

WASHINGTON COUNTY PERSONNEL POLICY MANUAL



Adopted by:

Washington County Commissioners

Ronald L. Feathers

Rick G. Walters

David A. White

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I. INTRODUCTION, APPLICABILITY AND ADMINISTRATION

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

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

The County will endeavor to give employees advance notice of any Manual changes. However, the County may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Director of Human Resources at 740-373-6623 x269.

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

II. CLASSIFICATION STATUS

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

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

III. EQUAL EMPLOYMENT OPPORTUNITY

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

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

IV. AMERICANS WITH DISABILITY ACT

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

The County will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or 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 Director of Human Resources or the Prosecuting Attorney, each of whom shall have the authority and responsibility to work directly with outside legal counsel to investigate and take appropriate action concerning the complaint. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

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

V. UNLAWFUL DISCRIMINATION AND HARASSMENT

A. Policy.

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

B. Definitions.

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

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

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

C. Examples.

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

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

social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

D. Off Duty Conduct.

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

E. Personal Relationships.

Anyone employed in a managerial or supervisory role needs to heed the fact that personal relationships with employees who report to him or her may be perceived as favoritism, misuse of authority, or potentially, sexual harassment. Even if no improper conduct occurs, the relationship may cause gossip, hard feelings, dissatisfaction, and distraction among other employees in the workplace. The relationship may appear to other employees as an inappropriate use of position power. Additionally, any fraternization with any employee who reports to the manager or whose terms and conditions of employment such as pay raises, promotions, and advancement are potentially affected by the manager, is prohibited. The fraternization that is prohibited by this policy includes dating, romantic involvement, and sexual relations; close friendships are discouraged in any reporting relationship.

F. Complaint Procedure.

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County shall immediately report the conduct, in writing, to the Director of Human Resources or the Prosecuting Attorney, each of whom shall have the authority and responsibility to work directly with outside legal counsel to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact their supervisor, the Director of Human Resources, or the Prosecuting Attorney. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All

employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

G. Retaliation.

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

H. False Complaints.

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

I. Corrective Action.

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

J. Coverage.

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

VI. MEDICAL EXAMINATIONS AND DISABILITY SEPARATION

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

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

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

VII. DRUG AND ALCOHOL POLICY

Drug-Free Workplace.

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

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

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

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 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.

Drug Policy.

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.).

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

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

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

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

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

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

The County has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using 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.

The Drug/Alcohol Testing Policy.

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.

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

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

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

Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered a chance for rehabilitation. 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.

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

Employees subject to random drug tests who refuse to participate in 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.

Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.

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

Discipline.

The County may discipline an employee, for any violation of this policy. Nothing herein shall be construed as a guarantee that the County will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The County's decision whether to discharge an employee shall be made 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.

Refusal to Test.

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

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

Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, ~~or a~~ delay in providing a sample, ~~or~~ adulterating,

substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample;

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

Prescription/OTC Medications.

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

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

VIII. TOBACCO USE POLICY

Ohio Revised Code Chapter 3794: SMOKING BAN

Purpose

This policy provides a Washington County non-smoking policy in compliance with Ohio Smoking Law, Chapter 3794 of the Ohio Revised Code.

This policy applies to all persons entering, or on the grounds of, all County owned, leased, operated or occupied buildings and vehicles and is in effect twenty-four (24) hours a day, seven days a week. This policy covers the smoking of any tobacco or other material.

Policy on Nonsmoking – County Buildings

Smoking is hereby prohibited in all buildings owned, leased, operated or occupied by Washington County. This includes but is not limited to private offices, meeting rooms, libraries, stairwells, hallways, elevators, storage areas, garages, lobbies, entryways, restrooms, mechanical areas, and employee break and lunch areas.

Policy on Nonsmoking – On County owned or leased property outside of county owned or leased buildings.

Smoking is hereby prohibited within 20 feet of any entrance, exit, window, door, steps, vent, roof, porch, or other openings to any county owned, leased, or occupied building.

Policy on Nonsmoking – County Vehicles

Smoking is prohibited in all vehicles owned or leased by Washington County. This includes all cars, passenger vans, trucks, heavy equipment, and law enforcement vehicles regardless of whether or not a passenger is in the vehicle with the driver.

Policy – County Home

Ohio Revised Code Section 3794.03 (D) allows an exception to the smoking ban only to the extent necessary to comply with Section 3721.13 of the Revised Code. Section 3794.03(D) is hereby incorporated into the Washington County Nonsmoking Policy.

Other Policies and Procedures

Smoking is not permitted by an employee during work hours except during approved breaks and in compliance with this policy. Those employees who are members of a bargaining unit shall be entitled to breaks as set for in their agreement. Supervisors and department heads of non-bargaining unit employees will develop effective solutions with both smokers and non-smokers that do not interfere with the productivity of the staff.

