

**HIGHLAND COUNTY BOARD OF COMMISSIONERS  
AND OTHER APPOINTING AUTHORITIES**

**PERSONNEL POLICIES  
AND  
PROCEDURES MANUAL**

**POLICY MANUAL  
UPDATED DECEMBER 2024**

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**PREAMBLE**

Policies are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

This Manual contains policies set forth by the Highland County Board of Commissioners. Personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of its contents. Furthermore, it is essential that these policies are administered in a systematic, fair and impartial manner.

Undoubtedly, there will be situations which will require administrative interpretations of these policies. Every effort will be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

As conditions shift, it may be necessary to add, delete, or revise specific policies. Updated policies will be issued to all manual holders and communicated to all employees.

This Personnel Policies and Procedures Manual is a guide to be utilized by the Management of the Highland County Board of Commissioners and those other elected officials who have adopted this to ensure uniformity and nondiscriminatory application of the conditions of employment. In the event there is a conflict between the matters expressed in this manual and any other applicable laws or documents, the applicable law or full extent of the written document prevails.

Nothing in this manual nor any interpretive or enforcement communication should be construed to grant a guaranteed right to continued employment or benefits. This Manual is not an employment contract. Employment with the County is not for a fixed term or definite period and may be terminated at any time by either the employee or the County according to law.

**SECTION 1.01: OBJECTIVES**

- A. The Highland County Board of Commissioners recognizes that a personnel system, which recruits and retains competent, dependable personnel, is indispensable to the effective operation of every program.
- B. The policies and procedures set forth in this Manual are designed to:
  - 1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies, equal opportunities for advancement, and consideration for employee needs;
  - 2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of a career with Highland County, and encourage each of its employees to give his or her best effort to his or her job and the public;
  - 3. Encourage courteous and dependable service to the public;

4. Provide fair and equal opportunity for qualified persons to enter and progress in their employment with the Board based on merit and fitness as determined through objective and practical personnel management methods; and
5. Ensure that all Board operations are conducted in an ethical, legal and nondiscriminatory manner.

#### **SECTION 1.02: SCOPE OF COVERAGE**

- A. The policies set forth and adopted within this Manual apply to all employees of the Highland County Board of Commissioners and other Appointing Authorities. These policies supersede all previous written and unwritten personnel policies. This policy manual does not supersede any collective bargaining agreement.
- B. Within this Manual are references to ORC, OAC, OAG and CFR. These are abbreviations for the following:
  1. ORC - Ohio Revised Code;
  2. OAC - Ohio Administrative Code;
  3. OAG - Ohio Attorney General Opinion; and
  4. CFR - Code of Federal Regulations.
- C. Questions regarding the interpretation, clarification and application of these policies should be directed to the appropriate supervisor and/or the Appointing Authority.

#### **SECTION 1.03: DISSEMINATION AND POLICY AMENDMENTS**

- A. All employees shall be notified of the existence of these policies, and an electronic copy shall be made available for review by all employees through their supervisors. Employees are not permitted to use business hours to review these policies, unless so authorized by the Appointing Authority.
- B. These policies may be amended, revised or deleted by the Board of Commissioners. Such revisions, amendments or deletions will be published in a conspicuous place prior to their effective date.
- C. Suggestions or questions regarding changes in policy should be directed in writing to the Board of Commissioners through the appropriate Appointing Authority.
- D. Other Elected Officials may have additional policies applicable to their personnel or operations.

#### **SECTION 1.04: EMPLOYER RIGHTS AND RESPONSIBILITIES**

The Highland County Board of Commissioners and other Appointing Authorities maintain the rights and responsibilities to establish policies which are consistent with all applicable state and federal law, in order to carry out the duties with which it is charged. The Board of Commissioners

maintain the ultimate authority to interpret and administer policies and direct the operations of the County. These rights include, but are not limited to, the following rights to:

- A. Determine matters of inherent managerial policy which include, but are not limited to, areas of discretion or policy, such as the functions and programs of the County, standards of services, goals and objectives, its overall budget, utilization of technology, and organizational structure, identification of managerial or supervisory positions;
- B. Manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, supervise, recall, reprimand, suspend, and discharge employees for just cause, and to maintain order among employees;
- C. Direct, supervise, evaluate or hire employees;
- D. Maintain and improve the efficiency and effectiveness of governmental operations;
- E. Determine the overall methods, processes, means or personnel by which the County Commissioners' and the Appointing Authorities operations are to be conducted;
- F. Determine the hours of work, work schedules and to establish the work rules, policies and procedures for all employees, as well as determine the necessity to schedule overtime and the amount required thereof;
- G. Determine the overall mission of the Board and the Appointing Authority as a unit of government;
- H. Determine the adequacy, size, composition and qualification in the workforce, staffing patterns and organizational structure;
- I. Determine when a job vacancy exists, the duties to be included in each job classification and the standards of quality, productivity and performance to be maintained;
- J. Take necessary action to abolish and create classifications;
- K. Determine the necessity to schedule overtime and the amount required thereof;
- L. Effectively and efficiently manage the workforce;
- M. Take actions to carry out the mission of the Highland County Board of Commissioners and the Appointing Authorities as a governmental unit; and
- N. Suspend, discipline, demote, or discharge for just cause, or layoff, transfer, assign, schedule, promote, or retain employees.



**SECTION 1.05: DEFINITIONS**

The following definitions relate to this Personnel Policies and Procedures Manual.

**ABSENCE, EXCUSED** - Being absent from work with the approval of the Employer (i.e., vacation, holiday, compensatory time, approved unpaid leave of absence, personal day).

**ABSENTEEISM** - The practice of an employee failing to report for work for a period of one or more days or failing to report within the prescribed time when he or she has been assigned or scheduled to work. Misuse or abuse of sick leave is absenteeism.

**ABSENT WITHOUT LEAVE** - Failure to report for work without authorization from the Appointing Authority to be absent. Tardiness may be construed to be absent without leave, as well as leaving one's work site during working hours without authorization; also known as unexcused absence.

**ACTIVE PAY STATUS** - The condition under which an employee is eligible to receive pay including, but not limited to, vacation leave, sick leave and other compensated time off.

**ACTIVE WORK STATUS** -The conditions under which an employee is actually in work status and is eligible to receive pay; this does not include compensated time off (vacation pay, sick leave, compensatory time, holidays, personal leave, bereavement leave, and disability leave) or approved unpaid leaves of absence.

**ADMINISTRATION** -The Appointing Authority and the Board of Commissioners.

**APPOINTING AUTHORITY** - Appointing Authority shall be defined as the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.

**BOARD** -The body created by O.R.C. Section 305.01 who comprise of the Highland County Commissioners.

**BREAK IN SERVICE** - Means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, granted pursuant to rule 123:1-34-01 of the Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.

**CAUTION AND INSTRUCTION** - The discussion a supervisor holds with an employee cautioning the employee concerning his/her conduct and impressing the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. Documentation on the caution and instruction form regarding the date, time and reason for such a conference will be kept in the employee's personnel file in the event the conduct does not improve and subsequent action is required.

**CDL** - Commercial Drivers License. A license required by Federal Transportation Regulations which is required to operate some vehicles such as trucks over 5 tons, school buses, and hazardous waste carriers.

**CERTIFIED EMPLOYEE** - A certified employee shall mean an employee who has been appointed to his/her position from a certification eligibility list pursuant to an examination or the operation of O.R.C. Sections 124.26, 124.27 and 124.271 and O.A.C. 123:1-10.

**CLASSIFICATION** - A group of positions which involve similar duties and responsibilities which require similar qualifications and are properly designated by common descriptive title indicating the general nature of the work.

**CLASSIFICATION SERIES** - Those classifications which are similar in duties and functions, and are described by identical terms except that they are distinguished as to their level by a numerical or supervisory designation.

**CLASSIFIED SERVICE**-means the competitive classified civil service of the state, the several counties, cities, city health districts, general health districts, and city school districts of the state, and civil service townships..

**CONTINUOUS SERVICE** - Means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs.

**COUNTY** - Highland, State of Ohio.

**DAYS** - Work days, except as otherwise defined in these policies. A work day will be a day that the Board of Commissioners office is open for business.

**DEMOTION** - Means the movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification and a lower pay range, or lower salary where pay ranges do not exist.

**DEPARTMENT** - A County Board organizational unit directed and controlled by an Appointing Authority and charged with a specific public service function.

**DISABILITY SEPARATION** - Means a voluntary or involuntary separation granted by the appointing authority and the director when an employee becomes unable to perform the essential job duties of the employee's position.

**DISHONESTY** - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity, intentional omission.

**DUE PROCESS** - Pre-disciplinary procedures mandated by statute and the United States Constitution to assess whether there is cause to suspend, reduce or terminate an employee.

**EMPLOYEE** - Employee shall be defined as any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority. County employees shall be categorized as full-time, part-time, temporary, seasonal, intermittent, student or work relief. Full-

time permanent employees shall be entitled to all benefits as provided by Highland County. Part-time, temporary, seasonal, and intermittent employees shall be entitled to only those benefits which are specified in this Manual.

**EMPLOYER** - Employer shall be defined as the Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.

**ESSENTIAL FUNCTIONS** - Those duties of a position that are the reason for its existence. Essential functions portray the primary or most essential duties.

**FULL-TIME EMPLOYEE**-An employee whose employment is designated as full-time by his/her Appointing Authority and/or designation on a Highland County personnel form as approved by prior Board action, and whose hours of service are accepted as full-time, and eighty (80) hours of duty in a pay period for a county department of job and family services.

**IMMEDIATE FAMILY** - Means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

**IMMORAL** - Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

**IMMORAL CONDUCT**- Conduct which is willful, flagrant or shameless and which shows a moral indifference to the opinions of the good and respectable members of the community.

**INCOMPETENCY** - Lack of ability, legal qualification or fitness to perform the substantial duties required of an employee.

**INEFFICIENCY** - Quality of being incapable or indisposed to do the things required of an employee within reasonable standards; not working efficiently.

**INSUBORDINATION** - State of being unwilling to perform the duties required of an employee; refusal to obey an order issued by the employee's immediate supervisor or other individual having authority to direct said employee.

**INTERMITTENT EMPLOYEE** - Means an appointment where an employee is required to work less than one thousand hours per fiscal year, or for the duration of a specific project or grant which may exceed one thousand hours in a fiscal year.

**LEAVE OF ABSENCE** - Temporary separation from active work status as authorized by the Appointing Authority. Leave of absence are without pay unless on Family Medical Leave which can have some period of paid time.

**LENGTH OF SERVICE** - The continuous, uninterrupted service of the employee, where no separation has occurred. For purposes of this definition, any separation lasting thirty (30) days or

less shall not be deemed a separation, nor shall family and medical leaves of absence be deemed a separation. If an employee was separated, but was reinstated by specific action of the Appointing Authority within one (1) year, the service time prior to the separation will be included in the employee's length of service.

**MALFEASANCE** - The doing by a public official or employee under color of authority of his/her office of something that is unwarranted, contrary to law; commission of an act which is unlawful and/or wholly wrongful.

**MISFEASANCE** - The performance of a legal or proper act in an illegal manner or improper manner.

**NEGLECT OF DUTY** - To omit or fail to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a refusal or unwillingness to perform one's duty.

**NONFEASANCE** - The omission of an act or required duty which should be performed; total neglect of duty.

**PARTICIPANT**- Any person who is receiving services from the Board programs. Also referred to as enrollee or client.

**PART-TIME EMPLOYEE** - An employee who works less than the full-time schedule of hours per week but on a regularly scheduled basis.

**POSITION** - Any specific employment, or job, calling for performance and exercise of certain duties or exercise of certain responsibilities assigned or delegated by an Appointing Authority.

**PROBATIONARY EMPLOYEE** - The length of time set by an Appointing Authority of Ohio law to review an employee's initial performance.

**PROTECTED HEALTH INFORMATION** - "Protected Health Information" shall have the same meaning as the term "protected health information" in 45 CFR § 164.501, limited to the information created or received by Business Associate from or on behalf of the Highland County Board of Commissioners.

**PROGRAM YEAR** - The twelve-month period of time designated by the Highland County Board of Commissioners, as such.

**PUBLIC AGENCY** - Includes agencies of the state, county and municipalities and all boards of education within the State of Ohio.

**PUBLIC EMPLOYMENT RISK REDUCTION ACT** - Also known as House Bill 308 provides for occupational safety and health standards, rules and regulations. All public employers must provide employees with employment and a place of employment free from recognized hazards. Employees must follow the employer's safety rules and regulations as provided under this Act. The effective date is July 1, 1994 with enforcement beginning January 1, 1995.

**REASONABLE ACCOMMODATION** - The making of an accommodation allowing an otherwise qualified person to perform the essential functions of his/her position and as further defined by the Americans with Disabilities Act.

**REDUCTION** - A change in classification to one having a lower base pay range; a change to a lower step within the pay range for a given classification; and a decrease in compensation.

**REINSTATEMENT** - The act of returning a person to employment following a period of separation or leave of absence, retaining seniority and status. For purposes of layoff reinstatement means the act of selecting from the Appointing Authority's layoff list individuals to return to active service with the same Appointing Authority in the same classification series as before layoff.

**REMOVAL** -The termination of an employee's employment for the reasons outlined in Section 124.34 of the Revised Code or for just cause.

**RETENTION POINTS** - The system of establishing points for length of service and efficiency in performance, in order to establish the order of layoff.

**SALARIED EMPLOYEES** - Salaried employees shall mean those employees who are paid on a bi-weekly basis, rather than an hourly basis.

**SEASONAL EMPLOYEE**-An employee who works within the calendar or fiscal year, or who works on a recurring but temporary basis, annually.

**SICK LEAVE ABUSE** - The use of sick leave for any purpose other than as provided by applicable law or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business; establishing a pattern or reporting off sick on certain days of the week or following regular days off; repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

**STATE PERSONNEL BOARD OF REVIEW** -The governing agency for hearing appeals of employee in the classified service regarding reduction in pay or position, job abolishment's, layoff, suspension or discharge, assignment or reassignment to a new or different classification, and /or refusal of employers to reclassify an employee pursuant to a job audit. (O.R.C. 124.03)

**STATUS** - Type of appointment, such as provisional, intermittent, etc.

**SUBSTANTIALLY LIMITS** - An impairment that prevents an individual from performing a major life activity and as further defined by the Americans with Disabilities Act.

**SUPERVISOR** - The individual who has been authorized by the Appointing Authority to oversee and direct the work of certain employees on a daily basis and who effectively recommends actions such as hiring, transfers, suspensions, promotions, discharge, rewards, layoff, recall or discipline.

**SUSPENSION** - Relieving an employee from duty with or without pay.

**TEMPORARY EMPLOYEE** -An employee who works in a position which is of a non- permanent nature (full-time, part-time), which position has a specified duration of time. Temporary employees serve at the pleasure of the Appointing Authority.

**THEFT** - The act of stealing; robbery; larceny, including theft of computer data.

**TRANSFER** - The movement of an employee from one position to another with no change in his/her level of responsibility, classification or salary within an appointing authority.

**UNCLASSIFIED EMPLOYEE** - All offices and positions which are exempt from all examinations and which provide no tenure under law. Appointment of a position in the unclassified service may be made at the discretion of the Appointing Authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the same authority. (ORC 124.1 l(A) and 5126.20)

**UNDUE HARDSHIP** - Significant difficulty or expense in, or resulting from, the provision of an accommodation. The cost of the accommodation and financial resources of the entity are factors considered in determining whether an undue hardship exists.

**VERBAL REPRIMAND** - The discussion a supervisor holds with an employee in which the supervisor cautions the employee concerning his conduct and impresses upon him the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. Documentation on the verbal warning form regarding the date, time and reason for such a conference will be kept in the employee's personnel file in the event the conduct does not improve and subsequent action is required.

**WORKDAY** - A day the Board of Commissioners office is open for business, or the Appointing Authority schedules work for his/her employees.

**WORK RULE** - A directive issued by Management pertaining to the behavior of employees and/or operating procedures of the Board; violation is subject to discipline.

**WRITTEN REPRIMAND** - A disciplinary action consisting of a written statement placed in the employee's personnel file which remains as part of the employee's record until such time as his/her conduct improves or as stated in the disciplinary policy. This level of disciplinary action is considered one step above cautioning and instruction.

**SECTION 2.01:        EQUAL EMPLOYMENT OPPORTUNITY**

- A.     The County is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), age (40 or older), national origin, disability, military status, veteran’s status, genetic information, ancestry, 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.

- B.     The Administrator designated by resolution of the Board of Commissioners serves as the EEO Officer of the Highland County Board of County Commissioners. Any applicant, employee, parent, or interested person who believes he/she has been discriminated against may make a written complaint of discrimination to the designated EEO Officer, who shall investigate the matter.

**SECTION 2.02        AMERICANS WITH DISABILITES ACT**

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

**SECTION 2.03:        REASONABLE        ACCOMMODATION        FOR        DISABLED  
EMPLOYEES AND THE PUBLIC**

- A.     In support of the Americans with Disabilities Act of 1990 as amended, the Highland County Board of Commissioners and other Appointing Authorities 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 EEO Officer or Appointing Authority designee, who shall have the authority and responsibility to investigate and take appropriate action concerning the request. 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.

- B. A person with a disability includes:
1. An individual with a physical or mental impairment that substantially limits that person in some major life activity;
  2. An individuals with a record of such physical or mental impairment; and
  3. An individual who is regarded as having such an impairment.

The severity of the impairment must substantially limit a major life activity such as walking, talking, seeing, hearing, breathing, learning or working in order to be considered a disability.

A "qualified individual with a disability" is one who, with or without reasonable accommodations can perform the "essential functions" of the job. Essential functions are those included in the job descriptions and are the primary job duties. They may be essential because it is the reason the position exists.

- C. "Undue Hardship" in general means an action requiring significant difficulty or expense, when considered in light of the factors enumerated below. In determining whether an accommodation would pose an "undue hardship" on the Board, factors which would be considered include:
1. the nature and cost of the accommodation;
  2. the overall financial resources of the Board, the number of persons employed and the impact of such accommodation upon the operation of the Board;
  3. the overall financial resources of the program; and
  4. the type of operation within the Board.
- D. If the disabling condition affects the employee's ability to perform the essential functions of the job, reasonable accommodation will be made by the Highland County Board of Commissioners so the employee can perform the essential functions of the job.
- E. An employee with a qualifying disability may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees or the public. If an employee is incapable of performing the essential functions of the job, with or without accommodation, he/she may be, in the following sequential order:
1. Transferred to a vacant position where he/she can perform the essential functions of the job without or without reasonable accommodation;
  2. Placed in a position in a lower classification where he/she can perform the essential functions of the job with or without reasonable accommodation; or



- 3.        Granted a disability separation.
  
- F.        An employee or applicant with a disability is NOT REQUIRED to inform the Board of the condition should the individual require accommodation to perform the essential functions of the job or complete the application and selection, he/she may discuss any necessary accommodation with the supervisor or the Appointing Authority.
  
- G.        An employee who requires accommodation must provide the Appointing Authority any medical records required to make decisions regarding job assignment and accommodation.
  
- H.        The Appointing Authority may require a doctor's certification of an employee's ability to safely perform the essential functions of the job. The Appointing Authority requires that their workers not pose a threat to the health and safety of other individuals in the department.
  
- I.        Employees with disabilities will be accorded equal access to the same health coverage the County provides to other county employees.
  
- J.        Any applicant, employee, or interested person who believes a disabled person has been discriminated under this policy may make a written complaint of discrimination to the Highland County Board of Commissioners and/or County EEO Officer. If the action of the EEO Officer is unsatisfactory a complaint may be filed with the Equal Employment Opportunity Commission.

**SECTION 2.04:        DISCRIMINATORY HARASSMENT**

A.        Policy.

The County is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his/her membership in a protected class such as: race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), ancestry, disability, genetic information, military status, or veteran's status. Unlawful discrimination and harassment are inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

B.        Definitions.

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

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

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

C. Examples.

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

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.
4. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

D. Off Duty Conduct.

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

E. Workplace Romances.

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their Appointing Authority or designee 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, as outlined in paragraph J below, or who feel they have knowledge of discrimination or harassment, shall immediately report the conduct, in writing, to the proper Appointing Authority or designee, who shall have the authority and responsibility to work directly with a third party to investigate and take appropriate action concerning the complaint. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written, verbal, or witnessed, regarding unlawful discrimination and harassment.

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

G. Retaliation.

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he/she has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his/her relationship with someone who took action under this policy, shall report the conduct to the proper Appointing Authority or designee immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

H. False Complaints.

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence

of bad faith. False complaints or dishonest statements are considered to be a violation of this policy.

I.      Corrective Action.

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

J.      Coverage.

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

**SECTION 3.01: EMPLOYMENT STATUS**

- A. Classified and Unclassified. (O.A.C. 123:1-5)
1. All employees of the County are classified civil servants with the exception of the Appointing Authority and designated managerial and professional staff.
  2. Following completion of the probationary period, no classified employee shall be reduced in pay or position, fined, suspended or removed, or have his/her longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the State of Ohio and R.C. 124.34. Such reasons include: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, unsatisfactory work performance, 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 while in the civil service, except for just cause.
  3. 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.
- B. Classification Placement.
1. Jobs are grouped into classifications on the basis of similar duties and qualifications. Compensation is determined, in part, by the job classification.
  2. The duties and responsibilities of each job will be periodically reviewed and adjusted. When job duties have changed the employee or his/her supervisor may request that the position be audited for placement in a different classification.
- C. Employees are classified as full-time, part-time, temporary, seasonal or intermittent.
1. Full-time employees are those who are regularly scheduled to work forty (40) or more hours per week on a regularly scheduled basis or on the standard full-time work week as designated by the Appointing Authority, but in no case shall an employee be considered full-time if he/she works less than a thirty (30) hour week.
  2. Part-time employees are those who are regularly scheduled to work fewer than thirty (30) hours per week, or less than full-time as designated by the Appointing Authority (30 hours per week), but on a regularly scheduled basis.
  3. Seasonal employees are full-time and part-time employees who work only during a specific portion of each year.
  4. Temporary employees are full-time or part-time employees who work in positions that are not considered permanent. Temporary employment is for a limited period

fixed by the Appointing Authority that may not continue longer than 120 days, and in no case shall successive temporary appointments be made.

5. Intermittent Employee – An unclassified employee who works less than 1,000 hours per fiscal year, or for the duration of a specific project or grant that may exceed 1,000 hours in a fiscal year.
6. Student Employee - An employee who works in a non-professional position requiring little or no skill. The person must be a student at an educational institution or a college intern and has no tenured status; however, their assigned position needs to be directly related to the content or level of the person's education.
7. Work Relief - A non-classified employee who works hours compensated with their public assistance benefits. Normally of duration that bears a ratio to their public assistance allotment.

E. Exempt and Non-Exempt Employees.

Exempt employees are those employees who hold positions that are administrative, professional or executive as defined by the Fair Labor Standards Act, and are exempt from overtime compensation. Non-exempt employees are those employees who do not hold one of the defined positions under the Fair Labor Standards Act, and are eligible for overtime compensation in the form of either pay or compensation time.

**SECTION 3.02: VERIFICATION OF EMPLOYMENT ELIGIBILITY**

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

A. Immigration/Citizenship Verification.

B. Driving Eligibility of Applicants.

1. Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator's license and remain insurable on the County's fleet policy. Employees shall comply with all motor vehicle laws and regulations while operating a County vehicle. An employee who operates a motor vehicle for work and who has his/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his/her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his/her license suspended by a court with no work-related driving privileges.
2. Any County employee who operates a County-owned motor vehicle, or a privately owned motor vehicle in the discharge of official County business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems

provided in the vehicles and require like use of said systems by any passengers in the vehicle. Employees who operate County vehicles must have appropriate insurance coverage as designated by the Appointing Authority or Agency Head.

3. 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.
4. Employees who drive County vehicles or who drive their personal vehicles for County business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize County vehicles are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact his/her ability to be covered on the County's liability policy. Employees who drive on behalf of the County are subject to reassignment and/or discipline in the event of a license revocation, suspension or traffic offense conviction.
5. Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.
6. The County may, at its discretion, monitor the use of County vehicles through the use of a GPS system. Such monitoring by the County shall be limited to an employee's use during working hours; for take-home vehicles, to confirm that a vehicle is not being used improperly during non-working hours; or, for other reasons to confirm that the vehicle is being used for a purpose consistent with this policy.

C. Criminal Background Checks of Applicants.

1. At the discretion of the Appointing Authority, prior to hiring, each applicant under final consideration for employment with the Board must have an acceptable local report from the Highland County Sheriffs Department or any conviction and have an acceptable report from the Bureau of Criminal Identification and Investigation (BCII) of any conviction record.
2. Any and all information obtained by the Board or persons under this policy is confidential and shall not be released or disseminated except as provided by law. Any applicant not hired because of information received from the record check shall be assured that all records pertaining to such information shall be destroyed.
3. Under Ohio Revised Code Section 109.57, the Superintendent of the Bureau of Criminal Identification and Investigation may charge a reasonable fee for providing requested information.

4. Forms are available from BCII for submitting requests for criminal conviction reports.
- D. Professional Verification.
1. An employee in a position requiring an educational degree, license or certificate will have his/her qualifications verified at the time of employment.
  2. Failure to maintain a current required license or certification may result in disciplinary action, up to and including discharge.
  3. Payment of any license, registration or examination fee is the responsibility of the employee, unless otherwise contracted with the Appointing Authority.
- Required certifications shall be submitted by the employee to the agency Human Resources or County Human Resources for record keeping.
- E. Vehicle Liability Insurance Verification.
- Proof of acceptable vehicle liability insurance must be submitted to the Board and/or the Appointing Authority by any employee who must drive his/her private vehicle as a regular function of the job.

### **SECTION 3.03: EVALUATION OF APPLICANTS**

- A. The Appointing Authority or designee may interview all job applicants who meet the minimum stated qualifications and are able to perform the essential functions of the position listed on the job posting notice. Applicants must submit to reference checks, interviews, background checks, and/or other job related screening procedures. Failure to provide the information will cause a rejection of the applicant. Performance tests shall only be requested if applicable to the position.
- B. An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related. After a job offer but prior to final job placement all prospective employees of Highland County may be required to pass a physical by a physician designated by the Board and/or Appointing Authority.
- C. It is the policy of the Highland County Board of Commissioners to employ persons who are qualified or trainable. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of his/her position, with or without reasonable accommodation. Every effort will be made to place new employees in positions which will best utilize their abilities and in which they will be able to achieve both personal satisfaction and opportunity for growth.
- D. All decisions are made solely on the basis of job-related criteria. Interviews and certification screening will be done by the Board or the Appointing Authority. Qualified



applicants will then be interviewed and employed by the Board or the Appointing Authority.

E. Residency.

It is the goal of the Board to employ residents of Highland County whenever possible. Each employee, as a condition of employment, is required to maintain residency in the State of Ohio and report immediately in writing to the Appointing Authority any change of such.

F. The most qualified applicants will be recommended to the Appointing Authority. The Appointing Authority will make the final decision with respect to hiring.

G. An applicant is required to sign a Highland County Release of Information form.

**SECTION 3.04: DISQUALIFICATION**

A. The applicant shall be eliminated from consideration if he or she:

1. does not possess the knowledge, skills and abilities necessary to effectively perform the duties of the vacant position with or without reasonable accommodation;
2. has made a false statement of any material fact on the application form or supplements thereto or refuses to sign a release form for reference checks;
3. has committed or attempted to commit a fraudulent act at any stage of the selection process;
4. is not legally permitted to work in the United States;
5. used, threatened or attempted to use political influence in securing employment or re-employment for a civil service position;
6. has been previously terminated for just cause except in unusual circumstances to be determined by the appointing authority or designee after review with the previous supervisor.

B. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements.

C. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee will be terminated for dishonesty, incompetency, nonfeasance, or malfeasance.

**SECTION 3.05: POSITION POSTING AND SELECTION CRITERIA**

A. Position Posting.

1. Positions not filled through lateral transfer, promotional list selection, administrative transfers or involuntary demotion will be posted. All vacancies will

be posted on applicable websites and locations designated by the Appointing Authority. This policy does not supersede any collective bargaining agreement.

