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Adopted by the Perry County Commissioners: 11/14/2014

# PERSONNEL POLICY MANUAL

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## BEST PRACTICES



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A Service Program of the County Commissioners Association of Ohio

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## **I. INTRODUCTION, APPLICABILITY AND ADMINISTRATION**

The provisions of this Policy Manual are applicable to all County employees except as specifically provided herein. This Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. Any promises or statements made by any individual that conflicts with this Manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the Human Resources Coordinator.

The policies adopted in this Manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. This Manual is also intended to be construed in such a manner as to comply with all applicable federal, state, and civil service laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies and procedures.

The County will endeavor to give employees advance notice of any Manual changes. However, the County may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Human Resources Coordinator.

If any article or section of this Manual is held to be invalid by operation of law, the remainder of this Manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (O.R.C.) or applicable federal law and this manual, law shall prevail. Additionally, should a direct conflict exist between this Manual and a Collective Bargaining Agreement, the Bargaining Agreement shall prevail.

## **II. CLASSIFICATION STATUS**

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

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

Intermittent employees are unclassified employees who are scheduled on an as-needed basis. Intermittent employees usually perform services without a regular schedule and are called when needed. They must not work more than one thousand hours per year O.A.C. 123:1-47-01(A)(40). The Director or designee shall reschedule or deschedule intermittent employees as needed.

Intermittent employees who are employed by the County are entitled to receive sick leave benefits pursuant to R.C. 124.38. See 1989 Ohio Op Atty Gen. No. 89-088, 1989 WL 455437. Section 124.38 expresses that all employees in the various offices of county service, among others, shall be entitled to sick leave ratio set forth in that statute. R.C. 124.38(A). Intermittent employees will receive sick leave benefits at a ratio of four and six-tenths hours for each completed eighty hours of service.

Intermittent employees are not entitled to earn/accrue vacation leave.

An intermittent employee can be removed without the reasons and process required by R.C. Chapter 124. These employees can be removed without regard to Ohio Civil Service rules. A letter should be provided to the employee informing them of their termination.

### **III. EQUAL EMPLOYMENT OPPORTUNITY**

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 principles and other related laws.

The County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the Appointing Authority or Agency Head, each of who shall have the authority and responsibility to work directly with the Human Resources Coordinator to investigate and take appropriate action concerning the complaint.

#### **IV. AMERICANS WITH DISABILITY ACT**

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

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the Appointing Authority or Agency Head, each of whom shall have the authority and responsibility to work directly with the Human Resources Coordinator to investigate and take appropriate action concerning the complaint. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

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

## **V. 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 membership in a protected class such as: race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. The County also prohibits discrimination in health care for any health program or activity of which any party receives Health and Human Services federal funding or assistance, to include patient care and health benefit plans in accordance with HHS Section 1557. 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 where:

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.**

By way of example, 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.

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. 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 the Appointing Authority or Agency Head if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both 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 shall immediately report the conduct, in writing, to the Appointing Authority or Agency Head, each of whom shall have the authority and responsibility to work directly with the Human Resources Coordinator 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 the Appointing Authority or Agency Head. 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 or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews 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 disciplinary action 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 relationship with someone who took action under this policy, shall report the conduct to the Appointing Authority or Agency Head 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 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.

**VI. MEDICAL EXAMINATIONS AND DISABILITY SEPARATION**

- A.** The County may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of his job, with or without reasonable accommodation. This examination shall be at the County's expense. If the employee disagrees with the County's licensed medical practitioner's determination, he may request to be examined by a second licensed medical practitioner of his choice at his own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the County and paid for by the County. The third opinion shall be controlling.
- B.** If an employee, after examination, is found to be unable to perform the essential functions of his position with or without reasonable accommodation, he may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.

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

- C.** An employee's refusal to submit to an examination, to release the findings of an examination, or to otherwise cooperate in the examination process will be considered insubordination.

## **VII. DRUG AND ALCOHOL POLICY**

### **A. Drug-Free Workplace.**

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

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

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

### **B. Drug Policy.**

The county has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

#### **Definitions:**

1. **Controlled Substance:** Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
2. **Conviction:** Means any finding of guilt, including a plea of *nolo contendere* (no

contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

3. **Criminal Drug Statute:** Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*

**Requirements:**

1. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the employer of that fact immediately, but in no event longer than five (5) calendar days, of the arrest or conviction.
2. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
3. Any employee arrested or convicted of a drug or alcohol offense, who fails to timely report the arrest or conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

**C. Workers Compensation**

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption.

**D. The Drug/Alcohol Testing Policy.**

In order to maintain a safe, healthful, and drug-free work place, the County reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs under the following circumstances:

1. Applicants selected for employment are required to undergo drug and alcohol testing.
2. Commercial driver's license (CDL). Employees who are required to hold a CDL will be required to participate in the County's drug and alcohol testing program as required by federal law (49 CFR part 40) which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing.

Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

3. **Safety Sensitive Positions.** Each county department shall determine safety-sensitive positions by identifying specific evidence supporting the safety-sensitive nature of the job. Jobs are considered safety-sensitive if they involve work that may pose a great danger to the public such as those requiring interaction with children, interaction with adults with disabilities, law enforcement, emergency services, use of hazardous materials, work involving the operation of dangerous instrumentalities, such as trucks that weigh more than 26,000 pounds, that are used to transport hazardous materials, or that carry more than fourteen passengers. For other less-obviously safety-sensitive positions, the department shall carefully consider the job of the employee and compare to the type of jobs listed above. Job descriptions shall include hazardous duties.

Drug and alcohol testing is required to determine fitness for duty upon hire into a safety-sensitive position.

Any safety-sensitive employee involved in an accident is required to immediately report for drug and alcohol testing or, as soon as possible after taking precautions to ensure the health and safety of the employee.

