



# **Employee Policy Handbook**

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POLICY HANDBOOK FOR EMPLOYEES OF LOGAN COUNTY, OHIO  
(Rev. November 1, 2019)

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# **HANDBOOK FOR EMPLOYEES OF LOGAN COUNTY, OHIO**

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## **I. GENERAL PROVISIONS**

### **A. Introduction**

1. The Purpose of this Policy Handbook is to set forth personnel policies for the employees of Logan County. These policies have been established by the Board of County Commissioners. Many of the rights and responsibilities outlined in this Handbook are based on provisions contained in the Ohio Revised Code and Ohio Administrative Code. When there is a direct conflict between state or federal law and a County policy, state or federal law prevails. When there is a direct conflict between a collective bargaining agreement and a County policy, the provisions of the collective bargaining agreement prevail.
2. Neither the Board of County Commissioners nor County Officials can foresee all personnel issues and concerns that may arise. Accordingly, it may be necessary, and the County reserves the right to, revise, modify, amend, or delete any policy, procedure, benefit or regulation. These amendments shall only affect the specific policy they modify, and will not affect the enforceability of the remainder of this Handbook. Employees are encouraged to ask questions of their supervisor concerning any provisions of this Handbook they do not understand.
3. Ohio law grants elected office holders and directors of departments and agencies the power to hire, compensate, discipline and discharge employees in their offices or departments. Within these statutory parameters, the Board of County Commissioners intend for all office holders and departmental directors to adhere to this Policy Handbook in a consistent and uniform manner. Only if the policies contained in this Handbook directly conflict with the urgent operational needs of a particular office, department or agency, will variances on the policies be acceptable. A particular office, department or agency may adopt alternative policies and procedures only when the policies contained herein do not meet the operational needs of that particular office, department or agency. The policies set forth herein shall apply to all County offices unless individual office holders develop alternative policies and implement those policies in accordance with applicable law.
4. All office holders and directors with the power to hire, compensate, discipline and discharge their employees shall be referred to as "appointing authorities" and their offices, departments and agencies as "County offices". An appointing authority may supplement this Policy Handbook with work rules, policies and procedures which do not conflict with applicable law and which the appointing authority deems necessary due to the unique nature of their individual office, department or agency. Additionally, union contracts shall prevail over any conflicting policies that are set forth in this handbook. Notwithstanding the foregoing, to the extent that this Handbook does not conflict with the supplemental policies enacted by an appointing authority or with a union contract, the policies of this Handbook shall continue to govern.
5. Words, whether in the masculine, feminine, or neutral genders, that are contained within the Policy Handbook, shall be construed to include all of those genders. The use of the masculine or feminine genders is for convenience only and not to be construed as discriminatory by reason of sex.
6. The provisions of this Handbook are not intended to create a contract of employment between the County and its employees.
7. The provisions of this Handbook may be changed at any time with, or without prior notice to employees.
8. The provisions of this handbook are not intended to create a contract of employment between the County and any of the employees.

### **B. Equal Employment Opportunity Policy**

1. The County is an equal opportunity employer and does not discriminate on the basis of 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 of its policies to comply with federal and state equal employment opportunity 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 believes that his rights have been violated under this policy should submit a written complaint of discrimination to the appointing authority, Brian Dunn, Projects Coordinator, at the Commissioners' Office: (937) 599-7280, or the Logan County Prosecutor's Office: (937) 593-3755 to investigate and take appropriate action concerning the complaint.

Any employee who violates this Equal Employment Opportunity Policy is subject to discipline.

**C. American's With Disabilities Act Policy**

The American's with Disabilities Act (ADA), 42 U.S.C. §§12101 et seq., prohibits discrimination, in terms of hire, promotion, transfer, or any other benefits or privileges of employment, of any qualified individual with a disability. To be considered a qualified individual, the employee must satisfy the requisite skill, experience, education and other job related requirements of the position such individual holds or desires, and with or without reasonable accommodation, must be able to perform the essential functions of the position. The County establishes the following policy and grievance procedure in order to ensure compliance with the requirements of the ADA.

1. For purposes of the ADA, a "disability" is defined as: (a) a physical or mental impairment which substantially limits a major life activity; (b) a record of having that type impairment; or (c) being regarded as having that type of impairment.
2. The physical or mental limitations of an otherwise qualified applicant or employee with a disability shall be reasonably accommodated unless the accommodation would pose an undue hardship on the County. Undue hardship, for purposes of this policy, means an action that requires significant difficulty or expense when considered in the light of other relevant factors or would be unduly disruptive to the department or agency's operation.
3. Among the factors to be considered in determining whether an accommodation would create an undue hardship include, but are not limited to, the nature and the cost of the accommodation, the size of the department and its overall financial resources, the nature and structure of the operation, the effect of the accommodation on expenses and resources, conflict with state and federal law, and the impact of the accommodation on other employees. Decisions as to whether an accommodation is reasonable shall be made on an individual case-by-case basis. Employees who believe they are in need of a reasonable accommodation should make their supervisor aware of this need.
4. Complaints should be directed to the appropriate ADA Coordinator listed below who shall coordinate the efforts to comply with and carry out the responsibilities of the county under the ADA. One of the ADA Coordinator's responsibilities is to investigate ADA complaints.

<b>Name</b>	<b>Location</b>	<b>Phone Number</b>	<b>For County Departments Listed</b>
Brian Dunn	Commissioners Office	(937) 599-7280	All departments, except those listed below
Robin Butler	Job and Family Services	(937) 599-5165	Logan County Job and Family Services
Deb Morrison	Board of DD	(937) 592-0015	Board of DD

5. The County's ADA grievance procedure may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices by the County. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons upon request.

6. The ADA complaint should be submitted by the grievant as soon as possible but no later than 60 calendar days after the alleged violation to the relevant ADA Coordinator within the agency, department or office. Within fifteen (15) calendar days after receipt of the complaint, the ADA Coordinator will meet with the complainant to discuss the complaint and possible solutions or accommodations that may be available to the complainant. Within fifteen (15) calendar days of the meeting, the ADA Coordinator shall respond in writing, and, if necessary, will respond in an alternative format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the County and offer options for substantive resolution of the complaint.
7. If the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his designee may appeal the decision of the ADA Coordinator within fifteen (15) calendar days after receipt of the response to the appointing authority or its designee. Within fifteen calendar days after receipt of the appeal, the appointing authority or its designee will meet with the complainant to discuss the complaint and possible resolutions. Within fifteen (15) calendar days after the meeting, the appointing authority or its designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
8. Nothing included within this grievance procedure shall preclude an individual from filing a complaint with the Equal Employment Opportunity Commission, the Ohio Civil Rights Commission or any other state or federal agency with applicable jurisdiction.
9. All written complaints received by ADA Coordinators, appeals to an appointing authority, and responses from the ADA Coordinator and her designee will be kept in a separate file by the County.
10. Service Animals: Individuals may have the right to bring service animals into county buildings. No animals shall be permitted inside any county building, except "Service Animals" that are accompanied by and under the control of their owners or handlers. "Service Animals", as defined under the Americans with Disabilities Act (ADA), are animals that have been individually trained to do work or perform tasks for individuals with a disability. The task(s) performed by the animal must be directly related to the person's disability.

Emotional support animals, comfort animals, and therapy dogs that do not meet the definition of a "Service Animal" as described under the ADA, are not permitted inside any county building, except with the approval of the appointing authority.

Questions concerning service animals should be presented to the appointing authority or an ADA Coordinator.

#### **D. Ethics of County Employment**

In order to maintain the integrity of the Logan County Government and the confidence that the public has in it, it is essential that all County employees maintain the highest possible ethical and moral standards and conduct themselves within the laws of the state of Ohio.

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

1. No employee shall use his official position for personal gain, or shall engage in any business or shall have financial or other interest, direct or indirect, which is in conflict with the proper discharge of his official duties.
2. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County. Nor shall she use such information to advance the financial or other private interest of herself or others.



3. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall employees accept any gift, favor or item of value that may tend to influence an employee in the discharge of his duties or grant in the discharge of employee duties any improper favor, service or item of value.
4. No employee shall represent private interests in any action or proceedings against the interest of the County in any matter in which the County is a party.
5. **Outside Employment:** 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 her official duties or would tend to impair her independent judgment or action in the performance of 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 her assigned job duties. The appointing authority must approve all outside employment.

The following activities are strictly prohibited under this policy:

- a. Engaging in secondary employment while on sick leave, disability leave, or family medical leave,
- b. Engaging in or conducting outside private business during scheduled working hours,
- c. Engaging in or conducting outside private business while wearing a county uniform, ID badge, or while making any representation that the private business is associated with the county.

An employee who engages in any outside employment that is determined to be contrary to the interests of the County, or that is determined to interfere with her County Employment, will be instructed to resolve the conflict, which may require resigning from the outside employment. If the conflict cannot be resolved and/or if the employee refuses to resign from his secondary employment, disciplinary action may result.

Any employee having doubt as to the applicability of these provisions should consult her supervisor or County official.

6. Any employee offered a gift or favor, who is not sure if its acceptance is a violation of the Code of Ethics, should inform his supervisor of the gift offer. The supervisor will make a decision or refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.
7. 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 possible violation of these statutes are advised to consult their own attorney.

#### **E. 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 mail. 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)

## **F. Public Records Policy**

**Introduction:** It is the policy of the Logan County Commissioners office that openness leads to a better informed citizenry, which leads to better government and better public policy. It is the policy of the Logan County Commissioners office to strictly adhere to the state's Public Records Act. All exemptions to openness are to be construed in their narrowest sense and any denial of public records in response to a valid request must be accompanied by an explanation, including legal authority, as outlined in the Ohio Revised Code. If the request is in writing, the explanation must also be in writing.

1. **Public records:** This office, in accordance with the Ohio Revised Code, defines records as including the following: Any document – paper, electronic (including, but not limited to, e mail), or other format – that is created or received by, or comes under the jurisdiction of a public office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. All records of the Logan County Commissioners office are public unless they are specifically exempt from disclosure under the Ohio Revised Code.
  - a. **Maintenance of records:** It is the policy of the Logan County Commissioners office that, as required by Ohio law, records will be organized and maintained so that they are readily available for inspection and copying (See Section 4 for the e-mail record policy). Record retention schedules are to be updated regularly and posted prominently.
2. **Response to Record requests:** Each request for public records should be evaluated for a response using the following guidelines:
  - a. **Identifying records requested:** Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow the public office to identify, retrieve, and review the records. If it is not clear what records are being sought, the records custodian must contact the requester for clarification, and should assist the requestor in revising the request by informing the requestor of the manner in which the office keeps its records.
  - b. **Written requests and requestor's identity:** The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record. It is this office's general policy that this information is not be requested unless such information may be needed to respond to the public records request.
  - c. **Availability of public records:** Public records are to be available for inspection during regular business hours (generally 8:00 to 4:30 Monday through Friday), with the exception of published holidays. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. "Prompt" and "reasonable" take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.
  - d. **Denial of requests:** Any denial of public records requested must include an explanation, including legal authority. If portions of a record are public and portions are exempt, the exempt portions are to be redacted and the rest released. If there are redactions, each redaction must be accompanied by a supporting explanation, including legal authority.
3. **Costs Charged for Public Records:** Those seeking public records will be charged only the actual cost of making copies. Advance payment is required before any copies are prepared.
  - a. The charge for paper copies is 5 cents per page.
  - b. The charge for downloaded computer files to a compact disc is \$1 per disc.
  - c. There is no charge for documents e-mailed.
  - d. Mailing requests

Requesters may ask that documents be mailed to them. They will be charged the actual cost of the

postage and mailing supplies. There will not be a charge for time used for gathering, reviewing, or physically copying the records. Requesters shall be charged in advance for postage fees and the cost of the envelope required to properly send the requested records through the mail.

4. Failure to respond to a public records request: The Logan County Commissioners office recognizes the legal and non-legal consequences of failure to properly respond to a public records request. Therefore, it is the intent of the Logan County Commissioners office to provide a copy of any public record of this office in accordance with Ohio law.

## **II. EMPLOYEE RECORDS**

1. A personnel file shall be established and maintained for each employee by the appropriate appointing authority.
2. At the time of original appointment, the employee's personnel file shall reflect the employee's correct name, address, telephone number, social security number, tax exemptions, affiliation with any branch of the armed services, and loss of licensure or insurability, if applicable. In addition, the initial record should include the name and phone number of a person to contact in case of an emergency. The employee is responsible for providing this information and promptly reporting any change in the information.
3. The personnel file shall contain the employee's application for employment, letters of reference, necessary compensation and payroll information, performance evaluations, disciplinary actions and letters of commendation and all other information necessary for the conduct of County operations.
4. In the event the County must send correspondence or other documentation to an employee who is on leave, the County 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.
5. Records contained in an employee's personnel file which 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. Records maintained by the County that are defined as public records shall be released in accordance with law. The County will attempt to give employees at least twenty-four hours' notice before releasing their personal information in response to a public records request.
6. Each employee shall have the right, upon request and reasonable (at least twenty-four (24) hours) notice, to examine his personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time.
7. If an employee disputes the accuracy, timeliness, relevance or completeness of documents in her file, she may request in writing that the appointing authority investigate the current 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 has to take action with respect to the disputed information. The employee may submit a statement to be attached to any disputed documents.
8. Employees are not permitted to alter, add or remove documents or other information contained in their personnel files absent express authorization from the appropriate appointing authority. An employee, who alters, adds or removes documents or information from her personnel file without prior approval may be subject to discipline.
9. Pursuant to applicable law, all medical records shall be maintained in a separate file. Such records are not considered to be public records.

### **III. CIVIL SERVICE AND APPOINTMENTS**

#### **A. Civil Service**

1. Employment within the County is governed by Ohio Civil Service Laws. Note, however, that for employees subject to a collective bargaining agreement, provisions of Ohio Civil Service law that directly conflicts with provisions of a collective bargaining agreement is superseded by the terms of the agreement.
2. The Civil Service system consists of laws that control the appointment of employees and it is based upon classifications of jobs on the basis of similarity of job duties and the qualifications required to perform those job duties.
3. Exempt or "Classified" Positions: The classified service shall comprise of all County employees not specifically included in the unclassified service. Following completion of the probationary period, no classified employee shall be reduced in pay or position, fined, suspended or removed, or have his/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.
4. Exempt or "Unclassified" Positions: Certain positions are exempt from the classified service and are considered to be in the "unclassified" service. Employees in the unclassified service serve at the pleasure of their appointing authority and do not have the lay off and other job security protections of Ohio Civil Service laws. Unclassified employees are employees at will who serve at the pleasure of the appointing authority and may resign, or be terminated, for any reason not inconsistent with law. If an employee has questions regarding their status as a classified or unclassified employee, the employee should contact their appointing authority. An unclassified employee may not be rendered classified due to the provisions of this Manual.

