities and/or Designees on employment-related matters. Risk of catastrophic loss will be given the County's full attention and all reasonably practical techniques to avoid, control, or finance such catastrophic risk will be given due consideration. A disaster control plan, created and administered by the County Emergency Management Agency (EMA), shall be followed during disasters or catastrophic events. Each County Office or Department shall follow its Continuity of Operations Plan (COOP). If an office has not developed a COOP plan HR and EMA are available to assist in this very important matter.

The Huron County Board of Commissioners (BOC) and the Huron County Elected Officials shall have ultimate authority and responsibility for risk management within the County. The BOC assumes responsibility for the County's insurance programs. The Huron County Prosecutor's Office provides recommendations to the BOC to facilitate major risk management decisions and reviews contracts and agreements between the County and outside vendors. HR is charged with day-to-day responsibility for ongoing administration of the risk management program and development of the County's loss control/safety policies and training.

HR, along with various third-party administrators, manages Workers' Compensation claims, reports other claims to insurers, performs accident investigations, administers the loss prevention program, and performs related functions. All County employees are expected to act responsibly in the performance of their duties and are required to participate in the County's safety programs to the extent required by the County or their Appointing Authority. Federal, state, and local laws will be applied as appropriate in the risk management program and subsequent changes to it, as well as in its administration.

### **Claims, Loss, Vandalism**

Any claims against the County or related offices must be submitted to HR, which is authorized to process them through the County's insurer. Claims represented by an attorney will be processed through the office of the County Prosecutor. All incidents, near-misses, and accidents involving County vehicles, County drivers, or bodily injury must be reported immediately to HR. The initial contact will be followed by a written County incident report within one business day. Law enforcement reports will be sent to HR as soon as they are received.

If unsafe conditions or a breach of procedures occurred, these will be reviewed by HR and recommendations for correction will be made to the appropriate Appointing Authority. Lost, vandalized, or stolen vehicles or equipment must be reported immediately to the proper law enforcement authorities and to HR. Reporting of an incident to law enforcement must be followed by a written incident form sent to HR within one business day. Any resulting claim will be submitted to the County's insurer by HR.

All repair estimates and invoices must be submitted to HR for forwarding to the County's insurer. All claims allowed and

processed by the County's insurer are subject to a \$2,500 deductible per claim. Payment of the deductible is the responsibility of the non-General Fund Office or Department under which the incident/accident giving rise to the claim occurred.

## **COUNTY PROPERTY**

### **General**

Employees are prohibited from using County materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non-working times. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using County materials, tools, facilities, or equipment. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the County. Employees who separate from service with the County are responsible for the return of reusable County property in her possession.

Employees have no reasonable expectation of privacy in the use of County property and facilities. To safeguard employees and the workplace, and to maximize efficiency, safety and productivity, the County reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search County property and facilities or any other enclosed or open area within County property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. The County also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from County facilities and job sites where permitted by law.

Employees required to answer the telephone as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone or in any dealings with the public. The County reserves the right to monitor any phone at any time. Personal phone calls must be kept to an "on emergency basis" only. Toll calls and/or long distance for personal reasons shall not be charged to the County.

The County may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, Internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a cellular phone, County-issued cellular phones are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from an Appointing Authority. The handheld use of cellular phones while on County business and while operating a motor vehicle (County-owned or personal) is prohibited. It is recognized that some vehicles, whether a privately-owned vehicle (POV) or a County-owned vehicle (COV), may be Bluetooth capable. Regarding this, the County strongly discourages the use of such technology in any fashion, as it has been proven to be a matter that causes driver distraction. When operating a COV the use of Bluetooth, if the COV is so equipped, is prohibited.

### **Vehicles**

County employees, which for purposes of this section refers to Elected Officials, full or part-time employees, seasonal/temporary/intermittent staff, co-op students, volunteers, and contract employees, operating a County motor vehicle are required to have a proper and valid motor vehicle operator's license. An employee who operates a motor vehicle for work and who has his or her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his or her driving privileges suspended by the County. When the County suspends driving privileges, the employee may be temporarily reassigned. The County need not reassign an employee who drives for work and has his or her license suspended by a court with no work-related driving privileges.

Any County employee who operates a COV or a POV in the discharge of official County business, shall always during operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle. Employees who operate a POV must have appropriate insurance coverage as designated by the Appointing Authority, which will be not less than the minimum standards as set forth by Ohio statute.

Insurance coverage for a POV operated for County business shall be the responsibility of the owner of the vehicle. Insurance coverage follows the vehicle and employees must be aware that if they are involved in an accident while operating a POV while on County business, their insurance is primary. In that light, employees should be certain that they possess adequate insurance if they plan to utilize their personal vehicle for agency business. Any work related employee injuries as a result of an accident would follow reporting requirements and determination under the Ohio Workers Compensation program.

The use of a COV must be pre-approved by the employee's Appointing Authority. All drivers must be at least eighteen (18) years of age. Employees shall not use, or permit the use of County automobiles for any purpose other than official County business. However, *de minimis* use (driving to eating establishments while away from the office) will be allowed. Passengers not on official County business (e.g., children, spouses, friends, etc.) are not permitted in any COV. Employees, as representatives of the County, are expected to be courteous to the public and to obey all traffic laws. County employees should drive and conduct themselves in such a manner that it enhances the reputation of the County and the office of their Appointing Authority.

Employees using a COV, other than qualified non-personal use vehicles under Internal Revenue Code regulations, shall document each use of the vehicle. Qualified non-personal use vehicles include those used by the office of the County Sheriff, the County Engineer and the County Dog Warden.

An Appointing Authority may assign a COV to an employee for business use and for commuting to and from work for bona fide non-compensating business reasons. The employee shall not use or permit the use of the COV for personal use, unless *de minimis*, other than commuting. The employee shall document the commuting use of the vehicle as required by the Appointing Authority. Commuting use is a taxable fringe benefit and is calculated accordingly to Internal Revenue Service guidelines.

Employees who drive a COV or, a POV for County business, are subject to periodic (at the least annual) motor vehicle record checks (MVR) at the Bureau of Motor Vehicles. Employees who operate a COV or a POV for County business, are responsible for reporting, within one business day, to their Appointing Authority any moving/non-moving traffic violations obtained while on/off duty as an employee's personal driving record may impact his or her ability to be covered on the County's liability insurance policy. Any fines received by an employee for traffic violation (moving/non-moving) are the responsibility of the employee. Employees who drive on behalf of the County are subject to reassignment and/or discipline in the event of a license revocation, suspension or traffic offense conviction.

Employees who, in the sole discretion of the County, have a MVR record that demonstrates poor driving habits shall not drive any vehicle on behalf of the County without receiving additional training and/or intervention, and/or discipline, until otherwise exhibiting to the County's satisfaction that there has been substantial improvement in driving abilities, performance, and skills. The County or its insurer may exclude coverage for any driver on a temporary or permanent basis.

Concerns regarding repairs or vehicle maintenance must be reported to the employee's Appointing Authority.