4. **Reasonable Suspicion.** Testing is required if there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition. Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it shall require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.

#### **Procedures:**

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

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

Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through an approved program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.

The County may offer employees who return to work after successful rehabilitation a

last-chance agreement that includes random drug tests for a period of one year from the date of their return.

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

#### **E. Discipline.**

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

#### **F. Refusal to Test.**

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

Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;

Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample;

Failure to execute or release forms required as part of the testing process.

#### **G. Prescription/OTC Medications.**

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



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

## **VIII. TOBACCO USE POLICY**

### **Purpose/Scope:**

Create a healthy environment for employees and the community while conducting business activities on any county property.

### **Policy:**

Effective April 30, 2015, employees, clientele and visitors to any county agency shall not be permitted to use tobacco products on county property. Individuals may use tobacco products while in their own personal vehicles, in county parking lots, providing all tobacco and tobacco products are maintained in the vehicle at all times. Tobacco use is not permitted in any county owned vehicles.

For the purpose of this policy, any reference to the use of tobacco and/or tobacco products includes the use of vaporizers and/or vaporizer products.

### **Enforcement:**

While tobacco cessation is recommended for all employees for improved health, Elected Officials/Department Heads understand they may exercise their personal choice to utilize tobacco products. Those employees who use tobacco shall be required to adhere to the following:

1. All tobacco use shall be confined to the employee's personal vehicle as outlined in the policy.
2. Any employee who decides to utilize tobacco products during their work day shall use a portion of this lunch period to cover the time the employee is away from his/her official duties.
3. Employees found in violation of the tobacco policy shall be disciplined in accordance with the Employee Handbook.

### **Visitors to County Offices**

All visitors to any county office shall be expected to comply with the county policy. No smoking placards shall be posted to educate all visitors of the tobacco free environment. Any visitor noted to be in violation of the tobacco policy shall be advised of the policy immediately. Supervisors may review the concern with legal counsel to determine any further action if necessary.

**IX. LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from workers'-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.

**X. 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 which 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 this manual.

## **XI. 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.

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

There will be at least twenty-six (26) pay periods per year. Employees will be paid every other Friday, and are paid for the preceding two (2) week pay period. The bi-weekly payroll period is determined by the appointing authority.

If a holiday occurs on a Friday on which a payday falls, paychecks will usually be issued on the preceding Thursday, except under extenuating circumstances in which case paychecks will be issued on the following workday.

Appointing Authorities, or their designees, are to receive any employee questions regarding pay and are responsible for making the necessary explanations or inquiries to resolve the matter.

Pay advances of any kind are not permitted.

The County will establish the hours of work for all employees. Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the County will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Each Appointing Authority will establish agency policy and procedure for lunch and breaks. All public offices and departments are expected to maintain adequate coverage at all times during normal hours of operation to ensure prompt service to the public. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working 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.

The normal workweek for employees is forty (40) hours, composed of eight (8) hours per day. In the effort to maintain accountability for county tax dollars, each appointing authority, or designee, shall establish daily work schedules and maintain daily employee attendance records. Attendance shall be documented through a written policy and procedure utilizing time sheets, time recording devices or other written documentation. Payroll records shall clearly document the date worked, total number of hours worked with time in/time out, rate of pay and any payment for hours not worked.

Each appointing authority shall establish a policy and procedure for employees to report all non-scheduled absences from work. The Commissioners suggest each absence must be reported to the employee’s immediate supervisor or designee within at least one-half (1/2) hour of the employee’s scheduled starting time. Only absences properly logged by the employee’s immediate supervisor or designee will be considered for approval.

Each appointing authority shall develop an accounting system which requires the following information be contained in the employee's personnel file:

- Reason for the absence
- Type of absence (sick, vacation, person, unpaid leave)
- Any required verification
- Supervisory approval

Submitting false documentation or offering a false verbal statement regarding the absence shall be grounds for discipline, up to and including termination.

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.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually physically worked in excess of forty in any one work week, regardless of the employee's regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. One exception is that non-exempt employees are eligible for overtime for hours physically worked on a holiday regardless of the number of hours worked in the workweek. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked. Department heads shall make every effort to limit the accrual of overtime.

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.

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

**A. 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.

**B. Compensatory Time – Non-Exempt Employees Only**

Non-exempt employees: At the discretion of the Appointing Authority, certain non-exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times the hours actually worked and, for non-safety forces, applies only to hours actually physically worked in excess of forty (40) in any one work week. County employees must use compensatory time within three hundred sixty-five (365) days of its accrual. Compensatory time will be used on a first-in, first-out basis. Compensatory time not used within the requisite time period will be paid out.

Employees may not exceed the maximum accrual cap of forty (40) hours. Non-exempt employees required to work overtime who exceed the 40-hour cap must use compensatory time prior to being granted vacation leave until compensatory hours are reduced to 40 hours or less.

The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the forty (40) hour or three hundred sixty-five (365) day accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.

**C. Earned Time Off – Overtime Exempt Employees**

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

**D. 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 Human Resources Coordinator. The Human Resources Coordinator 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



### **XIII. REPORTING TO WORK AND TARDINESS**

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

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

**XIV. LAYOFF**

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

## **XV. PROBATIONARY PERIOD**

~~Newly hired or newly promoted employees shall be required to successfully complete a one year probationary period.~~ Each appointing authority shall establish written policies and procedures to ensure each newly hired or promoted employee shall be required to successfully complete a probationary period of a minimum of one hundred-twenty (120) days to a maximum of three hundred sixty-five (365) days. ~~, with the approval of the Department of Administrative Services.~~ 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.