#### **B. Appointments**

1. Appointing authority: Civil Service laws refer to the officer, board or commission having the power of appointment or removal from employment as the "Appointing Authority". Each elected County office holder and director is an "Appointing Authority".

Probationary Period: Newly hired or newly promoted employees shall be required to successfully complete a one-year probationary period. 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 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.

Employees working irregular schedules and intermittent employees shall have their one-year probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

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 promotion.

2. Promotional Appointments: All promotional appointments shall have a probationary period equal to that of an original appointment within that classification. If the service of the promotional probationary employee is unsatisfactory, he may be demoted to the position from which he was promoted, or to a similar position, at any time during the promotional probationary period.

3. Temporary Appointments: Where there is an important and urgent need for services for a temporary period, the appointing authority may appoint an employee on a temporary basis not to exceed three months. The appointing authority may not make successive temporary appointments to the same position. Acceptance or refusal by an employee on an eligibility list shall not affect his standing on the register for permanent employment. The period of temporary service shall not be counted toward the probationary period in the case of subsequent appointment to a permanent position. Persons on a temporary appointment serve at the pleasure of their appointing authority.
4. Seasonal Appointment: An appointing authority may appoint an employee on a seasonal basis for the purpose of performing a type of work or activity limited to a specific season or period of the year. Such employees may, in management discretion, be reinstated during the next season, or the earliest possible period when there is a need for seasonal employment.
5. Assignment of Duties: The assignment of duties to an appointee is the responsibility of the appointing authority. No person shall be appointed or employed under any job title not appropriate to the duties to be performed. No person shall be assigned to perform duties other than those properly belonging to the position to which he has been legally appointed, except as may be required because of temporary circumstances or when there has been a change of duties for a position.

#### **IV. HOURS OF WORK AND OVERTIME**

The Fair Labor Standards Act (FLSA) generally requires that employees be paid overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. However, some employees are exempted from receiving overtime pay based on factors including weekly pay or assigned job duties that are executive, professional, or administrative in nature. Under the FLSA employees are considered either "Non-Exempt" (eligible for overtime pay), or "Exempt" (not eligible for overtime pay). Employees should be aware of their job status, whether exempt or non-exempt, and address any questions about their status under the FLSA to their supervisor or appointing authority.

##### **A. Regular Work Hours**

Each appointing authority establishes the scheduled work hours for each department of office, depending on the nature of the work, work practices and custom. 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.

1. Full-Time Hours: Full-time employment shall be considered 40 hours a week or the level accepted by the employee's appointing authority as full-time service. Full-time employment shall be considered 30 hours a week for all wellness benefits purposes. Employees shall receive reasonable posted notice of any change in regular work hours.
2. Non-Exempt Employees: 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 supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working or remaining at their desks or computers during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

##### **B. Absenteeism and Tardiness**

1. Employees are expected to be present and ready to work at their scheduled starting times. Supervisors will document instances of employees arriving late. Excessive tardiness shall be grounds for discipline up to and including removal.
2. An employee who is absent for a scheduled work day without approved leave may be subject to discipline. Employees who are not exempt from the overtime provisions of the Fair Labor Standards Act shall not receive pay for any period of an unauthorized absence. An absence without approved leave for

three consecutive work days shall be cause for removal, regardless of prior discipline. An appointing authority may set aside the removal and re appoint the employee to her former position if, within ten (10) calendar days of the employee's last actual work day, the employee presents a satisfactory explanation of his absence to the appointing authority.

3. Falsification of a physician's certificate or signed statement to justify the use of sick leave shall be grounds for disciplinary action, up to and including removal.
4. Failure of an employee to return to work at the expiration of an approved leave of absence shall be considered an absence without leave and shall be grounds for discipline, up to and including removal, in accordance with the regular policy on absences without leave. If it is determined that the employee is using a leave of absence for a purpose other than the purpose for which it was granted, the appointing authority may immediately revoke the leave of absence and may impose appropriate discipline on the employee, up to and including removal.
5. Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

### **C. Overtime**

1. **Non-Exempt Employees:** Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty (40) in any one work week, regardless of the employee's regularly scheduled work day. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked. Sick leave, vacation leave, personal days, compensatory time, holidays, scheduled non-working lunch breaks, and other paid and unpaid leaves shall not be considered hours worked for purposes of determining overtime compensation.

The County may mandate overtime as a condition of continued employment. Supervisors shall 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.

2. **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 destroying their exempt status.
3. **Compensatory Time:** 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 shall accrue at a rate of at one and one-half times the hours actually worked and, for non-safety forces, applies only to hours actually worked in excess of forty (40) in any one work week. Compensatory time off may be taken by non-exempt employees in lieu of overtime payment, provided the employee does not exceed the maximum accrual of forty (40) hours. A maximum accrual of one hundred sixty (160) hours shall be allowed for public safety, emergency response, and seasonal activities. Compensatory time must be used, with the approval of the appointing authority, within one hundred eighty (180) days of its accrual. If it is not used within this time period, the employee shall receive payment at the rate of pay at the time it is used. The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time.
4. **Earned Time Off:** 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 particular project. Earned time off shall not be paid out and shall either be used or lost.

5. **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 has had an improper deduction from his salary, or who believes he has been improperly classified under the FLSA, shall submit a complaint in writing to the County Prosecutor or the Projects Coordinator, at the Commissioners' Office. They 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.

#### **D. Hours for Volunteer Firefighter or EMS Provider**

1. An employee may be excused from work for purposes of responding to emergencies as a volunteer for the fire department or any emergency services provider. No later than thirty days after receiving certification as a volunteer firefighter or a volunteer of emergency services, an employee shall submit to his or her appointing authority and supervisor a written notification signed by the chief of the volunteer fire department or chief administrator of the emergency medical organization in which the employee serves, notifying of the employee's status as a volunteer.
2. An appointing authority may permit only one (1) employee of that appointing authority on any given day to be paid for hours for being late to or absent from work because of responding to a dispatch as a volunteer firefighter or emergency medical service provider.
3. An employee shall make every effort to report to his or her supervisor as soon as possible of being dispatched. If notification cannot be made due to the extreme circumstances of the emergency or the inability to contact his or her supervisor, the employee shall submit the upon return to work a written explanation from the chief of the volunteer fire department or the chief administrator of the emergency medical services organization stating that the employee responded to an emergency and the date and time of the response. An employee shall also complete an application of leave form upon return to work.
4. An employee shall submit to his or her appointing authority and supervisor written notification any change in status as a volunteer firefighter or emergency service provider.

#### **E. Lactation Break Policy**

Upon request, employees will be provided with a reasonable amount of break time for purposes of expressing breast milk for up to one year after the birth of a child. The employee will be provided with an appropriate space (such as an office or private area but not a bathroom) that is shielded from view and free from intrusion from 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. To the extent additional time is needed, such additional time shall be unpaid. Employees requesting a lactation break should make arrangements in advance with their supervisor.

### **V. PAID LEAVES OF ABSENCE**

All requests for paid leaves of absences must be made by filling out the Request for Leave of Absences form attached hereto as Appendix 1 and submitting the form to the employee's supervisor.

#### **A. Sick Leave**

1. Each County employee shall be entitled to four and six tenths (4.6) hours of paid sick leave upon completion of each eighty hours of service. This accrual rate will be prorated for employees who are otherwise eligible for sick leave and who work less than eighty (80) hours in a bi weekly pay period. Employees absent on paid sick leave will be paid at their regular rate of pay. Unused sick leave shall be cumulative without limit.
2. An employee who transfers from one County office to another, or who transfers from the State of Ohio

or other political subdivision employment in Ohio to employment with the County, shall be credited with the unused balance of his sick leave accumulated in his prior public service. The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his credit upon his re employment in the public service, provided such re employment takes place within ten years of the date of the employee's last separation from public service. The employee is responsible for obtaining certification of his previously accumulated sick leave for County records.

3. Employees may use sick leave for absence due to personal illness, pregnancy, injury, exposure to contagious disease, which could be communicated to other employees, and for absence due to illness, injury or death in the employee's immediate family. Use of sick leave to attend to an illness or injury of an immediate family member must be reasonably necessary in order to care for the medical needs of the immediate family member. "Immediate family" for purposes of this policy includes: 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.
4. An employee who is absent due to one of the above reasons must report his absence to the appropriate supervisor in that office as soon possible. In order to qualify for use of paid sick leave, the employee must complete a sick leave application form. If the injured or ill employee or family member required medical attention, a licensed physician's certificate stating the nature of the illness must be attached to the application. A physician's statement may be required for any absence of three days or more. The physician's statement must be signed personally by the treating physician, and must verify that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.
5. Sick leave shall be charged in minimum increments of one quarter (1/4) hour. When sick leave is used, it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. The sick leave payment shall not exceed the normal scheduled work day or work week earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.
6. If an employee's illness or disability continues beyond the time covered by his earned sick leave, the employee may be eligible for unpaid leave under the provisions of Family and Medical Leave Act (FMLA) policy (See: Article VI, below).
7. An employee who fraudulently obtains sick leave, who falsifies sick leave requests, documentation, or records, who misrepresents the grounds for a sick leave request, or who uses sick leave for improper purposes, shall be subject to discipline. Also, an employee may be disciplined for excessive sick leave use in appropriate cases, whether or not the employee has exhausted all available paid sick leave, based on indications of inappropriate use of the leave. During a paid or unpaid sick leave, Employees are expressly prohibited from engaging in either paid employment of any kind, or other activities, whether or not paid, that are inconsistent with the claimed inability to work or the claimed need to care for a seriously ill member of the immediate family. (Also see, "Outside Employment", Sec. I.D.5)
8. The appointing authority may investigate any use of sick leave when it has reason to believe that an employee may be abusing sick leave and/or not using sick leave for its intended purposes. Intentional misuse of sick leave will be considered theft of public funds and just cause for termination.
9. Upon retirement from active service with the County, an employee with ten or more years of service with the state, any political subdivisions, or any combination thereof, shall be paid in cash for one-fourth (25%) the value of the employee's accrued but unused sick leave credit. The payment shall be based on the employee's rate of pay at the time of retirement. The maximum aggregate payment to the employee shall not exceed the value of thirty days at the employee's normal work day, not to exceed eight hours.



## **B. Donated Sick Leave**

1. It is the County's policy to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended illness or injury of the employee or a member of the employee's immediate family.
2. For the purpose of this policy the following definitions shall apply:
  - a. Immediate family: the employee's spouse, child, or parent.
  - b. Child: a son or daughter, including a child eighteen (18) years or over, who is incapable of self-care because of a mental or physical disability or other minor being cared for in the home.
  - c. Parent: biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). In laws are NOT included in the definition of "parent."
  - d. Spouse: husband or wife.
  - e. Serious health condition: an illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than thirty (30) calendar days and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long termed incurable conditions and prenatal care.
  - f. Transferee: the employee in need and approved to receive donated sick leave.
  - g. Transferor: the employee volunteering to donate their sick leave.
3. Employees may donate accrued sick leave to a fellow employee who is otherwise eligible to accrue and use sick leave and reports to a County appointing authority who is subject to this rule and pursuant to the provisions of Section 124.391 of the Ohio Revised Code. The intent of the leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended serious health condition of the employee or a member of the employee's immediate family.
4. Any hours transferred shall be transferred at the rate of pay equal to that of the transferor unless the rate of pay of the transferee is less than that of the transferor, in which case the transfer shall be at the rate of pay of the transferee.
5. An employee may receive donated leave equivalent up to the number of hours the employee is normally scheduled to work each pay period or the equivalent of the employee's normal biweekly earnings, whichever is less, if the employee to receive donated leave or a member of the employee's immediate family has a serious health condition and the employee:
  - a. has no accrued paid leave (including sick, vacation or compensatory time); and
  - b. has completed his or her new hire probationary period; and
  - c. has applied for any paid leave, Workers' Compensation, or benefits program for which the employee is eligible; and
  - d. has applied for Family and Medical Leave; and
  - e. leave taken under this program will be included and is subject to the twelve (12) week limits of the Family and Medical Leave Act; and
  - f. has no abuse or patterned use of sick leave; and
  - g. has provided acceptable written verification that the extended illness exists; and

- h. is not a member of the employee's immediate family as defined in Section B above; and
  - i. agrees to accept the leave under the terms of this policy and completes an "Application to Receive Donated Leave" form.
6. Employees may donate leave if the donating employee:
- a. voluntarily elects to donate sick leave and does so with the understanding that donated leave will NOT be returned;
  - b. donates a minimum of hours equivalent to one (1) of the donor's regularly scheduled workdays, and maximum of eighty (80) hours in one (1) year to the same recipient. An employee may donate to multiple recipients in the same calendar year.
  - c. retains a sick leave balance of at least twelve (12) weeks.
  - d. completes an "Application to Donate Leave" form.
7. The sick leave donation program shall be administered on a pay period to pay period basis. The appointing authority of the Transferee and the Logan County Auditor shall review the Application to Receive Donated Sick Leave and the Application to Donate Sick Leave to assure compliance with paragraphs 5 and 6 of this Section. Donations of sick leave will be recorded in the order of their submission, and will not be considered actually donated nor be deducted from the transferor's balance or credited to the transferee's balance until the pay period such leave is actually used. Unused donation applications shall be returned to the transferor. Employees using donated leave shall be considered in active pay status however, they shall not accrue leave and be entitled to any benefits to which they would otherwise be entitled. Vacation and sick leave will NOT be accrued by an employee while using donated sick leave and the receipt of donated sick leave does not affect the date on which a receiving employee first qualifies for continuation of health insurance coverage. Donated sick leave shall be considered sick leave but shall never be converted into a cash benefit. The Logan County Auditor shall maintain such records as are necessary for the administration of this program.
8. Employees who wish to donate sick leave shall certify:
- a. The name of the employee for whom the donated leave is intended;
  - b. The number of hours to be donated:
  - c. That the employee will have a minimum sick leave balance after donation of at least twelve (12) weeks.
  - d. That the sick leave is donated voluntarily and the employee understands that the donated leave will not be returned.
9. Appointing Authorities shall ensure that no employees are forced to donate leave. Appointing Authorities shall respect and employee's right to privacy, however Appointing Authorities may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees or their co-worker's critical need for leave donations from employees. The donation of sick leave shall occur on a strictly confidential and voluntary basis.
10. Employees wishing to donate or receive donated sick leave may pick up applications from the appointing authority and/or Auditor's Office and such forms must be returned to the same. Copies of such forms are included as Appendix 2 and 3 respectively.