2. Posting notices will include the following information:
    - a. title of the job and rate of pay;
    - b. brief description of duties;
    - c. any qualifications required for the job;
    - d. date the job was posted for bid;
    - e. date the bid will be closed; and
    - f. where and to whom job bids are to be submitted.
  3. The Appointing Authority retains the right to post and fill any vacancy he/she has determined to exist.
- B. Employees selected for a higher classification are reclassified as nearly as possible to the effective date of the newly assumed responsibilities.
- C. All employees are eligible to apply for any posted position. Each applicant is then screened and those meeting the following criteria will be considered:
1. possess the stated required qualifications to perform the essential functions of the position; and
  2. have successfully completed his/her most recent probationary period. Probationary period is defined as beginning with the effective date of the appointment. Reinstatement from resignation or inter-agency transfer are subject to the probationary requirements for the purposes of applying for posted positions.
- D. Internal applicants who do not meet the requirements above, will be notified of ineligibility for consideration.

### **SECTION 3.06: FILLING VACANT POSITIONS**

- A. The Appointing Authority may post internally vacancies which occur or are imminent within the organization. Positions are filled by promotion whenever possible. Qualifications, not length of service, will be used to determine internal transfers and promotions. If no current county employee is deemed qualified for advancement by the Appointing Authority, the job will be filled by hiring outside applicants in accordance with O.R.C. Chapter 124, unless the position is exempt from Civil Service under 124.11(A), or is covered by a collective bargaining agreement.
- B. The Appointing Authority shall publicly announce by appropriate means, all vacancies to be filled by other than transfer or reinstatement, and shall maintain a list of announced vacancies for public inspection.

- C. Each announcement, insofar as practicable, shall specify the title, salary, nature of the job and the essential functions necessary to perform the job, the required qualifications, the type of selection procedure to be used, and the deadline for and method of application.
- D. An application must be properly completed and submitted before an applicant will be considered for employment. All submitted applications will be reviewed by the Appointing Authority for eligibility and qualifications.
- E. No person shall be eligible for employment or promotion who lacks the qualifications prescribed in the specifications for the position involved, unless evidence is presented either that a person fully meeting the qualifications is not available, or that the applicant possesses other special qualifications which make it desirable that he/she be considered for employment or promotion.
- F. No person shall be deemed eligible for promotion who has not satisfactorily completed the required probationary period. The Appointing Authority may make discretionary decisions based on performance and agency needs.
- G. All individuals interviewed will be notified of their selection or non-selection. If there are no applicants possessing the knowledge, skills and abilities, the option of not selecting any of the applicants is available. The Appointing Authority may then plan to fill the position by one of the following methods:
  - 1. post the position again;
  - 2. transfer within the department as an assignment; or
  - 3. hire from outside the department.
- H. If an employee is selected for a posted position, he/she must be released from his/her present position within three (3) weeks unless conditions exist which preclude the employee's release within the three (3) week period. Such releasing periods will be specified at the time of the notification of selection.
- I. No applications will be accepted other than when positions are posted or advertised.
- J. Applications will be held by the Appointing Authority for a period of six (6) months.
- K. All applicants who interview for a position will be notified of their selection or non-selection. If no applicant can perform the essential functions nor possesses the necessary knowledge, skills, and abilities, the option of not selecting any of the applicants is available. The Appointing Authority will then notify applicants that no selection was made.
- L. In addition the Board of County Commissioners and/or Appointing Authority in evaluating a position promotion may review an employee's (present and former) personnel record.

### **SECTION 3.07: CHANGES IN ASSIGNMENTS**

Assignments and promotions will be made by the Highland County Board of Commissioners and Appointing Authorities. No employee shall be denied consideration for initial assignment or

change in assignment based on his/her race, color, religion, sex (including pregnancy, sexual orientation, or gender identity), national origin, age (40 or older), disability, military status, veteran status, genetic information, ancestry, or political affiliation.

A. Assignments.

The assignment of employees and/or their transfer to positions in the various programs shall be made by the Appointing Authority.

B. Promotions.

1. Promotional opportunities shall be offered as far as practicable to qualified current employees whenever possible. The Appointing Authority may limit a selection process to qualified employees, or may allow such employees preference in application and/or consideration to the extent such is permitted by applicable state and/or federal laws.
2. No person shall be deemed eligible for promotion who has not satisfactorily completed the required probationary period for the position he/she currently occupies.
3. A current employee will be considered for promotion to a vacancy only when he/she is determined by the Appointing Authority to be fully qualified for the position.
4. Each employee who is promoted to a new position within the program will have a probationary period in that position for a period of time to be set at the time of the promotion.

C. Transfers.

1. An employee is considered to have been transferred when he/she is given a different assignment where there is no change in classification, salary or level of responsibility.
2. Transfers will be made at the discretion of the Appointing Authority.
3. A supervisor can initiate a transfer if the transfer would be in the best interest of the department; however, the needs of the Appointing Authority take precedence over the wishes of the employees.
4. A transferred employee will serve a probationary period as notated in the probationary period section of this manual.

D. Temporary Job Assignments.

In order to provide required services, it may be necessary to temporarily assign an employee to a different job classification. When an employee is assigned to a different job

classification for fourteen (14) consecutive days or more, the employee will be compensated as follows:

1. If the employee's regular rate of pay is higher than the range for the temporary assignment, the employee will be paid his/her regular rate of pay.
2. If the employee's regular rate of pay is lower than the range for the temporary assignment, the employee will be paid at the minimum rate for the pay grade of the temporary assignment or their current pay, whichever is greater..

E. Voluntary Demotion.

1. An employee may, for any reason, request a demotion to a lower position by submitting a written request.
2. Approval of a voluntary demotion is at the discretion of the Appointing Authority.
3. A demoted employee will have his/her pay reduced to a level within the pay range of the lower classification.

**SECTION 3.08: MEDICAL EXAMINATIONS**

A. Pre-Hire Medical Examination.

1. The Appointing Authority may require a candidate to submit to a pre-hire medical examination, after an offer of employment has been made but prior to beginning employment, where such examination is required for all candidates for the position. The examination will be conducted by a licensed healthcare provider or psychologist designated by the Appointing Authority and will determine only if the employee can perform the essential and material duties of the position.
2. Applicants may obtain a waiver of the medical examination requirements for the following reasons:
  - a. Religious opinion or affiliation; or
  - b. Reinstatement within one (1) year of separation.
3. Applicants seeking to waive the examination requirements shall submit a written affidavit from a qualified healthcare provider reporting his/her state of health at the time of employment.

B. Incumbents of specified positions may be legally required to submit to a regularly scheduled medical examination during their period of employment with the county. Such an examination is intended to ensure that the incumbent continues to be physically and/or mentally able to perform the essential functions of his/her position. Highland County will make reasonable accommodations for qualified individuals.

- C. The Appointing Authority may order an alcohol and drug test for any and all employees that are involved in an injury and/or accident. Any employee who tests positive or refuses to submit to a chemical test may be disqualified for compensation and benefits under the Workers' Compensation Act.

### **SECTION 3.09: SENIORITY**

- A. Seniority is defined, for the purpose of the Highland County Board of Commissioners, as the uninterrupted length of continuous service with the County office. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the approved leave, provided that the employee complies with the rules and regulations governing his/her absence, and that employee is reinstated from the leave.
- B. For the purpose of layoff, seniority is defined as continuous service with the county, general health district or the State of Ohio. Service may be transferred from one agency to another without loss of seniority as long as no break in service of more than thirty (30) days occurs. A break in service occurs if an employee is terminated for any reason other than layoff, and is not reinstated within one year of the termination date. If an employee is reinstated within one year of the termination date, continuous service will not be broken and any prior service will be credited to the employee for purposes of determining seniority. Employees who are reinstated or re-employed from layoff within one year of the layoff date will retain all previously accumulated seniority, but will not be credited with seniority for the time spent on layoff.
- C. Seniority for purposes of vacation is calculated according to the number of years of service with the State of Ohio or any political subdivision thereof. The service need not be continuous; however, completion of a total of one year of service as defined in Section 9.44 of the Ohio Revised Code is required before eligibility for any vacation leave is established. Section 9.44 applies for any rehire/retirant.
- D. Seniority for the purpose of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates.
- E. For all other purposes, other than those specified above, seniority shall be defined as set forth in the provisions of the Ohio Revised Code.

### **SECTION 3.10: NOTIFICATION OF CHANGES**

- A. All employees are responsible to give written notice to the Appointing Authority of any changes of address, telephone number, name of person to contact in case of an emergency, and/or any beneficiary.
- B. All employees are responsible for notifying their Appointing Authority of any driving violations or convictions that may jeopardize their ability to drive a vehicle on behalf of the County or in the discharge of their insurability (i.e. loss of their Commercial Drivers License or regular driver's license).

- C. All employees are responsible for notifying their appropriate Appointing Authority of any arrest or conviction for drug use or abuse. This includes legal as well as illegal use of drugs.

### SECTION 3.11: NEPOTISM

- A. The Board attempts to control the placement and the employment of relatives and members of the same household in order to prevent:
1. situations that might result in unfair preferential treatment of other employees, clients, and/or the public;
  2. professional decision that might be disadvantageous for the program; and
  3. an employee being in a position to supervise or control a member of his/her family, and
  4. a violation of the Ohio Ethics Laws.
- B. Changes in the existing status of positions of permanent employees shall not be required if such relationships existed at the time of the adoption of this policy. Every effort will be made to avoid having family members or relatives supervise other family members or relatives.
- C. Present employees who marry or who live in the same household may be transferred to avoid the situations as listed above. Employees who marry will be moved on the basis of seniority, with the senior employee determining whether or not to be transferred. The Board will comply with O.R.C. Sections 124.32 through 124.34.
- D. No employee serving as a department director, assistant director, deputy director or any person of equivalent rank shall have in the employ of his/her department any person closely related by blood, marriage or other significant relationship including business association.
- E. The Board shall work expeditiously to relocate or transfer one of the individuals to eliminate the conflict to the extent permitted by law and/or collective bargaining agreement. This relocation or transfer should be a comparable position with minimal inconvenience for the transferring employee.
- F. No County employee shall use his/her position of authority or influence to secure the authorization of employment or benefit, including a promotion or preferential treatment, for a person closely related by, blood marriage or significant relationship including business association. This includes, but is not limited to the hiring, supervision, promotion, disciplinary action, etc.
- G. The program may employ relatives of employees in summer, casual and intermittent positions.
- H. For purposes of this section, 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 person who is in domestic partnership or close familial relationship at the discretion of the Appointing Authority or other person who stands in the place of a parent to the employee.

### **SECTION 3.12: RESIGNATION**

- A. Employees who plan to voluntarily resign shall notify the Appointing Authority and his/her designee at least two (2) weeks in advance of the effective date of termination.
- B. Any employee who resigns is encouraged to give his reasons for resigning and to discuss with the Appointing Authority or his/her designee any working conditions which he feels are unsatisfactory.
- C. A formal letter of resignation shall be required by the Appointing Authority or his/her designee.
- D. Failure to provide a formal letter of resignation and/or provide a two (2) weeks in advance notice will be noted in the County personnel file, and may affect future employment opportunities with Highland County and its agencies.

### **SECTION 3.13: VOLUNTEERS**

It is the position of the Highland County Commissioners that volunteers provide valuable service. The time and talent offered by volunteers greatly enhance and enrich the quality of life in the County.

- A. The Board encourages the growth of volunteer programs and recognizes individuals in the following categories as current and potential volunteers.
  - 1. Professional Staff;
  - 2. Members of Specialized Volunteer Group;
  - 3. Interested Citizens; and/or
  - 4. Other
- B. Types of volunteers are defined as:
  - 1. General Volunteer: A person who has been approved, processed, and qualified to render services whether direct or indirect to the County Board.
  - 2. Specialized Volunteer: A person who represents a particular group or particular agency.
- C. All volunteers must comply with all Federal, State laws and regulations and County policies.
- D. Volunteers shall provide services which are based on the needs of the County activity served, on Boards and County Department request, and on the volunteer's skills, abilities,



- experiences, and interest. Persons providing volunteer services will do so under the supervision of County professional staff. At no time will a volunteer act in lieu of staff.
- E. Volunteers shall comply with the Highland County Commissioners Board Policies and Procedures.
  - F. No person shall assume the position of a volunteer without the prior approval of the Highland County Board of Commissioners.
  - G. The Highland County Commissioners may approve pay for training of a volunteer.
  - H. The Highland County Commissioners and/or its agent shall maintain a file for each volunteer. The file shall include, but not be limited to:
    - 1. application;
    - 2. county board/department approval;
    - 3. records of physical and criminal conviction check, including BCII fingerprints check when applicable;
    - 4. record of board approved assignments;
    - 5. records of training;
    - 6. evaluation; and/or
    - 7. emergency notification data.
  - I. The Highland County Commissioners may terminate a volunteer from service at any time.
  - J. Volunteer firefighters or emergency medical services providers will be permitted to be late for work or absent when involved with an emergency provided the following has occurred:
    - 1. Provide the Appointing Authority with a certificate showing their involved with either a volunteer fire department or emergency medical services provider.
    - 2. Provide the Appointing Authority written notification from the Chief of the volunteer fire department or the emergency services medical director showing the employee status as a volunteer with their agency in compliance with ORC 4113.41.
    - 3. Employees may use vacation leave, or compensatory time for time missed due to an emergency. The employee who loses time may be required to provide a statement from the Fire Chief or Emergency Medical Director to stating the employee responded to an emergency.
  - 4. Employees will not be disciplined for missing work or arriving late under this section or ORC 4113.41

#### **SECTION 3.14: 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/her re-hire date is within ten years of his/her 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.

### **SECTION 3.15: 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 other employees, teleworking video systems, 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. Employees who request reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions will be provided accommodations that do not cause undue hardship to the employer.

**SECTION 3.16: COUNTY PROPERTY****A. General.**

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

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

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

The County may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, County-issued cellular phones are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of County cellular phones while operating a motor vehicle (County-owned or personal) is prohibited, including GPS and hands-free, unless authorized by a supervisor.

**B. Vehicles.**

Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator’s license and remain insurable on the County’s fleet policy. Employees shall comply with all motor vehicle laws and regulations while operating a County vehicle. An employee who operates a motor vehicle for work and who has his/her license

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

Any County employee who operates a County-owned motor vehicle, or a privately owned motor vehicle in the discharge of official County business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle. Employees who operate County vehicles must have appropriate insurance coverage as designated by the Appointing Authority or Agency Head.

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

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

Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.

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

### **SECTION 3.17: EMPLOYEE RESTRICTION FROM WORKING ACROSS COUNTY GOVERNMENT AGENCIES AND OVERTIME REGULATIONS**

**Objective:** This policy is established to prevent employees from one Highland County agency from working at another Highland County agency within the jurisdiction concurrently. Additionally, it addresses and regulates overtime hours to maintain operational integrity, prevent

conflicts of interest, uphold confidentiality, and manage workload distribution across county departments.

**Scope:** This policy applies to all full-time, part-time, seasonal, and casual labor employees of Highland County Government Agencies within the jurisdiction.

**Policy Statement:**

1. **Restriction on Inter-Agency Employment:** Employees are prohibited from working concurrently or consecutively in different county agencies within the jurisdiction.
2. **Conflict of Interest:** Employees are restricted from engaging in work or services for another county agency that might create a conflict of interest, compromise their duties, or hinder the objectives of their current position.
3. **Maintaining Confidentiality:** Preventing employees from working across different county agencies helps to maintain the confidentiality of information specific to each department, reducing the risk of data breaches, or unauthorized sharing of sensitive information.
4. **Operational Integrity:** This policy aims to ensure that the operations, projects, and goals for each county agency remain independent and focused on their respective mandates without potential interference or bias resulting from employees' shared involvement.
5. **Overtime Regulations:** Any overtime worked within an employee's primary department must be approved in accordance with the established overtime policies of that department. Employees are prohibited from working or working overtime in another county agency unless in extraordinary circumstances in which it has been approved and coordinated with both department heads in advance of the work.
6. **Compliance and Enforcement:** Non-compliance with this policy or misuse of overtime regulations may result in disciplinary actions, including but not limited to reprimand, suspension, or termination, as deemed appropriate by the department heads and Human Resources.

**SECTION 4.01: PROBATIONARY PERIODS****A. Newly Appointed Employees.**

1. Each newly appointed employee shall serve a probationary period of one (1) year before becoming a permanent employee unless otherwise indicated in the paragraphs below or said employee is specifically hired as a temporary employee.
  - a. Police Officers/Deputy Sheriffs serve a one (1) year probationary period.
2. For newly appointed, permanent employees, a probationary period begins on the first day of work. Probationary is the "working test period" of an employee's performance on the job. The probationary period for full-time employees and scheduled part time and seasonal employees shall be based on calendar days from the date of original appointment. Intermittent employees or employees who work irregular shifts serve at the pleasure of the Appointing Authority.
3. A newly appointed probationary employee may not be promoted during his/her probationary period. An employee must resign his/her current position before accepting a new position and must serve an original probationary period in the new classification. No lateral transfers may occur during an employee's probationary period.

**B. Promotional Probationary Periods.**

1. Each promoted employee will serve a probationary period of not less than ninety (90) calendar days nor more than one hundred eighty (180) working days, to be determined by the Appointing Authority.
2. During the second half of the probationary period, an employee serving a probationary period after a promotion or transfer may be returned to his/her former classification and rate of pay if work performance, behavior and/or work attitude is not satisfactory.

**C. Part-time or Intermittent Employee.**

Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below:

1. 1,000 hours are equivalent to a 180-day probationary period.
2. 1,400 hours are equivalent to a 252-day probationary period.
3. 1,500 hours are equivalent to a 270-day probationary period.
4. 1,700 hours are equivalent to a 300-day probationary period.
5. 2,000 hours are equivalent to a 365-day probationary period.

Intermittent employees shall not serve a probationary period.

D. The Appointing Authority shall have the sole right and discretion to discipline or discharge a probationary employee. Probationary dismissals anytime during the probationary period cannot be reviewed through the Grievance Procedure or otherwise appealed. The employee will be given a written statement of the reasons of such action, signed by the Appointing Authority of that employee.

E. Supervisors shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Each employee is encouraged to bring problems to his/her supervisor for resolution in order to enhance his/her performance.

Supervisors have a responsibility to recommend retention of only those employees who meet acceptable work standards during their probationary periods.

F. Time spent on a leave of absence or in non-paid status is not counted as part of the probationary period.

G. An employee who resigns during a probationary period is not eligible for reinstatement. The employee may be considered for a new appointment. A new probationary period must be served if the person is appointed to the position a second time.

#### **SECTION 4.02: EMPLOYEE DEVELOPMENT AND TRAINING**

A. Training Program Evaluation: The Appointing Authority shall periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.

B. On-the-Job Training (OJT): On-the-job training prepares an employee to effectively perform the responsibilities required of his/her position. It allows the employee to learn his/her job duties, correct procedures and expected performance levels, under the immediate direction of an experienced worker. The conduct of such training is the responsibility of supervisors under the direction of the Appointing Authority.

C. Employees may be required to attend job-related training programs, courses, workshops, etc. Employees who are required to attend such programs, where the program begins before or after an employee's normal working hours, shall be paid for all time involved. Travel time to and from seminars, meetings, etc., is not considered time worked for purposes of calculating overtime. If such training is required by the Appointing Authority, the expense incurred shall be paid by the County.

D. Attendance at lectures, meetings, training programs and similar activities shall not be considered time worked and therefore not compensable, provided the following criteria is met:

1. Attendance is outside the employee's regular work hours;
2. Attendance is in fact voluntary;

3. The course, lecture or meeting is not directly related to the employee's job; and
  4. The employee does not perform any productive work during such attendance.
- E. In reviewing employee requests for class work, training or attendance at meetings, the following items will be considered:
1. nature and purpose of the activity;
  2. benefits to be derived by the employee and the Appointing Authority;
  3. level of responsibility, performance and length of service of the employee;
  4. estimated cost and availability of funds;
  5. potential lost time from work; and
  6. ability to adequately staff services during the employee's absence.
- F. The Board will pay the cost of registration for all meetings, training and conferences, when the employee's attendance is required. All other expenses will be reimbursed in accordance with expense reimbursement section of this policy.

**SECTION 4.03: EMPLOYEE CERTIFICATION AND REGISTRATION STANDARDS**

- A. It is the responsibility of each employee to acquire, maintain, update and/or renew any license, certificate or registration as required for his/her position with the Highland County Board of Commissioners and/or other Appointing Authorities and to transmit immediately the proof of such acquisition, maintenance, updating and/or renewal to the Board or Appointing Authority.
- B. It is also the responsibility of each employee to pay the fees required for certification, license or registration, applications and course work related to certification, licensing and/or registration.
- C. All employees whose registration or certificates expire must obtain a renewal or new certification or application with certification of mailing and must be provided before the expiration date of their current certificate. Any employee who fails to acquire and/or maintain certification or registration will be terminated, unless the employee has met all the requirements and, through no fault of the employee, has not had the certificate or registration issued.
- D. Time spent by an employee relating to acquiring, maintaining, updating and/or renewing a required license, certificate or registration is not hours worked to be counted in computing overtime.



**SECTION 5.01: HOURS OF WORK**

- A. The typical normal hours of work for the Highland County Board of Commissioners is 7:30 a.m. to 4:00 p.m., Monday through Friday, with a thirty (30) minute unpaid lunch period between the hours of 11:00 a.m. and 2:00 p.m. The normal hours of work and the lunch period are established at the discretion of the individual Appointing Authority.
- B. With respect to hours of work, each Appointing Authority reserves the right to:
1. restructure the normal workday or work week for the purpose of promoting efficiency or improving services;
  2. establish the work schedules of employees;
  3. establish part-time positions; and
  4. establish a flexible work day within the forty (40) hour work period.
- C. The individual Appointing Authority shall establish procedures to provide breaks for employees as work loads permit. Break periods shall be considered a privilege and not a right and shall never interfere with the proper performance of the work responsibilities of the Department. Such breaks shall be considered as part of the employee's work time.
- Breaks shall not abut the start or end of the work shift or the start or end of lunch.
- D. Employees must use the Department time clock and sign in/sign out sheets when entering or leaving the building, where applicable.
- E. Employees who are required to work overtime will be compensated for their overtime in accordance with the Fair Labor Standards Act, except employees of the Department of Job and Family Services shall be paid overtime in accordance with ORC 4111.03 (D).

**SECTION 5.02: OVERTIME**

- A. An employee will be paid overtime or compensatory time when the extra hours are authorized by the employee's Appointing Authority. Any employee working overtime without prior approval of his/her supervisor is subject to discipline.
- B. Employees will be compensated for working overtime hours in accordance with the Fair Labor Standards Act. Scheduled overtime that is subsequently canceled and not worked will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable. Overtime is defined as hours actually worked over forty (40) hours in a calendar week, and paid time and one-half for each hours worked over forty (40) hours.
- C. For purposes of this section, paid sick leave, paid holidays, paid vacation and other approved paid leave shall not be considered time worked. Time spent traveling to and from work and non-work time spent overnight on official County business shall not be considered time worked for the purposes of calculating overtime. Whenever an employee

- is required to work overtime in a week where he/she has taken sick leave, vacation, holiday or other leave time, the employee shall not be eligible for the premium rate until he/she has actually worked forty (40) hours.
- D. Employees required to work on holidays will be compensated. Employees required to work on holidays shall be compensated at time and one-half (1 ½) regardless of whether the employee is in overtime status on the holiday.
- E. Employees may select compensatory time off in lieu of overtime payments under the following conditions:
1. An employee must take compensatory time off within one hundred and eighty (180) calendar days of the time earned at a time mutually agreeable to the employee and the Appointing Authority.
  2. Compensatory time off must be approved by the employee's supervisor forty- eight (48) hours prior to being used.
  3. Employees in a non-safety force position may not accumulate over two hundred forty (240) hours of compensatory time, in accordance with FLSA.
  4. All accumulated compensatory time must be used in the year it was earned. Those compensatory time hours not used by the end of the year will be paid in cash in the pay period on or before the final payroll of the year.
  5. Non-exempt employees with a compensatory time balance who move into overtime-exempt positions will be permitted to use the remaining compensatory time in accordance with the above guidelines, or may request to be paid.
- F. Overtime shall be distributed as equally as possible among employees by consideration of classification, seniority and qualifications of those employees who normally perform such work.
- G. The Appointing Authority may designate employees to work an adjusted work week not to exceed forty (40) hours per week in order to prevent the need for overtime. Such employees are considered "flexible hour employees." Any time worked over the daily regularly scheduled hours shall be taken off within the same reporting week that it is worked. For purposes of this policy, Sunday through Saturday shall constitute the reporting period.
- H. The Highland County Commissioners and other Appointing Authorities shall follow all applicable law, including, but not limited to the Fair Labor Standards Act, with respect to employee compensation, payroll deductions, and other pay matters. The County shall make only deductions as permitted by the FLSA and other applicable law, and shall make a good faith effort to prohibit improper deductions from an employee's pay. On occasion, however, improper deductions may happen inadvertently due to human error or payroll processing malfunctions. The following shall govern the reporting of improper deductions.

In the event an employee determines that he/she has been compensated in error with regard to deductions from pay, the employee must, as soon as possible, notify the Appointing Authority and County Auditor. The alleged error will be investigated, and findings will be communicated to the employee as soon as practicable.

If it is determined that an error occurred, the employee shall be compensated for the full amount of the shortage once being notified and on or before the end of the next pay period. The amount of the reimbursement will remain subject to any deductions that applied during the pay period when the compensation would have initially been processed.

The Appointing Authority and/or County Auditor or designee shall review the reason for the improper deduction, and make any necessary adjustments to payroll processes, procedure, and policies to ensure that improper pay deductions do not occur in the future.

The Appointing Authority is authorized to establish and revise, as needed, the procedures to be utilized in the implementation of this policy.

### **SECTION 5.03: TIMEKEEPING AND PAYROLL POLICY**

#### **A. Timekeeping Policy:**

1. All hourly employees of Highland County are required to submit a Time Sheet along with any Sick or Vacation Request Forms for the biweekly time on the Monday of pay week.
2. Employees will use the standardized time sheet form along with the standardized Time Off Form.
3. Employees must have their supervisor sign the Time Sheet as well as their Time Off Forms for the pay period. The supervisor must keep this copy on file for auditing purposes. It is recommended that the employee keeps a second copy of these records for their own files.
4. An employee's Time Sheet must be entered exactly into the VIP time entry system for hourly employees, as well as any sick, vacation, or compensatory time used/earned during the biweekly pay period.
5. If there is a discrepancy over an employee's Time Sheet, the supervisor must discuss it with the employee and the employee must either resubmit the Time Sheet or authorize the change in writing on the original. All errors in time entry will be redirected to the department to fix.
6. Supervisors approve salaries in VIP for the salaried employees, as well as sick and vacation used for the biweekly pay period. The salaried employee must submit Time Off Forms for time away during the pay period to their superior. It is recommended that salaried employees keep copies of these forms as well.

7. Departments must maintain accruals for their employees for accuracy. Each department and/or Appointing Authority will be the ultimate arbiters of accrual balances. The VIP Payroll system should not be exclusively relied upon for employee accruals. It is also recommended that employees keep a record of their accrual usage as well to ensure accuracy with all parties.
8. After the time has been submitted in VIP for the biweekly period, the department must submit a Time Proof along with scanned copies of the time sheets submitted by the employees to the department to the Payroll Specialist of the County to maintain accuracy of time entered. The department's submission will notify the Payroll Specialist that the department has completed time entry and creates a historical record as to the employee's time. These Time Proofs need to be submitted to the Payroll Specialist no later than 4:00 pm on each Monday of a pay week, or the employee(s) will not be paid.
9. Payroll entry – For security reasons, time entry access to the VIP Payroll System will only be granted to the department head and up to one deputy for each office. Access is granted by submitting a VIP New User Form to the Budgetary Clerk in the Auditor's Office.
10. For Departments with a separate timekeeping system with time clocks can send a .csv file to the Payroll Specialist to upload. These files would need to be submitted to the Payroll Specialist by 4:00 pm the Monday of pay week.
11. The following actions are forbidden and will be investigated which could result in discipline up to and potentially including dismissal of employment:
  - a. Submitting a time sheet that is inaccurate to the employee's attendance.
  - b. Changing an employee's time sheet without their knowledge.
  - c. Affecting any change to an employee after the submission of the Time Proof.
  - d. Affecting any change on an employee that is not within that department's realm of control.
  - e. Inputting hours for a terminated employee
  - f. Intentionally inputting hours that an employee did not work or is not entitled to.

B. Payroll policy:

1. All employees are paid biweekly through direct deposit. This cannot be waived and pay dates are alternating Fridays.
2. Monthly payroll is reserved for only certain board members, grant funds, judges, and service drivers. Monthly payroll is not an option for all other employees.