The County may, at its discretion, monitor the use of County vehicles via a GPS system. Such monitoring by the County shall be limited to an employee's use during working hours; for take-home vehicles, to confirm that a vehicle is not being used improperly during non-working hours; or, for other reasons to confirm that the vehicle is being used for a purpose consistent with this policy.

The County, via HR, will maintain an eligible drivers list containing the names of all employees eligible and authorized to drive a vehicle. Upon evaluation by the County, drivers may have their driving eligibility temporarily or permanently

revoked, may be required to participate in driving or alcohol/controlled substance intervention programs, and/or be subject to disciplinary action. Any conviction of one or more of the violations listed below during the prior 36 months may result in such action.

Driving under the influence of alcohol or drugs.

Leaving the scene of an accident.

Vehicular homicide or manslaughter.

Driving during a period of suspension or revocation.

Reckless operation or other intentional and dangerous use of a motor vehicle.

Attempting to elude or flee a law enforcement officer after a traffic violation or other violation of the law.

Failure to maintain an assured clear distance.

Failure to control.

Use of a motor vehicle in the commission of a crime.

Non-compliance with the Ohio Financial Responsibility Law.

The following list of motor vehicle-related convictions during the prior 36-month period may result also in the temporary or permanent revocation of the employee's driving eligibility and/or disciplinary action.

Two or more "at fault" accidents.

Two or more moving violations

One "at fault" and one moving violation.

In any case where the County has temporarily or permanently suspended/revoked the employee's driving eligibility and driving is an essential function of the employee's job, the Appointing Authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, federal, state laws and regulations, and any applicable collective bargaining agreement.

## **COMPUTER USE**

### **General**

County computers and information systems are County property. They may be used only for explicitly authorized purposes. The County reserves the right, consistent with law, to examine all data stored in or transmitted by their computers and systems. Without notice, the County and authorized supervisors/designees, consistent with law, may enter, search, monitor, track, copy, and retrieve any type of electronic file produced on the County-owned computers of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.

Employees have no right to privacy regarding the Internet and email on County systems. Authorized Designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, email, and any installed instant messaging system usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. All software installed on any County computer must be licensed to the County. No County employee may install, uninstall, or reconfigure any software or hardware owned by the County without prior authorization from the County. The use of privately-owned or contractor-owned devices (e.g., PDAs, smart phones, and laptops) for official County business must be authorized in advance by the County.

Employees may be required to maintain passwords for their computers. Employees are responsible for safely securing their passwords. Absent supervisor approval, employees shall not share passwords. Employees may be required to periodically change passwords. Employees shall follow all I.T. guidelines, as promulgated by their Appointing Authority, regarding passwords.

### **Allowable Uses of Computer and Information Systems for Business Purposes:**

- Facilitating job function performance.
- Facilitating and communicating business information within the County network.
- Coordinating meeting locations and resources for the County.
- Communicating with outside organizations as required in the performance of employee job functions.

### **Prohibited Uses of Computers and Information Systems, Including but Not Limited to E-mail, Instant Messaging Systems and the Internet:**

- Violating local, state, and/or federal law.
- Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages that a reasonable person knows is inappropriate.

- Threatening others.
- Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.
- Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- Sabotage, intentionally disrupting network traffic, crashing the network and connecting systems or intentionally introducing a computer virus.
- Vandalizing the data of another user.
- Forging electronic mail and instant messenger messages.
- Sending chain letters.
- Sending rude or obscene messages (anything that would embarrass or discredit the County).
- Disseminating unauthorized confidential or proprietary County documents or information or data restricted by government laws or regulations.
- Browsing or inquiring upon confidential records maintained by the County without substantial business purpose.
- Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
- Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
- Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.
- Sending or soliciting sexually-oriented messages or images.
- Using the Internet or any installed instant messaging system for political activity.
- Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
- Downloading and viewing non-work-related streaming audio or video (i.e. listening to radio stations, etc.) due to the limited bandwidth of the system.
- Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
- Speaking to the media or to the public within any news group or chat room on behalf of the County if not expressly authorized to represent the County.

- Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.
- Reproducing or making personal use of proprietary software purchased by and licensed to the County. All computer software, data, and information relating to the conduct and operation of the County are considered proprietary information belonging to the County and cannot be appropriated, altered, sublicensed, copied, or used for other than County business.

As aforementioned, personal passwords or other identifying codes are to be regarded as confidential and may not be given to others absent approval from the employee's Appointing Authority. Any suspected loss or misuse of passwords and other codes is to be reported to the employee's Appointing Authority immediately. Whether during work time or not, these prohibitions apply always to County-owned computers and information systems. Personnel cannot expect that the information they convey, create, file, or store in County computers and information systems will be confidential or private regardless of the employee's intent.

**Please remember that there is no expectation of privacy for anything sent by email or any installed instant messaging system. Authorized staff can view this information at any time.**

#### **Guidelines for Incidental/Occasional Personal Internet Usage**

Generally, the Internet is to be used for work-related purposes. The County will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity. Incidental/occasional use is comparable to time authorized for meal periods and reasonable breaks during the workday and those times only should be used to attend to personal matters. Personnel are not permitted to utilize the Internet for personal use equal to meal and break periods and also take their scheduled meal and break periods. Agency Internet resources must be devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason or for no reason. Employees are prohibited from engaging in personal use while in active pay or otherwise on County time.

#### **Securing Computer Equipment and Electronic Data**

County employees who are responsible for or are assigned portable computer equipment and electronic media (e.g., laptops, flash memory devices, external hard drives, DVDs, CDs, etc.) shall secure those items when not in the office as these items may contain confidential and/or HIPAA/PHI protected information, which could be compromised if the item is lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their Appointing Authority. Failure to properly secure portable computer equipment and electronic data is subject to disciplinary action.

Employees accidentally sharing County information, accessing an improper website, or opening an email with a virus are to immediately notify their supervisors. Employees who receive ransomware, or other malware/virus, are to immediately notify a supervisor. Employees shall not open emails, or click links, about which they have any possible concern.



## **TRAVEL/LODGING/MEALS**

Prior approval from an employee's Appointing Authority is required for all out-of-County travel. Travel by air, bus, or another common carrier must be at the lowest available rate. The employee is responsible for notifying the carrier of any reservation change or cancellation at the earliest possible time.

Mileage reimbursement for travel in privately owned vehicles will be at a rate to be determined as needed by the County Commissioners but will generally follow IRS guidelines. The mileage reimbursement will be deemed to cover all expenses incurred in the use of a POV, including oil, gasoline, tires, depreciation, insurance, and all other expenses of operation. No reimbursement for mileage will be made unless an employee carries the appropriate level of automobile/liability insurance on his or her vehicle and can produce proof of current insurance coverage upon request of the County. The coverage amount will be not less than the minimum standards as set forth by Ohio statute.

Employees should use a County vehicle whenever possible and should travel together if going to the same destination. Travel reimbursement for use of a POV will be only to the owner, regardless of the number of passengers in the vehicle. Should an employee choose to use his or her own vehicle when traveling out-of-state, mileage reimbursement may not exceed the cost of air or train transportation at the lowest available rate.