### **C. Court Leave**

- 1. An employee who is subpoenaed for jury duty or to testify in court, will receive regular pay for any regular hours of work missed as a result of such jury duty. All monies received as a result of such jury duty shall be turned over to the County Treasurer's Office. Hours spent at court under subpoena during

the employee's scheduled work shift shall be considered as time worked for overtime purposes. In order to be paid for time spent in on court leave, the employee must present his/her summons or subpoena to his/her supervisor as soon as possible after the employee receives the summons.

2. Any employee dismissed from court or jury duty for any one day, or portion of a day, is expected to report to work for the balance of his/her normal scheduled time.
3. Employees who are required to appear in court or in administrative proceedings on behalf of the County shall be paid at their regular rate of pay, or overtime if applicable, for hours actually worked. Employees must obtain prior approval from their supervisors before appearing in court or administrative proceedings on behalf of the County.
4. Employees who are required to appear in court on other matters, which include personal matters, must seek an approved vacation leave or unpaid leaves of absence.

**D. Vacation Leave**

1. Full time employees, upon completion of one full year of service, shall have earned two weeks of vacation time based on hours worked during the first year of service. Thereafter, full time employees shall earn and accrue vacation leave pro rata over twenty six (26) bi weekly pays at the following annual rates:

Completed Years of Service	Accrual per Hours Worked	Credit Earned Per Eighty (80) Hours Worked	Vacation Credit Earned for Yearly Hours *	Equivalent Work Days*
<b>Less than one year</b>	0	0	0	0
<b>1 through less than 8 years</b>	.0388	3.104	80	10
<b>8 through less than 15 years</b>	.0575	4.6	120	15
<b>15 through less than 25 years</b>	.0775	6.2	160	20
<b>25 plus years</b>	.0963	7.704	200	25

\* Based on 80 hours worked bi-weekly

2. **Upon the completion of the first year of service, a full-time employee working 80 hours bi-weekly shall have earned eighty (80) hours of vacation leave and shall accrue vacation leave consistent with the above-schedule.**
3. **A full-time employee working 80 hours bi-weekly will 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.**
4. Part-time permanent employees regularly scheduled to work more than 40 hours bi-weekly, shall be entitled to vacation leave. Part-time permanent employees regularly scheduled to work 40 hours bi-weekly or less; seasonal employees, temporary employees, and intermittent employees are not entitled to vacation leave.
5. Any service with the State of Ohio or any of its political subdivisions counts toward the number of years of service in determining the amount of vacation to which an employee is entitled. Time spent on previous authorized leaves of absence (including military leave) also counts. However, no vacation is earned while an employee is on leave without pay. Any person removed from public employment due to conviction of a felony, who is subsequently reemployed in the public sector, shall not be credited with prior public service for the purpose of receiving vacation leave.

6. An employee with at least one year of service is entitled to payment for any earned but unused vacation to his credit at the time he resigns from County service.
7. Vacation schedules are subject to the approval of the appointing authority.
8. Employees are expected to use accrued vacation leave each year prior to the employee's next anniversary date. However, an employee may accumulate vacation leave to a maximum amount equal to three times their annual rate of accrual. Vacation credit in excess of three years will be eliminated.
9. In the case of an employee's death, earned but unused vacation leave shall be paid to the employee's estate.

**E. Holidays**

1. Full time employees shall receive holiday pay for hours normally worked for:

<b>Holiday</b>	<b>Date Observed</b>
NEW YEAR'S DAY	January 1st
MARTIN LUTHER KING DAY	Third Monday in January
PRESIDENT'S DAY	Third Monday in February
MEMORIAL DAY	Last Monday in May
INDEPENDENCE DAY	July 4th
LABOR DAY	First Monday in September
VETERAN'S DAY	November 11th
THANKSGIVING DAY	Fourth Thursday in November
DAY AFTER THANKSGIVING	Friday following Thanksgiving
CHRISTMAS DAY	December 25 <sup>th</sup>

2. The County Commissioners have the discretion to add additional holidays for County employees.
3. If the holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday; if it falls on Sunday, the Monday immediately succeeding shall be observed.
4. An employee shall receive holiday pay rather than sick leave for any holiday which occurs when he is absent on sick leave.
5. If an employee's work week is other than Monday through Friday, he is entitled to holiday pay for any holidays observed on his days off. Part time employees are entitled to holiday pay only for those days and hours on which they are scheduled to work.
6. If the employee is required to work on a holiday, she shall receive her holiday pay plus pay for time actually worked on the holiday. Employees shall be paid at a rate of one and one half times the employee's regular rate for any hours worked on a holiday.

**F. Military Leave**

Military leave is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

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 O.R.C. § 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 in excess of 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/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 in excess of 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, Family and Medical Leave Act Policy, Sec. VI.A.).

#### **G. Weather Emergency Leave**

1. The Logan County Sheriff, in collaboration with the President of the Board of County Commissioners and the County Engineer, shall determine when a Level 2 weather emergency exists. Such emergencies arise in cases of severe inclement weather. Each appointing authority shall determine if there is a weather emergency that dictates employee's absence from work or early departure from work.
2. In cases of a Level 2 weather emergency, affected employees will be notified as soon as possible in the event they do not have to arrive to work or that they are being sent home, depending on the situation. Authorized time missed by employees due to weather emergencies will be paid at the employee's regular rate of pay. The paid emergency weather time, however, is not considered to be "hours worked" for purposes of calculating overtime.
3. The County has the discretion to require employees who missed work due to a weather emergency to work additional hours to ensure that the County's provision of services to the citizens they serve is not unduly hampered.

#### **H. Disaster Relief Leave**

It is the policy of the County to grant no more than thirty (30) days of paid leave per year to an employee who is a certified disaster service volunteer for the American Red Cross upon the request of the American Red Cross for the services of that employee and upon the approval of that employee's appointing authority. The appointing authority shall compensate the employee granted leave under this section at his regular rate of pay for those regular work hours during which the employee is absent from his work.

### **VI. UNPAID LEAVES OF ABSENCE**

All requests for unpaid leaves of absences must be made by filling out the Request for Leave of Absences form attached hereto as Appendix 1 and submitting the form to the employee's supervisor.

#### **A. Family and Medical Leave Act Policy**

1. **Statement of Policy:** It is the policy of the County that 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 (FMLA).

2. Any questions regarding the County's FMLA policy should be directed to the employee's supervisor.
  
3. **Definitions:** As used in this policy, the following terms and phrases shall be defined as follows:
  - a. **"Child"** – means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day to day responsibility for care and includes a biological, adopted, foster or step child.
  - b. **"Family member"** – means a spouse, son, daughter, parent, or a person who stood "in loco parentis" to the employee.
  - c. **"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 particular circumstances. Such leave may be taken only for the following qualifying events:
    - (1) upon the birth of an employee's child and in order to care for the child;
    - (2) upon the placement of a child with an employee for adoption or foster care;
    - (3) when an employee is needed to care for a family member who has a serious health condition;  
or
    - (4) when an employee is unable to perform the functions of his/her position because of the employee's own serious health condition.
  - d. **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 being notified of an impending call or order to covered active duty in the Armed Forces. In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to 26 weeks of leave within a "single 12-month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established for other types of FMLA leave.
  - e. **"Per year" (12-month period):** - a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four 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.
  - f. **"Licensed health care provider"** a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
  - g. **"Key employee"** - the highest paid 10% of all employees in the agency. An employee will be notified in writing of his status as a key employee, if applicable, at the time leave is requested.
  - h. **"Covered Servicemember"** – means either:
    - (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; OR

- (2) 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 member of the National Guard or Reserves, at any time during the period of 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.

- i. **"Outpatient Status"** - the status of a member of the Armed Forces assigned to:
  - (1) a military medical treatment facility as an outpatient; or
  - (2) a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
- j. **"Next Of Kin"** - The term 'next of kin', used with respect to a service member means the nearest blood relative of that individual.
- k. **"Serious Injury Or Illness"** – for purposes of the 26 week military caregiver leave means either:
  - a. 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,
  - b. 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:
    - i. 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
    - ii. 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
    - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
- l. **"Covered Active Duty" or "Call to covered active duty"** for purposes of the 12-week qualifying exigency leave is defined as either:
  - (1) In the case of a member of a regular component of the Armed Forces, 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). OR

- (2) In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in section 101(a) (13) (B) of title 10, United States Code.
- m. **"Deployment to a Foreign County"** 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.
- n. **"Qualifying Exigency"** – for purposes of the 12-week qualifying exigency leave, includes any of the following:
- (1) 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;
  - (2) 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;
  - (3) 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;
  - (4) 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;
  - (5) 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;
  - (6) Rest and recuperation leave of up to fifteen (15) days to spend time with a covered 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.
  - (7) Attending certain post-deployment activities within 90 days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member; and
  - (8) 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 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
  - (9) Any qualifying exigency, which arose out of the covered military member's active duty or call to active duty status.
- o. **"Serious health condition"** - any illness, injury, impairment, or physical or mental condition that involves:
- (1) Inpatient care



- (2) Any period of incapacity of more than three (3) consecutive calendar days that also involves:
  - a. Two (2) or more treatments by a health care provider; the first of which must occur within seven (7) days of the first day of incapacity with both visits completed within thirty (30) days; or
  - b. 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.
- (3) Any period of incapacity due to pregnancy or for prenatal care
- (4) A chronic serious health condition which:
  - a. requires periodic visits for treatment to a health care provider (at least two per year);
  - b. continues over an extended period of time; and
  - c. may be periodic rather than a continuing incapacity.
- (5) 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.)
- (6) Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three (3) days at a later date without medical intervention at the present time (i.e. chemotherapy for cancer, dialysis for kidney disease, etc.)

4. **Leave Entitlement:** To be eligible for leave under this policy, an employee must meet all of the following conditions:

- (1) The employee must have worked for the County for at least twelve (12) months, or fifty two (52) weeks. The twelve (12) months, or fifty two (52) weeks, need not have been consecutive; and
- (2) The employee must have actually worked at least 1250 hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin; and
- (3) The employee must work at a location where the County 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 of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Spouses who are both employed by the County 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, or for the care of certain family members with serious health conditions.

An employee may only take FMLA leave because of his/her own serious health condition if such condition renders the employee unable to perform the functions of the his/her position.

5. **Use of Leave:** The provisions of this policy shall apply to all family and medical leaves of absence as follows:

**(A). Generally: Whether the leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of twelve (12) weeks of leave per year under the FMLA.**

If an employee has accrued paid leave, such as sick leave or vacation leave, but excluding compensatory time, the appointing authority may require the employee to use such accrued paid leave, consecutively with

all or part of the unpaid FMLA twelve (12) weeks. Any remaining FMLA leave shall be unpaid. To be permitted or required to use paid leave consecutively with FMLA, the condition for which the employee is taking FMLA must also fall within the category of reasons for which the employee may take the paid leave. For example, an employee who takes FMLA for placement of a foster child, may be required to use his vacation leave concurrently with his FMLA but may not be required to take sick leave as placement of a foster child is not an appropriate sick leave use.

Employees will be required to exhaust all accumulated leave as allowed by law prior to being granted leave without pay for FMLA leave requests. In addition, any time off that may, by law, be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

**(B) FMLA Leave Use for Birth of an Employee's Child:** An employee who is taking leave for the birth of the employee's child must first use all available accrued paid vacation and personal 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 as a result of the pregnancy, or a serious health condition of the child, the employee will also be required to exhaust all of the employee's sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. [Note: see letter (E) below for information on disability leaves.]

**(C) FMLA Leave Use for Placement of a Child for Adoption or Foster Care:** An employee who is taking leave for the placement of a child with him/her for adoption or foster care must first use all available accrued paid vacation and personal leave, but may not utilize sick leave, prior to using unpaid leave for the remainder of the twelve (12) week period.

**(D) FMLA Leave Use Because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member:** An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid vacation, personal and sick leave prior to using unpaid leave for the remainder of the twelve (12) week period.

**(E) FMLA Leave and Disability/Workers' Compensation Plans or Programs:** An employee who is eligible for FMLA leave because of his/her own serious health condition may also be eligible for either temporary disability with pay or workers' compensation if the condition is the result of a workplace accident or injury. Regardless of whether or not an employee is on workers compensation, the County 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, an 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 County require her to do so, while the employee is receiving compensation from such a program.

Disability leave for the birth of a child is considered FMLA leave for a serious health condition of the employee and will be counted against the employee's twelve (12) week FMLA entitlement. As described above, because the leave pursuant to a temporary disability may be compensated, 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 County require him/her to do so, while the employee is receiving compensation from such a plan or program. If the disability leave is with pay, the employee will be required to use sick leave, vacation leave and personal leave as set forth in this policy.

**(F) Qualifying Service Member Leave:** The spouse, parent or child of a member of the U.S. military service are entitled to FMLA leave due to the contingencies (as defined by the Department of Labor) of the service member being on "covered active duty" or receiving a "call to covered active duty". In addition, a spouse, child or parent of a service member is entitled to up to 26 weeks of leave to care for a service member injured in the line of duty. In the event the injured service member does not have a spouse, child or parent, an employee who is the next of kin (closest blood relative) may take leave under the FMLA to care for the injured service member.

6. **Procedures For Requesting FMLA Leave:** Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or, if this is not possible, as soon as practicable. In requesting such leave, the employee shall submit to his or her supervisor the Request for Family/Medical Leave

Form, which is attached hereto as Appendix 4. If the employee fails to provide thirty (30) days' 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 County receives notice.