3. All new hires must have new hire documentation completed and turned into the Human Resources office by 10:00 am the Tuesday before the pay week (the “off” week).
4. Any changes to the fund that an employee is paid out of need to be communicated to the Payroll Specialist as soon as the Commissioners office or Appointing Authority approve the change.
5. Employees must maintain a current email address for paystubs with the Human Resources office for paystubs and other important information that needs to be communicated to employees. The Human Resources office highly recommends that employees register their personal email addresses, not their work email addresses, in order to be able to access this information at all times.
6. It is strongly recommended that employees review paystubs regularly to ensure accuracy of the time entered, deductions, and accrual usage. Errors made more than 30 days prior cannot be corrected.
7. Any discrepancies need to be reported to the Human Resources office as soon as they are discovered. Any overpayments to current or former employees must be paid back immediately. In the case of a terminated employee is paid on accident but separates employment before paying back money owed to the county, the remaining balance will be recouped on the employee's final pay. If the employee's final pay will not cover the balance, the county will take action to collect the deficiency up to and including legal measures.
8. Retirements:
  - a. Retirees must notify their supervisors and County Human Resources no less than 60 days before retiring.
  - b. All retirements and resignations must have a final payout memo with a breakdown of accruals that will be paid out to the employee with a signature from the department head. These documents will be placed in the employee's file as well as with the documents generated during the pay period the employee was paid out in.
  - c. All general fund final payouts must be signed off by the department head as well as the Commissioner's office. These memos will be stored in the employee's file.
  - d. If an employee, at the point of their first retirement, desires to have their Sick Leave paid out according to policy 6.03, they must do so in writing prior to their Retirement.
  - e. All Retire/Rehires will have all vacation time remaining in their accrual back cashed out at the time of retirement. The accrual rate for vacation will

be reset back to 3.1 hours per pay period and can be used as soon as enough vacation is in the accrual bank to utilize.

9. All time is to be used or cashed out before the end of each calendar year.
10. Inter-agency transfers must happen between pay periods. No transfer will be accepted mid pay period. All sick time can be transferred to the new department provided it is a public agency within Ohio. Vacation transfers only when the employee transfers within the same fund within Highland County Government. If the employee transfers to a new fund, the vacation must be cashed out to the employee and the accrual starts over.
11. Payroll advances of any kind are forbidden.
12. If an employee has prior years of service, they must provide documentation within the first.
13. 30 days of employment to both their Appointing Authority and the County Human Resources Department.
14. Sick time accrual bank records will only be kept for 10 years after an employee has left employment with the county.

#### **SECTION 5.04: CLASSIFICATION PLAN**

- A. The Appointing Authority or designee shall administer a classification plan based upon a valid analysis of the duties, responsibilities and qualification requirements of positions within the organization.
- B. Official classification titles shall be used in all personnel and payroll matters.
- C. The Appointing Authority or designee shall periodically review the duties, responsibilities and qualification requirements of positions and make necessary adjustments or revisions to the classification plan.
- D. An employee may request that his/her position be audited for proper classification by submitting a written request for reclassification to his/her Appointing Authority.

#### **SECTION 5.05: COMPENSATION (O.R.C. 4111.03)**

- A. Compensation, through salaries, wages and fringe benefits for each job classification is based upon degree of responsibility and/or difficulty of work and assumes equal pay for equal work.
- B. Entry level and base compensation rates are fixed for each Highland County job classification with any variances based only on the relative merit and qualifications of the applicant's selection.

- C. Paychecks are issued bi-weekly fourteen (14) calendar day period. Necessary deductions for the Ohio Public Employees Retirement System (OPERS) or applicable retirement plan, Federal Withholding Tax and State of Ohio Income Tax, School District Tax, and local income tax will be made from each employee's check. These deductions are itemized on the employee's pay statement which accompanies his/her bi-weekly paycheck.
1. Optional deductions may be made for employee organization dues and health insurance. Employees requesting deduction for employee organization dues and/or professional association dues shall follow the provisions of the applicable collective bargaining agreement.
  2. Any other optional deductions made from paychecks will depend upon the approval of the Highland County Board of Commissioners, the Auditor, and Human Resources as to the capabilities of the payroll department to make such deductions.
  3. All employees must provide an account number to Human Resources in order to deposit payroll via direct deposit. Use of direct deposit for payroll is mandatory and cannot be waived.
  4. Miscellaneous deductions may be made from an employee's paycheck. Examples include garnishments, deferred compensation, child support, etc. The employer may refuse to make deductions not required by law, which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the employer deems not in the best interests of the County.
- D. Pay Periods.
1. There are normally twenty-six (26) pay periods per year. All employees are to be paid every other Friday for the two-week pay period preceding pay day, with one week deferred. The bi-weekly payroll period for all employees is from 12:01 a.m. Sunday through 12:00 midnight the second Saturday.
  2. If a holiday occurs on a Friday in which a pay day falls, paychecks will be issued the preceding Thursday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.
  3. Supervisors or the Human Resources Department are to receive any questions regarding an employee's pay and shall attempt to provide the necessary explanations or inquiries to resolve the matter.
  4. Pay advances of any kind are not permitted.
- E. Time Sheets and Leave Forms.
1. As required by each office, employee time sheets showing hours worked and vacation, sick, personal days, etc., will be filled out by each employee and signed by the supervisor. All employee hours must be submitted during the same payroll period in which it was used. In the instance that an employee's time sheet is changed

the employee's supervisors will notify the employee of the change. Departmental payroll employees shall not make changes to employee time sheets. Paid leave shall be submitted in 15 minute (1/4 hour) increments.

2. Employees are responsible for turning in sick leave forms properly completed and submitted during the payroll period the usage occurs. The appropriate sections of the sick leave form must be checked and a description of the illness, etc., must be entered on the form. In case of a death of a member of an employee's immediate family, the relationship must be specified on the form.
3. All departments are required to retain time sheets on file according to the records retention schedule designated by the County.

G. Overtime and Compensatory Time.

1. An employee will be paid overtime or compensatory time when the extra hours are authorized by the employee's Appointing Authority. Any employee working overtime without prior approval of his/her supervisor will be compensated accordingly but will be subject to discipline.
2. Employees will be compensated for overtime for working overtime hours in accordance with the Fair Labor Standards Act.
3. Employees working beyond their regularly scheduled work hours during a workweek, may be permitted to "flex their time" up to the number of additional hours worked, subject to the approval of their supervisor. When electing to flex their time, employees may flex their time at the start, or end, of a shift, so long as the flexing of time does not create overtime or impact the efficient operations of the Employer. Flex time shall not be considered "hours worked" for purposes of calculating an employee's overtime. Employees are not permitted to flex their time for consecutive shifts. Employees electing to flex their time shall do so on a "first-come, first-served" basis and all requests are subject to the operational needs of the Employer.
4. Upon separation from employment with Highland County, an employee's earned but unused compensatory time will be converted to cash.

**SECTION 5.06: REIMBURSEMENT OF EXPENSES**

A. Travel/Mileage Reimbursement.

1. Employees who are required to use their own private vehicles in the performance of official county business will be reimbursed at the rate presently approved by the Board. Mileage to and from the destination in a privately owned automobile will be reimbursed at the IRS rate. For travel outside of the County, the total reimbursable mileage for the trip will be equal to the lesser of:



- a. The distance from the employee's workplace to the destination, and back to the employee's workplace.
  - b. The distance from the employee's residence to the destination, and back to the individual's place of residence.
2. The mileage reimbursement will be deemed to cover all expenses incurred by use of the privately-owned vehicle including oil, gasoline, tires, depreciation, insurance and all other expenses of operation. No reimbursement for mileage will be made unless an employee carries automobile/liability insurance on his/her vehicle and maintains a copy of current coverage in his/her personnel file. The County may request that employees provide proof of insurance, if travel is required for his/her position. All travel distances will be determined by Google Maps.
  3. When two (2) or more employees are traveling to the same destination, they should travel together and only one may claim mileage reimbursement.
  4. No reimbursement will be made for travel between the employee's home and the employee's designated work location.
  5. Parking tolls, ferry charges, bridge, highway and tunnel tolls will be reimbursed if the employee lists them separately on his/her travel report, attaching receipts for all expenses incurred over one dollar (\$1.00).

B. Lodging Expenses.

Expenses covering the actual cost of a hotel or motel room will be reimbursed at the lowest rate available when an employee travels out of the County or State on official business and such travel requires an overnight stay. All pertinent tax exemptions will be applied. Prior approval of the Supervisor and/or Appointing Authority is required for reimbursement of lodging expenses.

C. Meal Expenses.

1. Upon submission of receipts, employees who must travel out the County or State on County business will be reimbursed for no more than three (3) meals, including beverages, for the actual cost of the meals up to the Board-adopted rate. Daily meal allowances may be adjusted to account for out-of-state travel and will be at the discretion of the appointing authority not to exceed the published GSA rate for that area.

Breakfast will be reimbursed up to fifteen dollars (\$15.00) with an authorization for a tip not to exceed 20%.

Lunch will be reimbursed up to twenty dollars (\$20.00) with an authorization for a tip not to exceed 20%.

Dinner will be reimbursed up to thirty dollars (\$30.00) with an authorization for a tip not to exceed 20%.

Reimbursement is not allowed for tax (excluding meals) or alcoholic beverages.

2. Reimbursement for partial days, when travel extends through the normal meal period, will be according to the Board adopted rate
3. No reimbursement will be made for meals within the County unless the meal is an integral part of an approved meeting or conference. Meals will not be reimbursed if a meal is provided at a conference or training location.
4. Alcoholic beverages and entertainment are not reimbursable.

If original receipts are not provided, reimbursement will not be granted. The Department Head/Appointing Authority will submit payment for reimbursement within thirty (30) days of the expense on the standardized expense report form.

- D. Out-of-state travel is discouraged by the Board of Commissioners and requires prior approval.

**SECTION 6.01: HOLIDAYS**

A. All employees are entitled to the following legal holidays:

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

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

C. In observance of each authorized holiday, both permanent full-time and permanent part-time employees will normally be granted the day off from work. Permanent full-time employees will receive straight time for each authorized holiday. Permanent part-time employees will receive straight time only for those hours normally scheduled on the day the holiday falls. Intermittent, temporary, seasonal, casual, student and work relief employees are not eligible for holiday pay.

D. If a holiday occurs during a period of paid sick leave or vacation, the employee will be entitled to holiday pay and will not be charged for any sick leave or vacation leave for that day. An employee in no pay status on a workday immediately preceding or following a holiday will not receive holiday pay. Only employees in active pay status for the whole day before and after the holiday will receive holiday pay.

E. General Election Day afternoon and Religious holidays may be approved for an individual at the discretion of the Appointing Authority and may be taken as either an unpaid leave of absence, compensatory time or vacation.

F. Employees required to work on the holidays listed above who forfeit the day off will receive one and one-half (1 ½) days off at full pay in compensatory time for each holiday worked in addition to receiving his/her holiday pay. The premium rate of pay (1 ½ times the single rate) shall not be considered in determining an employee's regular rate of pay for the purposes of calculating overtime which may accrue during such workweeks (i.e., pyramiding or doubling of overtime are not permitted).

G. Those employees who are exempt from overtime are not eligible to receive for compensatory time at the time and one-half rate. Equal time off for time worked over forty (40) hours may be arranged by the supervisors.

**SECTION 6.02: SICK LEAVE (O.R.C. 124.38 to 124.39)**

- A. An employee may request sick leave for absences resulting from illness described below. Sick leave may be requested for the following reasons:
1. Illness or injury to the employee or a member of his/her immediate family. When sick leave is requested for the care of a member of the immediate family, the Appointing Authority may require a physician's certificate stating that the presence of the employee is necessary for the care of the ill family member. Employees absent for three (3) consecutive work days may be required to provide a doctor's statement before being able to return to work.
  2. Exposure of employee or a member of his/her immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
  3. Death of a member of the employee's immediate family.
  4. Medical, dental or optical examinations or treatment of employee or a member of his/her immediate family.
  5. Pregnancy, childbirth and/or related medical conditions.
  6. Employees who have outpatient or inpatient surgery need to furnish the Appointing Authority a doctor's statement to return to work which states the employee is able to perform the essential functions of their position.
- B. For purposes of this policy, the "immediate family" is defined as only the employee's:
1. Employee's Spouse \*;
  2. parents;
  3. children;
  4. grandparents;
  5. siblings;
  6. grandchildren;
  7. brother-in-law;
  8. sister-in-law;
  9. son-in-law;
  10. mother-in-law;
  11. father-in-law;
  12. step-parents;
  13. step-children;
  14. step-siblings;
  15. legal guardian or other person who stands in place of a parent.
- C. The Appointing Authority maintains the right to investigate any employee's absence.
- D. For each completed eighty (80) hours in active pay status, an employee earns 4.6 hours of sick leave. For purposes of this policy active pay status is defined as hours worked

- (including overtime), hours on vacation, hours on holiday leave, and hours in paid sick leave. Sick leave is not accrued during an unpaid leave of absence.
- E. Part-time employees accrue sick leave on a proportionate basis to hours paid each pay period.
  - F. The amount of sick leave any one employee may accrue is unlimited.
  - G. Sick leave shall be charged in minimum amounts of one-fourth (1/4) hour increments for all county offices, with the exception of the Highland County Board of DD.
  - H. Employees absent on sick leave shall be paid at the same basic hourly, daily or bi-weekly rate as when they are working.
  - I. An employee requesting sick leave shall inform and communicate directly to his/her supervisor in the designated pre-established manner, of the fact and the reason within one-half (1/2) hour after his/her scheduled starting time. If an employee is unable to inform and speak directly to his/her supervisor prior to the employee's scheduled starting time the employee must contact the supervisor as soon as practicable. Failure to do so may result in denial of sick leave for the period of absence. The Appointing Authority may deny the use of sick leave for any requested leave if the employee fails to provide the Appointing Authority with a qualifying reason for the leave. The Appointing Authority has the right to investigate the reason(s) for an employee's absence.
  - J. Vacation leave may be used for sick leave purposes, at the employee's request and the approval of the Appointing Authority, after sick leave is exhausted. Employees who have exhausted all sick leave and vacation leave credits may, at the discretion of the Appointing Authority, be granted a personal leave of absence without pay for a period not to exceed six (6) months. Illnesses exceeding six (6) months will be considered Disability Separation as outlined in this Manual.
  - K. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action in accordance with the Disciplinary Policy as found in this Manual.
  - L. Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate dismissal.
  - M. Sick leave may not be approved if the days taken extend a holiday (days immediately preceding or following a holiday), unless a physician's excuse is submitted or unless there are extraordinary circumstances.
  - N. Employees who transfer between county departments or agencies, from another public agency or who are reappointed or reinstated, will be recredited with the unused balance of accumulated sick leave, provided the time between the separation, reappointment or transfer does not exceed ten (10) years. The words "public agency" as used above include the state, counties, municipalities, all boards of education, libraries, townships, etc. within the State of Ohio. The employee is responsible for obtaining certification of his/her previously accumulated sick leave for Highland County records.

- O. An employee who retires from service with Highland County may convert a portion of his/her accrued but unused sick leave into cash payment at the time of separation in accordance with the provisions of O.R.C. Section 124.39.
  
- P. Sick leave may be used for an on-the-job injury; however, sick leave and Workers' Compensation cannot be received at the same time.

**SECTION 6.03: SICK LEAVE CONVERSION**

- A. 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.
- B. To qualify for such payment, the employee shall have had prior to the date of retirement, ten (10) or more years of service with the county, the State of Ohio or any of its political subdivisions, and be eligible to receive OPERS benefits, or applicable retirement plan.
- C. Such payment shall be based on the employee's hourly rate of pay at the time of retirement.
- D. Such payment shall be made only once and shall eliminate all sick leave credit accrued by the employee.
- E. Eligible county employees, retiring from active service, shall request such payment in writing in order to initiate the payment process.
- F. Employees who die shall be considered to have terminated their employment as of the date of their death and shall be eligible for such sick leave payment for which they would be otherwise qualified. Such payment shall be made in accordance with Section 2113.14 of the Ohio Revised Code, or paid to the employee's estate.

**SECTION 6.04: SICK LEAVE DONATION PROGRAM**

- A. The Board of Commissioners have adopted a donated sick leave policy to assist employees who have exhausted all paid leave due to a catastrophic illness/injury affecting the employee or a member of the employee's immediate family as follows:
  - 1. The employee or member of the employee's immediate family has a serious illness/injury.
  - 2. The illness/injury is expected to be of a prolonged duration (greater than one week) or occur in segments over a potentially prolonged period (i.e., treatments, therapy, out-of-town treatment, etc.).
  - 3. The employee must have completed his/her probationary period.
  - 4. Employees must sign a waiver of their H.I.P.A.A. rights which allows personal medical information to be released to the donor, if requested.
  - 5. The employee must have exhausted all paid leave (vacation, sick or compensatory time).
- B. The maximum contribution benefit shall be three months or 520 hours donated.

- C. The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following period before additional donated leave may be received. Donated leave shall be considered sick leave but shall never convert into a cash benefit upon separation.
- D. Employees who wish to donate shall certify:
1. The name of the employee for whom the donated leave is intended;
  2. The type of leave and number of hours to be donated;
  3. That the donating employee will have a minimum sick leave balance of at least 80 hours (after donating);
  4. That the leave is donated voluntarily and the donating employee understands that the donated leave will not be returned; and
  5. That a minimum of eight hours shall be donated.
- E. Application shall be made to the payroll officer on the standard leave form (see following pages) indicating that it is for application of the catastrophic illness/injury provisions with documentation from a doctor regarding the number of hours/days needed.
- F. The Appointing Authority shall inform employees of the name of the individual requesting the leave. Employees have 15 days to notify the Appointing Authority of the number of hours they wish to donate.
- G. Once an employee is granted leave and subsequently returns to work, he/she shall be automatically granted use of catastrophic leave if the illness/injury reoccurs. In such instances, the employee shall use accrued leave first and then granted donated leave, after providing medical certification of the recurrence.
- H. The Payroll Officer will inform donors as sick leave is taken from their accumulation. Sick leave will not be transferred until needed. If the donor has a subsequent emergency and cannot provide the initial donation, the Payroll Officer should be notified immediately. Sick leave cannot be donated across fund accounts, for example from the County general fund to the Jobs and Family Services Fund, the Motor Vehicle Gasoline Tax Fund, or County entities operated on funds generated outside the ten mill limitation.
- I. Definitions: For the purpose of this policy the following shall apply:

Child: a son or daughter, including a child eighteen (18) years or over, who is incapable of self-care because of a mental or physical disability.

Immediate Family: means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the



employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

<u>Serious Health Condition:</u>	a catastrophic illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment and also includes continuing treatment of chronic or long-termed incurable conditions.
<u>Calendar Year:</u>	January 1 to December 31
<u>Spouse:</u>	husband or wife.
<u>Transferees:</u>	the employee in need and approved to receive donated sick leave.
<u>Transferor:</u>	the employee volunteering to donate their sick leave.

HIGHLAND COUNTY COMMISSIONERS
APPLICATION FOR DONATED SICK LEAVE

Payroll Period Ending: \_\_\_\_\_

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

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

Three horizontal lines for describing the catastrophic illness/injury.

Indicate the amount of time projected to be missed because of the catastrophic illness/injury.

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

There is a maximum of five hundred and twenty (520) hours of donated leave that may be received per year.

VERIFICATION BY ATTENDING MEDICAL DOCTOR

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

Doctors Name: \_\_\_\_\_

Doctors Signature: \_\_\_\_\_ Date: \_\_\_\_\_

I verify that the above information is a true and accurate report of my condition, as I know today. I authorize and approve distribution of this information to other Highland County employees to inform them of my condition and waive my rights to confidentiality under H.I.P.A.A. and to permit other County employees to donate sick leave to me. I understand and agree that my Appointing Authority and/or the County Commissioners will make notice of my need for leave and that I should take no other action to solicit or request donation of leave from other staff. I have read, understand, and agree with the limitations of this program as outlined in the Sick Leave Donation Policy.

Witness' Signature
[I attest that I am no longer on my probationary period.]

\_\_\_\_\_
Date

Employee Signature

\_\_\_\_\_
Date

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

\_\_\_\_\_
Name of Department

\_\_\_\_\_
Signature Date

HIGHLAND COUNTY COMMISSIONERS  
APPLICATION FOR DONATED SICK LEAVE

Payroll Period Ending: \_\_\_\_\_

Employee's Name: \_\_\_\_\_  
(Transferor)

Department/Appointing Authority: \_\_\_\_\_

Name of Employee, which you wish to donate sick leave: \_\_\_\_\_  
(Transferee)

Your sick leave balance as of date of this request: \_\_\_\_\_

Verification of Payroll Officer of sick leave balance: \_\_\_\_\_

Amount of sick leave you are requesting to donate: \_\_\_\_\_  
[union members limited to 40 hours per year]

Your sick leave balance after leave donation: \_\_\_\_\_  
[must maintain balance of 80 hours of all leave types combined after donation.]

Approval by Department Head that sick leave hours have been transferred from \_\_\_\_\_ to \_\_\_\_\_  
\_\_\_\_\_ on payroll, dated \_\_\_\_\_ (Transferor)  
(Transferee)

\_\_\_\_\_  
Signature (Department Head)

\_\_\_\_\_  
Verification by County of sick leave balance

Reviewed by Board of Commissioners/Appointing Authority By: \_\_\_\_\_  
Signature

I (\_\_\_ Do \_\_\_ Do Not) wish to keep my donation anonymous.

I attest that I have donated my sick leave of my own free will and no one has coerced me into making this donation.

\_\_\_\_\_  
Signature of Transferor

**SECTION 6.05: CALAMITY DAYS**

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

If, in the opinion of the Appointing Authority, such inclement weather conditions exist, the following policy section B below outlines the guidelines for payment of wages on such days.

- B. Scheduled employees who are able to come into work on such inclement weather days shall be paid their regular wage for actual time worked. Those employees who are not able to come into work due to inclement weather shall have the option of receiving an excused day off without pay or using time from vacation hours or compensatory time. With approval from the employee's supervisor and Appointing Authority, employees may work from home. Employees are not permitted to use sick leave due to inclement weather.
- C. If the Highland County Sheriff declares a Level 3 snow emergency, because of this designation, travel on county roads would lead to citation or arrest, it will be our policy to close all county offices to comply with his designation. If special circumstances exist in individual offices, elected officials may need to call in essential employees to address those needs. If a level 3 emergency is declared, employees will be paid for up to two (2) consecutive days and will not need to use time. (Rev. 1/2025)
- D. The Appointing Authority may close his/her office or department if inclement weather conditions arise during the course of the day. In this event, employees shall be sent home as excused from work and shall receive their regular wage for the day.
- E. An employee not scheduled to work because of a scheduled vacation or continuing sick leave will be charged for the leave regardless of the declared emergency.

**SECTION 6.06: FUNERAL LEAVE**

- A. Any eligible employee may be granted usage of sick leave, upon approval of the Appointing Authority, for a maximum of three (3) working days in the event of a death of an immediate family member. For purposes of this policy, the "immediate family" is defined as only the employee's:

1. Employee's Spouse
2. parents;
3. children;
4. grandparents;
5. siblings;
6. grandchildren;
7. brother-in-law;
8. sister-in-law;
9. son-in-law;
10. mother-in-law;
11. father-in-law;

12. step-parents;
  13. step-children;
  14. step-siblings;
  15. legal guardian or other person who stands in place of a parent.
- B. Leave due to the death of other family members may be granted with the approval of the Appointing Authority and shall be deducted from any available vacation, compensatory or personal time, if the employee submits, in writing, the special circumstances.

**SECTION 6.07: COURT LEAVE**

- A. If an employee is called for court jury duty or subpoenaed to testify in a court of law, during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below.
1. The employee may choose to receive his/her regular salary or wage in full for such time from the county. In such case, all monies received as compensation greater than or equal to fifty dollars (\$50.00) for court service shall be turned over to the County Auditor in full.
  2. The employee may choose to retain all monies received as compensation for court service and waive his/her regular salary or wage in full for such time from the county.
- B. The employee will be expected to report for work following jury duty, if two or more hours of time remains during his/her scheduled work day.
- C. If an employee is called for court jury duty or to testify in a court of law, outside of his/her regularly scheduled working hours, all monies received as compensation for such court service shall be retained by the employee.
- D. Employees called for court jury duty or to testify in a court of law shall complete a Request for Leave of Absence and attach a copy of the subpoena.
- E. Employees shall not be entitled to paid court leave when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters. Such absences shall be considered leave without pay, compensatory time, personal days, vacation leave, at the employee's option and as scheduled in advance by the Appointing Authority.
- F. Time served by an employee for court jury duty or court service shall not be considered hours worked for purposes of calculating overtime, unless such court service is directly related or is an integral part of the employee's work duties.
- G. An employee who is the appellant in an action before the State Personnel Board of Review and is in active pay status at the time of the hearing before the Board will be granted court leave to attend the hearing.

**SECTION 6.08: VACATION LEAVE**

- A. All vacation time must be approved by the employee's Appointing Authority in advance of an employee taking paid vacation leave.
  - 1. Vacation requests may be denied if it is determined by the Appointing Authority granting the request, would cause unacceptable staffing levels in a particular area or program.
  - 2. An employee whose scheduled vacation falls within a week containing a paid holiday will not have the holiday charged against vacation time. An employee so affected shall be granted an additional vacation day to be scheduled at the discretion of his/her supervisor.
- B. Vacation time is applicable only to permanent full-time employees of Highland County and is earned in accordance with Ohio Revised Code Section 325.19 and Ohio Revised Code Section 9.44. Temporary, intermittent, seasonal, student, and work relief employees are not eligible for vacation benefits. Vacation accrues only during regularly scheduled work hours, and not on overtime hours.
- C. Full-time employees are eligible for paid vacation leave according to the following eligibility guidelines. Full-time employees who work less than forty (40) hours will accrue vacation on a prorated basis.

Completed Years of Service	Credit Earned Per Eighty (80) Hours Worked	Vacation Credit Earned for Yearly Hours	Maximum Vacation Carryover Amount
Less than one (1) full year of service	0	0	0
After one (1) full year of service	3.1	80	240
After eight (8) full years of service	4.6	120	360
After fifteen (15) full years of service	6.2	160	480
After twenty-five (25) full years of service	7.7	200	600

- D. No employee will be entitled to vacation leave under any circumstances until he/she has completed one (1) year of employment with a County Department.

- E. Vacations are scheduled in accordance with work load requirements of the individual department or office. For this reason, it is recommended that vacation requests of one (1) week or more be made at least one (1) week in advance of the proposed starting date.
- F. In no case may an employee take their vacation early, prior to the employee's anniversary date for any given reason.
- G. Vacation leave is earned while on vacation and sick leave, but additional vacation is not accrued through the accumulation of paid overtime.
- H. No vacation leave shall be carried over for more than three (3) years. An employee is entitled to compensation, at his/her current rate of pay, for the pro-rated portion of any earned but unused vacation leave for the current year to his/her credit, at the time of separation or retirement, and in addition, shall be compensated for any unused vacation leave accrued to his/her credit, with the permission of the Appointing Authority, for up to three (3) years immediately preceding the last anniversary date of employment.
- I. Vacation leave is granted in the following increments:
  - 1. All other County Departments shall grant vacation leave in minimum units as determined by the Appointing Authority.
- J. Vacation pay benefits do not accrue to an employee on Workers' Compensation, who is not receiving a payment for sick leave or vacation leave, but only Workers' Compensation payments.
- K. An employee whose scheduled vacation falls within a week containing a paid holiday will not have the holiday charged against vacation.
- L. An employee who transfers from one agency to another will be paid for any unused vacation by the releasing agency. An employee transferring to Highland County who has less than one (1) year of service at the time of transfer will be eligible for the first vacation after completing one (1) year of combined service. (OAG 85-035)

#### **SECTION 6.09: 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 who are not “public safety employees,” as that term is defined by O.R.C. § 5923.05, are authorized leave of up to twenty-two (22) eight

(8)-hour working days or one hundred seventy-six (176) hours within a federal fiscal year, and public safety employees, public employees employed as a firefighter or emergency medical technician, are authorized up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours. During the applicable periods, 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 or, in the case of a public safety employee, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal 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, all 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 or, in the case of public safety employees, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal 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 or, in the case of a public safety employee, of up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours in a federal fiscal 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 applicable limits 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

#### **SECTION 6.10: UNPAID DISABILITY LEAVE/SEPARATION**

This section outlines the conditions under which Disability Separation may be granted and the procedure for administering its use.