No person shall refuse to immediately discontinue smoking in a Washington County building, vehicle, or non-smoking area when requested to do so by any Washington County representative or employee.

Enforcement

Signs will be posted at each entrance and shall meet the requirements of Ohio Revised Code section 3794.06(A). All employees and the general public share the responsibility for adhering to and enforcing the policy. Any violations should be reported to the Commissioner's Office or to the State of Ohio by calling 1-866-559-OHIO (6446). All employees and visitors are personally liable for fines and penalties imposed by the State of Ohio according to Ohio Revised Code section 3794.09 for violating the statewide smoking ban. County employees who are found in violation of this policy may also be subject to disciplinary action by their appointing authority.

Adopted September 21, 2012

IX. LACTATION BREAKS

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from workers'-workers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

X. JOB ASSIGNMENTS

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

XI. PERFORMANCE EVALUATIONS

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

XII. HOURS OF WORK AND OVERTIME

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

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee’s regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee’s regular rate of pay for actual overtime worked.

The County may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flex schedule in a work week.

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

A. Overtime Approval

Normally overtime must be authorized by the Appointing Authority or designee in advance of the overtime being worked.

Unusual or emergency circumstances may require employees to work overtime without having prior authorization of the Appointing Authority. Whenever such unusual or emergency circumstances occur, the employee shall receive either cash payment or compensatory time (in accordance with agency policy) for the overtime worked. However, the Employer reserves the right to inquire into the necessity of the overtime and to administer discipline if it is determined that the overtime was not justifiable.

Scheduled overtime, which is subsequently cancelled for any reason, shall not entitle the employee to overtime compensation.

B. Exempt Employees.

Employees exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The appropriate appointing authority shall determine if an employee is exempt from overtime requirements for purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature. If approved by the appointing authority, a bona fide executive, administrative or professional employee may receive compensatory time off, at the rate of one hour for each hour of overtime, within one hundred eighty (180) days of the performance of the overtime. At the discretion of the appointing authority, exempt employees may be required to keep track of, and report, their hours without destroying their exempt status.

C. Compensatory Time.

At the discretion of the Appointing Authority, certain non-exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times the hours actually worked. Compensatory time must be used within one hundred eighty (180) days of its accrual. Non-safety force employees may not exceed the maximum accrual cap of two hundred forty (240) hours. Safety forces employees may not exceed the maximum accrual cap of four hundred eighty (480) hours. The appointing authority may, at its sole discretion, require an employee to use his/her compensatory time prior to the employee reaching the one hundred eighty (180) day accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.

D. Improper Deductions.

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

XIII. PAY PERIOD

- A. There are normally twenty-six (26) pay periods per year. All employees shall be paid every other Friday for the two-week pay period immediately preceding pay day.
- B. If a holiday occurs on a Friday in which a pay day falls, paychecks will be issued on the preceding Thursday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.
- C. Questions regarding an employee's pay should be addressed to the employee's Appointing Authority or designee responsible for making the necessary explanations or inquiries to resolve the matter.

XIV. REPORTING TO WORK AND TARDINESS

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

An employee, who reports to work late, extends his/her lunch or break without authorization, or who leaves before the end of his/her scheduled shift, may be disciplined.

XV. PAYMENT DURING DECLARED EMERGENCIES

In the event of an emergency, The Washington County Board of Commissioners will determine whether or not to close any County owned buildings.

The purpose of this policy is to set forth the Employer's policy for payment or non-payment of employees for time not worked due to declared emergencies or severe weather conditions.