Requests for FMLA leave must be submitted on a standard leave form prescribed by the County. The County will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's twelve (12) week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave. When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's family which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the County, subject to the approval of the health care provider of the employee or the employee's family member.

7. **Certification of Need for FMLA Leave:** An employee requesting FMLA leave due to a serious health condition of the employee or his/her family member must provide written doctor's certification of the serious health condition in a form that provides the employer with information needed to approve or deny the FMLA leave request. This certification shall not provide any information that is prohibited by law. The United States Department of Labor provides certification forms, which can be downloaded online at [www.dol.gov](http://www.dol.gov). Such certification shall be submitted at the time FMLA leave is requested, or when the need for leave is not foreseen, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation as required by the County at the time FMLA leave is requested.

The County, in its discretion, 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 County. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the County. If the first and second opinions differ, the County, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the County 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 a serious health condition of the employee or his/her family member may be required to submit periodic written reports to the County, in order to assess the continued qualification for FMLA leave.

The County 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 County receives information that casts doubt on the employee's stated reason for the absence.

The employee must provide the requested additional reports to the County within fifteen (15) days, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. Any costs associated with the additional reports requested by the County shall be at the employee's expense.

8. **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.

9. **Intermittent / Reduced Schedule Leave:** When medically necessary, an employee of the County may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition of the employee or a serious health condition of an employee's family member. Upon approval of the appointing authority, an employee may 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. In all cases, the FMLA leave granted to any employee shall not exceed a total of 12 weeks per year.

Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or, if this is not possible, as soon as practicable.

To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by the County, which establishes the medical necessity for such intermittent or reduced schedule 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 that support 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 must meet with his/her supervisor and/or the Human Resources Director 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 operations of the County.

10. **Employee Benefits:** Except as provided below, while an employee is on FMLA leave, the County will continue to pay the employer portion of premiums for insurance benefits that the employee receives through the County, under the same terms and conditions as if the employee had continued to work throughout the leave. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. Employee contributions will be required to be made either through payroll deduction or by direct payment to the County. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment.

The County will not continue to pay the employer portion of premiums for insurance benefits which the employee receives through the County, if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums, if any, or, if the employee's payment for his/her portion of the premium is late by more than thirty (30) days. The employee's direct payment for insurance benefits is due to the County on the first day of each month.

If cash-in-lieu of health insurance is an option at the time of the FMLA leave, the employer will continue to make cash-in-lieu of insurance payments to those employees who have chosen this option during open enrollment.

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, but the employee must reapply for such benefits.

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 County may seek reimbursement from the employee for any amounts paid by the County for insurance benefits that the employee received through the County 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 credit for employees of the County. 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 previously held immediately prior to the commencement of FMLA leave. Service credit shall continue to accrue during periods of paid FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits, which are based on length of service. However, specific leaves times (i.e., vacation, holiday, personal and sick leaves) will not accrue during any period of unpaid FMLA leave.

11. **Reinstatement:** An employee on FMLA leave must give the County at least two (2) business days' notice of his/her intent to return to work, regardless of the employee's anticipated date of return.

Most employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave.

Upon request for reinstatement, 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 County.

An employee of the County will not be laid-off as a result of exercising his/her right to FMLA leave. However, the County will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the County, the employee would not otherwise be employed in the County at the time reinstatement is requested.

An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during his/her FMLA leave period.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work.

Key employees may be denied reinstatement if:

- a. In the sole opinion of the employer, denial of reinstatement is necessary to prevent substantial and grievous economic injury to the employer; and
- b. The employer notifies the employee of its intention not to restore the employee to duty before the leave begins; or
- c. The employer notifies the employee of its intention not to restore the employee to duty after the leave begins, and the employee does not elect to return immediately to work and be restored to the same or a similar position.

In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the Employer, the Employer may consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.

12. **Records:** All records relative to FMLA leave will be maintained by the County as required by law. Any medical records accompanying FMLA requests will be kept separate from an employee's regular personnel files.

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.

## **B. Other Unpaid Leaves of Absence**

1. Employees may request an unpaid leave of absence from their appointing authority for personal reasons, including educational pursuits that are not in the course of and required as part of the job. The decision whether to grant the leave is left to the appointing authority's discretion. Personal leave may be granted for up to six (6) months for any personal reasons of the employee that are deemed sufficient grounds for leave by the appointing authority.
2. Educational leave may be granted for up to two (2) years for purposes of education, training or specialized experience which would benefit the appointing authority's office. Employees must present their appointing authority with a written request for educational leave that describes the program and explains why the education, training or specialized experience would benefit the office. The appointing authority has the authority to determine whether or not to grant educational leave. Upon completion of an educational leave, the employee will return to her former position or a similar position within the same classification.
3. Where an employee is unable to predetermine the exact length of his leave, an indefinite leave not to exceed six (6) months may be approved. The employee may be permitted to return to work at any time during the six-month period, provided he gives the appointing authority at least two (2) weeks written notice of his desire to return to work. If a leave of absence is granted for a definite period of time, the employee may be reinstated prior to the expiration of the leave only upon written approval of the County Official.
4. While on a leave without pay an employee shall not accumulate sick leave or vacation leave, nor shall she receive holiday pay. Time spent on leave without pay shall not count for seniority purposes. An employee on an unpaid leave of absence must pay the premium for her health insurance (and dependent coverage, if applicable) to keep such coverage in force during the leave.
5. Unpaid leaves of absence shall not be granted to an employee for the purpose of engaging in partisan political activity.
6. The appointing authority may revoke the unpaid leave of absence for business reasons upon one week's written notice to the employee that 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 the purpose for which the leave was granted may be ordered to return to work immediately and/or shall be subject to disciplinary action. Failure to return to work as instructed in accordance with these policies may result in discipline.

## **VII. INSURANCE BENEFITS**

The County provides a variety of benefits for the health and welfare of employees and their families. The County reserves the right to change these benefits at any time. For more information about any benefits, contact your Appointing authority or the County Commissioner's office.

### **A. Health Insurance**

1. The County provides group hospitalization/surgical insurance and major medical insurance covering its full-time regular employees and part-time non-seasonal employees whose hours of service regularly average thirty (30) or more hours per week. (Also see, "Full-Time Hours", Sec. IV.A.1.)

The County shall pay a portion of the cost of individual single coverage for eligible employees. The County shall also pay a portion the cost of family coverage for dependents of eligible employees who elect to enroll for such coverage. The amount that the County and employees pay for the monthly premium will be determined by the County on a periodic basis. Enrollment rules are described in Section H below.

2. The insurance contract year is January 1st through December 31st, but may be changed at the discretion of the County.

3. The County reserves the right to modify the health insurance coverage and premium contributions currently in effect and/or to modify the employee premium contributions.

#### **B. Prescription Drug Insurance**

1. The County provides prescription drug insurance coverage for outpatient prescription drug purchases by eligible employees and covered dependents. The policy covers eligible prescriptions and refills dispensed by any pharmacy that participates in the program.
2. The County reserves the right to modify prescription coverage.

#### **C. Life Insurance**

The County provides group term life insurance and group term accidental death and dismemberment insurance for each eligible employee. The Board of County Commissioners shall determine the level of its premium contribution required for employees.

#### **D. Employee Assistance Plan**

The County provides an Employee Assistance Plan (EAP) to offer confidential assistance for various issues that may affect employees' job performance and impact their families, friends, and co-workers. Employees may contact their Appointing authority or the County Commissioner's office for information.

#### **E. Voluntary Supplemental Benefits**

Other benefits are offered to county employees on a voluntary basis, which include supplemental life insurance, disability, and dental insurance. Premiums are paid entirely by the employee through regular payroll deductions. Insurance agents are permitted to contact employees to discuss enrollment for these benefits during limited enrollment periods.

#### **F. Section 125 Plan**

The County, under Internal Revenue Code Section 125, provides employees the opportunity to participate in a "premium only" plan in which their eligible insurance premiums are paid on a pretax basis. Employees' health insurance premiums along with voluntary supplemental benefits are eligible to be paid pre-tax under Section 125. Enrollment rules are described in Section H below.

#### **G. Retirement Programs**

1. Public Employees Retirement System (PERS)

Under Chapter 145 of the Ohio Revised Code, County employees are members of PERS. As required by law, employee and County contributions are made for the employee's benefit through regular payroll.

2. Deferred Compensation Program

Under Chapter 148 of the Ohio Revised Code, County employees may voluntarily participate in a tax-deferred retirement savings program through regular payroll.

#### **H. Enrollment Periods**

1. The open enrollment period is the only time employees may enroll in or make enrollment changes to the health insurance plan or to the Section 125 plan without a qualifying event. A qualifying event is a change in family status, employment status, coverage eligibility, or dependent eligibility for which a change can be made during the plan year. Qualifying events include: marriage, divorce, death of a spouse or child, birth or adoption of a child, termination or commencement of a spouse's employment, change of status of the employee, or change of status of a dependent making him ineligible. All Section 125 qualifying events must be reported in writing to the Auditor's Office within 30 days of occurrence. All health insurance qualifying events must be reported in writing to the Commissioner's office within

30 day of occurrence. If changes are not received within 30 days, they will not become effective until January 1 of the following plan year.

2. All health insurance and Section 125 changes that take effect on January 1 of each year must be completed and returned to the Auditor's Office and/or the Commissioner's office by the end of the open enrollment period during the previous year. No changes will be accepted after that date. Eligible employees will be notified each year of the open enrollment period for each plan, which generally occurs between October 1 and November 30.

## **VIII. REDUCTIONS IN WORK FORCE**

### **A. Layoff Jurisdictions**

Each County "Appointing Authority" under Civil Service Law is a separate layoff jurisdiction. Layoff, displacement, and reinstatement rights shall apply only within the layoff jurisdiction affected by the layoff and only to classified employees.

### **B. Rationales for Layoffs**

Employees may be laid-off for one or more of the following reasons:

1. Lack of funds within an appointing authority. A lack of funds means an appointing authority has a current or projected deficiency of funding to maintain current or to sustain projected levels of staffing and operations. Lack of funds shall be presumed if the position has a dedicated funding source that is reduced or withdrawn. An appointing authority shall itself determine whether a lack of funds exists.
2. Lack of work within an appointing authority. A lack of work means an appointing authority has a current or projected temporary decrease in the workload, expected to last less than one year, which requires a reduction of current or projected staffing levels. An appointing authority shall itself determine whether a lack of work exists. Determination of a lack of work shall indicate the current or projected temporary decrease workload of an appointing authority and whether the current or projected staffing levels of the appointing authority will be excessive.
3. Abolishment of positions. Abolishment means the permanent deletion of a position or positions from the organization or structure of an appointing authority due to a lack of continued need for the position. An appointing authority may abolish positions as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or for lack of work. An appointing authority shall itself determine whether any position should be abolished. The determination of the need to abolish positions shall indicate the lack of continued need for positions within the appointing authority.

### **C. Order of Layoffs**

1. For purposes of order of layoff, there shall be the following "appointment categories": part time probationary, part time permanent, full time probationary and full time permanent. When a reduction in force is necessary within each of the primary appointment categories, first part time probationary, then part time permanent, then full time probationary, and then full time permanent employees shall be laid off.
2. A system of "retention points" shall be maintained to reflect the length of continuous service and efficiency in service for all employees who may be affected by a layoff. The employee's length of continuous service shall be based on the employee's most recent date of hire in the County service. In the event an employee transfers from one layoff jurisdiction to another, the employee's length of service will be deemed unbroken so long as no break in service occurs from one layoff jurisdiction to another. In the event an employee transfers from one appointing authority to another or receives an appointment with another appointing authority (Ex. A transfer or appointment from another County or state agency to Logan County), the employee's length of continuous service will be deemed unbroken so long as no break in service occurs from one appointing authority to another. If two or more employees have an identical number of retention points, employees having the shortest period of continuous service shall be laid-off first.



#### **D. Displacement Rights**

1. A laid-off employee has the right to displace an employee with the fewest retention points in the following order:
  - a. within the classification from which the employee was laid off; and
  - b. within the classification series in which the employee was laid off.
  - c. within the classification the employee held immediately prior to holding the classification from which the employee was laid off, except that the employee may not displace employees in a classification if the employee does not meet the minimum qualifications of the classification or if the employee last held the classification more than three years prior to the date on which the employee was laid off.
2. An employee laid-off in the classified civil service may displace another employee within the same appointing authority in the following manner:
  - a. each laid-off employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series, and
  - b. any employee displaced by an employee possessing more retention points shall displace the employee with the fewest retention points in the next lower classification or successively lower classification in the same classification series; except that a displaced provisional employee shall not displace a certified employee. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series of the same appointing authority has been reached and, if necessary, laid off.
3. Employees shall notify the appointing authority of their intention to exercise their displacement rights, within five (5) days after receiving notice of layoff.
4. No employee shall displace an employee for whose position or classification there exists special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupational qualification, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position or classification.

#### **E. Recall or Reinstatement Rights**

1. An employee who has been laid off, or who has, by virtue of exercising displacement rights, been displaced to a lower classification, shall be placed on a layoff list maintained by that appointing authority. The layoff list shall list employees within each appointment category, with individual employees ranked in descending order of total retention points. Laid-off employees shall be placed on layoff lists for each classification in the classification series equal to or lower than the classification in which the employee was employed at the time of layoff. However, an employee who has not exercised his option to displace other employees shall only be entitled to have his name placed on the layoff list for the classification from which the employee was laid off.
2. An employee's name shall be maintained on a layoff list(s) for one (1) year from the date of the layoff. During the one-year period, the appointing authority shall not hire or promote anyone into a classification until all laid-off persons on a layoff list for that classification are reinstated or have declined the position when offered.
3. An employee shall be offered reinstatement or re-employment based on her position on the layoff list, by the sending her a written offer of reinstatement or re-employment by certified mail at the most recent address indicated on the appointing authority's records. It is the responsibility of the employee on layoff to notify the appointing authority in writing of any change of address. Upon receipt of the notice, the employee must immediately inform the appointing authority in writing whether she accepts

or declines the offer of reinstatement or re-employment. If the appointing authority receives no response from the employee within seven (7) calendar days of the date on which the certified mail was sent, the employee shall be deemed to have declined the offer. An employee accepting or declining reinstatement or re-employment to the same classification or same appointment category from which the employee was laid-off or displaced shall be removed from the layoff list.