##### **A. Voluntary Reduction.**

When an employee becomes physically unable to perform the duties of his/her position, but is still able to perform the duties and meets the minimum qualifications of a vacant, lower level position, he/she may voluntarily request reduction to the lower level position. Such request shall be in writing, stating the reason for the request and, if approved by the Appointing Authority, attached to the implementing Personnel Action.

##### **B. Personal Leave.**



A physically incapacitated employee, who has exhausted his/her accumulated sick leave and for whom voluntary reduction is not practicable, may request up to six (6) months of personal leave only if he/she can present evidence as to the probable date on which the employee will be able to return to the same or similar position within a six (6) month period. Such request should be submitted in writing to the Appointing Authority with a copy of a physician's statement attached.

C. Disability Separation procedure.

A disability separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized vacation or compensatory time and is:

1. hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or
2. declared physically incapable of performing the duties of his/her position by a licensed physician designated by the Appointing Authority; such examination normally is requested by the Appointing Authority when the employee is unable or unwilling to admit his/her incapacity; the costs shall be paid by the Appointing Authority.
3. An involuntary disability separation will be in accordance with OAC Section 123:1-30-01.
4. Any appointment made to a position vacated by Disability Separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature. Should the employee returning from Disability Separation be reinstated to another position, the temporary appointment will be made permanent.

D. Reinstatement Procedure.

Reinstatement rights following a Disability Separation extend for two (2) years from the date such leave is granted. Such employee is to be reinstated to the same or similar position within thirty (30) days after making written application and passing a medical examination showing full qualifications to perform the essential functions of the position. The examination shall be conducted by a physician designated by the Appointing Authority and the costs shall be paid by the employer. If the continuing disability precludes reinstatement, the employee may wish to apply to OPERS for Disability Retirement. If approved, such separation should be reported to the Appointing Authority. The date of separation is the date of the first leave for the condition that resulted in the disability separation. Abuse of a disability separation will render an employee ineligible for reinstatement.

E. The Appointing Authority should send a written reminder to the employee at least two (2) weeks prior to the expiration of his/her Disability Separation. An employee, who does not return from a Disability Separation, formally resigns, or takes a Disability Retirement shall be separated with the notation, "Failure to Return from Disability Separation."

F. Upon return from a disability separation, an employee will be returned to a position in the classification held at the time of separation; or, if that classification no longer exists, to

another similar classification in which he/she is qualified. If no similar classification exists, the employee may be placed on layoff.

- G. An employee on an unpaid leave does not earn vacation or sick leave. An employee on an unpaid disability leave and/or upon exhaustion of Family and Medical Leave must pay the full premium cost for health insurance in order to keep the coverage in effect.

#### **SECTION 6.11: LEAVE OF ABSENCE WITHOUT PAY**

- A. The Appointing Authority may, upon the written request of a permanent employee in the classified service grant the employee a leave of absence without pay not to exceed six (6) months, as prescribed below, whenever such leave is considered in the best interests of the County. The request for an unpaid leave must be submitted in writing 30 days prior to commencement of the leave and must specify the required period of time.
1. When the employee fails to return to work upon the expiration of any authorized leave of absence without pay, he/she shall automatically be considered as having resigned his/her position.
  2. An employee who has received an authorized leave of absence without pay does not earn sick leave or vacation leave credit. However, time spent on leave of absence is to be considered in determining length of service for purposes where tenure is a factor.
  3. If it is determined that an employee is abusing the leave of absence and not actually using it for the purpose specified, the Appointing Authority may cancel the leave and require the employee to report for work.
- B. An employee on an unpaid leave of absence, with the exception of leaves designated as Family and Medical Leave, is responsible for payment of the total premium due for continued hospitalization coverage.
- C. Unpaid leaves of absence shall not be granted to a classified employee for the purpose of engaging in partisan political activity, such as running for an elected county, state or federal office.

#### **SECTION 6.12: FAMILY AND MEDICAL LEAVE**

- 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 unpaid 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/her 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 backwards from the date an employee uses any leave under this policy.
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. Any period 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:
    - 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 twenty six (26)-week military caregiver leave means either:

- a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
  - b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
    - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
    - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
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 official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active-duty status of a covered military member.
  - 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 military member's covered active duty or call to covered active-duty status.

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. County health districts and the County are not considered a single employer for purposes of FMLA leave entitlement.
  - 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/concurrent to their use of accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

2. **Birth of An Employee's Child:** An employee who takes leave for the birth of his/her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition 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.)
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 vacation 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/her serious health condition or the serious health condition of his/her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

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

An employee who is eligible for FMLA leave because of his/her own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using workers' 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 workers' 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. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, including instances of Family Medical Leave that are not requested by the employee, and 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.

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

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

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

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

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

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; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest

and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

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. 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/her portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

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

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for 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/her intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off 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/her position, with or without reasonable accommodation.

### SECTION 6.13: RETIREMENT BENEFITS

- A. All employees of the county are required by law to participate in the Ohio Public Employees Retirement System (OPERS) or applicable retirement system. Any employees who have any questions regarding OPERS should make a written inquiry, including his or her Social Security Number, and send it to:

Ohio Public Employees Retirement System

277 East Town Street  
Columbus, Ohio 43215  
(800) 222-7377

#### **SECTION 6.14: WORKERS' COMPENSATION INSURANCE**

- A. All employees of Highland County are covered by Workers Compensation Insurance. If an employee is injured on the job and he/she is eligible for benefits, the necessary papers should be filed with Human Resources.
- B. Sick leave and vacation leave may be used for an on-the-job injury; however, sick leave pay and Workers Compensation cannot be received at the same time.
- C. Vacation pay benefits do not accrue to an employee on Workers Compensation.
- D. All leaves required by an at-work injury, that result in Workers Compensation benefits, will also be designated as Family and Medical Leave.
- E. A job-related injury must be reported as soon as possible but not more than twenty-four (24) hours of the accident, by completing an accident report and submitting it to the employee's supervisor. An accident report must be completed regardless of injury, and regardless of whether or not medical attention is required. The supervisor is responsible for notifying the Appointing Authority of the employee accident on the day of the injury.
- F. Effective October 13, 2004, Section 4123.54 of the Ohio Revised Code requires notice of rebuttal presumption which means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury.

The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.

#### **SECTION 6.15: UNEMPLOYMENT COMPENSATION INSURANCE**

Highland County Board of Commissioners employees are covered by Unemployment Compensation and the regulations established by the Ohio Bureau of Employment Services. Twenty (20) weeks of covered employment are required for a separated employee to be eligible for benefits. The determination of benefits and the weekly amount paid are governed by State Law and the Rules and Regulations of the Ohio Bureau of Employment Services.

#### **SECTION 6.16: HOSPITALIZATION INSURANCE COVERAGE**

The County offers paid hospitalization coverage to each full-time employee who works a minimum thirty (30) hours per week according to the following guidelines.

- A. Any full-time county employee shall receive hospitalization insurance at premium levels set by the Board of Commissioners. Annually the Board will set the County share of the premium payments and the employee shall be responsible for the balance due. Such

insurance shall include single employee coverage. The portion paid for family coverage shall be determined by the Board.

- B. Employees on non-paid leave may make arrangements to pay hospitalization directly after the County's obligation has elapsed. The County shall continue to provide insurance coverage to an employee for the balance of the month in which the employee enters a non-paid status. The County will pay its portion of the premium for an employee who is not in active pay status but who is on Family and Medical Leave.
- C. Any employee who separates from employment with the County may, at his/her option, elect to continue County hospitalization coverage in accordance with the COBRA provisions. Such employee:
1. must have been active on the plan at the time of separation while employed by the Appointing Authority prior to termination for any reason other than gross misconduct.
  2. Shall not be covered or eligible for Medicare.
  3. Is not eligible or covered by any other group medical coverage which did not cover the employee at the time of separation from the County.
  4. Must be eligible for unemployment compensation under Ohio law at the time of termination. Any person who elects and is eligible for continuing County hospitalization coverage shall pay the total premium for themselves and any other dependents.
- D. At the time an employee separates from County service, the Appointing Authority shall notify the employee of his/her right to continued coverage under COBRA and conditions thereof. The employee, should he/she select to continue coverage shall, in turn, submit to the Appointing Authority a written statement so indicating. Such request must be received by the Appointing Authority no later than ten (10) days after the date of separation.
- E. Payments of premiums by eligible employees must be made by the employee to the designated COBRA TPA, prior to the end of the previous month for which coverage is to be extended. Should the designated COBRA TPA not receive such payment prior to such date, the former employee will be deemed to have chosen to discontinue their insurance coverage.
- F. Additional information regarding an employee's rights and responsibilities under COBRA may be found in Section 6.17 of this Manual or from the Highland County Auditor.

#### **SECTION 6.17: THE CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health insurance the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as:

- Voluntary or involuntary job loss;

- Reduction in the hours worked;
- Transition between jobs;
- Death;
- Divorce or legal separation of spouse from covered employee;
- Loss of dependent child status under plan rules; and
- Other life events.

Qualified individuals may be required to pay the entire premium for coverage up to 102 percent of the cost to the plan. Children or dependent child of a covered employee are to also receive notices of coverage continuation the same as a spouse.

COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuous coverage) in certain circumstances where coverage under the plan would otherwise end.

COBRA outlines how employees and family member may elect continuation coverage. It also requires employers and plans to provide notice.

#### COMPLAINTS

Any current/past Highland County employee that did not receive and/or need assistance in the enforcement of obtaining COBRA information by our Medical Insurance Carrier must contact the Highland County Commissioners and/or Agent to resolve the matter.

If the issue of concern is not resolved, they may contact the U.S. Department of Labor for assistance and/or enforcement of this act.

**SECTION 7.01: RELEASE OF PUBLIC INFORMATION**

- A. Public information is important to the program as it informs the public by making the public aware of various program activities and educates the community to the awareness and future needs of Highland County.
- B. Public information may be disseminated via local newspapers, radio, and program presentations to local social and civic groups for the purpose of keeping the public informed and aware of Highland County activities.
- C. No information shall be disseminated to the public, news media, or local groups without prior approval of the Board of Commissioners or the appropriate Appointing Authority. Employees are not to release confidential information over social media sites.
- D. Only the Board of Commissioners or other Appointing Authorities may give information on a current or former employee. Other employees or supervisors are prohibited from discussing the employment record of a former employee with anyone without the direct approval of the Highland County Board of Commissioners or other Appointing Authorities. The Board or other Appointing Authorities may verify the following information: [This does not include law enforcement officials with the appropriate subpoena.]
  - 1. employment dates;
  - 2. position held;
  - 3. final salary;
  - 4. official reason for leaving; and/or
  - 5. objective, factual information on file.
- E. Under no circumstances shall employees release any information regarding past or current employees without approval. All requests for information shall be directed to the Board of Commissioners or the appropriate Appointing Authority. No information is to be released regarding the residential or familial status of employees who are peace officers, firefighters, or EMT's [ORC 149.43 (A) (7) (a) and (b)]. Public record inquiries shall be reviewed by the Prosecutor's Office or designated representative.

**SECTION 7.02 COST CONSCIOUSNESS**

- A. Employees should at all times be concerned about the proper use of materials, equipment and facilities so taxpayers' dollars are not wasted. It is therefore the responsibility of all employees to perform their prescribed duties in the most economical manner possible such as turning off lights, electric motors, heater, office machines, etc., when not in use.
- B. Employees are encouraged to submit suggestions to their Supervisors or the Appointing Authority which may help to reduce costs and improve services. A response will be made to all written suggestions pertaining to cost reduction and improvement of services.
- C. No employee is permitted to make a purchase on behalf of the County without a valid purchase order being issued.

**SECTION 7.03: BULLETIN BOARDS**

A. It is the policy of Highland County to provide and maintain official bulletin boards in the several offices and facilities of the County to communicate official information to the citizens of Highland County and to County employees. Additionally, the Commissioners and several employers within the County government may designate community bulletin boards for the posting of information of a general interest to the public.

B. Official Bulletin Boards.

All county notices, state or federal required notices, and required legal notices shall be posted by designated representatives of each Employer on the official bulletin boards. Information not directly related to the conduct of county business shall not be posted on official bulletin boards.

All official bulletin boards shall contain the most up to date postings on:

1. Minimum Wage/Wage and Hours Laws;
2. Child Labor;
3. Employment Discrimination;
4. Workers' Compensation;
5. Unemployment Compensation; and
6. Health Insurance Portability Accountability Act
7. Drug Free Workplace Act
8. OSHA - Job and Safety and Health Protection
9. Employee Polygraph Protection Act
10. USSERA

C. Community Bulletin Boards.

All community bulletin boards will be marked as such and this policy will be conspicuously posted on each bulletin board. Each employer will notify the County Commissioners of the existence and exact location(s) of any community board. The Commissioners shall maintain a list of all such bulletin boards.

Prior to posting any information on a community board, the individual requesting to post shall follow the following procedure:

1. Present all material to be posted to the designated bulletin board representative whose name appears on the bulletin board(s).
2. Information to be posted must be signed by the individual desiring to post, and initialed and dated by the representative.
3. Information to be posted shall not contain:
  - a. personal attacks upon any employee or public official;
  - b. scandalous or derogatory attacks upon any employee, public official or government unit or agency; or



- c. attacks on and/or unfavorable comments regarding a candidate for public office.
- 4. Information posted on community bulletin boards shall be removed seven (7) days after the date of posting by the designated bulletin board representative.
- 5. Materials posted without prior approval will be removed from the bulletin boards.
- D. County equipment other than bulletin boards shall not have any signs or messages posted on it other than approved official notices. Employees violating this policy may be subject to discipline.
- E. Employees are expected to consult the bulletin board regularly.

#### **SECTION 7.04: ETHICS OF PUBLIC EMPLOYMENT**

- A. The Board of Commissioners and the other Appointing Authorities are a county unit of government established by the Ohio Revised Code to provide services for the benefit of the citizens of Highland County. All employees of the Board of Commissioners and other Appointing Authorities must be aware of the importance placed upon them as county employees and, being employed by a governmental agency, must realize that they are bound to uphold the Constitutions of both the United States of America and the State of Ohio, and the rules and policies established by the Highland County Board of Commissioners and other Appointing Authorities. Employees should cooperate fully with all public officials and public employees and should have no personal or financial interest which may interfere or conflict with their functions as County employees.
- B. All County employees are expected to maintain the highest ethical and moral standards and to perform their duties within the guidelines established by the appropriate statutes, certification and licensing standards, other rules and regulations as may be set forth by the County.
- C. A County employee's responsibility for protecting and preserving an individual citizen's rights includes both a moral and legal obligation. Conduct which interferes with normal operations, brings discredit to the Highland County Board of Commissioners and/or other Appointing Authorities is illegal or is offensive to the public, or fellow county employees and will not be tolerated. Any employee having doubt as to the applicability of a provision of this code should consult his/her immediate supervisor or the Appointing Authority.
- D. Such conduct shall include, but not be limited to:
  - 1. Engagement in any transaction, business or any other interest which is in conflict with the proper discharge of official duties;
  - 2. Disclosure of confidential information without proper authorization;
  - 3. Use of confidential information or influence of provisions to advance personal, financial or other private interest;

4. Acceptance of any gift, in the form of service, loan, item or promise from any person, or from any organization which maintains an interest in any business dealing with the Highland County Board of Commissioners;
  5. Acceptance of a gift, in the form of service, loan, item or promise from any person, in any organization that may tend to influence an employee in the proper discharge of official duties; and
  6. Engaging in any matter which represents a conflict of interest with the Highland County Board of Commissioners or other Appointing Authorities or undermines the integrity of the County.
- E. Any county employee offered a gift or favor who is not sure of whether its acceptance is a violation of the Code of Ethics as detailed in this Section should inform his/her supervisor who will make a decision or refer the individual to the Appointing Authority. No county employee will accept from any contractor or supplier doing business with the County any material or service for the private use of the employee.
- F. Employees of the Highland County Board of Commissioners and other Appointing Authorities shall not accept outside employment which conflicts with the objectives and the policies of the Board. Neither shall they become involved in outside interests that interfere with the responsibilities and duties to which that county employee has committed to upon being employed by Highland County.
- G. All employees will be provided with a copy of the Ohio Ethics Statute, Chapter 102, and Section 2921.42 of the Ohio Revised Code and the employee shall acknowledge their receipt in writing.
- H. Prohibition against Acceptance of Gifts and Gratuities.
1. Employees of the Highland County Board of Commissioners and the Appointing Authorities are prohibited from accepting gifts, money or any gratuity from any person doing business with Highland County or any person receiving services or benefits provided by Highland County.
  2. Employees shall not accept from client's gifts that have a value greater than the amount set by the Ohio Ethics Commission. Gifts such as cards, cookies, cakes, pies, etc., are excluded from this prohibition of acceptance.
  3. Any employee offered a gift or gratuity who is not sure of whether its acceptance is a violation of the Code of Ethics should inform his/her supervisor who will make a decision or refer the individual to the Appointing Authority.

#### **SECTION 7.05: CONFIDENTIALITY**

A. General.

Most of the information (verbal, written and printed) and many of the events encountered by employees of Highland County are considered to be of a confidential nature. All staff whose job assignments and/or job environments give them access to confidential matters

are required to maintain the confidentiality of this information by revealing it only to authorized personnel. If uncertain as to whether a matter or information is confidential, the employee is required to contact his/her immediate supervisor, department head or the Appointing Authority for determination prior to revealing the information/situation to anyone.

Expressing personal opinions about confidential county matters to the public is considered to be in violation of this policy.

Having knowledge of and practicing specific procedures for maintaining confidentiality are the responsibility of each employee and his/her immediate supervisor. Violations of this Section may result in disciplinary action up to and including immediate dismissal.

Employees working regularly with matters of a confidential nature may be required to sign a statement pledging, under penalty of law, to maintain the security of the confidential data to which they have access. The release of information concerning the County to the news media and general public must be approved by the Appointing Authority prior to such release.

B. Definition of Confidential Information.

1. All files, records and information (audio, video, tapes, photographs, printed and written material) bearing any personal information regarding a recipient of services provided by the County are considered confidential and are the County property under the jurisdiction of the Board of Commissioners.
2. Any other materials designated confidential by the Appointing Authority.

C. Protection of Confidential Materials.

1. It is the responsibility of each employee to keep all materials safely and securely stored under lock and key, whenever possible.
2. Confidential records may not be taken home nor removed from the premises without a court order or administrative approval.
3. Information may be released to authorized agencies and individuals with the appropriate consent, in a properly executed release of information. The release of any confidential case record information must be noted within the case record.

D. Only employees may make home visits, training visits or collateral calls. No children, relatives or friends may accompany a County employee during work hours.

E. Confidentiality procedures and requirements are subject to change, either through legislation or administrative ruling. Any such changes will be communicated to each employee by the Appointing Authority.

F. Executive Sessions of the Highland County Board of Commissioners held under Ohio Revised Code 121.22 are confidential and matters discussed during these sessions are confidential and not to be discussed outside of executive session.

- G. Confidentiality procedures and requirements are subject to change either through legislation or administrative ruling; any such changes will be communicated to each employee by the Appointing Authority.
- H. Employees are cautioned to protect the confidentiality of personal or protected health information of county employees and not release such information without a signed waiver from the employee. Any such release could result in a violation of the Health Insurance Portability Accountability Act of 1996 ("HIPAA").
- I. Violations of this Section may result in disciplinary action, up to and including immediate dismissal.

#### **SECTION 7.06: TARDINESS AND ATTENDANCE (ALL EMPLOYEES)**

- A. Employee attendance is a critical element in delivering quality services to individuals served by the County. Absenteeism increases the work load of other employees and thus affects the quality of services being provided. Good attendance habits are encouraged and required.
- B. The Appointing Authority or designee shall establish daily work schedules and maintain daily employee attendance records.
- C. Each employee has regularly scheduled hours to work and it shall be his/her responsibility to be present on his/her job during these regularly scheduled hours. Whenever circumstances prevail that an employee must be absent from work, it is the sole responsibility of the employee to notify his/her supervisor or designee or the Appointing Authority of his/her absence no later than one-half (½) hour after his/her scheduled starting time. Supervisors will inform employees as to how to contact them. Advance notification of an employee's absence shall be given whenever possible. Provisions governing absence due to sickness, vacation and approved unpaid leaves of absence are covered under the appropriate headings in these Personnel Policies.
- D. Any employee who is absent without approved leave, who fails to contact his/her immediate supervisor or designee, or the Appointing Authority regarding his/her absence in a timely manner as outlined in paragraph C above, or fails to report to work as scheduled, shall be subject to disciplinary action. Any employee who is absent from work without prior authorization for three (3) consecutive days may be required to have a signed physician's statement attesting to his/her fitness before being permitted to return to regularly scheduled work. However, the Appointing Authority and/or the Board of Commissioners may waive this requirement when extenuating circumstances justify such action.
- E. Employees shall be expected to maintain good records of attendance and timely appearance for work. Each employee is responsible for initiating the report of any incident of his/her tardiness or absenteeism which shall be recorded and made a part of the employee's personnel record.
- F. An employee who develops a pattern of absences (Fridays or Mondays, pre- or post-holidays, etc.), tardiness or leaving work early will have his/her absences reviewed for possible abuse of leave or the attendance policy.

## G. Tardiness.

Tardiness on a regular basis is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his/her scheduled starting time by seven (7) minutes or more. Whenever a non-exempt employee is tardy, that employee shall be subject to a reduction in pay corresponding to the amount of time he/she was late.

## H. Tardiness shall be dealt with in the following manner:

First Occurrence	Instruction and Cautioning
Second Occurrence	Written Reprimand
Third Occurrence	Three (3) day suspension without pay
Fourth Occurrence	Ten (10) day suspension without pay
Fifth Occurrence	Termination from service.

## I. Tardiness occurrences shall expire after six (6) months, if no same or similar offense occurs. Exceptions to this policy may be required to comply with the ADA/FMLA.

## J. If an employee no call/no shows three (3) days in a row it shall constitute a voluntary resignation.

**SECTION 7.07: SAFETY AND HEALTH**

## A. Work safety and health are primary concerns of the Highland County Board of Commissioners. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the employee's responsibility to ensure that all equipment is used safely and all safety procedures and/or practices are utilized and/or observed. Employees shall also abide by all public employment risk reduction standards and any other safety rules promulgated by the Highland County Board of Commissioners and other Appointing Authorities.

## B. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined according to this Policies and Procedures Manual.

## C. Any employee found to be deliberately negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to immediate termination. All employees who drive county vehicles will maintain appropriate speed limits. Violators are subject to disciplinary action, including termination.

## D. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the work place to their supervisor.

## E. Employees working on road, bridge or other construction or maintenance crews are required to wear the prescribed safety equipment (i.e., hard hats in areas of overhead construction and/or equipment, orange hats and/or vests in traffic conditions, etc. Flag workers are required to wear orange hats and vests at all times.).

## F. Supervisors found to be negligent in requiring and/or controlling the use of prescribed safety equipment are subject to disciplinary action, including termination.

- G. Any accident, whether or not it appears that injuries are incurred, occurring during working hours shall be reported to the immediate supervisor at once. The supervisor shall, in turn, notify the Appointing Authority. Upon notification, the supervisor or Appointing Authority shall complete an Accident form no later than twenty-four (24) hours after the accident, in order that the employee may be covered under Workers' Compensation.
- H. The Appointing Authority will advise employees through correspondence, postings, meetings and material safety data sheets of any hazardous chemicals or materials that employees may use or contact in the performance of their jobs. Further, the Appointing Authority will cause educational dissemination of materials to employees to update and advise them of changes.
- I. Employees who believe they are in imminent danger due to an unsafe working condition(s) are to advise the Appointing Authority immediately.
  - 1. The Appointing Authority will immediately cause the job to be inspected to determine if danger is imminent and how it may be corrected.
  - 2. The employee may be reassigned to another position if the Appointing Authority determines there is a safety hazard that might cause injury, or sent home until the appropriate actions can be taken to make the job safe. Employees shall not suffer any loss of pay during this period.

#### **SECTION 7.08: REPORT OF ON-THE-JOB INJURIES AND ACCIDENTS**

- A. It is the responsibility of the employee to report immediately to his/her supervisor or the Appointing Authority any injury to the employee incurred on the job, no matter how minor the injury may seem to the employee. All accidents, regardless of whether or not an injury is incurred, shall be reported immediately by the employee(s) involved to the employee's supervisor and/or the Appointing Authority. If it is determined that immediate treatment or examination is needed, the supervisor or the Appointing Authority shall arrange transportation to the hospital or physician's office and shall make any other necessary arrangements.
- B. It is the responsibility of the injured employee's supervisor and/or Appointing Authority to initiate and oversee the completion of an accident report within twenty-four (24) hours after the injury was incurred (i.e., the employee should complete an accident report form by the end of the workday) and submit the completed report promptly, but no later than forty-eight (48) hours of the occurrence, to the Appointing Authority. If an employee or the supervisor is uncertain as to whether or not an injury is considered to be job-related, an injury report shall be completed and submitted to the Appointing Authority for review and determination. The Appointing Authority shall then forward the report to County Human Resources within two (2) working days.
- C. In the event of serious injury, the injured employee's supervisor is to notify the Appointing Authority immediately so that an investigation may be initiated.
- D. An employee who is injured in the line of duty and must leave work before completing the work day will be paid at his/her regular rate for the balance of time left in the scheduled work day. An injured employee may elect to use sick leave and vacation leave prior to

receiving payments from Workers Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

- E. All leaves required by an at-work injury that result in Workers' Compensation benefits, will be designated as Family and Medical Leave.
- F. The form used for reporting accidents and injuries is included in the Appendix of this Manual.
- G. The Appointing Authority may order an alcohol and drug test for any and all employees that are involved in an injury and/or accident. Any employee who tests positive or refuses to submit to a chemical test may be disqualified for compensation and benefits under the Workers' Compensation Act.

#### **SECTION 7.09: USE OF SUPPLIES, EQUIPMENT AND TELEPHONES**

##### **A. Supplies and Equipment.**

1. When supplies and equipment needed to perform job duties are provided by the County, it is the responsibility of Appointing Authority to see that they are properly used and maintained. The use of County equipment, machines and property for purposes other than County business is strictly prohibited. This includes, but is not limited to, the use of copiers, computers, facsimile machines and telephones.
2. Misuse, neglect, theft, and/or abuse of supplies and/or equipment, including the use of electronic mail and voice mail, is prohibited. Accidents involving the misuse or abuse of equipment will be cause for disciplinary action. Loss of supplies and/or equipment on more than one occasion may require payment by the employee for those items lost at the discretion of the Appointing Authority.
3. Any employee needing to use County equipment for County-related purposes outside of the office, must obtain written permission from the Appointing Authority and comply with those restrictions and conditions as imposed by the Appointing Authority for use of said equipment.
4. Employees wishing to use County equipment for any purpose other than County business are required to obtain written permission from the Appointing Authority and shall be responsible for any costs associated with or assessed for said usage.
5. Each employee is responsible for any equipment assigned to him/her or his/her work area. Equipment or supplies removed from County offices or premises must be recorded by the supervisor, noting when it is removed, when it will be returned and the individual responsible for its return.
6. All keys and equipment must be returned upon termination of employment.

##### **B. Telephones.**

Telephones are provided for County business. They should be answered promptly and in a courteous manner. Use of telephones for personal reasons should be kept to a minimum and used in designated areas only at designated times.

- C. The County may approve the use of selected County-owned facilities and equipment by groups within the community when requested and scheduled in advance through the Commissioner's Office or the appropriate Appointing Authority. The authorized representative of any such group should have the completed and approved permission form with him/her during the utilization of the facilities and/or equipment.
- D. Computer Software and Data.

### **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 consistent with law.

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

Employees may be required to maintain passwords for their computers. Employees are responsible for safely securing their passwords. Absent supervisor approval, employees shall not share passwords. Employees may be required to periodically change passwords. Employees shall follow all IT Guidelines regarding passwords.

### **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.

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

17. Downloading and viewing non-work-related streaming audio or video (i.e. listening to radio stations, etc) due to the limited bandwidth of the system.
18. Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
19. Speaking to the media or to the public within any news group or chat room on behalf of the County if not expressly authorized to represent the County.
20. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

**NOTE:** Whether on working time or not, these prohibitions apply at all times to county-owned computers and information systems. Personnel cannot expect that the information they convey, create, file, or store in County computers and information systems will be confidential or private regardless of the employee's intent.