- A. In the event a Level III snow emergency or other weather emergency is declared by the Washington County Sheriff or other appropriate authority, and travel is prohibited, employees will be compensated for the number of hours for which they were scheduled to work during the emergency period. If the emergency is lifted during the workday, employees are to call in to the Employer to determine if they are to report for work for the remainder of the day, and to determine the reporting time. Those employees who are able to report by the reporting time shall be paid for the entire workday. Those employees who report after the reporting time shall be paid for their actual work time, and shall be charged vacation leave or compensatory time to cover the balance of the time, or leave without pay if vacation leave or compensatory time is not available. Those employees unable to report due to the weather conditions will be charged with vacation leave or compensatory time, or leave without pay if paid leave is not available, for all time following the end of the emergency.
- B. In the event of other declared emergency situations which, by order of the President of the United States, Governor of the State of Ohio, Director of Homeland Security, Federal or Local Emergency Management Agency, or the Washington County Commissioners, causes a County agency, building, or work site to close for part of the workday, employees who work the abbreviated scheduled work hours shall be paid for the entire workday. Those employees unable to report for the abbreviated scheduled work hours will be charged with vacation leave or compensatory time, or leave without pay if paid leave is unavailable, for the entire workday. If the Appointing Authority orders the agency closed for the entire workday, all employees, except those in paragraph (C) below, shall be paid for the entire workday.
- C. Employees not scheduled to work because of scheduled vacation leave, compensatory time, sick leave, or extended illness leave will be charged for the leave during the period of any declared emergency or order to close by the Appointing Authority.
- D. Emergency and essential personnel may be required to report during a declared emergency. In the event an emergency is declared, emergency or essential employees who are required to work during the emergency shall receive one hour of compensatory time for each hour actually worked, in addition to the employee's regular rate of pay, or in accordance with the Appointing Authority's overtime policy or the employee's collective bargaining agreement, if applicable. Each Appointing Authority shall designate the emergency or essential personnel.
- E. During a declared emergency, Appointing Authorities and agencies required to maintain continuous operations may continue to use available personnel beyond regularly scheduled hours.

In the event of a declared emergency, local broadcasting media shall be notified of relevant information as soon as practical.

XVI. BENEFITS

RETIREMENT

All employees of the County are required by law to participate in the Ohio Public Employees Retirement System (OPERS). This program is entirely independent of the Federal Social Security System.

- A. Each employee is required to contribute a percentage to his/her gross pay, which is deducted each pay period. This amount is more than matched by a contribution from the County. These rates may be changed by State law.
- B. A member may apply for a refund of his/her accumulated savings, should he/she leave all public employment in Ohio. Payment will be made by mail to the address shown on the refund application form (form A-4).
- C. An employee may redeposit money he/she has withdrawn from the Retirement system, but only after he/she has returned to public employment for at least eighteen (18) months in a job covered by OPERS. Such redeposit will restore service credit he/she lost by obtaining the refund. The cost will include the amount refunded originally plus accumulated interest and annual administrative fees, if any.
- D. Pursuant to Ohio Revised Code Section 145.297, and OPERS Administrative Rule 145-15-04, the Employer may, at its sole discretion, adopt an Early Retirement Incentive Plan. In the event the Employer adopts such a plan, all employees will be provided with not less than thirty (30) days advance notice of the details of the plan, including eligibility requirements, the percentage of employees to be included, the maximum amount of service time to be purchased by the Employer, and all other legally required details. A plan, if adopted, shall remain in effect for not less than one (1) year.
- E. There are other benefits available under the OPERS such as Disability Retirement, Optical Payment Plans, etc.
- F. Each employee is requested to notify his/her department head in writing at least sixty (60) days prior to the effective date of his/her anticipated retirement.
- G. An employee with any questions regarding this program, should call or write to the address below, and include his/her Social Security number. The address is:

Public Employees Retirement System
277 E. Town Street
Columbus, OH 43215-4642
(614) 466-2085
or
(800) 222-7377
www.opers.org

SUPPLEMENTAL RETIREMENT OPTIONS

In addition to the mandatory Ohio Public Employees Retirement System, employees may participate in two government 457(b) deferred compensation plans: Ohio Deferred Compensation 457 and The CCAO (County Commissioners Association of Ohio) 457 Deferred Compensation Plan. These retirement savings plans are voluntary and allow eligible employees to supplement the existing retirement/pension by saving and investing pre-tax dollars through payroll deferrals. Contributions and any earnings are tax-deferred (both Federal and State income taxes) until money is withdrawn.

HEALTH INSURANCE

The County offers group health insurance to all employees who are considered full-time under the plan and who meet eligibility requirements. Employees regularly scheduled to work thirty (30) hours per week or more are considered full-time for the purposes of eligibility for health benefits. Employees may elect the benefit within 30 days of initial hire date. If health insurance is elected, coverage begins on the first of the month following 30 days of employment. If the employee does not elect coverage at this time, the employee is eligible to enroll only with an IRS qualifying event or during the annual open enrollment period.

The County reserves all rights as to the determination of insurance carriers. The County reserves the right to modify the coverage and/or the employee premium contributions at any time.

The insurance carrier reserves the right to determine the eligibility of any employee, and the County therefore, is not liable for the rejection of any employee for coverage.

Details of all coverage will be provided to eligible employees. Employees should refer to the health insurance booklet (located on the County website) for detailed benefit information.

LIFE INSURANCE

The County offers paid life insurance coverage to each eligible full-time employee. This policy is a term life insurance and is in effect only as long as the full-time employee is employed with the County. The County may change or eliminate this coverage at any time.