4. An employee who declines reinstatement to a classification lower in the classification series than the classification from which the employee was laid-off or displaced, shall thereafter only be entitled to reinstatement to a classification higher, up to and including the classification from which the employee was laid-off or displaced, in the classification series than the classification that was declined. This section does not apply when an employee, who was a full time employee at the time of layoff or displacement, declines reinstatement in a part time position.
5. Any employee reinstated or re-employed under this section shall not serve a probationary period upon reinstatement or re-employment except that an employee laid-off during an original or promotional probationary period shall begin a new probationary period.

#### **F. Right to Appeal**

A classified employee may appeal a layoff or a displacement that is the result of a layoff to the State Personnel Board of Review. The appeal must be filed or postmarked no later than ten (10) days after receipt of the notice of layoff or after the date the employee is displaced. A classified employee may appeal the decision of the State Personnel Board of Review to the Court of Common Pleas.

### **IX. VACANCIES AND PROMOTIONS**

1. The appointing authority has the sole discretion to determine when a vacancy exists.
2. Vacancies in positions in the classified service shall be filled insofar as practicable by promotions.
3. If an appointing authority intends to fill a vacancy, a notice of vacancy will be posted in the main office of that authority and/or other appropriate County buildings for a period of ten (10) working days. In extenuating or unusual circumstances, the appointing authority responsible for postings may remove the posting short of the ten-day period.
4. Any employee in the classified service who is appointed provisionally to fill a vacancy and who remains in provisional status for a period of two years of continuous service, during which period no competitive examination is held, becomes a permanent employee in the classified service at the conclusion of such two-year period.
5. Preference in promotion will be given to the applicants currently holding positions in a lower classification closest to the classification of the vacancy, all within the same classification series. If there are no applications from any classification below the vacancy, then applications will be considered from those currently holding jobs in classifications above the vacancy. If there are no qualified applicants from the same classification series, then they may proceed to appoint any applicant to the vacancy.
6. All promotional appointments shall have a probationary period equal to that of an original appointment within that classification. If the service of the promotional probationary employee is unsatisfactory, he may be demoted to the position from which he was promoted or to a similar position at any time during his promotional probationary period. Upon such a demotion, the employee's salary shall be the same as he was receiving prior to the promotion, except for changes in pay range that may have occurred or any step increase to which the employee would have been entitled in the lower classification.

### **X. TRANSFERS AND JOB ASSIGNMENTS**

#### **A. Job Assignments**

Employees are expected to perform any work duties assigned by the appointing authority or her designee, not just those specific duties set forth in a job description. If the job assignments amount to a temporary

transfer, Section C of this policy shall control.

### **B. Permanent Transfers**

A permanent transfer is any transfer in excess of thirty days unless the employee has consented to a longer period not exceeding ninety days. An employee shall be eligible for a permanent transfer only after successfully completing her probationary period.

1. A classified employee, the appointing authority, and the appointing authority of another governmental agency or public body may mutually agree to transfer an employee from one office to another.
2. The employee and the appointing authority may agree to the transfer of an employee from one classification to another classification having similar qualifications.
3. No permanent transfer to a vacancy may occur until the appointing authority has satisfied its obligation to post a notice of the vacancy and to consider applicants in accordance with the policy on vacancies and promotions.
4. Any employee who voluntarily requests and is granted a transfer to a vacancy in a lower classification will be reclassified and must accept the duties, responsibilities, and wages of the lower classification for a minimum of six (6) months before requesting or applying for a transfer or promotion to a higher classification.

### **C. Temporary Transfers and Assignments**

1. All employees shall be required to perform any and all temporary assigned duties of which they are capable regardless of their usual or customary duties or job assignments. A temporary transfer shall not exceed the length of the probationary period of the position filled. A temporary transfer may be used: (a) to fill a vacancy caused by an employee being on sick leave or other approved leave of absence; (b) to provide vacation relief scheduling; (c) to fill an opening temporarily pending permanent filling of such opening; (d) to meet an emergency situation; or (e) when an employee is temporarily incapacitated from her regular duties.
2. When an employee is temporarily assigned to substitute in another job classification with a rate of pay lower than his own for reasons (a) through (d) above, he shall receive his regular rate of pay. When he is temporarily assigned to a lower classification for reason (e) above, he shall receive the highest rate of pay applicable to his temporary assignment.
3. When an hourly employee is temporarily assigned to a position with a higher rate of pay than her own for reasons (a) through (d) above, she shall receive an additional payment for all such days worked, which shall amount to the difference between her regular rate of pay and the step in the pay scale of the higher position to which she is temporarily assigned which is the next higher than her regular rate of pay. Annual salaried employees shall receive no additional compensation for temporarily filling in a higher position.

## **XI. USE OF COUNTY PROPERTY**

### **A. 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 time. Employees may not perform private work for themselves, co-workers, friends, family members or others 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 return of reusable County property in his/her possession.

Employees have no reasonable expectation of privacy in the use of County property and facilities. In order to safeguard employees and the workplace, and in order 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 or other communication, 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 other communication, or in any dealings with the public. The County reserves the right to monitor any phone or other communications at any time. Personal phone calls or other personal communication must be kept to an "on emergency basis" only. Toll calls and/or long distance calls 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 particular 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 a supervisor. Use of County cellular phones while operating a motor vehicle (County-owned or personal) is prohibited, including GPS and hands-free, unless authorized by a supervisor.

## **B. Vehicles**

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/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his/her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his/her license suspended by a court with no work-related driving privileges.

Any County employee who operates a County-owned motor vehicle, or a privately owned motor vehicle in the discharge of official County business, shall at all times during the course of 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 County vehicles must have appropriate insurance coverage as designated by the Appointing Authority.

Use of a County-owned vehicle must be pre-approved by the employee's supervisor. Employees shall not use, or permit the use of County automobiles for any purpose other than official County business. Passengers not on official County Business (i.e. children, spouses, friends, etc.) are not permitted in County-owned vehicles. 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 as to enhance the reputation of the County and Department.

Employees who drive County vehicles or who drive their personal vehicles for County business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize County vehicles are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact his/her ability to be covered on the County's liability policy. 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.

All employees of the County who are required to operate a vehicle in the course of their employment shall be subject to the following driver training requirements:

- a. Regardless of their driving record, employees shall attend a defensive driving course within the first year of employment and refresher training at least once every 3 years. National Safety Council Defensive Driver Course curriculum (or similar) is recommended. Documentation of course completion shall be obtained and kept in the employee's personnel file.
- b. Employees with 4 or more accumulated points or 2 or more occurrences on their Motor Vehicle Report (MVR) shall attend a defensive driving course, which will be scheduled during working hours

at no cost to the employee.

- c. Each appointing authority may require additional training for specialized vehicle uses.
- d. While live classroom training is strongly preferred, online training and video training may also be used.

Written documentation of the training should be maintained in the employee's personnel file. Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.

The County may, at its discretion, monitor the use of County vehicles through the use of 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.

### **C. Computer Use**

County computers and information systems are County property. They may be used only for explicitly authorized purposes. The County reserves the right to examine all data stored in or transmitted by their computers and systems consistent with law.

Employees have no right to privacy with regard to 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 consistent with law. When necessary, Internet, email, social media and Instant Messenger (IM) 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 (i.e., 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 change passwords periodically. Employees shall follow all IT Guidelines regarding passwords.**

#### a. Allowable Uses of Computer and Information Systems for Business Purposes.

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

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

- 1) Violating local, state, and/or federal law.
- 2) 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.
- 3) Threatening others.

- 4) Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters that are not job related.
- 5) Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
- 6) Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus.
- 7) Vandalizing the data of another user.
- 8) Forging electronic mail and instant messenger messages.
- 9) Sending rude or obscene messages (anything that would embarrass or discredit the County).
- 10) Disseminating unauthorized confidential or proprietary County documents or information or data restricted by government laws or regulations.
- 11) Browsing or inquiring upon confidential records maintained by the County without substantial business purpose.
- 12) Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
- 13) Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
- 14) Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, sexually-oriented messages/images 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.
- 15) Sending or soliciting sexually-oriented messages or images.
- 16) Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
- 17) 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.
- 18) 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.
- 19) 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.
- 20) Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

**NOTE: Whether on working time or not, these prohibitions apply at all times 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 County email or IM, and that others can view this information at any time.

c. 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 meals 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 times and also take their scheduled meal and breaks. 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, including social media, while in active pay or otherwise on County time.

d. Securing Computer Equipment and Electronic Data.

County employees who are responsible for or are assigned portable computer equipment, cell phones, and electronic media (i.e., 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 information, which could be compromised if lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor. Failure to properly secure portable computer equipment, cell phone, and electronic data is subject to disciplinary action.

Employees accidentally sharing County information, or 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 a concern.

**D. Use of Cellular Phones**

1. General: This policy is designed to provide guidelines to County employees who have been authorized to use cellular phones to conduct county business. Employees are expected to strictly adhere to this policy. Exceptions to this policy may only be permitted with approval of the appointing authority.
2. Authorized Employees: Only those employees who have been given express written consent by their appointing authority to use cellular phones to conduct County business may use such phones during working hours. Employees are discouraged from using their personal cellular phone for either personal or county business except in cases of an emergency.
3. Permitted Uses: Cellular phones may only be used for County business. When a less costly alternative is available, a cellular phone should not be used unless an emergency dictates otherwise. For example, in some cases a personal meeting, an E Mail, or a "land line" telephone call may be less costly than a cellular phone call. Additionally, employees shall not utilize any functions of a cellular phone other than the transmittal of a call that would result in additional charges being assessed against the County. Employees will be required to reimburse the County for any such charges that are accrued without their appointing authority's consent.
4. Employees are expected to follow all federal, state and local laws regarding the use of cellular phones. No phone numbers of County owned cellular phones should be distributed to the public without the approval of the employee's appointing authority. Any lost or stolen County owned cellular phones should be reported immediately to the employee's appointing authority.
5. Personal Phones on County Property: Employees may bring their personal cellular phones to work as a matter of convenience. Personal cellular phones may be not be used during working hours unless the employee is on an approved break and/or during the employee's lunch break. Employees shall refrain from using picture taking or video streaming capability on their cell phones while on County property. Any such phones found to be on County property will be immediately confiscated and returned to the employee at the conclusion of the workday. Exceptions are not permitted unless approved in advance by the appointing authority.

### **E. Use of Procurement Cards**

ORC Section 301.29 allows the county to use procurement cards in the conduct of county business. Each appointing authority will decide if their agency will participate in any such program. With prior written authorization, county employees may use county procurement cards to make small purchases in a manner that reduces paperwork and processing time for the county. Employees may contact their Appointing authority or the Logan County Auditor for information.

### **F. Smoke Free Work Environment**

As required by Ohio Law, there shall be no smoking in County buildings, facilities, offices, vehicles, and work areas. While smoking is unhealthful and strongly discouraged, the county recognizes that each employee has a right to smoke and may do so only at designated outside locations. Employees will not, however, be allowed to lessen their total daily or weekly work time in order to smoke.

### **G. Employee Tobacco Use Policy**

Except as allowed in Section XI.F above, County employees are prohibited from using tobacco while on County property, while performing duties related to County employment whether on or off site, while traveling for County business, and in any other circumstances or locations where an employee is representing the interests of the County.

For the purpose of this policy, tobacco is defined as all products that deliver nicotine for purposes other than cessation. Examples include (but are not limited to) tobacco, tobacco derived substances, substances mimicking tobacco, cigarettes, electronic cigarettes, vapor cigarettes, artificial/faux cigarettes, cigars, cigarillos, pipes, and oral tobacco. Any manner of using or consuming tobacco, tobacco derived substances, or substances mimicking tobacco is prohibited.

## **XII. DRUG AND ALCOHOL POLICY**

1. **Purpose:** It is the County's policy to ensure that its employees are free from the effects of alcohol and/or illegal drugs at all times while on duty. Our goal is to reduce accidents, injuries and fatalities resulting from drug and alcohol abuse and to ensure that employees are drug free while serving the needs of the public. We recognize alcoholism and drug addiction as a condition that is treatable and encourage those employees who suspect that they have a drinking or drug problem to seek professional treatment and assistance. This provision does not prohibit the County from taking appropriate disciplinary action against employees for inappropriate behavior. This provision also does not affect or alleviate any additional requirements concerning drug and alcohol testing for safety sensitive positions.
2. **Use of Alcohol and Controlled Substances Prohibited:** No County employee shall report for work or remain at work while having an alcohol concentration of 0.02 or higher. No County employee shall report for duty or remain on duty when the employee uses any controlled substance, except when the use is prescribed by a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely perform his job duties. The employee shall provide his supervisor with the physician's report concerning such prescriptions before beginning work.
3. **Use of Medical Marijuana:** Medical marijuana use as authorized by state law is not exempted from the County drug and alcohol policy and constitutes a violation of this policy. Employees who use medical marijuana in violation of this policy shall be subject to discipline up to and including discharge.
4. **Events Resulting in Employee Drug and/or Alcohol Testing:** All County employees are subject to drug and/or alcohol testing conducted under any of the following conditions:
  - a. **Pre-employment drug testing:** As allowed by law prospective employees must submit to a drug test after a conditional job offer has been extended to the individual. Any prospective employee who tests positive for the use of alcohol or controlled substances or engages in any of the actions listed in section 6, "Refusal to Test", will not be hired. Each job classification will be evaluated to determine if it is subject to pre-employment drug testing.



- b. Reasonable suspicion of drug and/or alcohol use: Whenever an employee's supervisor has reasonable suspicion to believe that an employee is under the influence of alcohol or a controlled substance, we will require such employee to submit a urine or other sample for alcohol and/or controlled substances testing. Reasonable suspicion must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. All supervisors and managers will be trained to recognize drug and alcohol related signs and symptoms. Reasonable suspicion testing may be based on, among other things:
- 1) Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
  - 2) A pattern of abnormal conduct or erratic behavior;
  - 3) Arrest or conviction for drug related offense or the identification of an employee as the focus of a criminal investigation into illegal drug possession, use or trafficking;
  - 4) Information provided either by a reliable and/or credible source independently corroborated regarding an employee's substance abuse; or
  - 5) Newly discovered evidence that the employee has tampered with a previous drug or alcohol test.
- c. Post-accident testing: As soon as practicable following an accident involving a motor vehicle or any other work related accident, Logan County, its elected officials, or its appointing authorities may test each employee involved in the accident for alcohol and controlled substances. An employee will be tested whenever it appears his alcohol or substance use could have caused or contributed to the accident, whether an injury occurred or not. Any employee who is subject to post accident testing shall make himself readily available for such testing or shall be deemed to have refused to submit to testing. If the test is not administered within eight hours following the accident, the test shall not be administered and a written statement explaining why the test was not administered shall be submitted to the County.