Please remember that there is no expectation of privacy for anything sent by County email or IM, and that others can view this information at any time.

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

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

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

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

Employees accidentally sharing County information, or accessing an improper website, or opening an email with a virus are to immediately notify their supervisors. Employees who

receive ransomware, or other malware/virus, are to immediately notify a supervisor. Employees shall not open emails, or click links, about which they have a concern.

### **Use of Artificial Intelligence.**

Artificial intelligence (AI) models rely heavily on data to develop and train the artificial intelligence. In regard to data privacy concerns, employees using applications that have AI, or rely upon AI, should limit AI access to sensitive information, must obtain written permission to input data into AI models, and adhere to any and all County policies regarding AI models. AI shall not be used in the application or applicant tracking process for employment candidates.

## **SECTION 7.10: POLICY FOR USE OF MOTOR VEHICLES BY HIGHLAND COUNTY EMPLOYEES**

This policy is applicable to all elected officials, full or part-time employees, summer workers, co-op students, volunteers, and contract employees of Highland County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Highland 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 Highland County Commissioners and also applies to privately-owned vehicles operated by Highland County Employees in the course of their employment or activities on behalf of Highland County, Ohio and vehicles rented by Employees for travel in and out of Highland County for authorized reasons. (For purposes of this Policy, the above-listed categories are referred to as "Vehicles" and "Operating a Vehicle" and "Operate a Vehicle.")

Employees are responsible to ensure safe Vehicle operation. It is the responsibility of every Highland 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, including the prohibition on texting, emailing, and surfing the internet while driving.
6. All drivers will report any problems with operating conditions of a county owned vehicle to their Appointing Authority.

### **A. ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES**

1. No Alcoholic beverages, legal or illegal drugs or controlled substances are permitted in or on a Vehicle except as a function of law enforcement or medical emergency vehicles.
  2. No Alcoholic beverages or legal or illegal drugs are permitted to be transported in or on a Vehicle except as a function of law enforcement.
  3. No employee shall operate a Vehicle under the influence of alcohol, recreational marijuana, or illegal drugs or illegal use of prescription drugs.
  4. Smoking, including the use of E-Cigarettes (or “Vaping”) or use of other tobacco products, including chewing tobacco is prohibited in Highland County owned Vehicles.
- B. FIREARMS. Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any Highland County Vehicle.
- C. 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:
1. Stop, no matter how minor the accident. Report all collisions involving Vehicles to the law enforcement agency having jurisdiction.
  2. Take precautions to avoid further damage or injury to persons or property.
  3. Make no statements admitting responsibility.
  4. Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.
  5. 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.
  6. 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 Highland Commissioner's Office or Sheriffs Office regarding damage and towing if necessary.
  7. Report all accidents and known damage to Vehicles to as follows:
    - a. Report accidents and/or damage to Vehicles to your Supervisor, who shall notify the Highland County Commissioners immediately.
    - b. Employee's Supervisor shall record and secure all appropriate information on initial accident report and forward to the Highland County In Commissioners within twenty-four (24) hours.

- i. In the event of a collision, Supervisor shall forward the following information to the Highland County Commissioners.
  - a) A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.
  - b) Repair estimates, when appropriate, in due course.

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

- c. The Highland County Appointing Authority or Department Head shall forward all accident damage reports with to the County Commissioners Office and with CORSA.
  1. Copies of the completed forms, law enforcement reports and estimates to the Highland County Commissioners or their designee.
  2. Accident reports to the Employer or Employee Safety Committee for review.
- d. 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.

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

1. 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.
2. This policy applies in all respects to Employees who use personal Vehicles while on County business.
3. Employees who use personal Vehicles while on County business shall abide by all County rules, including department rules.
4. Insurance coverage for personal vehicles used on County business shall be the responsibility of the owner of the vehicle as required by law. (ORC 4509.51)
5. The Appointing Authority or Commissioner's Office must approve use of personal Vehicles on County business in advance of any such use. All travel outside of Highland County must be approved by the Highland County Board of Commissioners unless an emergency situation arises which does not allow prior approval.
6. Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the current IRS reimbursement rate.

## E. MISCELLANEOUS.

1. Parking tickets, moving violations, and other fines received while operating a Vehicle are the responsibility of the driver.
2. Report theft of or from a Vehicle to the law enforcement agency with jurisdiction for investigation.
3. Cell phone usage shall be limited to hands free devices while vehicle is in motion. No texting, emailing, scrolling, or surfing the internet while driving the vehicle or taking pictures with either cell phone or camera.
4. For personal safety and county liability, employees and passengers shall comply with the state statute on seatbelt usage.
5. Employees that are required to take home a County vehicle for the purpose of expediting their response time to an emergency call shall be taxed as an employee benefit according to the IRS Code (PUB15-B. DOC).
  - a. The rate of taxable benefit shall be set by the IRS rules in effect for that time.
  - a. No employee shall use such vehicle for personal use at any time without a written authorization by the Commissioners, Appointing Authority or his/her designee.

**ANNUAL DRIVER'S LICENSE CHECK**

The information listed below is needed by the Insurance Office to do an annual driver's license check with the Bureau of Motor Vehicles. This information must be provided as stated in the County's Driver Vehicle Policy.

Please complete the requested information and return to the Insurance Office at the address listed above.

Office/Department: \_\_\_\_\_

Name: \_\_\_\_\_

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

Driver's License Number: \_\_\_\_\_

OR

Social Security Number: \_\_\_\_\_

**LICENSE/INSURANCE/MAINTENANCE REQUIREMENTS**

I, the undersigned, agree, as a requirement for driving a county owned vehicle or personal vehicle during the course of employment, I will maintain a valid State of Ohio Drivers' License. I also understand that a Motor Vehicle Report will be obtained by the Insurance Office to confirm a valid Ohio Drivers License.

I, the undersigned, agree, as a requirement for using my personal vehicle during the course of my employment with Highland County, will retain automobile liability insurance for bodily injury and property damage on the vehicle that I am driving for at least the minimums required by the State of Ohio. I further agree to maintain my vehicle in, to the best of my knowledge, a roadworthy condition.

*(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 \$12,500/\$25,000 and \$7,500 because of injury to property of others in any one accident. (ORC 4509) This amount changes in \$25,000, \$50,000, and \$25,000 in ORC 4506.01(k) effective 12-22-2013.)*

Printed Name: \_\_\_\_\_

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

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

Date: \_\_\_\_\_

**SECTION 7.11: USE OF ELECTRONIC MAIL/VOICE MAIL**

- A. The electronic mail (email), voice mail and other information systems of the Highland County Board of Commissioners and other Appointing Authorities shall only be used as required in the performance of an employee's duties. Both email and voicemail are the property of Highland County.
- B. The use of email/voicemail shall not be used in a way that may be disruptive, offensive to others, harmful to morale, or for private or personal reasons.
- C. There is to be no display or transmission of sexually explicit images, messages, or cartoons or any transmission or use of email for communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, age, disability, religious or political beliefs or other protected status. The following uses of the internet, online services, or email are strictly prohibited:
- playing games or other uses that interfere with County business;
  - solicitations of any kind;
  - any non-County business activity for profit or non-profit businesses or agencies;
  - sending chain letter;
  - distribution of printed copyrighted materials;
  - uses that could violate state or federal laws;
  - any use that could bring embarrassment to the County.
  - visiting pornographic web sites or other inappropriate web sites, chat rooms, etc;
  - gambling.
- D. Employees should use email/voicemail for County business only. The email/voicemail systems should not be used to solicit or proselytize others for commercial ventures, religious or political causes, outside organizations, union correspondence and activities, or other non-job-related solicitations.
- E. All email messages are County records. The Appointing Authority reserves the right to access and disclose all messages sent over its electronic mail system whenever there is a business need to do so. Employees are hereby put on notice that all Internet browsers furnish a trail that traces all sites visited by the user of that computer terminal. The County may access this trail and monitor employee use as it considers appropriate.
- F. For privacy reasons, employees should not attempt to gain access to another employee's personal file of email messages. email information is considered confidential information and should only be shared with authorized individuals.
- G. Violation of any part of this policy shall subject the employee to appropriate disciplinary action.
- H. Supplies, equipment, telephone, computers, voicemail and internet usage.



1. When supplies and equipment such as laptops, mobile phones and other mobile devices are needed to perform job duties are provided by the County or the Appointing Authority, it is the responsibility of supervisors to see that they are properly used and maintained.
  2. Misuse, neglect, theft and/or abuse of information, files, and/or equipment is prohibited. Accidents involving misuse of equipment will be cause for disciplinary action.
  3. The electronic mail (email), voice mail and other information systems of the County shall only be used as required in the performance of an employee's duties.
  4. Both email and voicemail are the property of the County. The availability of the Internet, email, and online services is limited to uses, which further County business.
    - a. Whenever an employee changes his/her email/Computer password, the employee shall immediately inform the manager or other designee of the password change.
- I. Use of the Internet, electronic mail and online services has great potential to enhance the productivity of the County employees in all agencies. At the same time, as is the case with all County resources made available to employees, abuse is possible. Employees must be held accountable for their use and misuse of County resources, of which access to the Internet, electronic mail and online services are but three examples.
1. The Internet, electronic mail and online services are intended to be used primarily for business purposes. Uses that interfere with normal business activities, involve solicitation, are associated with any for-profit business activity or could potentially embarrass the County are strictly forbidden.
  2. County employees shall not use the internet, electronic mail or online services for operating a business for personal gain, sending chain letters or soliciting money for religious and political causes.
  3. County employees shall not use the internet, electronic mail and online services to transmit or download material that is offensive, obscene, pornographic, threatening, or racially or sexually harassing.
  4. County employees shall not use the internet, electronic mail and online services to disseminate or print copyrighted materials (including articles and software) in violation of copyright laws.
  5. County employees shall not use the internet, electronic mail and online services to provide access to confidential information. County employees shall not use these services to provide access to public information without following the existing rules and procedure of the custodial agency for dissemination.
  6. County employees shall not use an internet, electronic mail and online service account or signature line other than their own.

7. County employees shall take all reasonable precautions to prevent the inadvertent dissemination of anyone else's information via the Internet, electronic mail and online services.
8. Internet usage is subject to other limitations as imposed by supervisors to prevent excessive or improper use.
9. County employees are also reminded that access to and use of the internet, including communication by e-mail, is not confidential. internet access can and will be monitored. Web browsers leave traceable "footprints" to all sites visited.

J. Mobile Telephone Use.

This policy is to provide clear written guidelines on the use of County-issued mobile telephone communications.

1. Employees issued a mobile telephone by the County will only use that phone for County business. No personal calls are permitted on County mobile phones. While mobile telephones are provided to employees for the purpose of conducting official business, the County recognizes there may be occasional situations in which an employee needs to use such equipment for brief periods of time for personal reasons. Employees are required to obtain permission before making any personal long distance calls on the county mobile phones. Mobile phones are not to be used while driving a vehicle. Employees are to take precautions to see a County issued phone is not lost, stolen, or vandalized.
  - a. Any and all costs incurred for personal use of County-issued mobile telephones including incoming or outgoing calls, must be reimbursed by the employee at the current rate charged by the mobile telephone service provider, whether or not such calls are charged to the County.
  - b. Employees who are assigned a mobile telephone will review the mobile phone bill, upon receipt by their Office or Agency, to identify personal calls. Each month, the employee's remittance for personal mobile telephone calls, both incoming and outgoing, will be submitted with the phone bill to the County Auditor or the Fiscal Office of their Agency/Office to be forwarded to the County Auditor.
  - c. All County-issued mobile telephones are the property of Highland County. An employee may be financially responsible for loss, damage, or failure to return an assigned mobile telephone if the loss or damage was due to negligence, improper use or theft.
2. The use of mobile telephones to transmit or receive inappropriate communication is strictly prohibited. Inappropriate communications includes, but is not limited to, discriminatory, hostile, suggestive, obscene, harassing, annoying, or otherwise unsuitable language and content, whether transmitted by voice, e-mail, text, instant messaging or pictures.

3. Employees are not to use personally owned mobile phones while at work. During working time, all such mobile phones are to be turned off, unless permission has been attained to use such phones, due to an emergency.
4. All employees will acknowledge receipt of this policy in writing when receiving a mobile telephone assigned to them.
5. Violations of this policy could lead to discipline and/or discharge.

**SECTION 7.12: DRESS CODE AND DECORUM**

- A. The Highland County Board of Commissioners and other Appointing Authorities serve the entire community and provides direct service to thousands of individuals and personnel of other agencies. Therefore, employees are to be meticulous about their personal grooming and take a personal interest in the cleanliness of their surroundings. The purpose of this section is to serve as a guide in setting an acceptable standard for employee attire without restricting the individual employee from exhibiting his/her own personal preference.
- B. Clothing shall be conducive to the safe and effective performance of required job duties. Employees are required to dress in accordance with their job task. When an employee is in direct contact with the public, one's dress should be appropriate and professional. Examples of inappropriate dress are: bare backs or midriffs, tube tops, halter tops, spaghetti strap dresses/tops, sheer garments, short shorts, athletic shorts, thong sandals, beach wear, house slippers, muscle shirts, undershirts, sports jerseys, sweat shirts and any shirts displaying any messages, headwear such as hats, curlers, bandanna style scarves. Torn clothing of any kind is prohibited.
- D. The Appointing Authority will send employees home to change clothing if dress is inappropriate. Time spent away from the job by an employee due to inappropriate dress will not be paid for by the County office.
- E. Profanity or abusive language will not be tolerated by County employees. Use of abusive, threatening or profane language toward a co-worker, supervisor, Appointing Authority, or member of the general public will result in disciplinary action.
- F. An employee's desk should be kept neat and orderly at all times. Employees are also to take care of any work in their areas and to take caution in maintaining confidentiality of documents and cases in their area. Confidential documents or cases shall be kept out of the public's view. Purses or items of value shall be kept in a drawer or file cabinet. Employees shall be responsible for all personal items.
- G. Continued abuse of these standards can result in severe disciplinary action up to and including discharge from employment.

**SECTION 7.13: POLITICAL ACTIVITY**

- A. Classified employees of the Highland County Board of Commissioners and other Appointing Authorities may not engage in partisan political activity during working hours nor on county property.

- B. Political activities prohibited to classified employees include:
1. Candidacy for public office in a partisan election;
  2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  4. Circulation of official nominating petitions for any candidate participating in a partisan election;
  5. Service in an elected or appointed office in any partisan political organization;
  6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  7. Campaigning by writing for publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  8. 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 of 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 witness or challenger for any party or partisan committee;
  12. Participation in political caucuses of a partisan nature; and
  13. Participation in a political action committee which supports partisan activity.
- C. Political activities permitted to classified employees include:
1. Registration and voting;
  2. Expression of opinions, either oral or written;
  3. Voluntary financial contributions to political candidates or organizations;
  4. Circulation of nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation;
  5. Attendance at political rallies;

6. Signing nominating petitions in support of individuals;
  7. Display of 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; and
  9. Serving as a precinct election official under section 3501.22 of the Revised Code.
- D. Employees may not at any time utilize County vehicles, equipment, supplies or facilities to influence the outcome of an election or to further the cause of a political party or candidate.
- E. No federal funds may be used by any employee on behalf of partisan politics.
- F. Political activity by all Highland County employees is regulated by the Federal and Little Hatch Act as it relates to state and local public employees.
- G. Violations of this policy will result in disciplinary action, up to and including discharge from employment.

#### **SECTION 7.14: PINS, BADGES AND INSIGNIA**

- A. Employees may wear pins, badges and insignia of their choosing, provided that such displays are in good taste, not defamatory or obscene, and do not exceed two inches (2") in diameter. Only one pin, badge or other insignia may be worn at any one time.
- B. Employees in the Sheriff's Department may not wear any pins, badges or insignia unless such displays are part of the standard uniform as specified in the Buckeye Dress Code.

#### **SECTION 7.15: OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

- A. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives and operations of the several offices of Highland County. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the County office in which he/she works.
- B. Employment conflicts, as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his/her position. Two common employment conflicts which may arise are:
1. Time conflict - when the working hours required of a "secondary job" directly conflict with the scheduled working hours of the employee's job with the County, or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the County.
  2. Interest conflict - when the employee engages in outside employment which tends to compromise his/her judgment, actions and/or job performance with the County or which impairs the County's reputation in the community, or breeches confidentiality rules.

- C. Full-time employment with the County shall be considered the employee's primary occupation, taking precedence over all other occupations.
- D. Outside employment, or "moonlighting," shall be a concern to the Appointing Authority only if it adversely affects the job performance of the employee's job with Highland County.
- E. Should the Appointing Authority feel that an employee's outside employment is adversely affecting his/her job performance, the Appointing Authority may recommend, but may not demand, that the employee refrain from such activity. However, any conflict, policy infraction or other specific offense which is the direct result of an employee's participation in outside employment shall subject him/her to discipline in accordance with the policies set forth in this Manual.
- F. Conflict is not an excuse for failure to report during times of emergencies or call-out and an employee may be disciplined for failing to report for duty for the County.
- G. The Appointing Authority may request an opinion from the Highland County Prosecuting Attorney on any specific question concerning conflict of interest.

#### **SECTION 7.16: SOLICITATION POLICY**

- A. Solicitations left unrestricted would interfere with the orderly and normal operations of the Highland County Board of Commissioners, be detrimental to discipline and productivity on the part of the employees, be annoying to taxpayers and pose a threat to both expeditious service to the citizens of Highland County and the confidentiality of recipients of services provided by Highland County.
- B. It is the policy of the Highland County Board of Commissioners to prohibit solicitations on Highland County property, whether made by employees or by individuals or groups not associated with Highland County, except in circumstances as outlined below.
  - 1. The Appointing Authority may permit charities to solicit contributions on the premises for specified periods of time. Any such activity shall be approved in advance by the Appointing Authority. All other solicitations of funds or signatures, membership drives, distributions of literature or gifts, and offers for sale of merchandise or tickets by individuals or groups not associated with the County are prohibited. Instances of such activity shall be reported immediately to the supervisor of the employee(s) involved or the Appointing Authority.
  - 2. An employee wishing to solicit money or other goods for gifts or expressions of sympathy for a fellow employee or his/her family must first obtain permission from the supervisor. The supervisor can permit this type of solicitation on certain occasions, provided prior notification is given.
  - 3. Employees are permitted to solicit support for or opposition to union representation and to distribute literature in support of or in opposition to union representation, subject to the following restrictions:

- a. Distributions and solicitations by an employee during the employee's working time are prohibited on the premises of the Highland County Board of Commissioners and/or the Appointing Authorities. However, this does not apply to times when the employee is not actually engaged in work, such as lunch and rest breaks.
  - b. Distribution of literature in work areas by an employee is prohibited, whether during the employee's working time or during his/her own time.
  - c. Distribution of literature in such a manner as to cause litter on the premises will not be permitted.
4. Solicitations in support of or in opposition to union representation and the distribution of literature on support of or in opposition to union representation by individuals or groups not associated with Highland County are prohibited on the premises.
- C. All activity in violation of the restrictions established by this policy shall be reported immediately to the employee's supervisor and the Appointing Authority.
- D. The Appointing Authority shall personally ensure that solicitations and distributions authorized under this policy are conducted so as not to interfere with the duties of employees and/or the providing of services to the citizens of Highland County.

#### **SECTION 7.17: TOBACCO/SMOKING/ VAPING POLICY**

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

For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation. Exceptions shall be made for employee use of tobacco products in designated smoking areas only.

#### **SECTION 7.18: WHISTLEBLOWER POLICY**

- A. Any employee who learns in the course of his/her employment of a violation of state or federal statutes, rules or regulations or the misuse of public resources which his/her supervisor or the Appointing Authority could correct may report that violation or misuse without reprisal. Such reporting is known as "whistleblowing" and reports are made as follows:

1. The report must be written.
2. The report must be filed with the Appointing Authority or the employee's supervisor, unless the employee reasonably believes the violation or misuse constitutes a criminal offense or a violation of:
  - B. Suspected criminal offenses can be reported to the Prosecuting Attorney. Suspected violations of O.R.C. Chapter 102, Section 2921.42 and Section 2921.43 may also be reported to the Ohio Ethics Commission.

Except as provided in paragraph C below, employees may not be punished for making any report authorized by paragraph A.
  - C. Employees are to make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be punished, up to and including removal, for purposely, knowingly or recklessly reporting false information.
  - D. An employee who is punished as a result of reporting violations or misuse under this policy may appeal punishment to the State Personnel Board of Review. Such appeal is the exclusive remedy for an employee who is punished for reporting violations or misuse under this policy. An appeal must be filed no more than thirty (30) calendar days after the employee learns he/she has been punished.

#### **SECTION 7.19: DRUG-FREE WORKPLACE**

- A. 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/her job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The County will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

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

The County maintains a drug- and alcohol-free workplace<sup>1</sup> 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

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<sup>1</sup> As set forth in detail in paragraph B 8 below medical marijuana use as authorized by state law is not exempted from the County's drug and alcohol-free workplace policy, constitutes a violation of this policy, and employees are subject to discipline up to and including discharge for any violation of this policy, including use of medical marijuana.



prohibited during working hours at any location where employees are conducting County business. Also prohibited is the illegal use of legal substances.

In order to further the County's objective of maintaining a safe, healthful, and drug-free workplace, the County may require an employee to submit to a urine and/or blood test if there is reasonable suspicion as explained in Section C, paragraph 2, below, to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. 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. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

B. Drug Policy.

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.*
4. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the employer's work place is strictly prohibited and will result in criminal prosecution and employee discipline.
5. 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.
6. 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.

7. 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.
8. 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.

C. The Drug/Alcohol Testing Policy.

1. In order to maintain a safe and healthful work environment, the County reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior. Reasonable suspicion should be documented in writing according to procedures prescribed in federal regulations, any applicable collective bargaining agreement covering the employee, or procedures developed by the County.
3. 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.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance 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.

6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. 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.
8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the County's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors. Employees holding a CDL, and applicants for positions requiring a CDL, are subject to the reporting guidelines of the FMCSA Clearinghouse. The FMSCA Drug and Alcohol Clearinghouse guidelines are addressed below.

D. 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.

E. 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:

1. 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;

2. 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;
3. Failure to execute or release forms required as part of the testing process.

F. Prescription/OTC Medications.

Employees must inform the County if they are taking any medication that may impair their ability to perform their job functions. 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.

G. Drivers with CDLs and the FMSCA Drug and Alcohol Clearinghouse

The County is committed to complying with the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse. The County will report failed and refused drug and alcohol tests by CDL drivers.

Additionally, the County will conduct the required queries of the FMSCA Clearinghouse annually and during the pre-employment process in order to ensure driver eligibility to perform safety-sensitive functions, including driving a commercial vehicle. In order for the County to conduct the necessary queries, employees and applicants are required to complete the required written consent.

Consistent with the FMCSA Clearinghouse requirements, the County shall conduct a full query of the Clearinghouse of each pre-employment driver during the background investigation process.

The County will conduct limited queries, at least annually, for all employers required to possess and maintain a CDL.

The County will report all drug and alcohol program violations to the FMSCA Clearinghouse, including negative return-to-duty test results and the date of the successful completion of a follow-up testing plan for any driver with unresolved drug and alcohol program violations.

The County will report the following to the FMSCA Clearinghouse:

- Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- A negative return to duty test result;
- A refusal to submit to a drug or an alcohol test;
- A refusal to test determination made in accordance with 49 CFR 40.191;
- A report that the driver has successfully completed all follow-up tests;
- Verified positive, adulterated, or substituted drug test result;
- Pre-duty or on-duty alcohol use;
- Drug use as defined in the regulations;
- The County's report of completion of follow-up testing;
- Other results required by law.

The County will not report drug and alcohol testing results outside of DOT required tests.

In the event a driver refuses consent during the pre-employment screening process, the County shall not hire the driver. In the event a current employee refuses to give consent, the employee may be disciplined, up to and including termination. Further, a current employee refusing consent may be found to be incapable of performing their essential job duties as they will not be permitted to drive. A driver cannot drive until the query is conducted. If a query of a current employee returns notice that a drug or alcohol violation exists, a full query will be conducted upon the receipt of specific consent by the employee.

CDL drivers may petition to correct FMCSA Clearinghouse records.

#### **SECTION 7.20: CARRYING A WEAPON**

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, constitutional carry, or State of Ohio open carry laws do not authorize an individual to carry such a weapon onto County premises, unless specifically otherwise authorized by the position. 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, who are considered a qualifying adult under State of Ohio law and who carry a firearm in accordance with Ohio's constitutional carry laws 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.

### **SECTION 7.21 CREDIT CARD POLICY**

A. The policy regarding the issuance of county credit cards is as follows:

1. Before any credit card may be issued, the Highland County Commissioners must approve it. Approval for the issuance of a county credit card is initiated by application from a County Appointing Authority.
2. The application is a request for either an officer or employee of the appointing authority to use a credit card held by the appointing authority. In addition, the request must state whether the card is to be issued in the name of the office of the appointing authority or whether it is also to include the name of a specified officer or employee. This is determined by the entity issuing the credit card.
3. In the case of credit cards issued only to the office, the request must include specific names of employees or officials who may use the credit card, updated as necessary with staff changeover or annually at a minimum.

B. The policy regarding the types of and permissible uses of county credit cards is as follows:

In order to assist departments with the payment of work-related and/or emergency expenses, it is in the best interest to have certain credit cards available. County credit cards issued to a department(s) will be held responsible for its proper use. It is impossible to anticipate every situation encountered by a County department. Therefore, these guidelines should be applied on a conservative basis, consistent with normal business standards, with good judgement exercised wherever the policy is silent.

1. All types of credit cards are covered by this resolution.
2. County credit cards can only be used for any work-related expense that serves a public purpose. The purposes for which a county credit card may be used are limited to the following types outlined in Division E of ORC Section 301.27:
  - a. A credit card held by a Board of County Commissioners, or the office of any other County Appointing Authority shall be used to pay the following non-exclusive work-related expenses:
    - i. Office supplies, furniture, and equipment
    - ii. Computer supplies

- iii. Building maintenance materials and supplies
  - iv. Authorized travel expenses - lodging tax, if the hotel will not accept the County's sales tax exemption.
  - v. Room service (requires an itemized breakdown/billing)
  - vi. Transportation expenses
  - vii. Capital equipment with express written permission provided by the Board of County Commissioners
  - viii. Information technology hardware, software, and technical support
  - ix. Postage
  - x. Recurrent subscriptions and advertising
  - xi. Items related to wards in the care of the State of Ohio
  - xii. Items allowed and used in the ordinary course of business as permitted under ORC 301.27 E (1)
  - xiii. Additional fees for credit card use (i.e., transaction fees), up to \$15.00 - anything above and beyond that amount would require prior approval by the Board of Commissioners.
  - xiv. Webinars
  - xv. Conference/training fees
  - xvi. Pre-employment/employment expenses such as background screening, drug testing, etc.
3. An individual or appointing authority is liable for unauthorized expenses that conflict with this policy or state law. Liability includes finance charges, late fees or penalties, and sales tax unless approved by the Board of Commissioners. If a card is issued in the name of the appointing authority, the appointing authority will be liable. When an unauthorized expenditure takes place, the individual or appointing authority responsible for misuse must repay the entire amount of the unauthorized purchase. Violation of this policy could result in revocation of credit card privileges and/or disciplinary action.
4. County credit cards may NOT be used for services that are 1099 eligible, entertainment/recreation, adult publications/entertainment, alcoholic beverages, or any merchant, product, or service normally deemed not consistent with this policy or Ohio Revised Code. ATM, cash advances, or other cash-related transactions are strictly prohibited.

C. The policy regarding the payment of county credit cards is as follows:

1. Division E of Ohio Revised Code Section 301.27 provides that debt incurred as a result of a county credit card is to be paid from monies that the county commissioners appropriate to an office for eligible work-related expenditures.
  2. Each County office must designate individuals who are able to authorize and approve credit card transactions.
  3. Each County office must work with the Highland County Auditor to set limits on the total dollar amounts of individual transactions, individual card limits, and limits on the combined total for each County official or department.
  4. Each County office must reconcile the monthly statement and submit itemized receipts when processing payment.
- D. The policy regarding the exemption from the advance monthly notice for county credit cards is as follows:
1. Highland County hereby resolves to use the provisions of Division (F)(2) of Ohio Revised Code Section 301.27 for the exemption from the advanced monthly estimate requirement.
  2. Therefore, the Commissioners exempt all classes of expenses, all individuals authorized to use a credit card, and all specific credit cards from the advance estimate requirement.