SECTION 125 PLAN - FLEXIBLE SPENDING AND PREMIUM EXPENSE ACCOUNTS

The County offers a Section 125 Plan allowing pre-tax deductions for qualified premiums or flexible spending medical or dependent care expenses.

Limits and carryover option details of the flexible spending accounts are located in the Summary Plan Description and full plan details which can be accessed on the county website.

XVII. EXPENSE REIMBURSEMENT

Employees of Washington County shall receive reimbursement for expenses incurred while traveling on official County business. Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Appointing Authority. Expenses shall be reimbursed in the following manner:

- A. Mileage, Parking and Tolls
1. Employees shall be reimbursed for actual miles, while on official County business, at the rate established by the Appointing Authority, when using personal vehicles. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, in the same automobile. Mileage calculations from a reliable source (e.g. Map Quest or Rand McNally, etc.) will be used to verify questionable mileage reimbursement requests.
 2. Charges incurred for parking at the destination, and any highway tolls are reimbursable at the actual amount. Receipts for parking costs are required.
 3. No expense reimbursements will be paid for travel between home and the County offices.
 4. The Employer shall determine which mode of transportation (e.g. drive, fly, etc.) the employee shall take.
- B. Meals: Approved expenses incurred for meals while on official County business will be reimbursed at rates approved by the Appointing Authority. An employee is eligible for such reimbursement only when travel and/or expenses have been authorized by the Appointing Authority, and when travel extends through a normal meal period.
- C. Overnight Expense: Expenses covering the actual cost of a motel/ hotel room will be reimbursed in full when an employee travels more than one hundred (100) miles, out of Washington County, and out of the employee's home county, if other than Washington County, on official County business, and such travel requires an overnight stay. Motel/hotel expenses will be reimbursed only with the prior written authorization of the Appointing Authority.
- D. Out-of-County Travel: All requests for out-of-county travel and related expenses must be approved by the Board of County Commissioners.
- E. Tax Exemption Certificates: Where and when appropriate, the Appointing Authority shall, upon request by the employee, provide the employee with a tax exemption certificate properly endorsed by an authorized official. Whenever possible, employees should use a warrant or County credit card and include a tax exemption form.
- F. Receipts: Original itemized receipts are required for all authorized reimbursable expenses.
- G. Exceptions: The Appointing Authorities recognize that there may be circumstances where an employee's expenses may exceed the limits established or be necessary under the circumstances. Upon request, the Appointing Authority may approve other expenses (e.g. overnight expenses within less than 100 miles, meal expense with less than a 24 hour stay, per diem rates above the established rate, etc.) in writing where justified.

XVIII. LAYOFF

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

XIX. PROBATIONARY PERIOD

Newly hired or newly promoted employees shall be required to successfully complete a 180 day probationary period. The probationary period allows the County to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their positions.

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

Employees working irregular schedules and intermittent employees shall have their 180 day probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

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

XX. ETHICS/CONFLICTS OF INTEREST

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

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

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

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

XXI. WHISTLEBLOWER PROTECTION

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

If the employee reasonably believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report or complaint with the supervisor, appointing authority, the office of internal auditing, or the auditor of state's fraud-reporting system, may report it to a prosecuting attorney, director of law, village solicitor, or similar chief legal officer of a municipal corporation, to a peace officer, as defined in section 2935.01 of the Revised Code, or, if the violation or misuse of public resources is within the jurisdiction of the inspector general, to the inspector general in accordance with section 121.46 of the Revised Code. In addition to that report, if the employee reasonably believes the violation or misuse is also a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the employee may report it to the appropriate ethics commission.

(B) Except as otherwise provided in division (C) of this section, no officer or employee in the classified or unclassified civil service shall take any disciplinary action against an employee in the classified or unclassified civil service for making any report or filing a complaint as authorized by division (A) of this section, including, without limitation, doing any of the following:

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

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

(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119. of the Revised Code.

XXII. NEPOTISM

A. Hiring.

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

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

B. Employment.

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

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

XXIII. OUTSIDE EMPLOYMENT

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

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

XXIV. POLITICAL ACTIVITY

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

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

XXV. INVESTIGATIONS AND DISCIPLINE

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

Classified employees may be placed on a paid “administrative” leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid “administrative” leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost section 125

. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

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

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

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

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

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The County may investigate the employee’s alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or charges is independent of a disciplinary investigation. Although the County

may utilize information obtained during other investigations, the County's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the County is just cause for termination.

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

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

XXVI. COMPLAINT PROCEDURE

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

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

A. Step 1: Immediate Supervisor.

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

B. Step 2: Department Head.

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

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

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

XXVII. SOLICITATION

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

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

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

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

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

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

XXVIII. 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 or family members during working time or while using County materials, tools, facilities, or equipment. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the County. Employees who separate from service with the County are responsible for return of reusable County property in their possession.