## **XVI. ETHICS/CONFLICTS OF INTEREST**

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that 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 public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all County officials and employees:

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

Any employee having doubt as to the applicability of these provisions should consult his supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his supervisor of the gift offer. The supervisor will make a decision or will 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.

State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

## **XVII. NEPOTISM**

### **A. Hiring.**

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

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

### **B. Employment.**

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

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

## **XVIII. OUTSIDE EMPLOYMENT**

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

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

## **XIX. POLITICAL ACTIVITY**

- A.** Although the County encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of the County whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified employees:
1. Registration and voting.
  2. Expressing opinions, either orally or in writing.
  3. Voluntary financial contributions to political candidates or organizations.
  4. Circulating non-partisan petitions or petitions stating views on legislation.
  5. Attendance at political rallies.
  6. Signing nominating petitions in support of individuals.
  7. Displaying political materials in the employee's home or on the employee's property.
  8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
  9. Serving as a precinct official under O.R.C. § 3501.22.
- B.** The following activities are examples of conduct prohibited by classified employees.
1. Candidacy for public office in a partisan election.
  2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
  3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
  4. Circulating official nominating petitions for any partisan candidate.
  5. Holding an elected or appointed office in any partisan political organization.
  6. Accepting appointment to any office normally filled by partisan election.

7. 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.
  8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
  9. Solicitation for the sale, or actual sale, of political party tickets.
  10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
  11. Service as a witness or challenger for any party or partisan committee.
  12. Participation in political caucuses of a partisan nature.
  13. Participation in a political action committee that supports partisan activity.
- C.** Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.



## **XX. INVESTIGATIONS AND DISCIPLINE**

The County has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation.

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 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. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

When the County believes that discipline of a classified employee in the form of a paid or unpaid suspension, reduction or elimination of longevity pay, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against him. At the pre-disciplinary conference, the employee may respond to the charges or have his chosen representative respond. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

## **XXI. COMPLAINT PROCEDURE**

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

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

### **A. Step 1: Immediate Supervisor.**

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

### **B. Step 2: Department Head.**

Updated August 2013

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

**C. Step 3: Employer (Commissioners or Designee).**

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

## **XXII. SOLICITATION**

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

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

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

- A.** Distribution of literature, solicitation and the sale of merchandise or services are prohibited in public areas.
- 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.** Distributing literature in a way that causes litter on County property is prohibited.

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

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

## **XXIII. COUNTY PROPERTY**

### **A. General.**

Employees are prohibited from using County materials, tools, facilities, equipment and labor for personal or private use except as otherwise permitted by the Department. Employees may not perform private work for themselves, co-workers, friends or family members during working time while using County materials, tools, facilities, or equipment. Certain employees may be permitted to utilize specified county materials, tools and/or equipment for personal use as long as the personal usage of stated items does not cause the county to incur additional costs associated with use, and the usage is not illicit or for monetary gain related to outside employment. 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 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. Trained dogs may assist in searches. Employees are required to cooperate in any work place inspection. The County also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from County facilities and job sites where permitted by law.

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

The County may issue cellular phones to its employees. If your job duties require you to have a County issued cell phone, one will be provided to you. Although limited personal use is permitted, reimbursement will be required if personal usage exceeds the plans allowable cell and data usage package. 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 unless, otherwise permitted by the Department. Personal use of county issued mobile technology is permissible as long as the county does not incur additional costs associated with use, and the usage is not illicit or for monetary gain related to outside employment. Cell phone usage shall be limited to hands free devices while vehicle is in motion.

## **B. Vehicles.**

This policy is applicable to all elected officials, full or part-time employees, summer workers, co-op students, volunteers, and contract employees of Perry County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Perry County, Ohio. (For purposes of this Policy, the above-listed categories of persons are referred to as “Employees.”) This policy applies to vehicles titled to, purchased or leased by, or insured by or through the Board of Perry County Commissioners.

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.

This policy also applies to privately-owned vehicles operated by Perry County employees in the course of their employment or activities on behalf of Perry County, Ohio and vehicles rented by Employees for travel in and out of Perry County for authorized reasons.

Employees are responsible to ensure safe vehicle operation. It is the responsibility of every Perry County employee who drives a vehicle to comply with the following:

1. All drivers must be at least eighteen (18) years of age.
2. All drivers must maintain a valid driver’s license that applies to the type of vehicle to be operated. (e.g. Commercial Driver’s License)
3. All drivers must operate the vehicle in a safe, courteous and economical manner.
4. All drivers and all passengers in vehicles so equipped shall wear safety belts. Infant/child car seats are required to be used in accordance with the laws of the State of Ohio and manufacturers’ product manuals.
5. All drivers and passengers shall comply with the motor vehicle laws of the State of Ohio.

### **DRIVER ELIGIBILITY**

- I. **PRE-EMPLOYMENT QUALIFICATIONS.** Hiring of persons who will be required to drive as a function of his/her job duties will be in the sole discretion of the appointing authority. An applicant may be denied employment on the basis of an unsatisfactory driving record. At the direction of the appointing authority, denial of employment may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or whether they occurred within the State of Ohio.

- A. Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of the appointing authority:
  - 1. A review of the Employee's Motor Vehicle Record (MVR);
  - 2. Proof of insurance or compliance with the State of Ohio's Financial Responsibility Laws.
  - 3. Employees whose position requires a commercial driver's license (CDL) will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department-specific policy meets or exceeds the provisions of this policy.
  
- B. Employees, as defined above, who, in the sole discretion of the appointing authority, have an MVR record that demonstrates poor driving habits shall not drive any vehicle on behalf of Perry County without receiving additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the appointing authority's satisfaction that there has been substantial improvement in driving abilities, performance and skills. Perry County's Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.