Highway, bridge and tunnel tolls, taxi fares, and parking and garage charges may be submitted for reimbursement with presentation of receipts. Parking fines or other violation fees are the responsibility of the employee.

County credit cards may be issued for purchase of gasoline and oil only for employees using a COV for County business. Personal use of a County credit card is strictly prohibited.

Lodging expenses are reimbursable when prior approval is obtained from the Appointing Authority and when the employee is traveling on official business that requires an overnight stay. Reimbursement is contingent on submittal of appropriate receipts. No lodging will be allowed if an event attended is within a sixty (60) mile radius of the City of Norwalk.

Personal telephone call charges are the responsibility of the employee. No reimbursement will be made for entertainment, in-room movies, restocking in-room snacks, room-service, dry cleaning or laundry charges.

Meals and incidentals are reimbursable only if the travel is approved in advance by the Appointing Authority. If travel on behalf of the County is a day trip, a reimbursement request may be submitted but will have a taxable fringe benefit levied upon it. If the meals are due to an overnight stay, a reimbursement request may be submitted and there will be no taxable fringe benefit levied. Meals are not reimbursable if they are provided as part of the registration cost of the meeting or conference. The U.S. General Services Administration has established average cost of meals, based upon per diem rates for metropolitan areas within the State of Ohio. The 2018 average standard per diem rate of \$59.00 includes Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton/Fairborn, Hamilton, Medina/Wooster, Mentor, Sandusky/Bellevue, and Youngstown, as well as Erie, Huron, and Lake Counties.

Standard meal reimbursement rates based on the \$59.00 per diem rate are as follows:

Breakfast	Lunch	Dinner
\$14.00	\$16.00	\$29.00

Tips are considered an allowable expense but only to a maximum of 20% of the bill and only for the individual employee.

Alcoholic beverages, and entertainment are not reimbursable.

Requests for reimbursement of travel expenses must be submitted on the "expense reimbursement form" and must be submitted to the County Auditor within thirty (30) days of the employee's return to work. Receipts for all expenditures must be attached.

Cash advances are the sole responsibility of the employee to whom they are given and he or she is responsible for reimbursing the County if any portion of the advance is lost or stolen. Any unused money must be returned to the County upon the employee's return to work. Any amount not accounted for as a proper expense must be paid to the County by the employee.

## **PORTABLE SPACE HEATERS**

This policy addresses the use of portable space heaters in all County-owned, leased, or rented buildings. While the use of space heaters is strongly discouraged because they are a potential source of fire, the County recognizes that there may be a legitimate reason for their use on a temporary basis. When this occurs, the following stipulations govern their use. In addition to the following stipulations and prior to the use of any portable space heaters, employees shall have them inspected by the County's Operations Director or HR:

- Space heaters may not be placed under desks or other enclosed areas.
- Space heaters must be monitored always when in operation. Do not leave them unattended!
- The space heater must be plugged directly into a wall receptacle. Space heaters may not be plugged into extension cords or power strips.
- Heaters must be monitored daily. Those heaters missing guards, control knobs, feet, etc. must be taken out of service immediately and repaired by a competent repair person.
- Heaters may not be used in rooms that are not continuously occupied.
- Doors and windows of rooms in which space heaters are being used must be kept closed.
- Space heaters must be kept away from exit ways, walkways, and paths of travel.
- Space heaters may not be used in wet areas, such as bathrooms or kitchens.
- Do not use space heaters if small children are expected in the area.

In addition, space heaters must meet the following criteria:

- All space heaters must be Underwriters Listed (UL) or Factory Manual approved for their intended use.
- Heaters must have a thermostat to automatically shut down the unit when the desired temperature is reached.
- Heaters must have a tip-over automatic shut-down feature.
- Heaters must be kept at least 3 feet (36 inches) from all combustible materials (e.g., file cabinets, desks, trash cans, paper boxes, etc.).
- Kerosene or open flame space heaters are strictly prohibited.
- No open-coil space heaters are permitted in any County buildings.

## WEATHER/EMERGENCY CLOSINGS

The County recognizes that on certain days it may be difficult or impossible for a scheduled employee to come to work due to excessive snow, ice, or other inclement weather. The County encourages its employees to come into work on such occasions, only if in the employee's judgment, they are able to do so in a safe manner.

The following are a guideline in the closing of offices as it relates to weather emergencies.

Whenever weather or other emergency conditions make it necessary, County buildings and/or facilities may be officially closed for all or a portion of a particular day. The County EMA Director, will make the decision whether to delay the opening of the County buildings until 10:00 a.m. after consulting with the County Sheriff and the County Engineer.

When the EMA Director determines to delay the opening of the County buildings, the Director will notify the radio station WLKR (95.3 FM) and will do so no later than 6:00 a.m. The EMA Director will also notify the Sandusky Register requesting that the delay be noted on their website and that of the Norwalk Reflector.

If the buildings and other facilities are officially on delay, they shall remain closed until 10:00 a.m. Each Appointing Authority shall determine if the departments falling under their purview will remain closed or open for the remainder of the day and make appropriate notification to their employees and the public.

If the buildings and/or facilities have been officially closed, employees will be compensated for those hours they were scheduled to work. However, should employees opt not to report to work, due to personal safety concerns during severe weather when County offices are open, or report to work late or leave work early, those employees will not receive pay but may, upon approval of their Appointing Authority, choose to use accrued vacation, personal, or compensatory time. Such absences are **NOT** a legitimate use of sick leave.

During a workday, whenever weather or other emergency conditions make it necessary, County offices may be closed upon determination by the applicable Appointing Authority. The Appointing Authority or a Designee will make the aforementioned media outlets aware of the closing circumstances.

Employees who are not scheduled to work on a day that offices are closed (e.g., scheduled day off, sick leave, FMLA, vacation, etc.) are not entitled to inclement/hazardous/emergency closing pay for the hours the office or facility was officially closed.

Some employees, such as law enforcement staff and Buildings & Grounds personnel, may be required to work even though the County offices are officially closed. Such employees will receive straight-time pay for the hours they work unless they are in an overtime status.

Collective bargaining unit employees should refer to their respective agreements regarding this issue.

## **SOCIAL MEDIA**

### **Social Media Limitations**

The County supports the free exchange of information and camaraderie among employees on the Internet. However, when Internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action up to and including termination. Employees shall not post on personal social media accounts, from either on a County computer/cell phone, or personal computer/cell phone, unless permitted by their Appointing Authority.

Employees are reminded to exercise extreme caution regarding the information they disclose on the Internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

- Comments or displays about co-workers, Appointing Authorities, supervisors or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment or hostility because of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic.
- Statements or uses of the County's logo, badges, uniforms or symbols associated with the County which are slanderous or detrimental, including evidence of the misuse of the County's authority, information, or equipment.
- Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal action against the County. Unprofessional communication also includes that which the County could demonstrate has a substantial risk of negatively affecting the County's reputation, its mission or operations, such as slander, defamation or other derogatory communication.
- Disclosure of confidential and/or proprietary information acquired during employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
- Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

In the event a County agency operates and maintains a social media site, the Appointing Authority shall designate the employees who are permitted to post, maintain and monitor the social media postings on behalf of the agency. Absent prior approval, employees shall not add or remove any information or posting from the agency's social media site.