WARNING: IF AT ANY TIME OF ANY POST ACCIDENT/INJURY TEST THERE IS REASONABLE CAUSE TO BELIEVE THE EMPLOYEE USED A PROHIBITED SUBSTANCE OR WAS UNDER THE INFLUENCE OF SUCH SUBSTANCES AND THE TEST RESULT IS POSITIVE OR THE EMPLOYEE REFUSES TO TEST, ELIGIBILITY FOR COMPENSATION AND BENEFITS UNDER THE WORKERS' COMPENSATION LAWS OF THE STATE MAY BE AFFECTED.

- d. Return to work testing: We shall ensure that, before an employee returns to work after engaging in prohibited alcohol and/or controlled substance conduct, the employee undergoes a return to work alcohol test with a result indicating an alcohol concentration of less than 0.02 and a verified negative result for controlled substance abuse.
- e. Follow up drug and alcohol testing: Any employee who tests positive for the use of alcohol or controlled substances while on duty may be evaluated by a substance abuse professional. If, following an evaluation, Logan County, its elected official, or its appointing authority directs the employee to undergo substance abuse counseling, the employee shall be subject to unannounced follow up alcohol and/or controlled substances testing consisting of up to six tests in the twelve months after the employee's return to work.

Any County employee may, of her own volition, voluntarily undergo a drug screening and/or alcohol screening test. Testing done under these circumstances will be treated in the same manner as if the employee had been ordered to undergo screening.

5. Testing Requirements: All laboratory drug screening tests, which may be used as the basis for disciplinary action, shall be conducted by medical laboratories meeting the standards and certified by, the National Institute of Drug Abuse, the National Institutes of Health, and the Department of Health and Human Services. A vendor selected by the County shall perform all drug testing.

Laboratory testing will be used to detect substance abuse problems, to deter employees from substance use that violates this Policy, and to facilitate appropriate action to correct substance use problems. In addition to alcohol, the drugs tested for under this Policy are as follows:

- a. Amphetamines (speed, uppers)
- b. Cocaine (including crack cocaine)
- c. Opiates (codeine, heroin, morphine)
- d. Barbiturates (sedative hypnotics)
- e. Benzodiazepines (sedative hypnotics, Valium, Librium)
- f. Cannabinoids (Marijuana)
- g. Methaqualone (Qualudes)

Logan County reserves the right to test for additional substances beyond those listed above, including but not limited to Methadone (narcotic agonist, used to treat heroin addiction); Propoxyphene (narcotic analgesics, Darvon, Darvocet); Hydrocodone (Vicodin, Lortab, Lorcet); and/or Oxycodone Hydrochloride (OxyContin, Percocet).

Logan County, its elected officials, or its appointing authorities shall afford applicants and employees the opportunity, prior to testing, to list all prescription and non-prescription drugs and controlled substances they have used to explain the circumstances surrounding the use of such drugs and controlled substances. If an applicant or employee tests positive for the use of alcohol or controlled substances, we, prior to taking any action, will permit the applicant or employee the opportunity to explain, in writing, the test results. Failure of any applicant or employee to establish an adequate legal basis for the use of such drug or controlled substance shall constitute a violation of this policy.

No laboratory test shall be considered positive until it has been confirmed by a gas chromatography/mass spectrometry full scan test or its equivalent. The procedures utilized by the County and testing laboratory shall include an evidentiary chain of custody control. All samples collected shall be contained in two (2) separate containers for use in the prescribed testing procedures in accordance with the laboratory's testing procedures. All laboratory procedures shall be outlined in writing and shall be followed in all situations arising under this policy. Copies of the procedures used shall be distributed to employees upon testing and/or upon request.

Any employee who is notified of selection for drug and alcohol testing shall be relieved of any job responsibilities as soon as possible and shall proceed to the designated test site immediately. A selected employee shall not make any stops from the time of notification until reaching the designated test site. Failure to proceed immediately to the drug testing site may be considered a refusal to test.

The results of the testing shall be delivered to a qualified Medical Review Officer (MRO) at the collection site. Any employee who has tested positive for any of the substances will be notified by the MRO and may discuss the positive test results with the MRO before a result is reported to the employer. The employee will have an opportunity to explain any special circumstances to the MRO. The MRO has the authority and responsibility for reporting the results to the county for action. An employee whose confirmatory test results are positive shall have the right to request a certified copy of the testing results in which the vendor shall affirm that the tests results were obtained using the approved protocol methods. The employee shall provide a signed release for disclosure of the testing results to the County. Refusal to submit to the testing or to execute the release may be grounds for discipline up to and including termination.

The County elected official or appointing authority will pay any costs of drug screening tests and confirmatory tests except that any test initiated at the request of the employee shall be at the employee's expense.

6. **Refusal to Test:** Refusal to submit to drug and alcohol tests employed by Logan County, its elected officials, or its appointing authorities will be grounds for disciplinary action, up to and including termination. A refusal to test includes conduct that would obstruct the proper administration of a test. The following is a list of some, but not all, of the actions an employee may take which will be considered a refusal to test:

- a. Refusal to sign the form releasing test results to the County;
  - b. A non-medical delay in providing urine, breath, blood or saliva specimen;
  - c. Failure to report directly to the testing facility upon notification;
  - d. The use of any product or means to invalidate the test results.
7. Confirmatory Tests: If a laboratory drug screening test is positive, a confirmatory test shall be conducted in the manner prescribed in the laboratory's procedures. In the event the second test confirms the results of the first test, we will proceed with appropriate discipline. In the event that the second test contradicts the result of the first test, we will request a third test in accordance with the procedures prescribed above. We will pay the cost of this test. The results of this test, if positive, shall allow the County to proceed with discipline. If the results of the third test are negative, discipline shall not be imposed.
8. Discipline and Rehabilitation: Logan County, its elected official, or its appointing authority will place an employee on paid suspension before the time the confirmatory test results are complete. If the screening test and confirmatory test are positive, the employee may be disciplined up to and including termination.

If the testing required above has produced a positive result, the appointing authority will take appropriate disciplinary action and/or may require the employee to participate in a rehabilitation or detoxification program. An employee who participates in a rehabilitation or detoxification program shall be allowed to use sick time, compensatory days, vacation leave, and personal days for the period of the rehabilitation or detoxification program. If no such leave credits are available, the employee shall be placed on medical leave of absence without pay for the period of the rehabilitation or detoxification program. Family medical leave may be used if available and appropriate. The County is not obligated to offer treatment in lieu of discipline.

Upon completion of such program, and upon receiving results from a return to work test demonstrating that the employee is no longer abusing a controlled substance, the employee will be returned to his former position. Such employee may be subject to periodic re testing upon his return to his position for a period of one (1) year from the date of his return to work.

If the employee refuses to undergo rehabilitation or detoxification, or if the employee tests positive during follow up testing within one (1) year after her return to work from such a program, the employee will be subject to disciplinary action up to and including termination.

9. Confidentiality: Test results will, as a general rule, remain confidential. However, test result information in connection with the County business will be used for purposes of employment or disciplinary actions and in defense of related litigation. Test results will be disclosed when required by government agencies or in accordance with state and federal law.
10. Employee Assistance: It is the County's policy to assist those employees who are facing alcohol and drug dependency problems. Therefore, any employee who voluntarily seeks assistance from their elected officials, supervisor, or appointing authority for an alcohol and/or drug dependency problem shall be referred to an available assistance program. The County would seek a referral to an assistance program designed to help employees seek appropriate diagnosis and treatment for alcohol and/or drug dependency. Any employee found to have tested positive for drug and/or alcohol use as a result of the drug testing provisions set forth herein may be also be referred to an assistance program.

In the event an employee needs treatment during the employee's scheduled work time, the County, its elected official, or its appointing authority may use any paid leave of absences the employee has accrued at that time. Notwithstanding the foregoing, the employee is still responsible for complying with existing job performance standards and work rules.

An employee's participation in an assistance program does not prevent an appointing authority from issuing discipline for any misconduct relating to the employee's drug and/or alcohol use.

## VIII. Naloxone/Narcan Policy

Many public entities have started to procure Naloxone, commonly known by the brand name Narcan, and allow their employees to carry and administer it in emergency situations to counteract drug overdoses. The Ohio Legislature recently passed Senate Bill 319, which went into effect on April 6, 2017, which allows for a service entity to procure Narcan for use in emergency situations.

Senate Bill 319 enacted Ohio Revised Code § 4729.514, which allows for the procurement of Narcan by service entities. O.R.C. 4729.541(B) states that, "a service entity may procure naloxone for use in emergency situations." O.R.C. 4729.541(A) defines "service entity" as:

a public or private entity that provides services to individuals who there is reason to believe may be at risk of experiencing an opioid-related overdose. "Service entity" includes a college or university, school, local health department, community addiction services provider, court, probation department, halfway house, prison, jail, community residential center, homeless shelter, or similar entity.

Logan County agencies or offices that are "Service Entities" as described under O.R.C. 4729.541(B) may procure Narcan and allow properly trained and authorized employees to carry and administer Narcan in emergency situations, if the agency so chooses.

An employee who wishes to carry and potentially administer Narcan while on the job must satisfy the following requirements set forth by Logan County, in order to do so. The employee must first notify in writing his/her supervisor of the desire to carry Narcan on the job. The appointing authority will consider the request, and if approved, the employee must then undergo specific training. This will include training regarding how to safely store, handle, transport and administer Narcan, as well as how to recognize when an individual is overdosing and when administering a dose of Narcan is necessary. The appointing authority reserves the right to require additional training that it sees fit, and may revoke the employee's authorization at any time. An employee who satisfies all of the above requirements will then be authorized by the appointing authority to carry and administer Narcan in emergency situations, if necessary.

## XIV. WORKPLACE VIOLENCE POLICY

### A. 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.

### B. Prohibited Acts of Violence

Prohibited acts of workplace violence include, but are not limited to, the following, which may occur on-duty or off-duty: (1) hitting or shoving; (2) threatening harm to an employee or his/her family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and social media postings; (5) intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) 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/her safety; (7) suggesting or otherwise intimidating that an act to injure persons or property is "appropriate", without regard to the location where the suggestion or intimidation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property.

### **C. 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: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: "I'll get even," or "You haven't heard the last from me."; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a "loner," avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, financial problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

Upon receiving a report of potential workplace violence, the supervisor shall immediately notify the appointing authority or the Prosecutor's Office.

## **XV. CONCEALED CARRY POLICY**

1. 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.
2. 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 and working in resident's homes 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.
3. 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 Lot). 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.
4. 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 to be 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.

## **XVI. UNLAWFUL DISCRIMINATION AND HARASSMENT**

### **A. Policy**

The County is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his/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.

## **B. 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:

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

## **C. 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:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.
4. 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.

## **D. 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.

## **E. Workplace Romances**

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their supervisor or appointing authority in writing if they currently are, or if they intend to become, romantically involved with another county employee. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County determine that a conflict exists between an employee's employment and a personal relationship with another county employee, 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 of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

## **F. 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 paragraph 10 below, shall immediately report the conduct, in writing, to Brian Dunn, at the Commissioners' Office, (937) 599-7280 or the Logan County Prosecutor's Office, (937) 593-3755, each of whom shall have the authority and responsibility to work directly with any parties involved in the matter 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 Brian Dunn, at the Commissioners' Office, (937) 599-7280 or the Logan County Prosecutor's Office, (937) 593-3755. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. 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 supervisors are required to follow up on all claims or concerns, whether written, verbal, or witnessed, 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 of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality 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 action, which may include discipline, designed to stop the harassment and prevent its recurrence will be taken.

## **G. 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 supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his/her relationship with someone who took action under this policy, shall report the conduct to Brian Dunn, at the Commissioners' Office, (937) 599-7280 or the Logan County Prosecutor's Office, (937) 593-3755 immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

## **H. 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 or dishonest statements are considered to be a violation of this policy.

## **I. 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 reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

## **J. 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.

## **XVII. JOB SAFETY**

1. It is the responsibility of every department to provide safe working conditions, tools, equipment and work methods for its employees. The foreman or supervisor must address unsafe conditions promptly and ensure that all safety rules and good working methods are used by employees under his supervision.
2. It is the duty of all employees to use the safety equipment provided by the County and to follow all safety rules and safe working methods recommended for their safety. Violation of safety rules or failure to comply with safety rules will lead to disciplinary action.
3. The appropriate supervisor will use the following procedure for handling on the job injury cases:
  - a. Arrange for prompt medical care.
  - b. Prepare a report on the injury immediately, while the facts are clear.
  - c. Keep a copy of report and send a copy to the County Commissioners.
  - d. Send a copy of the report to the employee.
4. County employees may be entitled to compensation through the Ohio Bureau of Workers' Compensation for injury or death, as well as for certain medical care services, incurred while working for the County. To facilitate their recovery from work related injuries county employees may be eligible to participate in early return to work programs, such as transitional work, light duty, vocational rehabilitation, and wage continuation. For information about these programs, employees may speak with their supervisor or the commissioners' office.
5. All employees are expected to report any safety concerns and/or unsafe working conditions to their supervisor as soon as possible. Failure to report a known unsafe work condition may result in discipline.
6. Employees are responsible for complying with all other safety rules and regulations as set forth by law or as adopted by the County Commissioners and/or their appointing authority.

## **XVIII. INVESTIGATIONS AND DISCIPLINE**

### **A. Investigations**

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 receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and 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 O.R.C. § 124.34.