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

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

The County may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a 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.

B. Vehicles.

Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator’s license. An employee who operates a motor vehicle for work and who has his license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his 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 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. Note: An employee who is authorized to use a County-owned vehicle for the performance of their job may be permitted to use the vehicle during scheduled lunch break periods, provided the travel distance to the lunch venue does not significantly increase the mileage required for 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 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.

XXIX. CREDIT CARD POLICY

- 1. General.** Ohio Revised Code (ORC) Section 301.27 permits counties to use credit cards. The Board of Commissioners of Washington County has established this policy for the use of these cards.
 - A. A Washington County appointing authority may apply to the Board of County Commissioners for authorization to have an officer or employee of the appointing authority use a credit card held by that appointing authority. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority or whether the issued card also shall include the name of a specific officer or employee. [ORC 301.27(C)]
 - B. The card will not be issued or used until the Board of Commissioners has approved the request by Resolution.
 - I. Before adopting the Resolution, the Board shall notify the County Auditor.
 - II. The Resolution shall authorize an officer or employee of authorized appointing authorities to use a county credit card to pay for specific classes of the work-related expenses listed below without submitting an estimate to the Board of Commissioners.
 - III. The Resolution shall specify whether the authorization is for the use of a specific credit card (and if so, it shall be identified by its issuer and number) or whether authorization is for one or more specific work-related uses from the classes of uses described below.
- 2. Permitted Expenses.** Once approved, a credit card held by the Board of County Commissioners or the office of any other Washington County appointing authority shall be used only to pay the following work-related expenses for employees of the appointing authority:
 - A. Transportation
 - B. Gasoline and oil (only for vehicles the County owns or leases)
 - C. Emergency motor vehicle towing or repair (only for vehicles the County owns or leases). “Emergency” means a repair required while the vehicle is outside Washington County and necessary to either return the vehicle to the location at which repair or maintenance is normally done in Washington County to the location at which standard repair or maintenance can be done. Emergency towing or repair requires prior approval from the appointing authority or his designee or an attempt to obtain prior approval.
 - D. Food
 - E. Lodging

- F. Internet Service Provider expenses
- G. (Upon the effective date of amendments to ORC 301.27), webinars
- H. (Upon the effective date of amendments to ORC 301.27), the expenses for purchase of automatic or electronic data processing or record-keeping equipment, software, or services

3. Restrictions. Use of authorized County credit cards are also restricted as follows:

- A. No late charges, finance charges, or Ohio sales taxes other than for food, shall be an allowable expense, unless authorized by the Board of Commissioners.
- B. No User Rewards, Rebates, bonuses or other Benefits from the issuer based on use of the credit card will be given to or used by any individual employee or appointing authority.
- C. There shall be no purchase of capital items (\$5,000 or greater) allowed with a credit card, without authorization by the appointing authority and the Commissioners, except in cases of emergency vehicle repair.
- D. A credit card shall not be used in any manner that circumvents the competitive bidding requirements of Ohio Revised Code Section 307.86.
- E. Use of any credit card shall be limited to the amount appropriated and encumbered in specific appropriation line items for the permitted expenses identified in Item 2 of this policy or uses designated in the authorizing resolution, or in the case of a resolution that authorized uses of a specific credit card, for each of the permitted uses listed above, but only to the extent the money in those specific appropriation line items are not otherwise encumbered [ORC 301.27(E)(2)].
- F. No employee will be permitted to use a county credit card without specific authority for the use and expense by the appointing authority.
- G. No employee will be permitted to use a county credit card unless such employee has reviewed and signed this policy, acknowledging and accepting the terms of use.
- H. Credit card accounts may not be managed online.
- I. Credit cards may not be used for cash advances.
- J. Credit limits for credit cards will be set by the appointing authority, with the approval of the Board of Commissioners.
- K. The appointing authority or the appointing authority's specific designee will maintain the credit card and credit card account information to protect the card and the account from loss, theft, or unauthorized use. When the card is authorized for use, the appointing authority will document the authorization by noting the purpose, the timeframe, and the employee so authorized.