~~H.~~ **ACTIVE EMPLOYMENT QUALIFICATIONS.** Each department shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a vehicle. Motor vehicle records of drivers will be submitted annually for review and approval by the appointing authority.

- A. Upon evaluation by the appointing authority of an Employee's MVR, drivers may have their driving eligibility temporarily or permanently revoked and/or be required to participate in driving or alcohol/controlled substance intervention programs. Any conviction of one or more of the ten violations below appearing on an Employee's MVR during the prior 36 months may result in such action:
  - 1. Driving under the influence of alcohol or drugs,
  - 2. Leaving the scene of an accident.
  - 3. Vehicular homicide or manslaughter.
  - 4. Driving during a period of suspension or revocation.
  - 5. Reckless operation or other intentional and dangerous use of a motor vehicle.
  - 6. Attempting to elude or flee a law enforcement officer after a traffic violation.
  - 7. Road rage Statute Violations.
  - 8. Falling asleep while driving.
  - 9. Use of a motor vehicle in the commission of a crime.
  - 10. Non-Compliance with Ohio Financial Responsibility Law.

An arrest or conviction for one or more of the above violations on or off county time must be reported within 24 hours of arrest/conviction to the Employee's immediate supervisor.

B. The following list of motor vehicle-related occurrences, as evidenced by the MVR of an Employee during the prior thirty-six (36) month period may result in the temporary or permanent revocation of the Employee's driving eligibility or other disciplinary action as:

1. Two or more "At Fault" accidents
2. Two or more moving violations
3. One "At Fault" and one moving violation.

C. In any case where the appointing authority has temporarily or permanently suspended/revoked the Employee's driving eligibility and driving is an essential function of the Employee's job, the appointing authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.

III. CONTINUED ELIGIBILITY. Each Employee's continued eligibility to operate a vehicle is within the discretion of the appointing authority and extends only so long as the Employee is in compliance with this Policy.

IV. VIOLATION REPORTING. Those Employees eligible to operate a vehicle must notify his/her immediate supervisor in any case where his/her license has expired or is suspended or revoked. Any and all accidents, arrests, violations, and citations issued must be reported by the employee within 24 hours. Failure to do so may result in disciplinary action.

#### V. ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

- A. No alcoholic beverages or illegal substances are permitted in or on a vehicle except as a function of law enforcement or medical emergency vehicles.
- ~~B.~~ Perry County Transit vehicles may transport clients who possess unopened containers of alcoholic beverages.
- C. No Employee shall operate a vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs.

VI. FIREARMS. Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any vehicle.

VII. ACCIDENTS AND TRAFFIC CITATIONS. In the event of a traffic accident or traffic stop for a violation while in the course of employment, employees shall:



- A. Stop, no matter how minor the accident. Report all collisions involving vehicles to the law enforcement agency having jurisdiction.
- B. Take precautions to avoid further damage or injury to persons or property.
- C. Make no statements admitting responsibility.
- D. Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.
- E. If collision is with an unattended vehicle or other object, try to locate the owner. Call law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.
- F. The driver of a vehicle is responsible for the vehicle until it has been returned to the garage or collected by the towing service. Unsafe vehicles should not be driven from the scene of an accident. Contact the employee's supervisor regarding damage and towing if necessary.
- G. Report all accidents and known damage to vehicles to as follows:
  - 1. Report accidents and/or damage to vehicles to your supervisor, who shall notify the County's Insurer immediately.
  - 2. Employee's supervisor shall record and secure all appropriate information on initial accident report and forward to the County's Insurer within twenty-four (24) hours.
    - a. In the event of a collision, supervisor shall forward the following information to the County's Insurer.
      - i. A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.
      - ii. Repair estimates, when appropriate, in due course.

In all investigations of the accident, the emphasis will be on fact-finding, however, discipline may result.

  - 3. The Department Head shall file all accident damage reports with the persons named below and with CORSA.
    - a. Copies of the completed forms, law enforcement reports and estimates to the County Commissioners/County Administrator or his/her designee.
    - b. Accident reports to the employer or Emergency Management Agency for review.
  - 4. The Employee's appointing authority may take such disciplinary action as permitted by department policy, laws and regulations of the State of Ohio, or any applicable collective bargaining agreement.

## VIII. USE OF PERSONAL VEHICLES ON OFFICIAL COUNTY BUSINESS

- A. Use of personal vehicles by Employees on county business is discouraged unless a county vehicle is not available, the use of a county vehicle would cause

serious inconvenience, extreme hardship or the use of personal vehicles is otherwise authorized by the department supervisor or his/her designee.

- B. This policy applies in all respects to employees who use personal vehicles while on County business.
- C. Employees who use personal vehicles while on County business shall abide by all County rules, including department rules.
- D. Insurance coverage for personal vehicles used on County business shall be the responsibility of the owner of the vehicle.
- E. All Employees who use their own vehicle on County business shall maintain liability insurance in the amounts of at least \$100,000 per person for bodily injury; \$300,000 per occurrence for bodily injury; and \$100,000 property damage per occurrence; or a combined single limit of not less than \$300,000.

*Note: CORSA strongly recommends a minimum of \$100,000 per person /300,000 per accident liability limits be personally carried by Employees on their personal auto insurance. However, State Law only requires limits of \$25,000/\$50,000.*

- F. Employee's supervisor must approve use of personal vehicles on County business in advance of any such use.
- G. Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.

IX. **DRIVING POLICY IMPLEMENTATION.** The driving record (MVR) of all Perry County employees holding a position as of January 2016, in which driving is an essential function of their job will be reviewed upon implementation of the Perry County Driving Guidelines. Any employee with 4 or more accumulated points or 2 or more occurrences on the MVR shall be required to attend a Defensive Driving Course. The Defensive Driving Course will be scheduled during working hours at no cost to the employee.