## **SECTION 7.22: TELEWORK POLICY**

### **A. Scope**

This policy applies to all employees authorized by the Appointing Authority to perform teleworking or telecommuting. It should be noted that we are a taxpayer-funded agency, as such, Taxpayers have a right to expect a physical presence in the county offices. Telework policies for employees will be determined by Appointing Authority, Elected Official or Department Head.

### **B. Requirements**

1. **Location of Work.** Employees must provide the Appointing Agency with the physical address and telephone number of the location at which they will be teleworking. This cannot vary without prior authorization.
  - a. All remote work must be pre-approved by the Appointing Authority.
  - b. Remote work should be project specific.
  - c. Remote work will be confined to an employee home provided a secure internet connection is available.
  - d. No access to any county system will be allowed via public wi-fi.



- e. Employees are expected to meet productivity and efficiency requirements as they would be in the office. Employees are expected to be available to supervisory staff and people throughout the workday.
  - f. The employees are expected to be able to return to their office workplace if the need arises.
  - g. The workspace must be safe and free from hazards.
  - h. The workspace must be reasonably free from interruptions and distractions that would affect work performance.
  - i. The workspace must allow the employee to preserve the confidentiality of sensitive or non-public information. Any employer provided materials or equipment shall not be removed from the workspace while the employee is teleworking.
  - j. For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during these times.
  - k. Teleworking employees shall not meet with the public or clients in their home office in any official capacity or connected with the Employer's business. The Appointing Authority is not responsible for any injuries to family members, visitors, and others in the employee's home.
  - l. The Appointing Authority is not responsible for any loss to the employee's property whether caused by physical damage, computer virus attacks, or other instructions via the internet.
  - m. The Appointing Authority must provide the employee with the necessary equipment to work off site.
  - n. Remote work is not a substitute for elder care, sick time, or other paid time off.
  - o. Teleworking is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs, the focus of the arrangement must remain on job performance and meeting business demands.
  - p. All applicable policies in the Highland County Personnel Policy Manual or Appointing Authorities' Policy Manual/Handbook apply.
2. **Hours of Work.** Exempt/Non-Exempt Employees are authorized to engage in teleworking during their normally scheduled workdays and hours, or on days/times pre-approved by their supervisor. Non-Exempt Employees may not work outside of those days and hours without prior supervisor approval. Exempt/Non-Exempt Employees are responsible for accurately reporting their time worked each day.

3. **Reporting for Work.** Employees must communicate with their supervisor by email, text, or phone if issues arise.
4. **Communication.** While teleworking, employees must be reachable by the Appointing Authority. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor.
5. **Security and Confidentiality.** While working remotely, employees must take steps to preserve the security and confidentiality of Employer information. Employees must keep confidential documents and materials in secure locations. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. If working on personal devices, employees must have valid up-to-date anti-virus software and appropriate computer and internet security installed and active. Any suspected hacks or breaches of security must be reported to the Appointing Authority immediately.
6. **Portable Security.** Portable devices are especially susceptible to loss, theft, hacking, and the introduction of malicious software because they are easily transportable and can be used anywhere. As mobile computing becomes more widely used, it is necessary to address security to protect information resources. Portable devices should be kept in secure locations when not in use to prevent theft. Employees must not connect portable devices to public Wi-fi networks (such as those found in hotels, conference locations, airports, coffee shops, restaurants, etc.) Certain exceptions can be made if a virtual private network (VPN) connection is also used. Additionally, Portable Computing Devices (PCD) should only be charged with the power cable provided with the device (including the power brick) and must never be connected to public charging locations or stations.
7. **Policies.** This teleworking arrangement does not change the basic terms and conditions of employment, including rate of pay and benefits. Employees are expected to comply with all Appointing Authority policies, procedures, and performance standards.
8. The Appointing Authority retains the right to investigate alleged abuse of this teleworking policy and may cease or modify an employee's approval for telework at any time.

## SECTION 7.23: 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, social media posts or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the

employee who posts such information or assists in posting such material may be subject to disciplinary action up to and including termination. Employees shall not post on personal social media accounts, either on a County computer/cell phone, or personal computer/cell phone, unless permitted by a Supervisor.

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 consistent with law 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/her supervisor. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

In the event a County agency operates and maintains a social media site, the elected official, or department head, shall designate the employee(s) who is permitted to post, maintain and monitor the postings on behalf of the agency. Absent prior approval, employees shall not add, or remove, any information, or posting, from the agency's social media site. The use of artificial intelligence (AI) models in generating public posts about the County or coworkers is prohibited.

Employees should clearly label or distinguish any personal social media account(s), from a public social media account. It is discouraged to make exclusive agency public announcements on personal social media accounts. However, if an employee does post a public announcement on their personal social media account the employee must make it clear that it is in their capacity as a public official.

If someone posts a comment on an employee's public social media account that the employee views as negative, do not try to delete the comment or block the account. Consult your Prosecutor's Office or legal advisor.

#### **SECTION 7.24: SERVICE ANIMAL POLICY**

- A. Highland County and its Appointing Authorities do not allow animals in the workplace.
- B. Definitions
  - 1. A service animal is defined as a dog trained to perform specific tasks for individuals with disabilities. An emotional support animal, therapy animals, and companion animals are not considered service animals under the Americans with Disabilities Act ("ADA").
- C. An individual with a disability may request a reasonable accommodation under the ADA to bring a service animal to work when medically necessary. The following guidelines will be observed in regarding the service animal.
  - 1. The Appointing Authority will evaluate all requests to bring a service animal into the workplace to determine if the accommodation is reasonable and can be provided without undue hardship. Employees may be asked to bring the service animal to the workplace to demonstrate the animal's training and ability to be in the workplace without disruption.
  - 2. If an accommodation is granted to allow a service animal in the workplace, the arrangement may be permitted on a temporary or trial basis. Reasonable behavior is expected from service animals while on company property. Disruptive, aggressive, or unreasonably loud service animals must be removed from the premises immediately and permission to bring the animal to work will be revoked.
- D. Behavior Expectations, Health, and Hygiene
  - 1. The animal must be trained to work or perform tasks for the benefit of the employee with a disability such as guiding individuals with impaired vision, alerting individuals to impending seizures or diabetic conditions, pulling a wheelchair, or retrieving dropped items.
  - 2. All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current, and animals must be in good health.

3. Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times. It must also be properly licensed with any local licensing authority if applicable (ex., dog license).
4. Animals must be on a leash, harness, or other type of restraint at all times, unless the employee is unable to retain an animal on leash due to a disability. The employee must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the employee. The employee is expected to clean and dispose of all animal waste appropriately.

### **SECTION 7.25 NALOXONE/NARCAN POLICY**

Consistent with R.C. 4729.541(B), “a service entity may procure naloxone for use in emergency situations.” R.C. 4729.541(A) defines “service entity” as:

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

The following are “service entities” for purposes of this policy: Offices and Agencies determined by the Commissioners. Notwithstanding any conflicting provision in the Ohio Revised Code, the above agencies or offices may procure Narcan if the overdose reversal drug is in its original manufacturer’s packaging, contains the manufacturer’s instruction for use, and is stored in accordance with the manufacturer’s or distributor’s instructions. Additionally, the above agencies or offices may obtain and maintain a supply of overdose reversal drugs for either both of the following purposes: for use in an emergency and for distribution through an automated mechanism. The above agencies or offices may allow properly trained and authorized employees to carry and administer Narcan in emergency situations, if the agency so chooses.

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

The Appointing Authority shall also establish a process for replacing any overdose reversal drug within a reasonable time period after it has been accessed, store the overdose drug in accordance with the manufacturer’s or distributor’s instructions, and develop a monitoring system of the supply maintained.

The Appointing Authority is not subject to administrative action or criminal prosecution and is not liable for damages in a civil action for injury, death, or loss to person or property for an act or omission that arises from exercising that authority. After an overdose drug has been dispensed or furnished, the Appointing Authority is not liable for or subject to damages in any civil action, prosecution in any criminal proceeding or professional disciplinary action for any act or omission of the individual to whom the drug is dispensed or personally furnished.

### **SECTION 8.01: RECORDS RETENTION POLICY**

The Highland County Board of County Commissioners, the Highland County Records Commission, and employees shall comply with Ohio Record Retention Policy and Manual. The record consists of all hard copy and electronic generated records to include e-mail.

A. All records will be categorized as follows:

1. A record has an administrative value if it is needed to conduct the current business of the county office that created it. Administrative value diminishes over time because the record is no longer needed for current business.

A record has legal value if document or protects the legal rights of the county office that created it. Administrative value diminishes over time because the record no longer is needed for current business.

2. A record has legal value if it documents or protects the legal rights of the county office that created it. Records possessing legal value should be retained until the legal rights or obligations to which they pertain expire.
3. A record has fiscal value if it is used in accounting for public funds. Records having fiscal value must be retained at least until accounting records have been audited. Records of activities funds with combinations of state and federal funds often must be retained longer than records pertaining solely to county funds.
4. A record has historical value if it has continuing historical value to the State of Ohio and its citizens. The Ohio Historical Society Local Government Record Program staff makes this determination.

B. Prior to destruction of any records all departments must have written authorization from the Board of county Commissioners.

C. Any person that violates this section is subject to disciplinary action to include disciplinary action to include criminal prosecution.

### **SECTION 8.02: PUBLIC RECORDS REQUEST**

A. All public records maintained by this office shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the current record retention schedule of this public office. Each request for public records should be evaluated for a response using the following guidelines.

1. Identification of Public Record

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this public office to identify, retrieve, and review the records. If a requester makes an ambiguous or overly broad request for public records such that this office cannot reasonably identify the exact public records being requested, then this office may deny the request. In such case, this office will provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained by this office and accessed in the ordinary course of this office's duties.

## 2. Format of Request

This public office or the person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but only after all of the following occur:

- Disclosure to the requester that a written request is not mandatory;
- Disclosure to the requester that the requester may decline to reveal the requester's identity or intended use;
- Determination by this public office that a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability to identify, locate, or deliver the public records sought by the requester.

## 3. Choice of Medium

The public records law allows a person to choose the medium upon which they would like a record to be duplicated. The requester can choose to have the record (1) on paper, (2) in the same form as this public office keeps it (e.g., on computer disk), or (3) on any medium upon which this public office determines the record can "reasonably be duplicated as an integral part of the normal operations of the public office."

## 4. Response Time to Request

Public records must be available for inspection during regular business hours and made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. However, under current Ohio law, there is no defined period of time by which a public records request must be completed. Instead, appropriate (prompt and reasonable) response times will vary depending on different factors, including, but not limited to all of the following:

- The circumstances of his public office at the time of the request;
- The breadth of the request;
- Whether legal evaluation of the responsive records is required before release.

## 5. Prohibition Against Requesters Right to Make Copies Themselves

A requester seeking copies of public records is not permitted to make their own copies of the requested records by any means. This measure is to protect the integrity of the original document.

6. Limit to Number of Requests by Mail

This office may limit the number of records requested by a person that the office will transmit by United States mail to ten per month, unless the person certifies to the office in writing that the person does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The scope of the word "commercial" is to be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit education research.)

7. Requests by Incarcerated Persons

Under Ohio law, an incarcerated person may receive public records, but only if the records concern a criminal investigation. The incarcerated person must also follow very strict guidelines.

- The records must be "public records" which are not subject to any exemption from disclosure.
- The incarcerated person must have secured a finding from the judge who imposed the sentence of incarceration (or that judge's successor) that the information sought in the public record is necessary to support a justifiable claim of the person.

Courts have denied the public records requests of inmates because this procedure was not followed.

B. Denial of Public Records Request.

If a request is ultimately denied, in part or in whole, this public office shall provide the requester with an explanation, including legal authority, setting forth why the request was denied. Further, if the initial request was provided in writing, the explanation shall be provided to the requester in writing.

1. Denial of an Ambiguous or Overly Broad Request for Public Record

If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this public office cannot reasonably identify what public records are being requested:

This public office may deny the request. However, this public office shall provide the requester with an opportunity to revise the request by informing the requester of the manner in which records are maintained in the ordinary course of business.

2. Denial of a Public Record Not Maintained by [Public Office]



If this public office receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requester shall be so notified in writing utilizing Form PR-I that one of the following applies:

The request involves records that have never been maintained by this office (if possible this office will direct you to the proper office);

The request involves records that are no longer maintained or have been disposed of or transferred pursuant to applicable Schedules of Record Retention and Disposition (RC-2);

The request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1);

If the record that is requested is not a record used or maintained this public office, the requester shall be notified that this office is under no obligation to create records to meet public record requests (however, if applicable this office will inform you of how the information requested is organized.)

3. Denial of a Public Record Maintained by the [Public Office]

This public office may deny a request for a record maintained by the office if the record that is requested is prohibited from release due to applicable state or federal law.

If the record request is denied in its entirety:

- This office may check the appropriate box on Form PR-I if the employee is simply applying the statutory exclusion.
- This office shall consult the County Prosecutor if the employee is unsure if the record requested is exempt from disclosure.

If only part of the record is not subject to release, this office will redact such information and release the non-exempted information.

"Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record."

This office will check the appropriate box on Form PR-1 and cite the exemption from Appendix A, B, or C with the corresponding redaction. This office shall consult the County Prosecutor if the employee is unsure if a part of the record requested is exempt from disclosure.

As custodians of public records, this public office has a responsibility to maintain the integrity of the record. As such, any request that includes redactions should be made on a copy of the original record to preserve the authenticity and accuracy of the original document.

The explanation cited shall not preclude this public office from relying upon additional reasons or legal authority in defending an action commenced pursuant to ORC §149.43.

C. Costs for Public Records.

Generally, a requester is only required to pay this public office for the actual cost of reproduction. Employee time will not be calculated into the "actual cost" charge. However, in some circumstances, it is permissible for this public office to have an outside contractor make copies and recover the cost of the service directly from the requester. This public office may employ the services of a private contractor to produce copies as long as the decision to do so is reasonable.

1. Payment in Advance

This public office may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. For photocopies of either letter or legal sized documents, the fee shall be (actual cost) per photocopy. If video tapes, cassette tape or any other type of media is requested, the fee shall be the replacement cost or reproduction cost (copying costs if outside vendor is necessary).

2. Delivery Costs to be Paid in Advance

Requesters may ask that documents be mailed or transmitted to them within a reasonable period of time after this office receives the request for a copy. This public office may require the person making the request to pay in advance the cost of postage if the copy is transmitted by U.S. mail or the cost of delivery if the copy is transmitted other than by U.S. mail, and to pay in advance the costs incurred for other supplies (envelope, etc.) used in the mailing, delivery, or transmission.

D. Email and Public Records.

Documents in electronic mail format are records as defined by the Ohio Revised Code when their content relates to the business of the office. Email must be treated in the same fashion as records in other formats and should follow the same retention schedules.

1. Public Email Accounts

Records in public email accounts used to conduct public business are subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such emails that relate to public business in accordance with this public office's record retention schedule.

Records in public email accounts used while on county computers not used to conduct public business, while strongly prohibited by this public office's policies and procedures are not subject to disclosure.

2. Private Email Accounts

Records in private email accounts used to conduct public business on public property (i.e. county computers) may be subject to disclosure, and all officials, employees, or other representatives of this office are instructed to retain such private emails should they relate to public business.

Such emails from private account should be treated as records of this public office, retaining them per established schedules, and making them available for inspection and copying in accordance with the Public Records Act.

E. Failure to Respond to a Public Records Request.

This public office recognizes that the failure to properly respond to a public records request not only causes distrust in government but may also lead to legal consequences.

If a requester feels they have been improperly denied public records due to the inability to inspect or to receive a copy of a record, the requester shall be advised that they may:

Contact this public office's senior representative Request a meeting be called with the County Prosecutor.

If the requester is still not satisfied, they shall be advised the Ohio Revised Code provides a legal means for addressing their complaint.

**SECTION 8.03: PERSONNEL RECORDS**

A. General.

Human Resources staff will be responsible for and have access to all personnel files. Review of personnel files by other individuals will require permission from the employee unless the request is made under Section 149.43 of the Revised Code and the requesting party signs an acknowledgment.

B. Content of Personnel Records.

Personnel Records shall include the following when applicable, but not limited to:

1. Name, current address, home telephone number, and the name and address of the person to notify in case of an emergency. Employees may request their unlisted telephone number and Social Security Number not be released as public information. ORC 149.43 does not permit the release of any peace officer residential or familial information.
2. Job description and civil service classification and title A written copy of this information shall be given to each employee.
3. Vacation and sick leave usage records. A sick leave statement signed by a physician and attached to the usage form is confidential information and not subject to review

under Section 149.43 of the Revised Code and shall be maintained in a separate file. [See exception in ORC 149.43 (A) (3)]

4. Education and Experience Data Sheet, when applicable.
  5. A copy of the employee's initial employment application and all references related to same, including signed and unsigned requests for references and copies of reference letters sent.
  6. Record of permanent or temporary certification or required license. Each employee is responsible for updating all his/her certification documentation. Certification documentation is to be filed within thirty (30) days of completion of necessary course work.
  7. Records of all in-service training received.
  8. Copies of all Personnel Action Forms (Form 4121), including records pertaining to changes in employment status as a result of hiring, promotion, demotion, transfer, layoff, termination, etc.
  9. Annual performance evaluation, where applicable signed by the employee, indicating his/her awareness of or concurrence with the evaluation.
  10. Disciplinary Actions.
  11. Records of Workers Compensation claims incurred during tenure of employment. Any physician's or medical statement is confidential and not subject to review under Section 149.43 of the Revised Code and shall be maintained in a separate file.
  12. Payroll information, records of additions or deductions paid, work time schedules, tax withholding records, insurance enrollment records and retirement system enrollment records.
  14. Letters of Commendation.
  15. Any other appropriate materials and/or additional evaluation data as determined by the Board or Appointing Authority.
  16. Signed receipt of ORC 102 and ORC 2921.42 if it applies to the job classification will be completed and housed in the employee's personnel file.
- C. Anonymous letters of materials shall not be placed in an employee's file nor shall they be made a matter of record.
- D. All materials placed in the employee's personnel file after initial employment shall be available for his/her review at reasonable times. The Board of Commissioners strongly recommends that each employee review his/her personnel file annually. An employee may arrange a time with the Board or Appointing Authority to review his/her personnel file during regular business hours. An employee may not remove the personnel file from the office, but may request a copy of any items within the file.

- E. One (1) copy of an item, such as an evaluation form or disciplinary action, may be given to the employee at no cost. Additional copies of any such item may be obtained by the employee for ten cents (\$0.10) per copy. Employees will be charged for multiple copies requested at any one time and will be required to sign a receipt for same.
- F. A separate file shall be maintained on employees containing wage and salary information for public review or questions.
- G. Personnel files, except medical records, are public documents and subject to inspection by the public. When a member of the public requests an opportunity to examine an employee's personnel file, the Appointing Authority or his/her designee will arrange an appointment for the individual to review the file in the Appointing Authority or his/her designee's presence. The employee will be notified of the request. Members of the public requesting copies of documents or files will be charged ten cents (\$0.10) per page/copy:
- H. Derogatory Material.

1. Each employee shall have the opportunity to read any material which may be considered derogatory to his/her conduct, service, character or personality before it is dated and placed in his/her personnel file. The employee shall acknowledge that he/she has read the material by affixing his/her signature to the copy to be filed and a copy shall be given to the employee. The signature shall not indicate agreement with the content of the material, but shall indicate that the material has been inspected by the employee. It is further recommended that when an employee does disagree with the content that the following be used.

"I have read this but do not agree with the content."

Signature of Employee                      Date of Review

2. The employee shall have the opportunity to reply to such negative material in written statement to be attached to the filed copy.
  3. Derogatory material may be removed from the file of the employee upon the expiration of five (5) years, provided that no reoccurrence or additional related incident(s) has occurred. Derogatory material may be removed by mutual agreement of the employee and the Appointing Authority prior to the expiration of five (5) years.
- I. Medical Records.

The Highland County Board of Commissioners will ensure compliance with the Health Insurance Portability and Accountability Act.

1. Employee medical records are maintained in a file separate from his/her personnel file.
2. Medical records are confidential and may be released only in the following circumstances:

- a. Supervisors may be informed of restrictions and accommodation that are a part of an agreed upon plan of reasonable accommodation.
  - b. First aid and safety personnel may be informed if an employee may require emergency treatment.
  - c. Government officials investigating compliance with the law may be provided with relevant information.
- J. Personnel records will be retained in accordance with the Ohio Revised Code record retention schedule.

**SECTION 9.01: DISCIPLINARY PRINCIPLES**

- A. The Highland County Commissioners believe that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Furthermore, the Commissioners believe that certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior.
- B. Employees shall be advised of expected job behavior, the types of conduct that the Appointing Authority has determined to be unacceptable, and the penalties for such unacceptable behavior. Causes for disciplinary action shall include, but not be limited to: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, unsatisfactory performance absence without leave, or any other failure of good behavior or any other acts of malfeasance, misfeasance or nonfeasance in office, or any violation of such sections of the rules of these policies, or any other causes.
- C. It is the intent of the Highland County Commissioners that, where applicable, the purpose of discipline is to correct an employee's behavior. Generally, discipline will be applied uniformly and consistently. Unless warranted by the particular circumstances, discipline will be administered on a progressive basis as outlined in these policies. An employee's immediate supervisor shall be responsible for administering discipline.
- D. Certain instances may arise wherein, for the good of the County, an employee should be removed immediately from the premises of the County offices prior to a suspension hearing. The Highland County Commissioners shall take such action when necessary. An employee so removed shall be afforded his/her rights in accordance with these Policies.
- E. The Highland County Commissioners is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information during any investigation.

**SECTION 9.02: PROGRESSIVE DISCIPLINARY POLICY**

- A. It is the intent of the Highland County Commissioners to follow an established system of progressive discipline when correcting job behavior. The Highland County Commissioners have adopted this discipline policy as a guide for the uniform administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the statutory rights of the Highland County Commissioners as set forth in the Ohio Revised Code.
- B. This policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.
- C. Discipline will be administered in successive steps, with due regard for the severity of the violation. Progressive discipline shall take into account the nature of the violation, as well as the employee's record of discipline, and his/her record of conduct. The Highland County Commissioners reserves the right to immediately terminate an employee under extreme infraction or where it is in the best interest of the County. Employees charged with a felony

while employed in the civil service may be immediately removed from active work and placed in a non-pay status. The employee shall still be provided his/her due process rights.

- D. Forms of progressive disciplinary actions are:
1. caution and instruction;
  2. written reprimand;
  3. a working suspension with pay;
  4. suspension without pay;
  5. a fine which could result in forfeiture of vacation and personal days;
  6. demotion in position and reduction in pay;
  7. discharge from employment; and
  8. Combination of all the above.
- E. The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when circumstances warrant. In those cases where the penalty deviates from the recommended standard penalty, the reasons for deviation must be noted in writing by the supervisor or the Appointing Authority.
- F. All multiple policy infractions shall be dealt with by the following system of progressive discipline as set forth below:
1. multiple offenses which are unrelated are progressively disciplined in the groups which the offenses are classified; and
  2. multiple offenses which are related are progressively disciplined regardless of the groups in which the offense is classified and regardless of the order in which the offenses occurred.
- G. Unrelated offense may be considered together as a more significant disciplinary action, if they show a pattern of inappropriate conduct of the employee.

### **SECTION 9.03: WORK RULES**

The orderly and efficient operation of Highland County Commissioners requires reasonable standards of discipline and conduct. In order to minimize the likelihood of any employees becoming subject to disciplinary action, the following represents the work rules, which govern employee conduct.

These work rules do not and could not cover every act or omission, which might be considered wrongful. If wrongful acts or omissions occur which are not specifically on this list of work rules, reasonable disciplinary action will be taken.

For the guidance of staff, the usual penalty which will result from violation of the work rules is listed. These penalties are not exclusive, and may be modified or changed in cases involving either aggravated or mitigating circumstances or multiple offenses. Repeated, deliberate and/or flagrant violations will subject the offender to disciplinary suspension and discharge from employment.



As defined in this section, any infraction in Group Number One, Two, Three or Four may be raised to a higher offense level or group based upon the seriousness of the offense as determined by the Commissioners.

A. Group One.

First Offense: Up to and including discharge from employment.

Group One offenses are categorized as the most serious infractions, which cause critical disruption to the County in terms of decreased productivity, efficiency, and/or morale. The following are examples of Group One offenses:

1. Deliberate falsification of Highland County Commissioners records, including but not limited to time sheets, time clock cards, reports, allowance forms, employment application records (including medical records), purchase orders and receipts and falsifying accident reports.
2. Sabotage, meaning the deliberate or intentional destruction or damage of County property, property of employees, or property in the custody of the County, including tampering with equipment so it does not work properly.
3. Fighting, provoking or instigating a fight, any act of violence, or threatening to do bodily harm to any person on County property, at County-sponsored events or while representing the office of the Highland County Commissioners.
4. Abusing, threatening or assaulting a supervisor, a fellow employee or member of the general public.
5. Possession of firearms, other weapons, or explosives on County property or at County-sponsored events without the written authorization of the Sheriff or the County Commissioners. Bringing an unauthorized firearm on County property or carrying a firearm or any dangerous ordinance in a County vehicle.
6. Immoral conduct or indecency.
7. Inciting, instigating, leading and/or arranging a work stoppage, interruption or impeding of work.
8. Selling or distributing narcotics or prescription drugs on County property.
9. Giving false information in an attempt to be reimbursed for time not worked or for higher pay rates.
10. Making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work.
11. Misuse, destruction, or removal from County property of any County record, including time clock cards or classified information of any nature without written authorization.

12. Conviction of a criminal charge which leads to the employee being unable to report for work.
13. Insubordination, meaning disregarding, disobeying or refusing an order or instruction of a supervisor, department head or the Highland County Commissioners.
14. Bringing, consuming, possessing or being under the influence of intoxicants on County property during working hours or on County property, including reporting for work or working while unfit for duty.
15. Violation of the Discriminatory Harassment Policy.
16. Willful disregard of department rules.
17. Unauthorized political activity during work hours;
18. Discourteous treatment of the public.
19. Any other activity not heretofore set forth which severely hampers the work effort of the employees or which causes the County to be viewed in an unfavorable light with the public, including being arrested and convicted of a felony.
20. Illegal use of narcotics or drugs, possessing or being under the influence of narcotics or drugs, or attempting to bring same onto County property.
21. Job abandonment (no call-no show for 3 days).
22. Violation of any work rule.

B. Group Two.

First Offense	up to twenty-four (24) hours suspension without pay.
Second Offense	up to thirty (30) days suspension without pay.
Third Offense	discharge from employment.

Group Two offenses are categorized as infractions of a more serious nature causing disruption to the County. The following are examples of Group Two offenses:

1. Working in an unsafe manner that endangers one's self or fellow employees.
2. Altering in any way or destroying any time sheet or time clock card. Deliberately completing another employee's time sheet or punching another employee's time clock card or permitting another employee to complete one's own time sheet or punching another employee's time clock card. Tampering with any time sheets or time clock cards.
3. Gambling or participating in any other game of chance on County property at any time other than when such is authorized as a charity fundraiser.

4. Participating in a work stoppage, interruption or impeding of work of other County employees.
5. Use of abusive or threatening language toward a fellow employee, supervisor, or coercing a fellow employee, supervisor in any way.
6. Sleeping on County property during working hours.
7. Excessive absenteeism.
8. Unauthorized presence on County property.
9. Willful disregard of County rules.
10. Political activity during working hours or while on County property.
11. Discourteous treatment of the public.
12. Violation of the Electronic Mail/Voice Mail policy.
13. Performing private work while on County time.
14. Willful failure to make required reports, to talk to insurance representatives or law enforcement officers.
15. Misuse of two-way radio or related equipment, abusive language over the airways, or the interference with business related transmissions.
16. Loss of Commercial Driver's License for more than twenty-four (24) hours or loss of insurability under Highland County Commissioners County vehicle insurance plan.
17. Disclosure of protected health information in violation of HIPAA.
18. Violation of any work rule.

C. Group Three

First Offense	written reprimand.
Second Offense	up to twenty-four (24) hours suspension without pay.
Third Offense	up to thirty (30) days suspension without pay.
Fourth Offense	discharge from employment.

Group Three offenses are categorized as infractions of a relatively serious nature causing disruption to the County. The following are examples of Group Three offenses:

1. Threatening, intimidating, coercing or interfering with subordinates, other employees, or the public.
2. Failure to cooperate with other employees as required by job duties.