4. Accounting/Documentation Requirements

- A. Charges made on a credit card must have original detailed receipts for purchases or for any voids or returns submitted to the appointing authority and then to the County Auditor as required for payment. Credit card purchase and return receipts must meet the same documentation requirements as other receipts submitted to the Washington County Auditor for reimbursement for expenses.
- B. The debt incurred as a result of the use of an authorized county credit card shall be paid from money appropriated to specific appropriation line items of the appointing authority for the work-related expenses listed above. [ORC 301.27]
- C. Credit card statements will be reconciled monthly with records of approved purchases or returns and with detailed receipts. Reconciliation will be done by the appointing authority or his designee, provided that reconciliation of monthly statements are reviewed by either the appointing authority or an employee other than the employee or individual who made the purchases or generated the charges or returns under review for that month's statement. If the reconciliation discloses any failures or irregularities, they shall be reported to the appointing authority immediately.
- D. In the event the reconciliation discloses errors, discrepancies or unauthorized charges, the appointing authority will notify the Board of Commissioners and take steps as soon as possible to make a preliminary determination as to whether errors or discrepancies are based on unauthorized use or failure to follow County policy or if errors or discrepancies should be disputed with the issuer or reported as suspected fraud.
 - I. In the event that the Auditor and Commissioners determine that the errors or discrepancies should be reported to and resolved by the issuer, they will so notify the appointing authority. The appointing authority must then take steps within three (3) business days to notify the card holder and begin the dispute process.
 - II. The appointing authority will follow the instructions of the card issuer to pursue the dispute process.
 - III. When the dispute process has ended and the matter has been resolved, the appointing authority will report the result to the Board of Commissioners and the County Auditor.
- E. Whenever an authorized employee user or appointing authority suspects that a County credit card or account has been lost, stolen, or used without authorization, that person will immediately notify the County Auditor and the officer's or employee's appointing authority in writing. [ORC 301.27 (F)(3)]
 - I. The appointing authority shall then be required to notify the card issuer immediately and follow the issuer's instructions to prevent or mitigate further liability to the County for unauthorized use of the card.

5. Liability and Penalties for Unauthorized Use

- A. If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond the officer or employee has given to the County to reimburse the County Treasury for the amount charged to the County beyond the originally authorized amount.
- B. If the card is issued to the office of the appointing authority, the appointing authority is liable in person and upon any official bond the appointing authority has given to the County for the amount charged to the County beyond the originally authorized amount.
- C. Any time a County credit card approved for use for an authorized amount [as described in 3(E) above, and ORC 301.27 (E)(2)] is used for more than that authorized amount, the appointing authority may request the Board of Commissioners to authorize after the fact the expenditure of any amount charged beyond the originally authorized amount if, upon the Board's request, the County Auditor certifies that sum of money is in the Treasury or in the process of collection to the credit of the appropriate appropriation line item for which the credit card was used, and is free from previous and then-outstanding obligations or certifications.
- D. If a county credit card authorized for use is used for more than the amount appropriated as described above, and if for any reason that amount is not authorized after the fact, the County Treasury shall be reimbursed for any amount spent beyond the originally appropriated amount in the following manner:
 - I. If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond the officer or employee has given to the County for reimbursing the County Treasury for any amount charged on the card beyond the originally appropriated amount.
 - II. If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond the appointing authority has given to the County for reimbursement for any amount charged on the card beyond the originally appropriate amount.
- E. Violations will be cause for any or all of the following: immediate revocation of authorization to use a credit card, revocation of the credit card appointing authority for whom the card has been authorized, and disciplinary action up to and including termination.
- F. Use of a County credit card for any use other than those permitted under this policy is a violation of ORC 2913.21 (Misuse of Credit Cards) and ORC 301.27(G) and may be referred for investigation or prosecution by the appropriate law enforcement authorities.
- G. If the County Auditor determines there has been a credit card expenditure beyond the appropriate or authorized amount, the Auditor immediately shall notify the Board of

County Commissioners.

- I. When the Board determines, on its own or after notification from the County Auditor, the County Treasury should be reimbursed for credit card expenditures beyond the appropriated or authorized amount, it shall give written notice of the County Auditor and to the officer or employee or appointing authority liable to the Treasury.
- II. If, within thirty (30) days after issuance of the written notice, the County Treasury is not reimbursed for the amount shown on the written notice, the matter shall be referred to the County Prosecutor with a request that the Prosecutor seek recovery of that amount from the officer or employee or appointing authority who is liable under this policy by civil action in any court of appropriate jurisdiction. [ORC 301.27 (F)(4)]

XXX. COMPUTER USE POLICY

A. General.

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

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

B. Allowable Uses of Computer and Information Systems for Business Purposes.

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

C. Prohibited Uses of Computers and Information Systems, Including But Not Limited To E-mail, Instant Messaging, and the Internet.

1. Violating local, state, and/or federal law.
2. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages.
3. Threatening others.