Social media sites may be inspected by the County for cause to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to his or her Appointing Authority. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

## **CONCEALED CARRY**

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance onto the property of the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises, unless specifically otherwise authorized. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment, working in the homes of residents, or other sites off County premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a County owned vehicle.

Pursuant to the Ohio Revised Code section 2923.1210, this policy does not prohibit employees, possessing a valid license to carry a concealed handgun, from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. County parking area). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a County owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on County premises. Employees are required to immediately contact a supervisor if they suspect an employee is carrying a concealed weapon or firearm in violation of this policy at any time while they are working for the County, acting within the course and scope of employment, or acting as a representative of the County.

A table offering guidance to those who are concealed carry licensed and others whose job responsibilities include carrying a firearm follows.

IN A COUNTY BUILDING (NOT A COURTHOUSE OR BUILDING WITH COURTROOM)	IN A COUNTY BUILDING THAT IS A COURTHOUSE OR BUILDING WITH COURTROOM (UNLESS A LOCAL RULE OF COURT PROHIBITS IT)
Sheriff or Deputy Sheriff - On Duty or Off Duty, Concealed or Open Carry, must complete annual firearms requalification	Judge of a Court of Record or Magistrate - On Duty or Off Duty, Open Carry Only
Common Pleas Court Constable - On Duty Only, Concealed or Open Carry	Sheriff or Deputy Sheriff - On Duty or Off Duty (if required by Employer to carry off duty), Concealed or Open Carry, must complete annual firearms requalification
Member of Auxiliary Police Force Organized by County - On Duty Only, Concealed or Open Carry	Employee Who Possesses Firearm for Evidence - On Duty Only, Open Carry Only
Prosecuting Attorney, Assistant Prosecuting Attorney, Secret Service Officer - On Duty Only, Concealed or Open Carry	Bailiff or Deputy Bailiff - On Duty Only, Concealed or Open Carry, must undergo training required by Ohio Revised Code section 109.77(D)
Police Officer for a County Hospital - On or Off Duty, must complete annual firearms requalification	Prosecutor, Assistant Prosecuting Attorney, or Secret Service Officer - On Duty Only, Concealed or Open Carry
Police Officer for Regional Transit Authority - On or Off Duty, Concealed or Open Carry, must complete annual firearms requalification	Special Police Officer for County Port Authority - On or Off Duty (if required by Employer to carry off duty), Concealed or Open Carry, must complete annual firearms requalification
Special Police Officer for County Port Authority - On or off Duty, Concealed or Open Carry, must complete annual firearms requalification	Parole or Probation Officer - On Duty Only, Open Carry Only
County and Deputy Dog Warden - On Duty Only, Concealed or Open Carry	Police Officer for Regional Transit Authority - On or Off Duty (if required by Employer to carry off duty), Concealed or Open Carry, must complete annual firearms requalification

## **WORKPLACE VIOLENCE**

### **Zero Tolerance**

The County is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the County enforces a zero-tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on County property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense. Acts of workplace violence must immediately be reported to an Appointing Authority and HR. Workplace violence matters/violations are not confined solely to the physical boundaries of County buildings and being “on-duty”. Such acts might occur in an “off-duty” situation and occur away from the actual physical workspace.

### **Prohibited Acts of Violence**

Prohibited acts of workplace violence include, but are not limited to, the following:

- hitting or shoving
- threatening to harm an employee or his or her family, friends, associates, or property
- intentional destruction of property
- harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website postings
- intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule
- willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his or her safety
- suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs
- unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property

### **Warning Signs and Risk Factors**

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following:

- hinting or bragging about a knowledge of firearms
- making intimidating statements such as: “You know what happened in Oklahoma City,” “I’ll get even,” or “You haven’t heard the last from me.”
- keeping records about other employees the individual believes to have violated departmental policy
- physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech
- acting out violently either verbally or physically
- excessive bitterness, brooding, depressed or strange behavior by a disgruntled employee or an ex-employee
- being a “loner,” avoiding all social contact with co-workers



- having a romantic obsession with a co-worker who does not share that interest
- history of interpersonal conflict
- domestic problems, unstable/dysfunctional family

## **CONTACT WITH NEWS MEDIA/RESIDENTS**

Any employee contacted by the news media or a citizen on a matter related to County operations should direct the caller to contact the appropriate Appointing Authority. This policy is designed to avoid duplication, assure accuracy, and protect employees and the County from the dissemination of misstatements and misinformation.

This policy does not prohibit employees from making a public statement, in their off-duty hours, on matters of public concern. However, this policy does prohibit employees from making unauthorized public statements during their working hours and from making public statements about matters of private concern that negatively impact the County.

## **SICK LEAVE**

All employees shall be entitled to sick leave in accordance with sections 124.38 and 124.39 of the Ohio Revised Code as follows:

### **Accumulation**

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four and six-tenths (4.6) hours. Sick time accumulation is not credited for hours worked beyond forty (40) in one week. Unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from a public agency shall be credited if reemployment in another public agency takes place within ten (10) years of the last termination from a public agency and the employee provides proof of the prior sick leave balance. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

### **Use**

Sick leave may be used by employees and upon approval of the County for absences due to the following:

- Illness, injury, or pregnancy-related medical condition of the employee.
- Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
- Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.
- Death of a member of the employee's immediate family. Such usage is limited to a reasonably necessary time beyond any bereavement leave benefit, not to exceed five (5) days. Such leave must be taken during the time immediately following the death.
- Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
- Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.
- Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate use of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as: parent, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, daughter-in-law, son-in-law, sister-in-law or another person who stands in place of a parent.

## **Employee Notification**

An employee who requests sick leave must inform his or her Appointing Authority or Designee of the need for such leave no later than one-half ( $\frac{1}{2}$ ) hour after his or her scheduled start time, or as soon as possible, each day during the period of the absence.

## **Written Statement**

Each employee is required to furnish a satisfactorily written, signed statement to justify the use of sick leave. Sick leave must be formally requested on the appropriate request for leave form as soon as the employee returns to work. For medical appointments, the form should be requested in advance whenever possible. Failure on the part of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

In addition, employees may be required, as the result of an absence due to their own or a member of their immediate family's illness or injury, to submit a doctor's note specifying the date on which the employee or family member was seen, stating that the absence from work by the employee was medically necessary, and indicating the date on which the employee is, or will be able, to return to work. Such note must be signed by the attending physician/practitioner. Falsification of either the signed statement or the physician's certificate will be grounds for disciplinary action which may include termination.

## **Sick Leave Abuse**

An application made by an employee for sick leave through fraud or dishonesty may result in denial of such leave coupled with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior to, or after holidays, vacation, days off and/or weekends, or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The County reserves the right to investigate allegations of sick leave abuse. The County reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave he or she must be at home during his or her scheduled work hours or obtaining treatment/medication.