3. Being absent without just cause.
4. Leaving the building or job assignment without the approval of the County Commissioners or his/her supervisor.
5. Taking more than the authorized lunch period or failing to return to work after the lunch period without permission of the Highland County Commissioners or his/her supervisor.
6. Failure to follow the instructions of the Highland County Commissioners or to perform work assigned by the Highland County Commissioners.
7. Posting, defacing, mutilating or removing notices or signs on bulletin boards, other County property or property in the custody of the County at any time without the written authorization of the Highland County Commissioners.
8. Contributing to unsanitary conditions.
9. Reading newspapers, magazines, books or other literature while at work, except as required by work assignment.
10. Wasting County time by loafing, loitering, engaging in unauthorized visiting during working hours, or in any way interfering with the performance or the duties of other employees.
11. Engaging in "horseplay."
12. Using tobacco or smoking, including vaping on County property.
13. Watching shows, videos, or games on an electronic device or computer that is not work related or playing the radio such that it interferes with the performance or duties of any employee.
14. Failure to report an accident on Highland County Commissioners property involving either a fellow employee or a member of the general public as soon as possible.
15. Obligating the Highland County Commissioners to any expense, service or performance without authorization.
16. Garnishments.
17. Failure to comply with seat belt policy.
18. Violation of any work rule.

D. Group Four.

First Offense	Caution and Instruction (Verbal Reprimand)
Second Offense	Written Reprimand
Third Offense	Up to twenty-four (24) hours suspension without pay or fine

Fourth Offense	Up to thirty (30) days suspension without pay or fines
Fifth Offense	Discharge from employment.

Group Four offenses are categorized as the least serious infractions causing minimal disruption to the County. Repeated, deliberate and/or flagrant violations will subject the offender to disciplinary suspension and discharge from employment. The following are examples of Group Four offenses:

1. Habitual leaves without pay, including excessive tardiness.
2. Reporting late for work without prior approval.
3. Failure to return to work as directed or scheduled following vacation or leave of absence without prior approval of the Highland County Commissioners.
4. Poor productivity or poor workmanship.
5. Failure of an employee to be in his/her designated work area ready to work at his/her specified starting time.
6. Leaving the work area before specified quitting time.
7. Circulating petitions or distributing literature or articles of any kind on County property without written authorization of the Highland County Commissioners.
8. Violating the Solicitation Policy of the County as contained in this Policy and Procedures Manual.
9. Unauthorized use or possession of equipment or County property.
10. Failure to observe accepted standards of sanitation, cleanliness and general health, including failure to observe acceptable dress and attire.
11. Failure of an employee to clock in/out, report or write down the correct time when reporting for work, or reporting back after having left the building during his/her scheduled work hours. Sign-in and sign-out sheets must be signed.
12. Failure to report an accident or injury as soon as possible.
13. Making personal long distance telephone calls on the County's telephones, unless authorized in writing by a supervisor or Highland County Commissioners.
14. Three (3) not at fault accidents within a one (1) year period.
15. Violation of any work rule.

**SECTION 9.04: ORDERS FOR DISCIPLINARY ACTION AND PENALTIES****POLICY**

- A. Whenever the Employer or his designee determines that an employee may be disciplined beyond reprimand (including all suspensions, fine, reductions, or terminations), the employee will be notified of the allegations and supporting evidence and a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. The Employer must hold a predisciplinary conference prior to signing a last chance agreement.
- B. Not less than 24 hours prior to the scheduled starting time of the conference, the Appointing Authority or designee will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his or her defense; (2) elect in writing to waive the opportunity to have a predisciplinary conference; or (3) appear at the conference with a representative of his or her choice.
- C. The person conducting the conference will recite the allegations, summarize the evidence that is the basis of the allegations, and ask the employee to respond.
- D. Predisciplinary conferences will be conducted by the Appointing Authority or designee.
- E. The person conducting the conference will ask the employee to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.
- F. At the conference the employee may present any testimony or documents which explain whether or not the alleged misconduct occurred.
- G. If discipline is warranted, the Appointing Authority shall follow the County's disciplinary policy and procedures.
- H. Recording of Proceedings: At the discretion of the Appointing Authority or designee, the pre-disciplinary conference may be recorded. Should the conference be recorded, the Appointing Authority or designee shall provide a copy to the employee.

**SECTION 9.05: APPEALS**

- A. An employee shall have the right to appeal a disciplinary action through the grievance procedure as contained in this Manual or as provided by Section 124.34 of the Revised Code.
- B. Personnel actions affecting classified employees, such as non-probationary dismissals, suspensions or fines of more than twenty-four (24) hours, demotions and layoffs, and reductions in pay or position may be appealed to the State Personnel Board of Review. Classified employees may choose to appeal to the State Personnel Board of Review. Should an employee choose to appeal to the State Personnel Board of Review, the grievance procedure may not be used.

- C. Written appeals of removal, demotion, reduction in pay or position or suspension and fines of more than twenty-four (24) hours may be filed with the State Personnel Board of Review within ten (10) calendar days after receipt of the Order. Written appeals of layoffs or displacement as a result of a layoff must be made within ten (10) days of receipt of the layoff notice.
- D. The SPBR maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the SPBR may affirm, disaffirm or modify personnel decisions made by the Appointing Authority.
- E. Voluntary written agreement by the employee to a reduction constitutes a waiver of the SPBR appeal procedure. When a reduction is made on such basis, it is reported by a signed and dated copy of the employee's consent. This consent must be signed on the date shown on the consent.
- F. Suspension of not more than twenty-four (24) hours is not governed by the appeal process to the SPBR but may be appealed through the Grievance Procedure as contained in these policies.
- G. Probationary removals are not appealable.

#### **SECTION 9.06: GRIEVANCE PROCEDURE**

- A. General.
  - 1. The term "grievance" as used herein is defined as a timely written complaint by an employee over the alleged violation, misinterpretation, or misapplication of this Manual.
  - 2. The parties may, by mutual agreement, waive the time limits of this provision.
  - 3. For the purpose of this Section, a "working day" is defined as a day the Highland County Offices are open.
  - 4. An employee may have a representative of his/her choice present at any and all steps of the grievance procedure.
  - 5. Grievances are to be settled at the earliest step of the procedure. The employee must proceed through each step of the grievance procedure in proper order and within the prescribed time limits in order for the grievance to stand. Where a grievance cites issues of law that the individual hearing the grievance cannot address, the grievance will be sent to the Prosecutor's Office for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor is received.
  - 6. A written grievance must state the reason for the grievance and the requested resolution.
  - 7. This grievance procedure is not to be utilized to adjudicate allegations of discrimination by reason of an employee's race, color, religion, sex (including

pregnancy, sexual orientation, or gender identity), age (40 or older), national origin, political affiliation, military status, veteran status, genetic information, or disability. Employees alleging such discrimination shall refer to the appeal procedures outlined in the Highland County Affirmative Action Plan or the Equal Opportunity Complaint Policy and Procedure.

B. Grievance Procedure.

Any grievance or dispute or interpretation of this Manual shall be settled in the following manner.

STEP I

- a. The aggrieved employee shall discuss the problem and the circumstances surrounding it with his/her immediate supervisor within five (5) working days after the occurrence of the act or acts giving rise to the grievance. Failing to resolve the grievance orally, the employee may reduce the grievance to writing.
- b. The complaint is to be reduced to writing within five (5) working days from the unsuccessful conclusion of the oral discussion in "a" above immediately, signed and dated by both the supervisor and the employee. The supervisor will reply to the grievant with a written response within five (5) working days from the date of receipt of the written grievance. The employee and the supervisor shall sign and date the response.

STEP II

- a. If the grievance is not resolved at Step I, the grievant may pursue the matter by presenting in writing his/her grievance to the Appointing Authority within five (5) working days of the reply received in Step I. The Appointing Authority shall meet with the grievant concerned and attempt to resolve the matter.

STEP III

- a. If the grievance is not resolved at Step II, the grievant may pursue the matter by presenting in writing his/her grievance to the Appointing Authority within five (5) working days of the reply received in Step II. The Appointing Authority shall meet with the grievant concerned and attempt to resolve the matter.
- b. The grievant may have a representative of his/her choice present at each step of the Grievance procedure.
- c. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of both parties in writing.
- d. Grievances not processed to the next step of the procedure within the specified time limit or any written extension thereof, shall be considered to have been resolved on the basis of the decision at the previous step.



- e. Any grievance not answered within the prescribed time limit or extension thereof shall be considered to have been answered in the negative and may be advanced to the next step.
  - f. Where the alleged grievance is of a nature that qualifies for appeal under rules of the State Personnel Board of Review, the aggrieved may not use the grievance procedure.
- C. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the State Personnel Board of Review, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another administrative agency or court body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that administrative agency or court.

**SECTION 10.01: VOLUNTARY SEPARATION****A. Resignation.**

1. Resignation in good standing requires a minimum of two (2) weeks' notice.
2. Resignation must be in writing and submitted to the Appointing Authority for acceptance.
3. An employee who does not resign in good standing is ineligible for reinstatement.
4. At the discretion of the Appointing Authority, an employee may be reinstated into his/her former position within one (1) year following his/her resignation provided:
  - a. The employee resigned in good standing;
  - b. The employee remains qualified to perform the duties of the position; and
  - c. A position is available and reinstatement is in the best interest of the department.
5. Any employee who resigns is encouraged to give his/her reasons for resigning and to discuss with his/her supervisor any working conditions which he/she feels were unsatisfactory.

**B. Abandonment.**

1. An employee who is absent from duty without leave for three (3) consecutive days is deemed to have resigned his/her position.
2. If at any time within seven (7) days of termination due to abandonment a classified employee makes a satisfactory explanation of the cause of his/her absence, he/she may be reinstated.
3. An employee who has abandoned his/her position is not eligible for future employment with the County.

**C. Retirement.**

Complete and detailed information regarding retirement eligibility and benefits is located in the County Auditor's office.

**SECTION 10.02: INVOLUNTARY TERMINATION****A. Disciplinary Discharge.**

1. Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate behavior, or when a serious infraction so warrants.

2. The discharge of a classified employee may be appealed to the State Personnel Board of Review.
  3. Disciplinary discharges will be handled in accordance with ORDERS FOR DISCIPLINARY ACTION AND PENALTIES.
- C. Layoff.
1. Layoff of employees may become necessary as outlined in R.C. 124.321-124.328.
  2. An employee will be notified at least fourteen (14) days before the effective date of layoff. Layoffs will only be made by the Appointing Authority.
  3. Whenever it becomes necessary to layoff classified employees in a classification, they will be placed on layoff in the following order: temporary, intermittent, seasonal, part-time, and full-time employees. Probationary employees will be placed on layoff before regular employees and part-time before full-time employees in each category.
  4. The order of classified employee layoff within each classification will be established on the basis of retention points. Retention points shall be calculated as outlined in the Ohio Administrative Code.
  5. The employee with the lowest number of retention points in a classification will be placed on layoff first.
  6. An employee who has been on layoff from his/her current classification may displace an employee with fewer retention points in a lower classification, if the employee is fully qualified to perform the job duties.
  7. A list containing the names of all employees who have been placed on layoff will be established and remain in effect for one (1) year.
  8. An employee on the layoff list will be recalled to a vacancy within his/her current classification or any lower classification within the same classification series in reverse order of layoff (that is, the employee most recently placed on layoff will be recalled first).
  9. Appeal of a layoff or a displacement as a result of layoff may be made to the State Personnel Board of Review within ten (10) days of an employee's receipt of notice.

### **SECTION 10.03: EXIT INTERVIEW**

- A. Upon separation from employment, an employee must meet with his/her supervisor or with the Appointing Authority to process paperwork and return any County property.
- B. The Appointing Authority will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents and get necessary signatures.
- C. The employee will relinquish all identification cards, equipment and keys.

- D. If the separation is voluntary, the employee will be asked to complete an exit interview questionnaire and discuss his/her answers during the exit interview. Information gathered in exit interviews will be used to evaluate County practices and identify areas requiring action to make the employer more attractive.

**SECTION 11.01: PUBLIC EMPLOYMENT RISK REDUCTION ACT**

- A. The Public Employment Risk Reduction Act was signed in January 1993 by Governor Voinovich and carries an effective date of April 1, 1993. The effective date for enforcement of this law, including inspections and citations, is January 1, 1995. The Public Employment Risk Reduction Act covers both public employers and public employees in an effort to provide a safe and healthful workplace.
- B. Under the provisions of the Public Employment Risk Reduction Act, the Highland County Board of Commissioners, acting as a public employer, has the following rights, requirements and responsibilities.
1. The Employer must furnish a place of employment free from recognized hazards.
  2. The Employer must comply with the Ohio Public Employment Risk Reduction standards.
  3. The Employer cannot discriminate against any employee for good faith refusal to perform assigned tasks if the employee has requested the hazardous condition to be corrected, but the condition remains uncorrected.
  4. The Employer may apply to the Division of Occupational Safety and Health for an order granting a temporary variance from the Ohio Public Employment Risk Reduction Standard(s), with said variance extending up to one (1) year or the time it takes to come into compliance, whichever is less.
  5. The Employer must maintain records regarding safety and health activities and exposure to potentially toxic, carcinogenic or harmful materials.
  6. The Employer must post notices informing employees of their rights and responsibilities under the Public Employment Risk Reduction Act (PERRA).
  7. The Employer is entitled to up to 14 days to contest a citation issued by the Division of Occupational Safety and Health and be entitled to a hearing regarding same.
- C. Under the provisions of the Public Employment Risk Reduction Act, public employees have the following rights and responsibilities.
1. Employees must comply with the Ohio Public Employment Risk Reduction standards, rules and orders as adopted.
  2. Employees must comply with safety rules the Highland County Board of Commissioners establishes for the purpose of fulfilling compliance with the Ohio Public Employment Risk Reduction Standards.
- D. An employee who is reassigned to other tasks, during the period of time it takes to correct the condition, shall receive full compensation and benefits and retain his/her rights to continued employment.

- E. An employee, after refusing to work, shall notify the Division of Safety and Health of the hazardous condition through a signed, written statement.
  - 1. The Division of Safety and Health will first notify the Employer of the alleged violation, allowing the Employer thirty (30) days in which to respond to the allegation.
  - 2. If the Employer's response is satisfactory and the condition no longer exists or has been corrected, the complaint will be dismissed.
  - 3. If the Employer's response is not satisfactory or the violation has not been corrected, an inspection will occur.
    - a. After the inspection has been conducted and violation is found to have existed, the Employer will be given a plan of correction specifying the violation, provision violated and a time frame in which to correct the violation.
- F. An employee or his/her representative has the right to challenge the length of time given the Board to correct the condition(s) specified in the citation.
- G. The Public Employment Risk Reduction Act does not supersede nor does it affect in any manner any Workers Compensation laws.
- H. For further review of the mandated Public Employment Risk Reduction Act requirements, please refer to the Highland County Board of Commissioners written Hazard Communication Plan.

#### **SECTION 11.02: SAFETY DATA SHEETS (MSDS)**

- A. The purpose of this policy is to inform employees that the Highland County Board of Commissioners is complying with the Occupational Safety and Health Act (OSHA) Communication Standard, Title 29 Code of Federal Regulations 1910.1200 (Right-to-Know Rule) and the Ohio Public Employment Risk Reduction Standards (O.R.C. 4167) by compiling a hazardous chemicals list using Material Safety Data Sheets (MSDS); by ensuring that containers are labeled; and by providing employees with training in proper hazardous condition and/or equipment defect reporting procedures.
- B. The Hazardous Communication Program applies to all work operations of the program where employees may be exposed to hazardous substances under normal working conditions or during an emergency situation.
- C. The County's Occupational Safety and Health (OSH) designee will review and update this Hazard Communication Program as necessary. Copies of this written program can be obtained through the OSH designee or the Appointing Authority.
- D. Under this Program, employees will be informed of the contents of the Hazard Communication Standard, the hazardous properties of chemicals with which employees work, safe handling procedures, and measures to take to protect themselves from these

chemicals. Employees will also be informed of the hazards associated with non-routine tasks.

E. Hazard Determination.

The County will rely on the Chemical Manufacturer's Material Safety Data Sheets (MSDS) for the hazard determination. Companies which manufacture hazardous chemicals or materials are responsible for developing an MSDS and for modifying the sheets as needed.

F. Container Labeling.

1. The following labeling system will be utilized by the County.
  - a. Chemical manufacturer's labeling system.
  - b. HMIS (Hazardous Material Inventory System), if used. If chemical manufacturer goes to HMIS, the program would adopt at that time and revise this plan.
  - c. Any other type of system used such as color coding, etc., may be considered and/or implemented at a later date.
2. The OSH designee will verify that all containers received for use will:
  - a. be clearly labeled as to the contents;
  - b. note the appropriate hazard warning; and
  - c. list the name and address of the manufacturer.
  - d. Any of the above information not on containers will be on MSDS sheet(s).
3. It is the policy of this program that no container will be released for use until the above data is verified, and the container has been appropriately labeled.
4. The OSH designee will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with the generic labels which have a block for identity and blocks for the hazard warning. In addition, the area supervisor will ensure that all hazardous chemicals in their area remain properly labeled by instructing their employees to leave labels on any items used. In the event that an unlabeled item is discovered, that item should immediately be brought to the attention of the OSH designee. The OSH designee will ensure that appropriate personnel will label the item in question.

G. Material Safety Data Sheets (MSDS).

1. Copies of MSDS for all hazardous chemicals to which employees of this program may be exposed will be kept in the Appointing Authority's office.

2. MSDSs will be available to all County staff for review during their working hours. If MSDSs are not available or new chemicals in use do not have MSDSs, please contact the OSH designee or the Appointing Authority immediately.
  3. The OSH designee is responsible for ensuring that all MSDSs have been received and are current. All significant and new information will be posted and shared immediately upon receipt. If an MSDS is not received with the first shipment of a hazardous chemical, the following methods will be used to obtain an MSDS.
    - a. A letter requesting an MSDS will be sent to the manufacturer or distributor of the hazardous chemical. A copy of this letter will be kept on file with both the OSH designee and the Appointing Authority.
    - b. A telephone call will be made to the manufacturer or distributor requesting an MSDS by the OSH designee and/or Appointing Authority.
  4. Manufacturers or distributors failing to provide MSDSs will be considered as failing to meet contractual requirements. This statement shall appear on purchase orders or offers to bid. The Appointing Authority shall monitor this.
  5. No new product of a hazardous nature will be accepted in the workplace without an MSDS on file or accompanying the shipment. Material Safety Data Sheets are required prior to any hazardous materials being brought into the County's facilities by other employers and their employees, including employee-owned and sample material.
- H. Staff Training and Information.
1. The Appointing Authority is responsible for ensuring that all employees receive training in the proper handling of hazardous materials that they come into contact with while working on County business.
  2. Prior to starting work each new employee of the program will attend a health and safety orientation and will receive information and training on the following:
    - a. An overview of the requirements contained in the Hazard Communication rules.
    - b. Chemicals present in their workplace operations.
    - c. Location and availability of the County's written hazard communication program.
    - d. Physical and health effects of the hazardous chemicals.
    - e. Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area.
    - f. How to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment.



- g. Steps the County has taken to lessen or prevent exposure to these chemicals.
    - h. Safety emergency procedures to follow if they are exposed to these chemicals.
    - i. How to read labels and review MSDSs to obtain appropriate hazard information.
  3. After attending the training class, each employee will sign a form verifying they attended the training, received the County's written materials, and understood the County's policies on Hazard Communication and Health and Safety. Each supervisor will follow-up the training by ensuring that each employee in his/her unit is satisfied with and understands the information they receive. Any time that an employee's job duties and/or essential functions change, that employee will be notified in writing of any potential hazardous items/material that they may encounter. Any employee who requests further information and/or training will be reasonably accommodated.
  4. Prior to a new hazardous chemical being introduced into any section of this program, each employee of that section will be given information as outlined above. The OSH designee is responsible for ensuring that MSDSs on the new chemicals are available.
  5. Quarterly safety meetings will be held and hazardous materials used in the office will be discussed. Attendance is mandatory for all employees. The Appointing Authority, with input and guidance from the program's health and safety committee, will be responsible for determining the subjects and the content of the meetings. The meetings will be conducted in conjunction with management and the Health and Safety Committee.
  6. A 24-hour emergency facility to be used by the program will be designated. Each supervisor is responsible for acquiring and directing transportation for the injured worker and, if possible, provide an appropriate MSDS to the medical personnel.
- I. List of Hazardous Chemicals.
  1. A list of all known hazardous chemicals used by County staff will be kept by the OSH designee and the Appointing Authority, as well as a current copy of the hazardous chemicals as found in the Appendix to this policy manual.
  2. The list is available for review in the Appointing Authority's office. Further information on each noted chemical can be obtained by reviewing material safety data sheets (MSDS) located in the Appointing Authority's office.
  3. Hazardous Materials Inventory.
    - Gasoline Oil
    - Carpet Cleaner
    - Paint
    - Paint Products

Automotive Supplies  
Floor Wax Stripper  
Assorted Cleaning Supplies  
Copier Toner and Supplies

J. Hazardous Non-Routine Tasks.

1. Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by his/her supervisor about hazardous chemicals to which they may be exposed during such activity.
2. This information will include:
  - a. specific chemical hazards;
  - b. protective/safety measures the employee can take and those measures required by program; and
  - c. measures the program has taken to lessen the hazards including ventilation, respirators, presence of another employee, and emergency procedures.
3. Examples of tasks that could be considered non-routine in certain instances that are performed by employees of this program could include tasks such as applying sealants, disinfectants, cleaning and other functions which involve the use of hazardous materials.
4. Any employee who is assigned to perform non-routine task other than their normal job duties will be given the above-listed items and information and instructions in writing before the task is to be performed. No employee will begin work on any non-routine task without first receiving a safety briefing from the supervisor. All non-routine tasks will be monitored and identified to ensure appropriate safety procedures are developed and followed.

K. Chemicals in Unlabeled Pipes.

1. Work activities performed by employees in areas where chemicals are transferred through unlabeled pipes will be carefully monitored by the Appointing Authority.
2. Prior to starting work in these areas, all employees shall be given the following information:
  - a. the chemical in the pipes;
  - b. potential hazards; and
  - c. safety precautions which should be taken.

L. Informing Contractors.

1. It is the responsibility of the OSH designee to provide contractors the following information:

- a. Hazardous chemicals to which they may be exposed while on the job site, including pest control spray when applicable;
  - b. Precautions they may take to lessen the possibility of exposure by usage of appropriate protective measures;
  - c. Steps the program has taken to lessen the risk;
  - d. MSDSs for all hazardous materials are on file in the Appointing Authority's office; and
  - e. Procedures to follow if they are exposed.
2. The OSH designee will ensure that contractors are given access to MSDSs and given this information prior to entering the worksite.
  3. The OSH designee will require material safety data sheets prior to any contractor bringing hazardous materials into the County's facilities. The OSH designee will alert the Appointing Authority of any hazardous materials entering the program.
  4. No hazardous materials will be introduced into the workplace by vendors, sales people, frequenters, or employees without MSDSs to forewarn users of this material. Supervisors will enforce this policy. Any violations will be brought to the immediate attention of the Appointing Authority, the OSH designee and/or the Health and Safety Committee.
- M. Employees.
- Any employee/public that is exposed to a hazardous material while engaging in program activities will be notified by the employee and instructed on County procedures. All employees will notify their supervisor or the Appointing Authority immediately in the case of employee/public exposure.
- N. The County also maintains postings and information on fire and tornado safety and evacuation procedures and evacuation routes. Additionally, each employee will be given a copy of the route from their primary work area/office.

### **SECTION 11.03: SAFETY AND HEALTH PROGRAM**

(Occupational Safety and Health Act of 1970; Public Employment Risk Reduction Act; O.R.C. 4167)

- A. Work safety and health are primary concerns of the County. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the employee's responsibility to ensure that all equipment is used safely and all safety procedures and/or practices are utilized and/or observed. Employees shall also abide by all public employment risk reduction standards and any other safety rules promulgated by the Highland County Board of Commissioners.

- B. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined according to this Manual.
- C. Any employee found to be deliberately negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to immediate termination.
- D. All employees are charged with the responsibility of reporting the existence of any hazardous condition or practice in the work place to their supervisor.
- E. The Appointing Authority will advise employees through correspondence, postings, meetings and material safety data sheets of any hazardous chemicals or materials that employees may use or contact in the performance of their jobs. Further, the Appointing Authority will cause educational dissemination of materials to employees to update and advise them of changes.
- F. Employees who believe they are in imminent danger due to an unsafe working condition(s) are to advise the Appointing Authority immediately.
  - 1. The Appointing Authority will immediately cause the job to be inspected to determine if danger is imminent and how it may be corrected.
  - 2. The employee may be reassigned to another position if the Appointing Authority determines there is a safety hazard that might cause injury, or sent home until the appropriate actions can be taken to make the job safe. Employees shall not suffer any loss of pay during this period.

#### **SECTION 11.04: LOCKOUT/TAGOUT PROGRAM**

##### **A. Purpose**

This program establishes the minimum requirements for the Lockout and Tagout of energy devices. It shall be used to ensure that the machine or equipment are isolated from all potentially hazardous energy, and locked out or tagged out before employees perform any servicing or maintenance activities where the unexpected energization, start up or release of stored energy could cause injury. This program has been developed to comply with the Occupational Safety and Health Administration (OSHA) Standard 29 CFR 1910.147.

##### **B. Responsibility**

It will be the responsibility of each employee to lockout and/or tagout any machine or equipment being repaired or serviced, and comply with all restrictions and limitations imposed upon them. NOTICE: Failure to follow proper procedures can be grounds for termination.

- C. It will be the employer's responsibility to provide the proper training for all affected employees in the proper use of lockout/tagout, along with the proper equipment necessary for the safe application, usage and removal of energy controls.

## General Policy

1. Equipment/Hardware
  - a. All locks, tags, fasteners and other hardware shall be furnished by the employer.
  - b. Lockout/Tagout devices shall be singularly identified (the only devices used for controlling energy) and shall not be used for other purposes.
  - c. Lockout/Tagout devices shall be substantial enough to prevent their removal without the use of excessive force.
  - d. Lockout/Tagout devices shall indicate the identity of the employee applying the device(s).
2. Lockout vs. Tagout
  - a. If an energy isolating device is capable of being locked out, the lockout procedure must be followed.
  - b. Tagout devices, when used, shall be attached in a manner that will clearly indicate that the operation from the safe or off position is prohibited.
  - c. When lockout is not possible and tagout is used, the tag shall be placed as close as possible to the energy device in an obvious position that would warn others of the hazard.
  - d. Tagout devices shall be attached in a manner that would not allow accidental removal.
  - e. Employees shall treat tagouts with the same respect as lockouts.
3. Authorized Personnel
  - a. "Authorized employee" is one that locks out machines or equipment in order to perform service or maintenance on the machine or equipment.
  - b. "Affected employee" is an employee whose job requires them to operate or use a machine or equipment which is being performed under lockout/tagout.
4. Training
  - a. "Authorized employees" shall receive training in the recognition of hazardous energy sources, the type and magnitude of the energy sources in the workplace and the methods for energy isolation and control.
  - b. Each affected employee will be trained in the purpose and use of the energy control procedure.

- c. Retraining will be provided for all authorized and affected employees, when there is a change in job assignment or a change in machinery or equipment.

5. Annual Review.

This program is subject to change, annual review will be conducted to identify any changes in the workplace. Appropriate updates will be issued as necessary.

### **SECTION 11.05: CONFINED SPACE ENTRY PROGRAM**

A. Purpose

This program establishes the minimum requirements for entries made into "confined spaces." This policy has been developed to comply with the Occupational Safety and Health Administration (OSHA) Standards 29 CFR 1910.146.

B. Responsibility

It shall be the responsibility of this employer to properly identify and evaluate all "permit-required confined spaces." Signs will be posted at all entry points to such hazards to inform them that entry without permitted authorization is strictly forbidden under any circumstances.

It will be all employees' responsibility to comply with this program. NOTICE: Repeated failure to follow procedures can be grounds for termination.

C. General Policy

1. Employees should clearly understand that a "confined space" is defined as an area which:
  - a. has adequate size and configuration for employee entry;
  - b. has limited means of access or egress; and
  - c. is not designed for continuous employee occupancy.
2. Employees should also clearly understand that a "permit-required confined space" means a confined space that has one or more of the following characteristics:
  - a. Contains or has a potential to contain a hazardous atmosphere.
  - b. Contains a material that has the potential for engulfing an entrant.
  - c. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross section.
  - d. Contains any other recognized serious safety or health hazard.