The property and image of the County is to be respected at all times; as such, an employee's off duty conduct that has a nexus to the workplace or could reasonably negatively impact the County may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

Employees have an obligation to immediately inform the County of any on-duty or off-duty arrests or convictions. 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 in order 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 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 is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policies and Procedures whether the conduct occurs on-duty or off-duty. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

## **B. Discipline**

When the County believes that discipline of a classified employee in the form of a reduction in pay, demotion, suspension or removal to a classified civil service employee, the official shall hold a predisciplinary conference with the employee. At the predisciplinary conference the appointing authority or her designee will explain the charges against the employee and permit the employee the opportunity to respond to the charges. The employee has the right to be accompanied at the predisciplinary conference by a representative of his own choosing. The predisciplinary conference will be scheduled as promptly as possible. The appointing authority may impose reasonable rules on the length of the predisciplinary conference and the conduct of the participants. The appointing authority may tape record the predisciplinary conference, as may the employee or his representative. If the appointing authority determines that the employee's continued employment prior to the conference poses a danger to persons or property or a threat of disrupting operations, he may place the employee on administrative leave with pay pending the predisciplinary conference to determine the final disciplinary action.

Prior to the predisciplinary conference, the appointing authority shall provide to the employee a list of alleged improper conduct and a summary of the evidence concerning the disciplinary charges. Generally, this information will be provided to the employee at least twenty four (24) hours before the predisciplinary conference.

At the predisciplinary conference the employee will be given an opportunity to respond to the allegations.

The employee does not have the right to call or cross examine witnesses. The employee may waive the predisciplinary conference. Failure to attend the predisciplinary conference will be considered a waiver of the predisciplinary conference.

Upon completion of the predisciplinary conference the appointing authority shall determine the appropriate discipline, if any. The employee will be notified of the disciplinary action in accordance with law.

Unclassified employees and probationary employees are not eligible for a Pre-Disciplinary Conference.

## **XIX. EMPLOYEE RIGHTS**

Classified employees who are not in management or supervision have the right to refrain from forming, joining, assisting, or participating in union activity, or to engage in any such activity. Management level and supervisory employees are expected to respect such rights and may be disciplined, up to and including removal, if they violate employee rights under Chapter 4117.

## **XX. JOB ASSIGNMENTS**

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

## **XXI. 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 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.

## **XXII. COMPLAINT PROCEDURE**

1. If the employee believes that he has been treated arbitrarily, capriciously, or unreasonably, or believes that his supervisor, department head, or has violated any provision of this Handbook, he should process his complaint under this procedure. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual.

**Step 1.** An employee with a complaint must first take the matter up with his immediate supervisor within three working days after which he knew or should have known of the occurrence or action about which he complains.

**Step 2.** If, after meeting with his immediate supervisor, the employee still believes that he has a valid complaint, he must submit his complaint in writing to the next level of supervision within five working days of his conference with the supervisor. The supervisor shall promptly schedule a meeting with the employee, who may be accompanied by a representative of his choice, to discuss the complaint. The supervisor shall render a written decision on the complaint within five working days of the meeting.

**Step 3.** If the employee is not satisfied with the decision on the complaint in Step 2, he may file an appeal in writing within five working days of his receipt of the Step 2 disposition. The appeal must be filed with the appointing authority. The appointing authority shall meet with the employee, who may be accompanied by a representative of his own choice, within five working days of the filing of the appeal. Either the appointing authority or the employee may tape record the meeting. The appointing authority

shall render a written decision on the complaint within five working days.

**Step 4.** If the employee is not satisfied with the decision on the complaint in Step 3, he may file a written appeal to the Board of County Commissioners, setting forth in detail his complaint and all pertinent factual information. The Board shall issue a written recommendation disposing of the complaint within ten (10) workdays and shall send a copy of the recommendation to the employee and to the appropriate appointing authorities.

2. No employee shall be discriminated against for making a complaint in accordance with these procedures or disputing the application of any of these personnel policies.

### **XXIII NEPOTISM POLICY**

1. The County will receive employment applications from relatives of current employees. There are four (4) situations which would prevent the County from hiring a relative of a current employee:
  - a. If one relative would supervise or have disciplinary authority over another.
  - b. If one relative would audit the work of another.
  - c. If there was a conflict of interest between the relative and the employee, or the relative and the County.
  - d. If the hiring of relatives could result in a conflict of interest with clients.
2. An employee is not permitted to work in a position where his supervisor or any person above him in his established chain of organizational command, is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or terminated, or an accommodation acceptable to the County must be worked out by the affected parties. Termination is to be the last resort. No employee who meets current standards of performance and behavior shall be terminated if a transfer is possible.
3. If two employees marry, they will be subject to the same rules listed above as other relatives, unless state law or judicial decisions dictate otherwise. No persons employed in the County prior to the adoption of this policy will be retroactively affected by this policy.
4. The provisions of O.R.C. § 102.03 and 2921.42 make it unlawful for a public official to use his influence to obtain a benefit, including a job for his relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action including termination.
5. For purposes of this 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.

### **XXIV. MEDICAL EXAMINATIONS AND DISABILITY SEPARATIONS**

1. The Employer 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 material and substantial duties of the employee's classification with or without reasonable accommodation. For purposes of this Article, "licensed medical practitioner" is defined as a licensed psychologist or psychiatrist to conduct a mental examination and an M.D. or D.O. to conduct a physical examination. If the employee disagrees with a determination that she is unable to perform the material and substantial duties of her classification with or without reasonable accommodation, she may request to be examined by a second licensed medical practitioner of her choice at her own expense. If the reports of the two licensed medical practitioners are conflicting, a third opinion shall be rendered by a neutral party chosen by the Employer and the employee and paid for by the Employer. The neutral licensed medical practitioner shall limit the report to the Employer to the issue of whether the employee is capable of performing the material and substantial duties with or without reasonable accommodation as defined

by the Employer.

2. If an employee after examination is found to be unable to perform the material and substantial duties of her classification, the employee may request to use accumulated sick leave, vacation, and other benefits. If the employee remains unable to perform the material and substantial duties of her classification after exhausting her available paid leave, she may request a voluntary disability separation. An employee granted a voluntary disability separation shall retain the right to be reinstated to her position for two (2) years from the date that the employee is no longer in active work status due to the illness, injury, or condition necessitating the placement into inactive status. Reinstatement is available only upon the presentation of appropriate medical documentation that the employee can perform the material and substantial duties of her position with or without reasonable accommodation.
3. If a classified employee found to be unable to perform the material and substantial functions of her job refuses to utilize her leave benefits or to agree to a voluntary disability separation following the use of her leave benefits, the Employer may place the employee on an involuntary disability separation. Prior to placing an employee on involuntary disability separation, the employee is entitled to a pre separation conference. The employee must be given at least seventy two (72) hours' notice of this conference. At the pre separation conference the employee has the right to examine the Employer's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf. If after the hearing the Employer determines that the employee is unable to perform her material and substantial job duties with or without reasonable accommodation, the Employer shall issue an involuntary disability separation order to be given to the employee and filed with the State Personnel Board of Review. The employee may appeal the Employer's order concerning her involuntary disability separation to the State Personnel Board of Review.
4. An employee on a voluntary or involuntary disability separation has a two (2) year right to reinstatement to their former position or a similar position. The employee must make a written request for reinstatement from a disability separation. The request shall be accompanied by substantial credible evidence that the employee is once again capable of performing the essential functions of her classification with or without reasonable accommodation. The Employer shall have the right to have the employee examined prior to her return. The Employer shall pay for the examination.
5. Refusal of an employee to submit to an examination or to cooperate in this process will be considered insubordination and may be grounds for discipline.

## **XXV. SOCIAL MEDIA POLICY**

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.

Employees are reminded to be careful of 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:

1. Comments or displays about coworkers, 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 on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic.
2. Statements or uses of the County's logo that are slanderous or detrimental, including evidence of the misuse of the County's authority, information, insignia or equipment.
3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal cause of 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, mission or operations, such as slander, defamation or other legal cause of action.

4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information that does not relate to an issue of public concern.
5. Comments or displays that impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

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 supervisor. 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.

In the event a County agency operates and maintains a social media site, the elected official, or department head, shall designate the employee(s) who is permitted to post, maintain and monitor the 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.

## **XXVI. POLITICAL ACTIVITY**

1. Purpose: Employees in the classified civil service are prohibited by Ohio law from engaging in "political activity". The purpose of this Article is to provide lists of examples, though not exhaustive lists, of activities that are permissible and prohibited under the law.
2. Permissible Activities: The following is a non-exhaustive list of examples of permissible activities for employees in the classified civil service:
  - a. Registration and voting;
  - b. Expression of opinions, either oral or written;
  - c. Voluntary financial contributions to political candidates or organizations;
  - d. Circulation of non-partisan petitions or petition stating views on legislation;
  - e. Attendance at political rallies;
  - f. Signing nominating petitions in support of individuals;
  - g. Display of political materials in the employee's home or on the employee's property;
  - h. Wearing political badges or buttons, or the display of political stickers on private vehicles; and
  - i. Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.
3. Prohibited Activities: The following is a non-exhaustive list of examples of prohibited activities for employees in the classified civil service:
  - a. Candidacy for public office in a partisan election;
  - b. Candidacy for public office in a non-partisan election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - c. Filing of petitions meeting statutory requirements for partisan candidacy for elected office;
  - d. Circulation of official nominating petitions for any candidate participating in a partisan election;
  - e. Service in an elected or appointed office in any partisan political organization;

- f. Acceptance of a party sponsored appointment normally filled by partisan election;
  - g. 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;
  - h. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in kind, for any political party or political candidate;
  - i. Solicitation for the sale, or actual sale, of political party tickets;
  - j. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues;
  - k. Service as a witness or challenger for any party or partisan committee;
  - l. Participation in political caucuses of a partisan nature; and m.
  - m. Participation in a political action committee that supports partisan activity.
4. Discipline: Any classified employee who engages in any of the activities listed as prohibited in the preceding Paragraph is subject to discipline.
  5. Scope: Nothing in this Article pertains to unclassified employees.

## **XXVII. CONTACT WITH NEWS MEDIA AND 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 Appointing Authority or designee. 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.

## **XXVIII. SOLICITATION POLICY**

1. It is the policy of the County to prohibit solicitation and distribution of literature on its premises by non-employees and to permit solicitation and distribution of literature by employees subject to the restrictions of this Article. This policy is not intended to supersede any relevant provision in an applicable collective bargaining agreement covering County employees that concerns union representation, use of bulletin boards, or other provisions in conflict with this policy.
2. The County limits solicitation and distribution on its premises because those activities can interfere with the County's operations, reduce employee efficiency, annoy customers, and pose a threat to security.
3. 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 County premises.
4. 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 these drives, but their participation is entirely voluntary.
5. The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- a. The sale of merchandise or services is prohibited on County premises.
  - b. 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 lunch or rest periods or other times when the employee is not required to be working.
  - c. Distribution of literature is prohibited in work areas at all times.
  - d. Distributing literature in a way that causes litter on County property is prohibited.
6. The County maintains various communications systems to communicate County related information to employees and to disseminate or post notices required by law. These communications systems (including bulletin boards, electronic mail, voice mail, telephone, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature.
- In particular, bulletin boards are for the posting of County related information and notices only, and only persons authorized by the Employer may place notices on or take down material from the bulletin board. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.
7. Employees who violate the provisions of this Article are subject to discipline. All 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.

#### **XXIX. REHIRING RETIRED OPERS MEMBERS**

County Employees Who Take OPERS retirement may be rehired subject to the following:

1. In accordance with O.R.C. §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 employee's intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.
2. 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 prior years' service in determining the vacation accrual rate.
3. 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.
4. If the employee does not request payment of sick leave upon retirement, he may retain the sick leave balance for use when rehired provided his re-hire date is within ten years of his retirement. If the employee chooses not to request payout upon retirement, he shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.
5. Classified employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.
6. 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.

# Appendix 1

## REQUEST FOR LEAVE OF ABSENCE

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

**LEAVE REQUESTED:** Sick \_\_\_ Vacation \_\_\_ Funeral \_\_\_ Jury \_\_\_ Military Leave \_\_\_

Military, Long Term \_\_\_ Personal Leave \_\_\_ Disability Leave \_\_\_\_\_

Disability Separation \_\_\_ Unpaid Leave \_\_\_ Compensatory Time \_\_\_\_\_

\_\_\_\_\_  
Signature of Appointing Authority or Designee

\_\_\_\_\_  
Date

Reason for Leave: \_\_\_\_\_

---

(Attach a copy of the subpoena, court order, military order, or physician's statement verifying the reason for leave.)

Beginning Date/Time of Leave: \_\_\_\_\_ Ending Date/Time of Leave: \_\_\_\_\_

Total Hours: \_\_\_\_\_

REASON FOR REQUEST FOR SICK LEAVE (to be completed by employee upon return from absence):

1. \_\_\_\_\_ Medical, Dental, Optical Appointment

2. \_\_\_\_\_ Personal Illness: \_\_\_\_\_  
(state exact nature of illness)

3. \_\_\_\_\_ Personal Injury: \_\_\_\_\_  
(state exact nature or injury)

Where did injury occur?  
\_\_\_\_\_

When did injury occur?  
\_\_\_\_\_

Will this injury affect your ability to perform any of your required duties?

\_\_\_ Yes \_\_\_ No

4. \_\_\_\_\_ Illness or injury in immediate family: \_\_\_\_\_

A. Briefly state why it was necessary for you to attend to this family member:  
\_\_\_\_\_



B. Did you take this family member to a medical practitioner or a hospital?

\_\_\_\_\_ Yes \_\_\_\_\_ No

5. \_\_\_\_\_ Number of hours of sick leave requested:

(NOTE: Sick leave must be taken in units of whole hours.)

6. \_\_\_\_\_ On-the-Job Injury. (Check this block if you desire to temporarily use sick leave benefits and plan to file for Workers' Compensation benefits at a later date. Your supervisor will instruct you on how to file for Workers' Compensation.)