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

21. Speaking to the media or to the public within any news group or chat room on behalf of the County if not expressly authorized to represent the County.
22. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

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

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

D. Guidelines for Incidental/Occasional Personal Internet Usage.

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

E. Securing Computer Equipment and Electronic Data.

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

XXXI. SOCIAL MEDIA POLICY

A. Social Media Limitations.

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

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

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

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

XXXII. CONCEALED CARRY

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

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

Employees who possess a valid license to carry a concealed weapon are discouraged from storing a weapon in their personal vehicle while at work. Employees possessing a valid license to carry a concealed weapon may bring their weapon with them onto a County parking lot. However, the employee must leave the weapon in their vehicle. Employees are neither permitted to remove their weapon from their vehicles while in a County parking lot nor are they permitted to bring a concealed weapon into a County owned building. The employee's weapon must be stored in the vehicle in accordance with the storage provisions of the Concealed Carry statute. The weapon 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 on County premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon at any time while they are working for the County, acting within in the course and scope of employment, or acting as a representative of the County.

XXXIII. WORKPLACE VIOLENCE

A. Zero Tolerance.

The County is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the County enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on County property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense.

B. Prohibited Acts of Violence.

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website postings; (5) intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his safety (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property.

C. Warning Signs and Risk Factors.

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: “You know what happened in Oklahoma City,” “I’ll get even,” or “You haven’t heard the last from me.”; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

XXXIV. CONTACT WITH NEWS MEDIA/RESIDENTS

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

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

XXXV. SICK LEAVE

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

A. Accumulation.

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four (4) and six-tenths (6/10) hours of pay, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee is expected to provide proof of a prior sick leave balance within ninety (90) days of commencing employment with the County. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

B. Use.

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

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

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

For purposes of sick leave requests, immediate family member is defined as: spouse, child, step-child, mother, father, legal guardian or other person who stands in place of a parent.

For purposes of the bereavement sick leave requests, immediate family is defined as: spouse; child; step-child; grandparent; great-grandparent; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; father; mother; father-in-law; mother-in-law; step-parent; grandchild; legal guardian; grandparent-in-law, aunts and uncles or other person who stands in place of a parent. Such usage shall be limited to reasonably required time. The County reserves the right to grant bereavement time off on a case by case basis not to exceed five (5) days.

C. Employee Notification.

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

D. Written Statement.

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

E. Sick Leave Abuse.

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

F. Uses of Other Leave.

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

G. Sick Leave Charge.

Sick leave shall be charged in minimum increments of one-quarter (1/4) hour. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

H. Sick Leave Upon Retirement.

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

I. Medical Information.

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the Director of Human Resources at ext. 269.

XXXVI. SICK LEAVE DONATION POLICY

- A. **Policy:** As permitted by O.R.C. 124.391, the Board of Washington County Commissioners will allow eligible employees to donate accrued but unused sick leave on a limited basis to another eligible employee who has a qualifying serious injury or illness, or who has a covered family member who has a serious injury or illness, as defined below.
- B. **Purpose:** The intent of the leave donation policy is to allow Washington County employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended illness or injury of the employee or a member of the employee's immediate family.
- C. **DEFINITIONS:** For the purpose of this policy the following shall apply:
- Immediate family:** the employee's spouse, child
- Parent:** biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). In-laws are NOT included in the definition of "parent."
- Serious health condition:** an illness, injury, impairment, or physical/mental condition that requires hospitalization and/or involves a period of incapacity or treatment that requires absence from employment for more than 10 (ten) work days, with at least (5) five of those workdays being without pay, for each specific case of serious illness.
- Normal pregnancy and child care are not considered to be a serious illness or injury for the purpose of this policy.
- Eligibility for Family and Medical Leave (FMLA) is a separate matter and a FMLA certified claim does not guarantee that an individual will be eligible to receive donated leave.
- Spouse:** husband or wife.
- Transferee:** the employee in need and approved to receive donated sick leave.
- Transferor:** the employee volunteering to donate their sick leave.
- D. **Policy:** Employees may donate accrued sick leave to a fellow employee who is otherwise eligible to accrue sick leave and reports to a Washington County Appointing Authority who is subject to this rule and pursuant to the provisions of Section 124.391 of the Revised Code. The intent of the leave donation program is to allow employees to voluntarily provide assistance to their co-workers who are in critical need of leave due to an extended serious health condition of the employee or a member of the employee's immediate family.
- E. **Hours Transferred:** Any hours transferred shall be transferred at the rate of pay equal

to that pay of the transferee.

F. **Receiving Leave:** An employee may receive donated leave equivalent up to the number of hours the employee is normally scheduled to work each pay period or the equivalent of the employee's normal biweekly earnings, whichever is less, if the employee to receive donated leave or a member of the employee's immediate family has a serious health condition and the employee:

1. has no accrued paid leave; and
2. has completed his or her new hire probationary period; and
3. has applied for any paid leave or benefits program for which the employee is eligible; and
4. has applied for Family and Medical Leave (if eligible); and
5. leave taken under this program will be included and is subject to the twelve (12) week limits of the Family and Medical Leave Act (if applicable); and
6. has no documented abuse or patterned use of sick leave; and
7. has provided acceptable written verification that the extended illness exists; and
8. is not receiving workers' comp or OPERS disability compensation.
9. agrees to accept the leave under the terms of this policy and completes an "Application to Receive Donated Leave" form.