## **Extended Sick Leave**

Any use of sick leave that extends beyond three (3) consecutive days may trigger the employee's need to apply to his or her Appointing Authority for leave under the FMLA. Other accrued, unused forms of paid leave may be used for extended absences when the employee's sick leave is exhausted, upon approval of the Appointing Authority.

## **Sick Leave Charge**

Sick leave shall be charged in minimum increments of one-half ( $\frac{1}{2}$ ) hour. When sick leave is used, it shall be deducted from the employee's credit based on one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

## **Sick Leave upon Retirement (Sick Leave Conversion)**

Upon service or disability retirement, an employee with at least ten (10) years of service in any state, municipal, or political subdivision of the State of Ohio may choose to be paid in cash for one-fourth ( $\frac{1}{4}$ ) of the value of his or her earned but unused sick leave credit. The maximum payment may not exceed thirty (30) days of pay at the employee's hourly rate at separation. Employees hired prior to May 3, 2002 may choose to be paid in cash for one-fourth ( $\frac{1}{4}$ ) of the

value of his or her earned but unused sick leave credit after five (5) years of service with Huron County with the maximum payment not exceeding forty-five (45) days of pay at the hourly rate at separation.

Payment as described above will eliminate all accrued sick leave to the employee's credit at the time of payment. If the employee has converted sick leave under a previous public entity, the total of all payments may not exceed thirty (30) days.

An eligible employee who dies is considered to have terminated her or his employment as of the date of death. Sick leave conversion will be paid per Ohio Revised Code section 2113.04 and at the same levels provided for under disability or service retirement.

### **Medical Information**

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to HR.

## **BEREAVEMENT LEAVE**

Only full-time, non-probationary employees will be entitled to up to twenty-four (24) hours of bereavement leave per calendar year with pay at their regular rate to attend death, funeral or memorial services. Restrictions on the use thereof are limited to matters involving family members. Family members, for purposes of this leave, are recognized as the following: parent, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, daughter-in-law, son-in-law, sister-in-law, aunt, uncle, cousin, niece, nephew or another person who stands in place of a parent.

Requests for this leave shall be submitted no less than two (2) working days in advance. Bereavement leave shall be used in increments of one (1) hour.

No more than five (5) bereavement leaves shall be approved in any one calendar year.

If extenuating circumstances exist, an employee may request up to five (5) additional days pursuant to the Sick Leave section of this Manual. This leave will be allowed at the discretion of the Appointing Authority.

Bereavement leave allowed for the death, funeral or memorial services of any other persons will be allowed at the sole discretion of the Appointing Authority.

Requests for use of this leave are subject to verification and abuse thereof will be subject to disciplinary action.

## **FAMILY MEDICAL LEAVE ACT (FMLA)**

### **Statement of Policy**

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

### **Definitions**

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

- “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under circumstances. Such leave may be taken only for the following qualifying events:
  - Upon the birth of an employee’s child and to care for the child.
  - Upon the placement of a child with an employee for adoption or foster care.
  - When an employee is needed to care for a family member who has a serious health condition.
  - When an employee is unable to perform the functions of his or her position because of the employee’s own serious health condition.
- Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
- “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.

“Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves the following:

- Inpatient care.
- Any period of incapacity of more than three consecutive calendar days that also involves:

- Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days or treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
- Any period of incapacity due to pregnancy or for prenatal care.
- A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period. The condition may be periodic rather than continuing.
- Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e., terminal stages of a disease, Alzheimer’s disease, etc.).
- Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days, absent medical intervention. (e.g., chemotherapy, dialysis for kidney disease, etc.).

“Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.

“Family member”: Spouse, child, parent or a person who stands “in loco parentis” to the employee.

“Covered Service Member”: Means either:

- A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
- A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.

Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.

“Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for providing command and control of members of the Armed Forces receiving outpatient medical care.

“Next of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.

A “serious injury or illness”, for purposes for the 26-week military caregiver leave means either:

- In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by



service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

- a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
- a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
- a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation because of a disability or disabilities related to military service, or would do so absent treatment; or
- an injury, including a psychological injury, based on which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Covered Active Duty” or “call to covered active duty”:

- In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.”
- In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

“Deployment to a foreign country” means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

“Qualifying Exigency”: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

- Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days’ notice.
- Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent,

immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.

- Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 Code of Federal Regulations section 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

### **Leave Entitlement**

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

- Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
- Worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
- Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.

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

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

## **Use of Leave**

The provisions of this policy shall apply to all FMLA absences as follows:

**Generally:** An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. Employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

**Birth of An Employee's Child:** An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition because of the pregnancy or post-partum recovery period, the employee will be required to exhaust all her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. (Note: See appropriate section for information on disability leaves.)

**Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

**Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his or her serious health condition or the serious health condition of his or her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

## **FMLA and Disability/Workers' Compensation**

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

## **Procedures for Requesting FMLA Leave**

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

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

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

### **Certification of Need for FMLA Leave for Serious Health Condition**

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

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

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

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the Employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

### **Certification for leave taken because of a qualifying exigency**

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

### **Intermittent/Reduced Schedule Leave**

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless

specifically authorized in writing by their Appointing Authority. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

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

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

### **Employee Benefits**

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

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

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

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

### **Reinstatement**

An employee on FMLA leave must give the Employer at least a two-business day notice of his or her intent to return to

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

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

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

### **Records**

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

## **CATASTROPHIC LEAVE**

### **General**

The Catastrophic Leave Bank Plan, a paid leave donation program, was established by the BOC to provide a mechanism for employees to remain in active pay status during catastrophic illnesses of themselves or immediate family members. The County is interested in providing this benefit to aid the continuation, if possible, of medical insurance benefits and life necessities to employees who are already encountering emotional and physical stress.

### **Participation**

Only full-time and regular part-time employees, who were employed at least 520 hours in the previous twelve (12) months, may participate in the Catastrophic Leave Bank Plan. An employee must be eligible to continue receiving sick leave at the time the contributions are made and at the time distributions are made of the paid leave hours. An employee must be covered by the County medical insurance at the time the request for distribution is made for medical insurance to continue. The County makes no representations as to the effect of the distribution on already existing plans, such as disability separation, long-term disability leave, or other benefits that may be in existence.

### **Contributions**

All contributions shall be voluntary and may be of sick leave hours or vacation leave hours. Contributions may be made in multiples of eight (8) hours, but in no case, may a contribution be less than eight (8) hours for full-time employees. Part-time employees shall be allowed to contribute, as a minimum, only the number of hours equal to what that employee works during his or her shift. No employee shall contribute sick leave hours if the hours contributed would cause the employee to have eighty (80) hours or less of sick leave to that employee's credit. No employee shall contribute vacation leave hours if the hours contributed would cause the employee to have forty (40) hours or less of vacation leave to that employee's credit. Contributions are considered irrevocable except as otherwise provided herein.

There shall be two open window periods per year with each period open for one (1) month. Additionally, the Catastrophic Leave Bank Committee may open other contribution windows as it deems necessary.