X. **MISCELLANEOUS.**

- A. Parking tickets, moving violations, and other fines received while operating a vehicle are the responsibility of the driver.
- B. Report theft of or from a vehicle to the law enforcement agency with jurisdiction for investigation.
- C. The use of tobacco products is prohibited in all county-owned or leased vehicles.

## **XXIV. COMPUTER USE POLICY**

### **A. General.**

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. Without notice, the County and authorized County supervisors may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.

Employees have no right to privacy 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. When necessary, Internet, email, 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.

### **B. 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.

### **C. 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 which 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 chain letters.
10. Sending rude or obscene messages (anything that would embarrass or discredit the County).
11. Disseminating unauthorized confidential or proprietary County documents or information or data restricted by government laws or regulations.
12. Browsing or inquiring upon confidential records maintained by the County without substantial business purpose.
13. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
14. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
15. Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.
16. Sending or soliciting sexually-oriented messages or images.
17. Using the Internet or instant messenger for political activity.
18. Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
19. 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.

20. 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.
21. 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.
22. 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 email or IM, and that others can view this information at any time.

**D. 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 while in active pay or otherwise on County time.

**E. Securing Computer Equipment and Electronic Data.**

County employees who are responsible for or are assigned portable computer equipment 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 and electronic data is subject to disciplinary action.

## **XXV. SOCIAL MEDIA POLICY**

### **A. Social Media Limitations.**

The County supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action.

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 which 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 which does not relate to an issue of public concern.
5. Comments or displays which 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.

## **XXVI. CONCEALED CARRY**

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

County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment 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.

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.

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.

## **XXVII. WORKPLACE VIOLENCE**

### **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.

### **B. Prohibited Acts of Violence.**

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his 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 website 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 safety (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; 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: “You know what happened in Oklahoma City,” “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, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.



**XXVIII.        CONTACT WITH NEWS MEDIA/RESIDENTS**

Any employee contacted by the news media or a citizen on a matter related to County operations should direct the caller to contact the 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.

## **XXIX. SICK LEAVE**

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

### **A. Accumulation.**

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four (four) and six-tenths (6/10) hours of pay, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

### **B. Use.**

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

1. Illness, injury, or pregnancy-related medical condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed three (3) days. The County may grant additional time off on a case by case basis.
5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.

Elective cosmetic surgeries that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

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

Grandparent-in-law, aunts and uncles shall also be considered immediate family for bereavement leave purposes. Such usage shall be limited to reasonably required time, not to exceed one (1) day. The County may grant additional time off on a case by case basis not to exceed three (3) days.

**C. Employee Notification.**

When an employee is unable to report to work due to illness or other acceptable sick leave reason, he shall notify his supervisor as instructed by the Appointing Authority or Agency Head. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

**D. Written Statement.**

Proof of illness, such as a doctor's excuse, may be required when the County believes absence to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time, but will generally be required in each case when an employee has been absent more than three (3) consecutive days. When a licensed medical practitioner's certificate is required, it must be submitted to the Appointing Authority or Agency Head before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, 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." For absences where a licensed medical practitioner's certificate is not required, the employee must submit a written statement to the Appointing Authority or Agency Head explaining the nature of the illness.

**E. Sick Leave Abuse.**

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

**F. Uses of Other Leave.**

Other accumulated unused leaves may be used for sick leave purposes, at the discretion of the County. An employee who becomes sick while on vacation may apply to use sick leave time instead of vacation days for the illness.

**G. Sick Leave Charge.**

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. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

**H. Sick Leave Upon Retirement.**

Upon retirement from active service with the County, an employee who has ten or more years of service with the County will be paid in cash for up to one-fourth (1/4) the value of the employee's accrued but unused sick leave credit. The maximum aggregate payment to the employee shall not exceed the value of thirty (30) days' accrued, unused sick leave. The payment shall be based on the employee's rate of pay at the time of retirement. ~~The above payments will only be made after written demand and presentation of a copy of the employee's Public Employees Retirement System retirement check.~~ A payout under this provision will eliminate all of the retiring employee's sick leave balance.

**I. Medical Information.**

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

### **XXX. FAMILY MEDICAL LEAVE ACT (“FMLA”)**

#### **A. Statement of Policy.**

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

#### **B. Definitions.**

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

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
  - a. Upon the birth of an employee’s child and in order to care for the child.
  - b. Upon the placement of a child with an employee for adoption or foster care.
  - c. When an employee is needed to care for a family member who has a serious health condition.
  - d. When an employee is unable to perform the functions of his position because of the employee’s own serious health condition.
  - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request.

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For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.

4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care.
  - b. Any period of incapacity of more than three consecutive calendar days that also involves:
    - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
    - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
  - c. Three or more days of incapacity due to pregnancy or for prenatal care.
  - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
  - e. 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.).
  - f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. “Covered Service Member”: Means either:

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- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
  - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
    - i. 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.
8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. “Next Of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A “serious injury or illness”, for purposes for 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 in the Armed Forces. Revised 3-5-2013

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.

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

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

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

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

- a. 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.
- b. Military events and related activities, such as off Revised 3-5-2013  
or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the



military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

- c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. 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.
- i. Any qualifying exigency which arose out of the covered active duty or call to covered active du

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**C. Leave Entitlement.**

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

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
  - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
  - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

**D. Use of Leave.**

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his or her child must first use all available accrued paid 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 post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*

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3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of his serious health condition or the serious health condition of his family member must use all available accrued paid leave prior to using unpaid leave for the remainder of the twelve (12) week period.

**E. FMLA and Disability/Workers' Compensation.**

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

**F. Procedures For Requesting FMLA Leave.**

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. The employee must follow the regular reporting procedures for each absence.