7. \_\_\_\_\_ Death in the Family: \_\_\_\_\_  
(state name and relationship to family member)

Date of Death: \_\_\_\_\_

Date of Funeral: \_\_\_\_\_

I do hereby certify the statements made hereon to be true and factual. I understand that payment for the sick leave requested may be withheld until all information I have stated on this application is verified, and I have complied with all rules and further regulations as stated on this application, and in the Personnel Policy Manual. Further I understand that falsification of this application may constitute fraud, may result in a refund b me to the County, and may be cause for discipline, including dismissal.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

**ADMINISTRATIVE ACTION**

\_\_\_\_\_ Number of accrued hours of requested leave

\_\_\_\_\_ Number of hours requested

\_\_\_\_\_ Balance of requested leave, if approved

\_\_\_\_\_ Recommended

\_\_\_\_\_ Not Recommended

\_\_\_\_\_  
Signature of Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_ Approved

\_\_\_\_\_ Disapproved

\_\_\_\_\_  
Signature of Appointing Authority

\_\_\_\_\_  
Date

**APPENDIX 2**

**APPLICATION TO RECEIVE DONATED SICK LEAVE**

Employee's Name: \_\_\_\_\_

Department: \_\_\_\_\_

Please describe the catastrophic illness/injury, who is affected, and how the employee is affected:

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Indicate the amount of time that will be missed because of the catastrophic illness/injury.

Number of days: \_\_\_\_\_ Beginning: \_\_\_\_\_ Ending: \_\_\_\_\_

Has the Employee filed for Family and Medical Leave? Yes \_\_\_\_\_ No \_\_\_\_\_

**VERIFICATION BY ATTENDING MEDICAL DOCTOR**

I certify that the above named individual has experienced a catastrophic illness and/or injury and the projected time missed is an accurate forecast of the time that is needed for the condition.

Doctor's name: \_\_\_\_\_

Doctor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I verify that the above information is a true and accurate report of my condition as I know today. I authorize and approve distribution of this information to other Logan County employees to inform them of my condition and to permit other county employees to donate sick leave to me. I understand and agree that my Appointing Authority and/or the County Auditor will make notice of my need for leave and that I should take no other action to solicit or request donation of leave from other staff. I have read, understand and agree with the limitations of this program as outlined in the Sick Leave Donation Policy. I understand and agree that any leave taken under this program will be included and in conjunction with the twelve (12) week limits of the Family and Medical Leave Act. I understand and agree that any employee donating leave to me will have his or her identity kept confidential from me.

**Witness's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Employee's Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

*This application has been reviewed and **APPROVED** / **DENIED** (Circle One.)*

**Name of Reviewer** \_\_\_\_\_ **Signature** \_\_\_\_\_

**Date** \_\_\_\_\_

**APPENDIX 3**

**APPLICATION TO DONATE SICK LEAVE**

Donator's Name: \_\_\_\_\_ Employer: \_\_\_\_\_

Receiver's Name: \_\_\_\_\_ Employer: \_\_\_\_\_

I understand that the Receiver indicated must be contacted by his Appointing Authority to determine if the Receiver is eligible and willing to accept the leave. The Receiver will be required to complete an "Application to Receive Donated Sick Leave" prior to determination of eligibility.

**Hours of Sick Leave to be donated:** \_\_\_\_\_

(Must be in one (1) donor day increments Up to a maximum of eighty (80) hours equivalence).

I hereby certify that this request is made voluntarily. I was not coerced, intimidated, or financially induced into donating leave. By signing, I hereby relinquish all rights to the leave shown above and the benefits accrued to or attached to the same. I understand and agree that the donation of the leave is irrevocable and that no leave actually donated will be refunded to me. I certify that I will have twelve (12) weeks of sick leave after making this donation.

**Total Hours Donated:** \_\_\_\_\_

Witness's Signature \_\_\_\_\_ Date \_\_\_\_\_

Donator's Signature \_\_\_\_\_ Date \_\_\_\_\_

**CERTIFICATION OF AUDITOR**

The above individual is certified as eligible to donate the hours listed

Balance of Sick Leave after donation \_\_\_\_\_

Sick Leave Donation:           **APPROVED** \_\_\_\_\_           **DENIED** \_\_\_\_\_

Signature of Appointing Authority \_\_\_\_\_ Date \_\_\_\_\_

Signature of Logan County Auditor \_\_\_\_\_ Date \_\_\_\_\_

**APPENDIX 4**

**REQUEST FOR FAMILY AND MEDICAL LEAVE**

EMPLOYEE: \_\_\_\_\_ DATE: \_\_\_\_\_

REASON FOR LEAVE REQUEST: (Check One)

- \_\_\_\_\_ Due to birth of child of employee;
- \_\_\_\_\_ Due to placement of child with the employee for adoption/foster care;
- \_\_\_\_\_ For the spouse, parent, or child of a member of the U.S. military service;
- \_\_\_\_\_ In order to care for: (name of person): \_\_\_\_\_
- \_\_\_\_\_ Other (describe): \_\_\_\_\_

State exact nature of health condition or circumstance for which leave is requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Beginning date/time of leave: \_\_\_\_\_

Ending Date/time of leave: \_\_\_\_\_

Total hours of leave requested: \_\_\_\_\_

I certify all statements herein to be complete and true. Falsification is cause for discipline up to and including termination of employment.

\_\_\_\_\_  
Signature of Employee

=====

ADMINISTRATIVE ACTION:

\_\_\_\_\_ Order second opinion to certification, OR \_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

Reason \_\_\_\_\_

Signature: \_\_\_\_\_

**APPENDIX 5**

**GINA-FMLA Certification Disclosure**

**Logan County, Ohio**

RE: Employee Name: \_\_\_\_\_

County Department: \_\_\_\_\_

**Genetic Information Nondiscrimination Act (GINA) FMLA Certification Disclosure**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. **To comply with this law, we are asking that you NOT provide any genetic information when responding to this request for medical information.** 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

Notice received by:

\_\_\_\_\_  
Signature of Health Care Provider

\_\_\_\_\_  
Date

APPENDIX 6

**EMPLOYEE HANDBOOK AND PERSONNEL POLICIES ACKNOWLEDGEMENT**

Receipt of Handbook (paper copy):

- I acknowledge receipt of this Handbook and understand and agree that I am responsible for knowing its contents and for keeping it updated. I also understand that this Handbook is County property that must be returned to the Appointing Authority when I separate from employment with the County.

Receipt of Handbook (internet access):

- I acknowledge receipt of this Handbook via Online access, which is available for download, printing, and viewing at <http://www.co.logan.oh.us/DocumentCenter/View/2372/Policy-Handbook-11-1-2019> and understand and agree that I am responsible for knowing its contents and any updated versions of this Handbook. I also understand that digital and printed copies of this Handbook are County property that must be returned to the Appointing Authority when I separate from employment with the County.

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

**Issued To:**  
(Print Name)

\_\_\_\_\_

**Signature:**

\_\_\_\_\_

**Date Received:**

\_\_\_\_\_

Appendix 7

REASONABLE SUSPICION RECORD

Name of Employee:
Observation: Date Time ( a.m./p.m. to a.m./p.m.)
Location of Observation: (Street Address) (City) (State)

Causes for Suspicion:

1. Presence of (describe what you saw)

- Drugs
Drug Paraphernalia
Alcohol
Other

2. Unusual Appearance:

- Disheveled
Dilated/constricted pupils
Dry-mouth symptoms
Flushed
Bloodshot eyes
Profuse sweating
Runny nose
Nose sores
Puncture marks
Inappropriate wearing of sunglasses
Tremors or lack of muscle control
Odor of Alcohol
Dull eyes
Other (describe)

Comments:

3. Unusual Behavior – continued)

- Paranoid or Depressed
Euphoric
Disoriented
Sleepy
Argumentative
Crying
Inexplicably laughing
Other (describe)

Comments:

4. Unusual Motor Skills:

Balance

- Swaying
Falling
Staggering
Other (describe)

Comments:

Walking and Turning

- Swaying
Falling
Arms raised for balance
Reaching for support
Other (describe)

Comments:

3. Unusual Behavior:

Speech

- Confused
Incoherent
Slowed
Slurred
Whispering
Avoidance by Co-Employees
Overreaction to Criticism
Avoidance of Managers
Avoidance of Co-Employees
Unreasonable Resentments
Nervousness
Irritability
Talkativeness
Using Illness as Alibi
Excessive use of mints, gum, candies, etc.
Lethargic or Detached Attitude
Confused

5. Unusual Work Performance:

- Absenteeism: (unexcused, excessive, patterned, bizarre excuses, frequent minor "illnesses")
Tardiness: (excessive late report, long meal breaks, leaving work early, afternoon "illness")
On-The-Job Absenteeism: (away from work

- Lack of coordination
- Mood swings

area, frequent use of restroom, long breaks, excessive personal telephone calls)

**(5. Unusual Work Performance – continued)**

- Forgetfulness: (Difficulty in recalling or following instructions, increasing difficulty in performing complex tasks)
- Difficulty in Concentration: (inattention to detail, work requires greater effort or time, bad decision, poor judgment)

- Lowered Efficiency: (Missed deadlines, wasted supplies, complaints about performance, undependable, varying periods of productivity).

Comments: \_\_\_\_\_  
\_\_\_\_\_

**6. Describe any other relevant observed actions or behaviors:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Record employee statements if any are made:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This record made by:** (One signature is required, two if available.)

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Title**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
**Date**



**Appendix 8**  
**APPLICANT DRIVING HISTORY**

To be included in the employment application for all prospective new employee especially those who may on occasion drive a county vehicle or any other vehicle on behalf of the county.

First, Middle & Last Name: \_\_\_\_\_

Address: \_\_\_\_\_

Ohio Driver License Number \_\_\_\_\_

Social Security Number (optional) \_\_\_\_\_

Date of Birth \_\_\_\_\_

(The above information is required by the State of Ohio to run a  
MVR)

Position Applied For \_\_\_\_\_

I understand that as a condition of employment I must have a current and valid Ohio Driver's License and an acceptable driving record that meets the standards of the County's auto liability insurer. (initials \_\_\_\_\_)

I further understand that I must provide, with my application, proof of personal auto liability insurance that meets the requirements of the State of Ohio and existing county minimum requirements. (initials \_\_\_\_\_)

I further understand that I must provide, with my application a copy of the Bureau of Motor Vehicles report showing my driving record for all states (other than Ohio) that I have resided in during the past thirty six (36) months period. (initials \_\_\_\_\_)

Questionnaire:

1. Can you do the requirements of the job, to include driving if necessary, with or without a reasonable accommodation?  
\_\_\_\_\_

2. If you answered yes to question no. 1, what is the accommodation you need, if any, to do the job? \_\_\_\_\_

During the previous forty-eight (48) months have you been involved in any of the following:

3. Had automobile insurance rejected, canceled, refused or been in a high-risk insurance program? \_\_\_\_\_

4. Been involved in any accidents either, at fault or not at fault? \_\_\_\_\_

5. Been arrested for any traffic related incidents? \_\_\_\_\_

6. Had any traffic violations or parking violations? \_\_\_\_\_

Please provide all details including date and location for any question that was answered by "yes."

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**Applicant Acknowledgement**

I understand that by giving incorrect information or by omitting information I am falsifying my application and therefore subject to dismissal if hired. I further agree that Logan County as my employer may check my driving record at any time. I further agree to report to my supervisor any accidents, arrests, violations, or cancellation of personal insurance as soon as possible after they occur and prior to driving any vehicle on behalf to Logan county.

Prior to driving on behalf of Logan County: I am familiar with the county policy for use of motor vehicles. I understand all of the above and agree to all requirements. I further attest that all statements made by me in this report are true to the best of my knowledge.

---

Applicant Signature

Date

**APPENDIX 9**

**STATEMENT OF UNDERSTANDING OF EMPLOYEE  
SUSPENDED FROM DRIVING FOR THE COUNTY**

I understand that I have been suspended from driving on behalf of the County. Any driving that I do during the term of the suspension will not be in the scope of my employment with the County for any reason, even if a supervisor directs me to drive during the term of the suspension.

Although I understand that I may have consequences on the job for the actions that caused my license suspension, I understand that I cannot be disciplined for refusing to drive on behalf of the county during the term of my suspension.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**WITNESS:**

\_\_\_\_\_

\_\_\_\_\_

Employee

Appendix 10

Logan County Commissioners Office

Public Records Request Form

While not mandatory, if you fill out this form it will help us provide the public records you are requesting in a more timely fashion.

Name of Requestor:	
Street Address/Mailing Address:	City, State, Zip:
Phone Number(s):	Date Records Request Received:
With as much specificity as possible, please describe what records you want to review. PLEASE PRINT.	
<p>The Logan County Commissioners Office provides photocopies of public records at the rate of 5 cents per page. Other fees are noted in the Public Records Policy. <b>All requests require advance payment.</b> There is no charge to inspect records while in the Logan County Commissioners office. Please check your preference below. You will be contacted as soon as possible to complete your records request.</p> <p><input type="checkbox"/> I would like to inspect these records in the building when they are ready.</p> <p><input type="checkbox"/> I would like these records copied, and I will pick them up when they are ready.</p> <p><input type="checkbox"/> I would like these records copied and mailed to me at the address on this form.</p>	
Name of Employee Handling Request:	Date Request Was Completed:

## Public Record Request Response Form

(Form PR-1)

Thank you for your recent public record request. The **Logan County Commissioners office** will respond in accordance to the applicable provisions of the Ohio Public Records Act.

On \_\_\_\_\_ you requested the following records/information:  
(date)

**The record/information requested:**

**Legal Authority Cited**  
(if applicable)

<input type="checkbox"/> Is attached/ mailed/ emailed	
<input type="checkbox"/> Is not maintained by this office <i>(office will attempt to direct requestor to correct office).</i>	(list office)
<input type="checkbox"/> Is overly ambiguous <i>(despite efforts to clarify)</i>	ORC 149.43(B)(2)
<input type="checkbox"/> Does not exist and/or no obligation to create.	ORC 149.40
<input type="checkbox"/> Has been disposed pursuant to One-Time Records Disposal or pursuant to Retention Schedule.	RC-2
<input type="checkbox"/> Is not subject to release in its entirety.	(cite legal authority)
<input type="checkbox"/> Is subject to release, however the following redactions have been made to protect exempted information:	ORC 149.43(B)(1)-(3)

<p><b><u>Redaction:</u></b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	<p><b><u>Legal Authority Cited:</u></b></p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
---	---

Prepared by: \_\_\_\_\_ Date: \_\_\_\_\_

If applicable, Legal Review by: \_\_\_\_\_ Date: \_\_\_\_\_