Contributions will be donated by individual employees towards a general bank by completing and signing a Contribution Release Form. Contributions and distributions are recorded hour-for-hour without consideration to cash value.

Appointing Authorities are responsible for verifying that the employee's contributions are available for transfer and readjusting the contributor's balances to reflect the donation. There will be no actual transfer of funds connected with this plan.

### **Committee**

The Catastrophic Leave Bank Committee is composed of the County Auditor, the BOC, and the County Prosecutor. A Designee from each of those Appointing Authorities will constitute the voting body of the Committee. A quorum is two members present in voting. If the distribution of Catastrophic Leave Bank hours concerns an Appointing Authority other than the three listed above, the concerned Appointing Authority, or Designee, will form the ex-officio, fourth member of the Committee. It is understood that no applicant for the Catastrophic Leave Bank shall be a Designee sitting on the Committee. If an Appointing Authority's Designee to the Catastrophic Leave Bank Committee is an applicant, for that meeting the Appointing Authority will choose another Designee to attend and vote on the application.

The County Auditor will be considered the fiscal agent and will also receive the contributions from employees. All applications for distributions shall be sent to the office of the County Auditor. The Committee will meet within thirty (30) days of receipt of an application, or sooner if the application is a clear emergency, to determine distribution of the Catastrophic Leave Bank hours.

The Committee will meet annually in January and after each open window contribution period to certify the number of hours available. The Committee is a public body under Ohio Revised Code section 121.22 and therefore, will comply with all requirements of the Sunshine Laws. Minutes will be kept of all the open parts of meetings of the Committee.

After the Committee meets and a decision is reached, the County Auditor, or a Designee, will notify the employee and the employee's Appointing Authority. The employee will be notified of the Committee's decision by certified mail or hand delivery.

The Appointing Authority of the employee receiving Catastrophic Leave Bank hours is responsible for paying the Catastrophic Leave Plan benefit. As appropriations are made based on the yearly salary, this will not cause an additional appropriation or budget shortfall for the Appointing Authority.

The Committee may amend the procedural aspects of the Catastrophic Leave Bank Plan within the limits of the authority granted to it. The Committee must return to the BOC, as the County legislative body under the applicable sections of the Ohio Revised Code, to change any substantive portions of the Plan.

### **Qualifications for Use**

An eligible employee must be out of all accrued paid leave before a distribution of Catastrophic Leave Bank hours may be made. The situation for which the application is made must be a critical, life threatening disease/injury of the employee or a dependent member of the employee's immediate family. "Immediate family" is defined, in this section, as the employee's spouse or partner or minor child or child for which the employee serves as both in loco parentis and custodian. If the critical, life threatening disease/injury is not that of an employee, then there must be sufficient information and doctor verification on the application to show that the employee is needed to attend to the dependent family member. "Critical, life threatening medical condition" is defined as a serious life threatening or terminal illness/injury involving substantial amounts of hospitalization and/or medical treatment and the subsequent recuperative and rehabilitative period.

An employee must complete and sign the Application Form and include all documentation requested. Incomplete applications will be returned to the employee for completion prior to consideration by the Committee. Completed and signed forms, with documentation, shall be sent to the office of the County Auditor in a sealed envelope marked "Confidential – Catastrophic Leave Bank." The employee should retain a copy of the form and documents submitted.

In the case where an employee is in a condition due to a critical or life threatening disease/injury which does not permit the employee to apply for benefits, the next of kin or an individual having legal authority to handle the employee's matters may apply. Evidence of the legal authority or status of next of kin must be submitted with the Application Form. The individual holding legal authority or next of kin status must sign the Application Form for the employee who is not able to sign.

This Plan is not available for work related injuries. Those injuries are covered under the Ohio Bureau of Workers' Compensation Program. There will be coordination between Catastrophic Leave Bank benefits and FMLA benefits as required by federal law and under the FMLA policies contained in this Manual.



The Catastrophic Leave Bank distributions will be treated as wages and, therefore, will be subject to any appropriate deductions required by law. An employee may be paid with Bank leave at a rate not to exceed the maximum number of hours the employee is regularly scheduled to work each pay period. Employee recipients are in active pay status while using Bank leave and accrue their own paid leave at the applicable rates. Such accrued leave must be used in the following pay period before additional Bank leave is credited. The employee will receive sick leave hours and the rate of pay of the employee at the time the application is made.

If the employee is separated from employment with the County and has sick leave hours from a Bank distribution, the distributed hours shall be returned to the Bank. In no event, shall the donated leave be converted into a cash benefit or transferred to the employee's credit with his or her next employing agency.

### **Distribution Reimbursement**

An employee who returns to active pay status is responsible for reimbursing the Catastrophic Leave Bank in the amount of distribution, or forty (40) hours, whichever is less, within eighteen (18) months of the date of return to work. The employee may use either sick leave hours or vacation leave hours to reimburse the Bank. If the employee has not directed the timely reimbursement of hours to the Bank, the employee's Appointing Authority will automatically transfer either forty (40) hours or the amount distributed, whichever is less, to the Bank from the employee's accrual with notification to the Auditor and to the employee.

### **Appeal**

If an eligible employee is denied a distribution and the application cites a qualified distribution request, the employee has a right to request and be reaccredited the hours that the employee contributed to the Bank during the preceding twelve (12) months. The employee must send notice of the appeal within thirty (30) days of the date of the employee's receipt of the denial of the distribution request. The appealing employee will be reaccredited for the hours contributed to the Bank during the twelve (12) months preceding the application for distribution within thirty (30) days of the date of receipt of the appeal by the office of the County Auditor.

### **Forms**

All forms necessary for the process included in this section are available from the office of the County Auditor.

## **CIVIC DUTY LEAVE**

### **Jury Duty**

The County supports all employees who are called upon to perform their civic duty as a juror or a witness. An employee will receive his or her regular pay when summoned by a court of competent jurisdiction for jury duty or to appear before any court, commission, board, or other legally constituted body authorized by law to compel the attendance of witnesses, provided the employee is not a party to the action. An employee called or subpoenaed to appear in court must notify his or her Appointing Authority as soon as the notice is received.

Any compensation received from the court must be returned to the court or paid to the County unless all court duty is performed outside of regular work hours. An employee who is released from jury duty before the end of his or her scheduled work day must report to work for the remaining hours unless otherwise authorized by his or her Appointing Authority.

### **Work Related Proceedings**

Employees who are required by the County to appear in court or other proceedings on behalf of the County, will be paid at their appropriate rate of pay for hours worked. Employees must obtain prior approval from their Appointing Authority before appearing in court or administrative proceedings on behalf of the County. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their Appointing Authority, who may then contact the office of the County Prosecutor.

### **Personal Matters**

Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the County, must seek an approved vacation leave or unpaid leave of absence.

An employee who is the appellant in an action before the State Personnel Board of Review and is in active pay status at the time of a hearing before the Board will be granted court leave to attend the hearing.

## **VACATION**

### **Vacation Leave Accrual**

Full-time County employees shall be entitled to vacation after completion of one full year of public employment with Huron County. Vacation time is credited each bi-weekly pay period at rates as established below in accordance with Ohio Revised Code sections 325.19 and 124.13 as applicable. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period.