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

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

Revised 3-5-2013

**G. Certification of Need for FMLA Leave for Serious Health Condition.**

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

practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

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

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

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

#### **H. 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~~ <sup>intermittently appropriate</sup> contact information for the third party if the qualifying exigency involves 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.

Revised 3-5-2013

#### **I. Intermittent/Reduced Schedule Leave.**

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Executive Director. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

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

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

**J. Employee Benefits.**

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

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

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance

benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

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

**K. Reinstatement.**

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

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

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

Revised 3-5-2013

**L. Records.**

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

with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

Revised 3-5-2013

## **XXXI. CIVIC DUTY LEAVE**

### **A. Jury Duty.**

Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, he must return to work for the remainder of the workday. The County will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours he was scheduled on that day. The employee must give the County prior notice of jury duty, and pay his jury duty fee to the County, in order to receive his regular pay.

### **B. Work Related Proceedings.**

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

### **C. Personal Matters.**

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

### **D. Voting.**

*The Perry County Board of Commissioners encourages employees to vote in public elections. If an employee chooses to vote during working hours, he/she shall: 1) notify the appointing authority in writing in advance, and 2) agree not to be paid for any such time not at work or utilize any personal or vacation leave.*



**XXXII. VACATION**

**A. Vacation Leave Accrual.**

1. Full-time County employees shall be entitled to vacation after completion of one full year of public employment in ~~Ohio~~ *Perry County*. *Full-time is defined as a regular schedule of 30 hours or more per week for the purpose of determining eligibility for vacation.* Vacation time is credited each bi-weekly pay period at rates as established below in accordance with O.R.C. §§ 325.19 and 124.13 as applicable. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period.

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

2. Employees who work on a less than full-time basis are not entitled to vacation leave.
3. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employees is on unpaid leave status.
4. In accordance with O.R.C. § 9.44, employees (*other than elective officers*) may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State *for the purpose of computing the amount of vacation leave.* *One year of service shall be computed on the basis of twenty-six biweekly pay periods.* It is the employee’s responsibility to provide necessary documentation of prior service.

**B. Vacation Leave Use.**

1. Vacation time must be taken within twelve (12) months following an employee’s anniversary date. An Appointing Authority, at its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years. Accrued vacation time that is not taken within the time period permitted under this policy is forfeited.

2. Vacation requests should generally be received by the employee's immediate supervisor in advance. Vacation requests will be granted on a first-come, first-serve basis and are subject to operational needs. Vacation time may be taken in ~~one (1) hour~~ *fifteen (15) minute* increments.
3. The County may revoke vacation leave that has been approved if required by operational reasons.

Revised 3-5-2013

**C. Unused Vacation Leave.**

1. Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation for accrued but unused vacation.

**XXXIII.        HOLIDAYS**

Full-time employees are entitled to the holidays as determined annually by the County. Generally, these will consist of the following:

- |                  |                        |
|------------------|------------------------|
| New Year's Day   | Martin Luther King Day |
| President's Day  | Memorial Day           |
| Independence Day | Labor Day              |
| Columbus Day     | Veterans Day           |
| Thanksgiving Day | Christmas Day          |

*Each appointing authority or department head may grant additional holidays or paid time off, such as the afternoon of Election Day or the day after Thanksgiving. The appointing authority or department head shall submit a calendar or policy addendum each January for any additional paid time to be granted that calendar year.*

*In observance of each authorized holiday, full-time employees will normally be granted the day off from work, with straight time pay at their current hourly wage rate. Part-time and flexible-hours employees will also normally be granted the day off with holiday pay for the number of hours for which they normally would have been scheduled to work, if any.*

*Employees who are classified as non-exempt, and therefore eligible for overtime pay, shall be paid at a rate of one and one-half times their regular rate of pay for hours worked on a holiday.*

For non-continuous service employees, if the holiday falls on a Saturday, it shall be observed on the preceding Friday; if the holiday falls on a Sunday, it shall be observed on the following Monday. If the holiday occurs while an employee is on vacation leave, the vacation day will not be charged against such leave. An employee shall receive holiday pay rather than paid sick leave for any holiday which occurs when he is absent on sick leave. Holiday pay will not be given to any employee who is on a leave of absence without pay. An employee must be on approved leave status before and after the holiday in order to be eligible for holiday pay.

#### **XXXIV. UNPAID LEAVE**

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons if all paid leave has been exhausted. Sick leave balances will be retained if the Unpaid Leave is granted for reasons other than those defined in the Sick Leave policy. The County has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason the County deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his former position or to a similar position within the same classification.

While on leave without pay status, an employee shall not accumulate paid leave or holiday pay.

The Employer will continue to pay its portion of premiums for health insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave.

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

If the employee chooses not to return to work, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received during the period of Unpaid Leave.

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

## **XXXV. 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).

### **A. Paid Military Leave.**

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

Pursuant to 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*

## **XXXVI. PERSONNEL FILES**

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

When a public records request is made for an employee's records, the County will endeavor to inform the employee of the request in advance of the release of records. The County will make reasonable efforts to redact personal information, and other non- public information, from the files before release. Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request. Employees are responsible for taking legal action in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must timely advise the County of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization.