3. Supervisor.

The "Supervisor" will be appointed by the Appointing Authority and will be responsible for the entry including:

- a. Understanding the hazards of entry, and recognizing symptoms and effects of exposure.
- b. Gathering the information for and completing the permit prior to entry.
- c. Preventing the entry of confined spaces by unauthorized personnel through the posting of signs, barriers to entry or blockades.
- d. Removing unauthorized individuals from confined permit space when informed of their presence by an attendant.
- e. Posting the permit at the entry site for the duration of the project and canceling the permit at the completion of the project.

4. Attendant.

The "Attendant" will monitor the entry at all times and remain in constant communication with the entrant. The attendant is responsible for:

- a. Understanding the hazards of entry and recognizing symptoms and effects of exposure.
- b. Monitoring entrant status and activities inside/outside the permit space and is prepared to evacuate entrants immediately if unsafe conditions arise.
- c. Ensuring that unauthorized persons do not enter confined permit space.
- d. Determining if the entrants need emergency assistance to escape from permit space hazards, and contacting applicable responders.
- e. Performing non-entry rescues as necessary.

5. Entrant.

The "Entrant" will be the only person authorized by the employer to enter a confined space area. The entrant is responsible for:

- a. Understanding the hazards of entry and recognizing symptoms and effects of exposure.
- b. Alerting the attendant of a dangerous situation within the confined space area.
- c. Exiting from permit space promptly when evacuation is implemented by attendant, or when entrant detects a dangerous situation.

6. Permit.

The confined space permit is a document which authorizes entry into a confined space area. The permit will be completed by the supervisor and shall include the following information:

- a. the permit space to be entered.
- b. the purpose of the entry.
- c. the date and the authorized duration of the entry permit.
- d. the authorized entrants within the permit space, by name.
- e. the authorized attendant by name.
- f. the authorized supervisor, by name, and space for signature of supervisor.
- g. the potential for hazards of the permit space to be entered.
- h. steps taken to eliminate permit space hazards before entry.
- i. the acceptable entry conditions.
- j. the results of initial/periodic tests performed, names of testers and when the tests were performed.
- k. the rescue and emergency services available, if needed.
- l. Any special information pertinent to that particular confined space.

7. Communication.

Communication can and will take place in many different ways, the first and preferred method will be verbal. If a situation arises where two way radio communication is necessary, the employer will provide them.

8. Personal Protective Equipment.

Personal protective clothing and equipment shall be used by the entrant according to hazards present in confined space as determined by the supervisor and indicated on the permit.

9. Training.

The employer shall provide the supervisor, attendant and entrant with proper training before assigned to perform a confined space entry. The applicable training will consist of:

- a. Potential hazards within a particular confined space area.
- b. Proper use of necessary personal protective equipment.
- c. Symptoms associated with over exposure to hazardous materials.
- d. Basic first aid and CPR.
- e. How to read an MSDS.
- f. Lockout/Tagout procedures.
- g. How to read a product label.

10. Medical Attention/Rescue.

At least one attendant monitoring the entry will have a current certification in CPR and basic first aid. This attendant will be present through the entire duration of the



confined space entry and monitor the need for additional emergency assistance. If a situation should arise where the attendant is unable to rescue the entrant, the proper emergency services will be contacted.

#### 11. Annual Review.

This program is subject to change. Annual reviews will be conducted to identify any changes in the workplace. Appropriate updates will be issued as necessary.

#### 12. Safety Equipment.

Safety equipment and personal protective clothing will be provided to the authorized entrants, attendants, and supervisor prior to each confined space entry. Available safety equipment could include but would not be limited to:

•• Retrieval Lines	•• Basic First Aid Kit
•• Oxygen Meter	•• Chemical Resistant Suits
•• Combustible Gas Meter	•• Chemical Resistant Gloves
•• Forced Air Ventilation System	•• Hardhats
•• Lockout/Tagout Kit	•• Air Purifying Respirator
•• Eye Protection	•• Tripod/Quadpod with Winch
•• Full Body Harness	•• Fire Extinguisher
•• CSE Program and Permit	•• Barriers
•• Warning Signs	•• Material Safety Data Sheets
•• Heavy Duty Electrical Cords	•• Ladders
•• Lighting (inherently safe)	•• Groundfault Circuit Interrupter
•! Lockout/Tagout Procedures	•! Hazard Communication Program

### SECTION 11.06: EMERGENCY AND FIRE PREVENTION PLAN

#### A. When an emergency situation exists

1. Each department supervisor or administrator is responsible for determining that an emergency situation exists.
2. An emergency is defined as an accident or injury that, at the judgment of the supervisor or administrator, requires immediate first aid or professional help. Psychiatric and psychological crisis intervention is considered an emergency if the employee might harm himself or another employee or client/enrollee.
3. Once the determination has been made regarding the emergency, the appropriate agencies are to be telephoned (i.e., emergency squad, community mental health, parents or guardian).
4. An incident report will be written within twenty-four (24) hours of the emergency.

#### B. Emergency Action Plan

1. Scope and Application

It is the intention of the Highland County Commissioners to provide a safe working environment for all of its employees and to provide procedures for the safe and orderly evacuation of said employees in the event of an emergency.

2. Elements.
  - a. Each work section shall maintain a current copy of emergency escape route assignments and emergency escape procedures. Predetermined workplace layouts with marked escape routes will be posted at each entrance and exit. Maps will be color-coded to aid employees in determining their route assignments.
  - b. Employees working in areas of critical plant operations (equipment that must be shut down, or areas secured) shall exit the building and report to the pre-designated area as soon as these operations are secured. It is important that these employees make sure that evacuation wardens know that they are out of the building and safe. Only those persons that are authorized to remain for operation shutdown will remain, all others are to exit the building.
  - c. A number of employees may be selected or may volunteer to act as evacuation wardens to assure that all employees are swiftly moved to a safe area. Those employees selected as wardens will receive training in the complete workplace layout and various alternative escape routes from the workplace. All wardens and fellow employees shall be made aware of handicapped employees who may need assistance, such as using the buddy system, and of hazardous areas to be avoided during emergencies. Before leaving, wardens should check rooms and other enclosed spaces in the workplace for employees who may be trapped or otherwise unable to evacuate the area. A designated safe area or refuge for evacuation has been determined and identified on the evacuation maps. In partial evacuation or building divided into fire zones by fire walls, the refuge area may still be within the same building but in a different zone from where the emergency occurs. After the desired degree of evacuation is completed, the wardens or supervisors will report to area warden to verify that all their employees are safe and accounted for.
  - d. All employees shall practice buddy care while leaving the emergency area. Any person needing assistance should be assisted to the safe area. Employees should not place themselves or other employees in danger trying to save a trapped person. Any information of trapped or unaccounted for persons should be brought to the attention of the Emergency Services upon their arrival. Employees trained in providing medical attention will assist injured persons until relieved by other medical personnel.
  - e. Any employee discovering a fire or life hazard shall immediately sound the alarm and dial "911" reporting the emergency. The employee will provide

as much information to the dispatcher as to the type and size of the emergency.

3. Training.

All employees will receive training in the emergency action plan prior to the implementation of the plan. Supervisors will review with each employee those parts of the plan which he/she must know to protect the employees in the event of an emergency. This will be done initially when the plan is developed, whenever the employee's responsibilities or designated actions under the plan change, or whenever the plan is changed.

C. Fire Prevention Plan

1. Scope and Application.

It is the responsibility of all County employees to practice safe and careful Fire Prevention practices at all times.

2. Elements.

a. A list of all major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking, and others) and their control procedures, and the type of fire protection equipment or systems which can control a fire involving them will be provided to employees for review. This list will be established in each work area.

b. Names or regular job titles of those personnel in each work area responsible for maintenance of equipment and systems installed to prevent or control ignitions or fires. Names and regular job titles will also be provided of those personnel responsible for control of fuel source hazards.

3. Housekeeping.

a. Supervisors of each work area shall see that accumulations of flammable and combustible waste materials and residues are kept to a minimum so that they do not contribute to a fire emergency. Each work area will establish a housekeeping policy. It is also the responsibility of each employee to practice good housekeeping practices.

4. Training.

a. All employees will be apprised of the fire hazards of the materials and processes to which they are exposed.

b. Supervisors will review with each employee upon initial assignment those parts of the fire prevention plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept in the workplace and made available for employee review.

- c. Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

### **SECTION 11.07: RESPIRATOR PROGRAM**

#### **A. Purpose.**

This program establishes the minimum requirements for the proper selection and use of respirators. This program has been developed to comply with OSHA Standard 29 CFR 1910.134

#### **B. Responsibility.**

It shall be the responsibility of the employer to determine what specific applications require the use of a respirator. Management will provide the appropriate respiratory equipment along with the proper training and instructions necessary for the application and use of all equipment.

It will be the responsibility of the employee to wear the proper respiratory protection and maintain the equipment in a clean and operable condition. NOTICE: Failure to follow proper procedures can be grounds for termination and/or regulatory fines.

#### **C. General Policy.**

1. Respirators will be selected on the basis of hazards to which the worker is exposed. Manufacturer's assistance and the use of product labels will be consulted regarding proper selection and use.
2. The employee shall be instructed and trained in the proper use of respirators and their limitations.
3. Before wearing a respirator, each employee shall be provided:
  - a. The reasons why they need respiratory protection.
  - b. The nature, extent and effects of respiratory hazards to which they may be exposed.
  - c. An explanation of why engineering controls are not being applied or are not adequate and what effort is being made to reduce or eliminate the need for respirators.
  - d. An explanation of why a particular type of respirator has been selected for a specific hazard.
  - e. An explanation of operation, capabilities and limitations of the respirator selected.
  - f. Instruction in inspecting, donning, checking the fit of and wearing the respirator.

- g. An opportunity for each respirator wearer to handle the respirator, learn how to don and wear it properly, check its seals, wear it in a safe atmosphere and wear it in a test atmosphere.
- h. An explanation of proper maintenance and storage.
- i. Instructions in how to recognize and cope with emergency situations.
- j. Instructions as needed for special respirator use.
- k. Regulations concerning respirator use.

Respirators shall not be used if anything interferes with the seal of the face piece to an individual's face. This includes a growth of beard, sideburns, temple pieces of eye glasses and the absence of one or both dentures

- C. It is the County's intention that respirators be assigned to individual workers for their exclusive use.
- D. Respirators will be cleaned and disinfected on a regular basis. Management will implement detailed, written cleaning instructions that are outlined in ANSI Z88.2-1992 A.4. The standard recommends the following procedures:
  - 1. Remove the cartridges, filters, headbands and filter holders. Completely disassemble any components recommended by the respirator manufacturer.
  - 2. Wash respirator inlet covering assemblies in warm, soapy water. A stiff brush (not wire) may be used to remove dirt or other foreign material.
  - 3. Sanitize in a solution recommended by the manufacturer.
  - 4. Rinse in clean warm water.
  - 5. Drain all water and air dry the respirator.
  - 6. Clean and sanitize all other parts removed, as recommended by the manufacturer.
  - 7. Dry all parts.
  - 8. Inspect parts and replace any that are defective.
  - 9. Reassemble parts onto the respirator
  - 10. Visually inspect and test parts for proper function
  - 11. Place assembled respirators in zip-lock plastic bags and store
- E. Respirators shall be stored in a convenient, clean and sanitary location. Zip-lock bags will be provided as recommended by most manufacturers for the storage of respirators.

- F. Respirators shall be inspected during cleaning. With the respirator apart, check all valves and seals for dirt or grit. Check for anything that may cause a leak. Check all parts for wear, paying special attention to rubber or plastic parts which can deteriorate. Replace any worn parts before use. Record all inspection dates and findings as a result of each inspection.
- G. Appropriate surveillance of work area conditions and degree of employee exposure or stress will be maintained. If there is a change in products, or processes, in the work area that change the concentration of contaminants, that work area shall be re-evaluated for proper respirator use.
- H. There shall be regular inspections to assure that respirators are properly selected, used, cleaned and maintained. This program will be reviewed for effectiveness and updated on at least an annual basis.
- I. Persons shall not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. A physician shall determine what health and physical conditions are pertinent. The respirator user's medical status will be reviewed by periodic physical examinations or by asking workers for the following information:
  - 1. History of personal respiratory diseases.
  - 2. Work history.
  - 3. Any other medical information that may offer evidence of the worker's ability or inability to wear and, use respirators.
- J. Only NIOSH/MSHA certified respirators will be used.

**SECTION 11.08: BLOODBORNE PATHOGEN PLAN/EXPOSURE CONTROL PLAN**

- A. The Highland County Board of Commissioners recognizes Department of Labor OSHA 29 CFR 1910.1030 relating to Bloodborne Pathogens. The primary intent of this standard is to eliminate, or minimize, occupational exposures to HBV, HIV and other bloodborne pathogens.
- B. The County realizes that employees face a significant risk as a result of occupational exposure to blood and other potentially infectious materials because they contain bloodborne pathogens which cause HBV and HIV. The exposure can be minimized or eliminated by using a combination of engineering and work practice controls, personal protective clothing and equipment, training, Hepatitis B vaccinations, signs, labels, and other provisions.
- C. In compliance with this standard, the County is required to:
  - Adopt an exposure control plan;
  - Provide information and training to employees; and
  - Comply with recordkeeping requirements.

- D. The Infection Control Program (ICP) or Exposure Control Plan (ECP) of the County is the core element used to reduce worker risk by minimizing to eliminating employee exposure incidents to bloodborne pathogens. It is the County's written policy to aid in the control of infectious disease hazards. This policy will be reviewed annually or whenever job descriptions and/or duties change.
- E. Exposure Determination.
1. The Employer shall identify all employees who are directly exposed or whose jobs have the likelihood of exposure to blood or other potentially infectious materials.
  2. Employees working with equipment, tools and materials and all workers who engage in job duties with other employees relating to lifting, holding and jobs that cause employees to work jointly and/or beside or contact each other in accomplishing job duties and tasks, are considered to be directly exposed to potentially infectious materials.
  3. Fluids recognized by the Centers for Disease Control (CDC) as directly linked to the transmission of HBV and/or HIV are:
    - blood
    - blood products
    - semen
    - vaginal secretions
    - cerebrospinal fluid
    - synovial fluid
    - pleural fluid
    - peritoneal fluid
    - pericranial fluid
    - amniotic fluid
    - concentrated HIB and HBV viruses
    - saliva in dental settings.
- F. Engineering Controls.
- The County will adopt controls to isolate or remove hazards from the worker and minimize worker exposure to blood or other potentially infectious materials.
- G. Work Practice Controls.
1. Work Practice Controls are alterations in the manner in which a task is performed in an effort to reduce the likelihood of a worker's exposure to blood or other potentially infectious materials. The County's policy regarding Work Practice Controls is as follows:
    - a. If an employee has a known or open wound and is working with other employees in performing job duties, that wound should have proper medical attention (bandage/wrap) that will localize distribution of body fluids.

- b. Hands, or other body parts, shall be washed as soon as possible after contact with body fluids and after removing gloves if they are worn performing job duties.
- c. All personal protective equipment should be removed immediately, or as soon as possible, upon leaving the work area, and placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
- d. Used needles and other sharps shall not be sheared, bent, broken, recapped or resheathed by hand.
- e. All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing or spraying.

#### H. Personal Protective Clothing and Equipment.

- 1. Personal protective equipment is specialized clothing or equipment used by workers to protect themselves from direct exposure to blood or other potentially infectious materials.
- 2. Personal protective equipment should be utilized when job duties entail personal contact or working in close proximity with other employees. All personal protective equipment should be removed as soon as possible upon leaving the work area, and placed in an appropriately designated area or container for storage, washing, decontamination or disposal.
- 3. The County shall provide and assure employee use of appropriate personal protective equipment. Examples of personal protective equipment include gloves, gowns, laboratory coats, fluid-resistant aprons, head and foot coverings, face shields or masks, eye protection, mouthpieces, resuscitation bags, pocket masks, and other ventilation devices when there is potential for exposure to blood or other potentially infectious materials.
- 4. The County will repair and dispose all personal protective equipment on an as needed basis. Utility gloves may be cleaned and disinfected for reuse if they show no signs of deterioration.

#### I. HBV Vaccination.

The Hepatitis B Virus vaccination shall be offered, at no cost, to any employee whose job involves the risk of directly contacting blood or other potentially infectious materials.

The HBV vaccination will be offered within ten (10) days after assignment to such a position. All employees whose positions present risk of exposure will be provided training on HBV Vaccinations before an employee signs a statement requesting or declining the vaccination. An employee may wish to have the series of three inoculations at a later date.

#### J. Post-Exposure Evaluation and Follow-Up.



1. Following a report of an exposure incident, the County shall make available to the employee a confidential medical evaluation and follow-up of the incident.
2. The County must document the route of exposure, HBV and HIV status of the source patient(s), if known, and the circumstances under which the exposure occurred.
3. The County shall notify the source patient(s) of the incident and attempt to obtain consent to collect and test the source's blood to determine the presence of HIV and/or HBV infection.
4. The County shall offer to collect a blood sample from the exposed employee as soon as possible after the exposure incident for the determination of HIV and/or HBV status.
5. The County shall offer repeat HIV testing to exposed employees six (6) weeks post-exposure and on a periodic basis thereafter (12 weeks and 6 month after exposure).

K. Infectious Waste Disposal.

1. All infectious waste shall be placed in closable, leakproof containers or bags that are appropriately tagged to comply with 29 CFR 1910.145(t) with the word "BIOHAZARD" or biological hazard symbol on the tag.
2. All employees should notify their immediate supervisor before discarding infectious waste in a container or trash can so appropriate labeling can be administered.
3. Disposable syringes, needles, and other sharp items shall be placed in puncture-resistant containers for disposal.
4. Double-bagging prior to handling, storing and/or transporting infectious waste is necessary if the outside of a bag is contaminated with blood or other potentially infectious materials.
5. Lab specimens of body fluids shall be transported in a container that will prevent leaking and disposed of in accordance with institutional policies and regulatory requirements.

L. Housekeeping Practices.

1. The County will assure that the workplace is maintained in a clean and sanitary condition.
2. Housekeeping workers, or any other personal assisting, are required to wear appropriate personal protective equipment including general purpose utility gloves during all cleaning of blood or other potentially infectious materials and during decontamination procedures.

3. Initial clean-up of blood or other potentially infectious materials shall be followed with the use of an approved hospital chemical germicide that is tuberculocidal or a solution of 5.25 percent sodium hypochlorite (household bleach) diluted between 1:10 and 1:100 with water.
- M. Training and Education of employees.
1. The County will ensure that all employees with exposure to blood or other potentially infectious materials participate in a training and education program.
  2. The training program shall contain the following minimum elements:
    - a. a general explanation of the epidemiology and symptoms of HBV and HIV;
    - b. an explanation of the modes of transmission of HBV and HIV;
    - c. an explanation of the County's infection control program;
    - d. an explanation of the use and limitations of methods of control that may prevent or reduce exposure including universal precautions, engineering controls, work practices, and personal protective equipment;
    - e. an explanation of the basis for selection of personal protective equipment;
    - f. information on the HBV vaccine, including its efficacy, safety and the benefits of being vaccinated;
    - g. an explanation of the procedure to follow if an exposure incident occurs, method of reporting the incident, and medical follow-up that will be made available; and
    - h. an explanation of the signs, labels, tags and/or color-coding used to denote biohazards.
- N. Recordkeeping.
1. The County will be in compliance with the recordkeeping requirements by tracking each worker's reported exposure incident to blood or other potentially infectious materials.
  2. Training records shall be kept for a period of three (3) years from the date of which the training occurred.
  3. Medical records of occupational exposure will be retained for the duration of employment plus thirty (30) years.
  4. Any illnesses or injuries resulting from exposure to blood or other potentially infectious materials shall be recorded on the annual OSHA 300 log.

**SECTION 11.09: COMMUNICABLE DISEASES AND INFECTION CONTROL (O.R.C. 149.43, 1347)**

- A. It is the policy of the Highland County Board of Commissioners that in providing the necessary services to the public, together with working in harmony with one another, all employees are to be educated and thus knowledgeable in dealing with infectious diseases and the issues surrounding them. The Appointing Authority will endeavor to conduct initial orientation and periodic training and review in providing information as to the appropriate response, precautions and preventions of communicable diseases and dealing with Acquired Immune Deficiency Syndrome (AIDS), Hepatitis B Virus (HBV), Tuberculosis (TB), and other infectious diseases.
- B. The County recognizes that control of the spread of diseases and infections of all kinds is essential to the well-being of all participants and staff in the County's programs. To help with controlling the spread of infections, the County will follow the rules and guidelines of the Ohio Department of Health. Any suspected cases of communicable disease that might pose a direct threat to health and safety in the workplace will be reported immediately to the Appointing Authority. If the Appointing Authority suspects that an employee has a communicable disease, he/she may request the employee to be examined by a physician.
- C. The Appointing Authority may remove or reassign an infected or contagious employee. The Appointing Authority may remove or reassign a co-worker, if a secondary infection would pose a higher than usual risk to himself/herself or others.
- D. Employees who are at risk or exposure to bloodborne pathogens or contagious diseases will follow a system of "universal precautions" to limit the spread of infection in the workplace. Supervisors will instruct employees about any special precautions necessary in individual work areas.
- E. Communicable Diseases include those infections caused by various organisms (i.e., bacteria, viruses, fungus, parasites, and sexually transmitted diseases). Some of these are:
1. Bacterial diseases, i.e., staphylococcal (boils), streptococcal (strep throat), and tuberculosis.
  2. Viral diseases, i.e., chickenpox, measles, influenza, herpes, CMV, hepatitis, COVID-19.
  3. Fungal diseases, i.e., histoplasmosis, ringworm, athletes feet.
  4. Parasitic diseases, i.e., lice, pinworm, scabies, malaria.
  5. Sexually transmitted diseases, i.e., syphilis, AIDS, gonorrhea, chlamydia, and genital warts.
- F. Employees coming into contact with other staff, enrollees, or members of the public who are known to have any serious infectious diseases should immediately notify their supervisor. Employees are hereby admonished, however, of the confidentiality surrounding the service rendered to the public and should act in accordance therewith. Information

relating to a contagious disease in the workplace will be disclosed to employees when the information is necessary to protect the health and safety of employees or others. The necessity of disclosure will be determined by the Appointing Authority.

- G. An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to his/her supervisor. Any employee who refuses to work with or perform services for a person known or suspected to have a contagious disease is subject to discipline, up to and including discharge.
- H. The Ohio Civil Rights Commission's policy statement of October 5, 1987 and the Americans with Disabilities Act of 1990 recognizes AIDS victims as being handicapped. Therefore, neither the program, nor any of its staff, may lawfully discriminate against a person suffering from AIDS whether that person is a member of the public or another employee.
- I. Provisions dealing with sick leave under the Ohio Revised Code and Ohio Administrative Code are applicable to employees suffering from infectious diseases, providing for sick leave and disability leave. The Appointing Authority has a statutory right to require the employee to submit to a medical examination in order to determine the employee's capability to perform the essential functions of his/her position when requested under reasonable circumstances.
- J. In the case of accidents at the work setting, equipment that is contaminated with blood or other body fluids from any person, whether known to be infected or not, should be cleaned with soap and water or a detergent. A disinfectant or fresh solution of household bleach should be used to wipe the area after cleaning.

#### **SECTION 11.10: WORKPLACE VIOLENCE**

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

All forms of workplace violence including, but not limited to, harassment, intimidation, threats and assaults will not be tolerated by the Highland County Board of Commissioners. Workplace Violence is defined as physical or verbal assaults upon a co-worker, supervisor, or member of the public. In addition, horseplay will also not be tolerated.

##### **B. Workplace Violence.**

1. The Appointing Authority is responsible for handling all complaints of workplace violence and or ensuring that all complaints are fully and fairly investigated, regardless of the manner in which they are made or the individual involved.
2. The Appointing Authority will review every case and ensure that each complaint has been fully and impartially investigated. The Appointing Authority shall take appropriate disciplinary action against the offending employee, up to and including discharge.
3. Employees are strongly encouraged to report all forms of workplace violence, physical and verbal. No employee shall be the focus of retaliation or reprisal for filing a workplace violence complaint.

4. In further support of this serious workplace issue and in providing a safe workplace, employees are prohibited from possessing or using any weapons on County property. Violation of this policy will result in immediate discipline.
5. Employees who need help or who have been victims of workplace violence are encouraged to seek assistance through outside counseling or services. The Appointing Authority will make every effort to ensure reasonable accommodations are provided.

C. Workplace Emergencies Program.

An Emergency Action Plan will be developed under the guidelines of OSHA regulations 29 CFR 1910.38 [ORC 4167.07 (A) (1) (a)].

1. The Emergency Action Plan will include emergency escape procedure and emergency route assignments in case of workplace assaults. This plan will include rescue and medical duties for identified personnel. This plan will also include an alert system for violent assaults which is identifiable and distinctive from other alarms.
2. An Emergency Response Team will be formed as a first line of defense in assault emergencies. Team members will be physically capable of performing the duties assigned. The Team will be trained in all aspects of the emergency response including evacuation procedures, and procedures for contacting outside emergency agencies.
3. Employees will be trained and become knowledgeable in protective measures in case of violent behavior, such as:
  - What triggers violent behavior?
  - What are the warning signs?
  - How should I react in violent situations?
  - How do I protect myself?
  - Evacuation procedure.
4. The County will attempt to prevent violent activities by:
  - Using a strong pre-employment process.
  - Training and educating employees.
  - Providing sound security measures such as improved external lighting, security cameras and/or alarms.
  - Documenting employee behavior.
  - Controlling access and entry to the workplace.
  - Requiring visitors to sign in, wear identification and obtain permission to visit employees.

D. When An Emergency Situation Exists.

1. Each department supervisor or administrator responsible for determining that an emergency situation exists.
2. An emergency is defined as an accident or injury that, at the judgment of the supervisor or administrator, requires immediate first aid or professional help. Psychiatric and psychological crisis intervention is considered an emergency if the employee might harm himself or another employee or member of the public.
3. Once the determination has been made regarding the emergency, the appropriate agencies are to be telephoned (i.e., emergency squad, community mental health, parents, spouse or guardian).
4. An incident report will be written within twenty-four (24) hours of the emergency.
5. All incident reports will be filed with the Commissioners who will confer with the Sheriff and Prosecuting Attorney as necessary. These reports are to be made available for any investigation under ORC 4167.10.

**SECTION 12.01: CONFLICT WITH LAW**

Should any Section or Article of this Personnel Policies and Procedure Manual or any amendments thereto be held invalid by operation of law, or by a tribunal of competent jurisdiction, or should compliance with or enforcement of any Section or Article of this Personnel Policies and Procedures Manual be restrained by such tribunal, the remainder of the Manual and the amendments thereto shall not be affected and shall remain in full force and effect.

**SECTION 12.02: NOTICE OF BOARD POLICIES**

By signing for the receipt of this Personnel Policies and Procedures Manual, the employee hereby acknowledges that he/she is placed on notice that the Highland County Board of Commissioners and other Appointing Authorities has promulgated policies which, in addition to setting the goals and objectives of the manner in which the program is to be operated, sets forth the County's position on certain matters pertaining directly to employment. The employee further acknowledges that he/she assumes the responsibility for familiarizing him/herself with the policies of Highland County, as they presently exist, and as they may be supplemented from time to time.

Anyone that is served, in their capacity as a Highland County employee or public official, with any lawsuit or legal document shall immediately notify the prosecuting attorney and supply a copy of the same to the prosecuting attorney.

**SECTION 12.03: AUDITOR OF STATE FRAUD REPORTING SYSTEM**

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

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

US Mail: Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

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

**SECTION 12.04: ACKNOWLEDGMENT OF RECEIPT AND DISCLAIMER**

I have reviewed the Highland County Board of Commissioners and other Appointing Authorities Policies and Procedures Manual and had it explained to me regarding my privileges and responsibilities. It is my responsibility to be familiar with these policies and the rules of Highland County. I understand that I will be directed by them.

I further acknowledge that the policies, benefits, rules and regulations set forth herein are not to be considered as creating terms and/or conditions of an employment contract, either expressed or implied. These policies are subject to unilateral changes by the Board without notice.

I also understand that this Personnel Policies and Procedures Manual is the property of the Highland County Board of Commissioners and other Appointing Authorities.

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

\_\_\_\_\_  
Date