<b>Completed Years of Service</b>	<b>Credit Earned Per Eighty (80) Hours Worked</b>	<b>Vacation Credit Earned for Yearly Hours</b>	<b>Equivalent Work Days</b>
<b>Less than one year</b>	0	0	0
<b>1 through less than 8 years</b>	3.1	80	10
<b>8 through less than 15 years</b>	4.6	120	15
<b>15 through less than 24 years</b>	6.2	160	20
<b>25 plus years</b>	7.7	200	25

Regular part-time employees are entitled to accrue vacation leave but is it accrued on a pro-rated basis.

Seasonal, temporary and intermittent employees are not eligible to accrue vacation.

Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status. Vacation leave will not accrue on any hours worked beyond eighty (80) hours in a pay period.

In accordance with Ohio Revised Code section 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee's responsibility to provide necessary documentation of prior service.

Full-time county employees are to be credited with forty (40) hours of vacation leave upon the completion of eight (8), fifteen (15), or twenty-five (25) years of service, in addition to the amount of vacation leave already accrued on a bi-weekly basis during each of those years.

### **Vacation Leave Use**

Vacation requests should generally be received by the employee's Appointing Authority in advance on the appropriate request for leave form. Vacation requests will be granted on a first-come, first-served basis and may be taken in one (1) hour increments. Vacation approval will be based on operational needs and the County may revoke vacation leave that has been approved if necessitated by operational reasons.

An Appointing Authority, in its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years. No additional time will be accrued in the event the three (3) year cap is reached.

Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to

compensation for accrued but unused vacation. Calculation of the compensation will be based on the employee's rate of pay at the time of separation.

In addressing the matter of using accrued vacation as an employee approaches retirement, it shall be completely discretionary on the part of the Elected Official if the retirement date is preceded by any period of vacation.

#### **Vacation Leave Use Change**

If an employee incurs an illness or injury or experiences a death in the family that would qualify for paid sick leave while he or she is on vacation, he or she may request that the time off be charged to sick leave. Such an altering of the leave status is contingent on the employee's presenting documented proof of the illness, injury, or death. Should the leave qualify under the provisions of the FMLA it will be charged against the employee's annual entitlement.

## **HOLIDAYS**

Only full-time employees will receive eight (8) hours of holiday pay for the following observed holidays:

New Year's Day	1st day of January
Martin Luther King, Jr. Day	3rd Monday of January
President's Day	3rd Monday of February
Memorial Day	last Monday of May
Independence Day	4th day of July
Labor Day	1st Monday of September
Columbus Day	2nd Monday of October
Veterans' Day	11th day of November
Thanksgiving Day	4th Thursday of November
Christmas Day	25th day December

Employees may use vacation time, personal time, or floating holidays, if available, for observance of religious holidays or holidays not listed above.

Only employees who are in active pay status will receive holiday pay. An employee who is not in active pay status the day before a holiday will not receive holiday pay. Part-time, seasonal, and intermittent employees do not receive paid holidays.

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

If an employee is required to work on a holiday, he or she will receive pay for the holiday plus pay for time worked on the holiday. Overtime at one and one-half the employee's pay rate will be paid if the employee works more than forty (40) hours in that workweek.

## **LONGEVITY**

Only full-time employees, who are on the active payroll as of December 31<sup>st</sup> of each year and who have at least ten (10) years of service with the County may receive a longevity payment. The longevity payment shall be in an amount established by the Appointing Authority, but no more than fifty dollars (\$50.00) per year of service for all full years of service with the County as of December 31<sup>st</sup>. This benefit has allowed up to a maximum of one thousand dollars (\$1,000).

Longevity pay shall be paid in January of the next year.

Those staff who are less than full-time and have received this benefit prior to the adoption of this Manual shall remain whole.

Any employees hired after January 1, 2018 will not be eligible for longevity pay.

Regular part-time, temporary, intermittent, and seasonal employees are not eligible for longevity pay.

## **HEALTH/LIFE INSURANCE**

This section explains the County's position on the provision of health insurance to its employees. Where there are any differences between providers' official certificates of coverage, summary plan descriptions, or summaries of benefits and coverage, the provider documents supersede the notations contained herein.

Pursuant to section 305.171 of the Ohio Revised Code the BOC is responsible for the design, selection, and administration of the Huron County Health Plan and the options contained within it. Employees should refer to their benefit book or their Summary of Benefits and Coverage (SBC) for specifics regarding coverage and exclusions. Employees may also call HR if they have any questions or concerns.

Pursuant to the Patient Portability and Affordable Care Act employees who work thirty (30) or more hours per week are eligible for coverage.

Employees who work twenty (20) to twenty-nine (29) hours per week are eligible for health insurance coverage but only for an employee only (single) plan. Temporary, seasonal and intermittent employees are not eligible for health insurance coverage.

Employees must contribute toward the cost of their health insurance in amounts established annually by the BOC or as established in negotiated collective bargaining agreements. Huron County maintains a policy that is generally known as a "spousal carve out". In this situation, any employee's spouse who is employed and can obtain insurance from their employer must do so. From time to time an audit will be performed by HR to determine compliance with this policy.

Health insurance coverage will be maintained for employees who are not in active work status, but are receiving vacation, holiday, personal, or other paid leave, if they continue to have their contribution amount deducted from their pay. Employer paid health insurance is not available to employees who are on an unpaid leave of absence unless that leave is certified and approved under the provisions of the FMLA. An employee who fails to return from leave under the FMLA may be required to reimburse the County for all monies paid toward his or her health insurance during the employee's leave.

Contingent on meeting the eligibility requirements described above, coverage for employees and their dependents, if applicable, begins the first of the month following one full calendar month of employment. The following are examples of how those dates might fall:

An employee is hired on September 1st. His/her eligibility date is October 1st.

An employee is hired on December 15th. His/her eligibility date is February 1st.

An employee is hired on August 31st. His/her eligibility date is October 1st.

The County provides a fully paid, ten thousand-dollar (\$10,000) life insurance policy to regular full-time and regular part-time employees (those working twenty (20) or more hours per week). The life insurance policy is maintained during an approved leave under the FMLA. Upon separation from employment, a conversion option from the provider may be offered.

## **PERSONAL LEAVE**

At the beginning of each calendar year, each full-time, non-probationary employee will have access to forty (40) hours of personal leave, or the amount equal to five (5) normal work days, whichever is less. In the event an employee attains non-probationary status after January 1<sup>st</sup> in any calendar year, this leave shall be prorated and said leave credited to the employee on the date that non-probationary status is attained. Approval of the use of personal leave will be based upon maintaining an accrual of at least forty (40) sick leave hours.

Hours of leave may vary depending upon bargaining unit status and any directives from the employee's Appointing Authority.

Employees must submit a written request to use Personal Days and receive approval from their Appointing Authority prior to use. Personal Leave time may be used in minimum increments of one (1) hour. The use of Personal Leave shall not conflict with operations of the department or office.