**XXXVII. REHIRING RETIRED OPERS MEMBERS**

**A. 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.

## **XXXVIII. 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.

*If an employee in the classified or unclassified civil service becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority. In addition to or instead of filing a written report with the supervisor or appointing authority, the employee may file a written report with the office of internal auditing, in the State Office of Management and Budget, created under section 126.45 of the Revised Code or file a complaint with the Auditor of State's fraud-reporting system under section 117.103 of the Revised Code.*

*If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal auditing, in the State Office of Management and Budget, or the Auditor of State's fraud-report system, may report it to a prosecuting attorney or peace officer. In addition to that report, if the employee reasonable believes the violation or misuse is also a violation of Chapter 102 (Public Officers-Ethics), section 2921.42 (having an unlawful interest in a public contract), or section 2921.43 (soliciting or accepting improper compensation) of the Revised Code, the employee may report it to the appropriate ethics commission.*

*An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's appointing authority, for purposely, knowingly, or recklessly reporting false information.*

*Except for situations involving the reporting of false information, as described in the immediately preceding paragraph, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint including, without limitation, doing any of the following:*

- 1) Removing or suspending the employee from employment;*
- 2) Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled;*
- 3) Transferring or reassigning the employee;*
- 4) Denying the employee promotion that otherwise would have been received;*
- 5) Reducing the employee in pay or position.*

*If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint the*



*employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Revised Code.*

*Auditor of State's fraud contact information:*

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)

## **XXXIX. EMPLOYEE INFORMATION AND RECORDS**

### **I. EMPLOYEE INFORMATION:**

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

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

### **II. RELEASE OF RECORDS:**

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

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

Records maintained by the County that are not defined as "public records" in §149.43 of the Ohio Revised Code or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by the County that are defined as public records shall be released in accordance with law. 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.

### **III. REVIEW OF FILE:**

Each employee shall have the right, with reasonable notice, to examine his personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in her file, he may submit a written request 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.

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 his personnel file without prior approval may be subject to discipline. Employees may submit a statement to be attached to any disputed document.

**PERRY COUNTY LOCAL POLICY AND PROCEDURES**

**1. VACANCIES AND PROMOTIONS**

- A. Each county agency appointing authority will develop job descriptions for all available positions within the organization. The job descriptions will identify classification status, overtime eligibility, essential functions of the position, safety-sensitive status, requirements for the position, general job duties, direct supervisor, normal working hours, identify compensation as salary or hourly, and class titles of any position to be supervised.
- B. Each Appointing Authority has sole discretion to determine when a job vacancy exists. When an appointing authority determines that a job vacancy exists, and that the vacancy should be filled, the appointing authority will fill the vacancy in accordance with law.
- C. Applicants for a posted vacant position must complete and submit the required application form before they will be considered for the position. When practicable, vacant positions will be filled by promotion. An employee wishing to apply for a vacant position must submit a written application to the appropriate appointing authority. However, the Commissioners uphold the individual appointing authority to fill vacancies with the best qualified applicant, regardless of whether there is an internal applicant for the position.
- D. 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, the employee may be demoted to the position from which she was promoted or to a similar position, at any time during his promotional probationary period.

## 2. DEDUCTIONS

A. Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's pay statement that accompanies his bi-weekly paycheck. Employees are responsible for bring mistakes in deductions to the attention of the appointing authority in a timely manner.

B. Questions or concerns regarding the Ohio Public Employees Retirement System should be directed to the address below. Written questions should include the employee's social security number. The address is:

Ohio Public Employees Retirement System  
277 East Town Street  
Columbus, Ohio 43215

C. County employees who work an average of thirty (30) hours per week or more may be eligible for county health insurance benefits or other voluntary payroll deductions consistent with other Perry County-established health insurance policies. Employees will be required to make premium contribution payments as determined by each appointing authority. The Board of Commissioners may recommend each agency establish the employee's portion of the premium cost at a specific percentage. The agency/county has the right to modify the insurance coverage currently in effect and/or to modify employee premium contributions. The level of health insurance benefits and employee premium contribution percentages are available upon request from the appointing authority or Board of Commissioners.

D. Employees on a leave of absence from a county agency are responsible for making proper inquiries to the appointing authority to determine the status of his group medical plan coverage. Upon separation from employment, employees will be notified of their right, if available, to opt to continue health insurance benefits consistent with federal and/or state law. In the event an employee separates from employment and desires to continue their health insurance coverage, the employee should contact the auditor's office to obtain the necessary information as to their legal obligations.

### 3. EXPENSE REIMBURSEMENTS

- A. County employees may be entitled to reasonable reimbursement for expenses incurred while on county business. In order to be entitled to reimbursement, county employees must meet the following three conditions: 1) the expense takes place while traveling on official county business; 2) the expense was authorized in advance in writing by the appointing authority; and 3) the individual claiming the expense submits appropriate paperwork by the end of the pay period following the day expenses were acquired. Expenses not submitted in a timely fashion and/or in accordance with the above three conditions may be disapproved. No expense will be reimbursed for personal credit cards without an itemized receipt. Additionally, no reimbursements will be made without an appropriate receipt.
- B. Mileage, Parking and Tolls. Employees will be reimbursed at the rate established by the Commissioners for use of their personal vehicles for approved business travel, unless otherwise determined by the individual appointing authority or collective bargaining agreement. Charges incurred for parking at the destination, and any highway tolls are reimbursable for the actual amount. Receipts for all parking costs and highway tolls are required. Employees will not be reimbursed for travel between their home and the department or workstation at which they work.
- C. Meals. Employees on approved business outside Perry County will receive reimbursement for meal expenses actually incurred upon the submission of receipts and required reports. However, the reimbursement may not exceed the limits set by the Commissioners, unless otherwise determined by the individual appointing authority or collective bargaining agreement. An employee is eligible for such reimbursement only when travel has been authorized in writing by the appointing authority, and travel extends through a normal meal period. Under no circumstances will reimbursement be made for alcoholic beverages, gratuity, entertainment, laundry or any tax.
- D. Overnight Expenses. Expenses covering the actual cost of a hotel room will be reimbursed in full when an employee travels out of the county on official business and such travel requires overnight stay. Hotel expenses will be reimbursed only with prior written authorization of the appointing authority and may not exceed the amount set by the appointing authority.
- E. Personal Expenses. Personal expense while traveling, such as personal telephone calls, tips, laundry, entertainment and alcoholic beverages, are not reimbursable.

#### **4. WEATHER EMERGENCY LEAVE**

- A. Only the Perry County Sheriff's Office has the authority to declare a weather emergency. Each appointing authority has sole authority in determining whether its offices shall remain open when a weather emergency has been declared.
- B. In cases of a weather emergency, affected employees will be notified as soon as possible that they do not have to arrive at work or that they are being sent home, depending on the situation. Time missed by employees due to declared weather emergencies will be paid at the employee's regular rate of pay.
- C. Employees who are unable to come to work or who choose to leave work early due to weather conditions when a weather emergency has not been declared must use vacation leave or compensatory time in order to be paid.
- D. The appointing authority has the discretion to require employees who missed work due to a weather emergency to work additional hours to ensure that the appointing authority's provision of services to the citizens it serves is not unduly hampered.
- E. The appointing authority for any office/department/agency or facility which is required by federal, state, or local statute to provide twenty-four (24) hour services, seven (7) days per week, may require employees to remain on duty to provide emergency coverage. The appointing authority may also require employees to report to work for their assigned shift, providing a level three emergency has not been declared and the job description clearly indicates mandatory coverage is a condition of employment.

## **5. TRAINING**

- A. Each county agency appointing authority should develop, implement and routinely evaluate an agency training policy. This will ensure each employee clearly understands the requirements of his position and has the opportunity to develop necessary job skills through a structured learning process. Appropriate administrative decisions can be made for those employees who are unable or unwilling to complete the agency training program.
  
- B. Employees may be required and are encouraged to attend job-related training, courses, programs, workshops and seminars if such training is required. The expenses incurred by employees attending such job-related training courses shall be paid the appointing authority.



## **6. SAFETY AND HEALTH**

- A. Employee work safety and health are of primary concern to the Board of Commissioners. The safe performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. All employees are responsible for ensuring that all safety equipment is used and all safety procedures and practices are observed. Employees found to be negligent in the performance of their duty, resulting either in damage to equipment or an accident, may be disciplined.
- B. Employees have a duty to use the safety equipment provided by the county and to follow all safety rules and safe working methods recommended or required. Violation of safety rules or failure to comply with safety rules will lead to disciplinary action.
- C. Employees are responsible for reporting any safety concerns and/or unsafe working conditions to their supervisor immediately upon discovery. Failure to report a known unsafe condition may result in discipline.
- D. Incident and/or accident reports must be submitted to the E.M.A. office by the end of the shift or end of the day on which the incident or accident occurred.
- E. Employees are responsible for complying with all other safety rules and regulations as set forth by law or as adopted by the appointing authority.

## **7. DRESS**

Each appointing authority shall implement a policy and procedure establishing the agency's dress requirement for employment with the agency. The dress code shall require that an employee's clothing and overall appearance is appropriate and presents a favorable public image for the agency/county. The policy and procedure shall clearly indicate any potential disciplinary action for violation of the agency dress code.

## **8. CREDIT CARDS**

- A. Should a county department/office justify the need to have a county credit card they must first request and receive authorization by resolution of the Board of Commissioners as outlined in O.R.C. Section 301.27(C).
- B. The Board shall at the time of approval by way of resolution, authorize the credit limit of the credit card and that the card will only be used for purchases as outlined in O.R.C. Section 301.27(B)(1) as follows:
  - 1) Food expenses
  - 2) Transportation expenses
  - 3) Gasoline and oil expenses
  - 4) Motor vehicle repair and maintenance expenses
  - 5) Telephone expenses
  - 6) Lodging expenses
  - 7) Internet service provider expenses
  - 8) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement.
- C. The county department/office shall only hold one card. By applying to the Board, the county department/office agrees to use the card only as indicated and for purchases as outlined above. Further, the county department/office by applying to the Board, agrees that should they violate this policy or O.R.C. Section 301.27 the Board may revoke the credit card it previously authorized. The clerk to the Board shall maintain a list of the county departments/offices that have Board approved credit cards.
- D. This policy supplants past county procedures and takes effect immediately. The Board reaffirms its authorization of any county department/office that has a Board approved credit card prior to the implementation of this policy.
- E. Administration of this policy shall be as set forth in O.R.C. Section 301.27.

## 9. RESIGNATION

- A. Each appointing authority shall develop policy and procedure outlining the agency's expectation of employee's resignation from employment with the agency. Typically, to remain in good standing, employees who voluntarily resign should notify their immediate supervisor at least two (2) weeks in advance of the effective date of resignation. This requirement may be lengthened, shortened or waived at the discretion of the appointing authority.
- B. The agency policy and procedure should specify employees may not unilaterally revoke their resignation once it has been accepted. Employees may not unilaterally revoke their resignation once it has been accepted. Employees must turn in all county property on or before their last day of employment. Failure to do so may result in legal action by the agency/county.
- C. Each appointing authority is encouraged to conduct exit interviews with each employee who voluntarily resigns to give his reasons for resigning and convey his perception of the organization's working conditions.
- D. Each appointing authority should require the following information be included in an employee's formal letter of resignation:
  - 1) A statement indicating the employee's intention to resign from service
  - 2) The date the notice of the intent to resign was given
  - 3) The effective date of resignation
  - 4) The reason for the resignation(optional)
  - 5) The employee's signature

**PERSONNEL POLICY MANUAL**

I acknowledge receipt of this manual and understand and agree that I am responsible for knowing its contents and for keeping it updated. I also understand that this manual is 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 manual **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:** \_\_\_\_\_

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

**Date Received:** \_\_\_\_\_