Employees, upon giving reasonable notice to their Appointing Authority and receiving approval, may use Personal Leave for absence due to mandatory court appearances (other than those covered under Civic Duty Leave), legal or business matters, family emergencies, unusual family obligations, medical appointments, weddings, religious holidays or holydays not otherwise noted in this Manual, or any other matter of a personal nature.

Compensation for Personal Leave shall be equal to the employee's regular rate of pay.

At the end of each calendar year, any unused personal leave time shall be forfeited. Unused personal leave time cannot be carried over or converted to pay.



## **UNPAID LEAVE**

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. The County has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason the County deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his or her former position or to a similar position within the same classification. Requests for, and approvals of, unpaid leave shall be made in writing.

While on leave without pay status, an employee shall not accumulate paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his or her health insurance benefits.

The County may revoke an unpaid leave of absence for business reasons upon one week's written notice to the employee that he or she must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be ordered to return to work immediately and may face disciplinary procedures.

An employee is ineligible for unemployment compensation during any period of personally requested unpaid leave.

An employee who fails to return to work at the expiration or cancellation of an approved unpaid leave of absence, without satisfactory explanation to the Appointing Authority, will be terminated. The employee's termination date will be established as the starting date of the approved leave of absence.

An employee may request an early return to work, subject to the approval of the Appointing Authority. An employee on a medical leave will be required to provide a physician's release before the employee will be permitted to return to work.

## **MILITARY LEAVE**

Military leave is governed by Ohio Revised Code chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **Paid Military Leave**

County employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to the County as soon as they become aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to Ohio Revised Code section 5923.05, employees are authorized up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty more than twenty-two (22) days or 176 hours in a year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of, (1) the difference between the employee's gross monthly wage and his or her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.

Employees who are on military leave more than twenty-two (22) days or one hundred seventy-six (176) hours in a year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours in a calendar year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the twenty-two (22) days or one hundred seventy-six (176) hours and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law.

Also, see FMLA

**VOLUNTARY FIRE DEPARTMENT SERVICE LEAVE**

Employees who serve on volunteer fire departments will suffer no loss of pay when responding to a fire extends into their regularly scheduled work day. Employees are required to submit to their Appointing Authority proof of coverage under State of Ohio Workers' Compensation from the township, village, or municipality they serve.

## **PERSONNEL FILES**

The County shall maintain personnel files for all County employees. These files will generally be kept in the offices of the appropriate Appointing Authority and appropriate pertinent information will also be maintained in the office of the County Auditor. Such files may include individual employment data, payroll information, schedules, records of additions or deductions, application forms, and records pertaining to hiring, promotion, demotion, transfer, layoff and termination. Personnel files shall be available to members of the public in accordance with the law. An employee shall have a right of reasonable inspection of his or her official personnel file. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with the County's retention of records policy.

When a public records request is made for an employee's records, the County will endeavor to inform the employee of the request in advance of the release of records. The County will make reasonable efforts to redact personal information, and other non-public information, from the files before release.

Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request. Employees are responsible for taking legal action in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must timely provide notice to the County of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization. This information should also be provided to the office of the County Auditor and HR.

## **REHIRING RETIRED OPERS MEMBERS**

County employees who take OPERS retirement may be rehired subject to the following:

In accordance with Ohio Revised Code section 145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the intent to rehire the employee. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the date the retired employee is slated for rehire.

At the time of retirement, the employee must be paid all accrued vacation time. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for service in prior years when determining the vacation accrual rate.

If the employee requests payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.

If the employee does not request payment of sick leave upon retirement, he or she may retain the sick leave balance for use when rehired provided his or her re-hire date is within ten years of his or her retirement. If the employee chooses not to request payout upon retirement, he or she shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.

Classified employees who are rehired after taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for calculating service credits in the event of layoff or other action affecting their employment.

Employees are required to notify their Employer of their retirement date. The County reserves the right to start a rehired employee at a newly negotiated rate of pay.

## **AUDITOR OF STATE FRAUD REPORTING SYSTEM**

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or the United States Postal Service. Contact information is as follows:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

## **EMPLOYEE INFORMATION/RECORDS**

### **Employee Information**

The Appointing Authority shall establish and maintain a personnel file for each employee. The employee is responsible for providing the Employer with the following information: the employee's legal name, address, telephone number, social security number, tax exemptions, affiliation with any branch of the armed services, the name and phone number of a person to contact in case of an emergency, loss of licensure or insurability, if applicable, and, any other requested information. In addition to providing this information, the employee is also responsible for promptly reporting any change in the information.

In the event the Employer must send correspondence or other documentation to an employee who is on leave, the Employer will mail the document to the last known address listed in the employee's personnel file. An employee will be considered to have constructive notice of any correspondence or documentation mailed to his or her last known address.

### **Release of Records**

Except for certain law enforcement entities, the County and its employees are subject to the mandates of Chapter 1347 of the Ohio Revised Code regarding personal information systems. The County maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by the County include personal information (i.e. employee information required above).

The office of the County Auditor is directly responsible for the County's personal information systems. The County understands that it creates, receives, and maintains sensitive and private information, and will ensure that it collects, maintains, and uses only personal information that is necessary and relevant to the functions of the County. Personal information maintained by the County shall not be modified, destroyed, or disclosed without the approval of the employee and the Appointing Authority. The County will continually monitor the personal information system, and make necessary adjustments to ensure the system's accuracy. Employees will be trained on the use of personal information, including review of this policy. Employees who use personal information in an unauthorized manner shall be subject to the County's disciplinary policy.

Records maintained by the County that are not defined as "public records" in section 149.43 of the Ohio Revised Code or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by the County that are defined as public records shall be released in accordance with law. As noted previously in this Manual the County will endeavor to inform employees before releasing their personal information in response to a public records request.

### **Review of Files**

As noted previously in this Manual each employee shall have the right, with reasonable notice, to examine his or her personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in his or her file, he may submit a written request that their Appointing Authority investigate the status of the information. The Appointing Authority will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans the Appointing Authority must take with respect to the disputed information.

Employees are not permitted to alter, add or remove documents or other information contained in their personnel files without the express authorization from their Appointing Authority. An employee who alters, adds or removes documents or information from his or her personnel file without prior approval may be subject to discipline, and may be charged with Tampering with Records, a violation of Ohio Revised Code section 2913.42, which is a felony of the third degree. Employees may submit a statement to be attached to any disputed document.



**PERSONNEL MANUAL REVIEW ACKNOWLEDGMENT**

I acknowledge that I have reviewed this Manual and understand and agree that I am responsible for understanding its contents and for keeping apprised of any updates made thereto. I also understand that this Manual is County property, and if I am issued a copy of the Manual I will return it to my Appointing Authority when I separate from employment with the County.

I further acknowledge and understand that this Manual does not create a contract of employment with the County for any purpose. I agree and understand that all provisions of this Manual may be modified or eliminated, without notice to me, at any time.

Reviewed by/Issued to: \_\_\_\_\_

Signed: \_\_\_\_\_

Date reviewed/received: \_\_\_\_\_