G. **Donating Leave:** Employees may donate leave if the donating employee:

1. is not a member of the receiving employee's immediate family as defined in Section B above;
2. voluntarily elects to donate sick leave and does so with the understanding that donated leave will not be returned;
3. donates a minimum of hours equivalent to one (1) of the donor's regularly scheduled workdays in one (1) donor day increments;
4. retains a sick leave balance of at least eighty (80) hours;
5. completes an "Application to Donate Leave" form.

H. **Administration:** The leave donation program shall be administered on a pay period to pay period basis. The Appointing Authority of the transferee and the Washington County Board of Commissioners (or designee) shall review the Application to Receive Donated Leave and the Application to Donate Leave to assure compliance with Sections E and F of this policy. Donations of sick leave will be recorded in the order of their submission,

and will not be considered actually donated nor be deducted from the transferor's balance or credited to the transferee's balance until the pay period such leave is actually used. Unused donation applications shall be returned to the transferor. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Vacation and sick leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall never be converted into a cash benefit. The Appointing Authority shall maintain such records as are necessary for the administration of this program.

I. **Certification:** Employees who wish to donate sick leave shall certify:

1. The name of the employee for whom the donated leave is intended;
2. The number of hours to be donated;
3. That the employee will have a minimum sick leave balance after donation of at least eighty (80) hours;
4. That the leave is donated voluntarily and the employee understands that the donated leave will not be returned, unless per G above.

J. **Confidentiality:** Appointing Authorities shall ensure that no employees are forced to donate leave. Appointing Authorities shall respect an employee's right to privacy, however Appointing Authorities may, with the permission of the employee who is in need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave donations from employees. The donation of leave shall occur on a strictly confidential and voluntary basis.

K. **Applications:** Employees wishing to donate or receive donated leave may pick up applications from the Appointing Authority and/or the Commissioner's office.

XXXVII. FAMILY MEDICAL LEAVE ACT (“FMLA”)

A. Statement of Policy.

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

B. Definitions.

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

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of 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. 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 being notified of an impending call or order to covered active duty in the Armed Forces. In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time

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

4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.
 - b. Any period of incapacity of more than three consecutive calendar days that also involves:
 - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
 - c. 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 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 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 on which the veteran undergoes the medical treatment, recuperation, or therapy.
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. “Serious Injury Or Illness”: (For purposes of the twenty-six (26) week military caregiver leave) means: for active service members, an injury or illness incurred in the line of duty or that existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty and that may render the service member medically unfit to perform the duties of the member’s office, grade, rank, or rating. For purposes of a veteran, a qualifying injury or illness that was incurred in the line of duty or that existed before the beginning of the service member’s active duty and was aggravated by service in the line of duty and manifested itself before or after the member became a veteran.

“Covered Active Duty”: (For purposes of the twelve (12)-week qualifying exigency leave) is defined as either duty during the deployment of a regular member with the Armed Forces to a foreign country; or duty during the deployment of a reserve member with the Armed Forces to a foreign country under a call to order to active duty under a provision of law referred to in § 101(a)(13)(B) of Title X, United States Code.

11. “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 five (5) days to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment.
- 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. Any qualifying exigency which arose out of the covered military member's active duty or call to 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 fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
- 3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks

each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

D. Use of Leave.

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

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees 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 or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition 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 worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as

supplemental benefits, if applicable and requested by the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

F. Procedures For Requesting FMLA Leave.

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. 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, 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.

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. Intermittent/Reduced Schedule Leave.

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

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

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

I. 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/she 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.

J. 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 his/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 his/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.

K. Records.

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

XXXVIII. CIVIC DUTY LEAVE

A. Jury Duty.

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

B. Work Related Proceedings.

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

C. Personal Matters.

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

XXXIX. VACATION

A. Vacation Leave Accrual.

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

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

2. Part-time employees who work 20 or more hours per pay period or more than 520 hours per year are eligible for vacation benefits at the discretion of the Appointing Authority, pro-rated on the basis of the number of hours worked during a regular work week.
3. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employees is on unpaid leave status.
4. In accordance with O.R.C. § 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee's responsibility to provide necessary documentation of prior service. Such documentation must be provided within ninety (90) days of employment with the County.

B. Vacation Leave Use.

1. Vacation time must be taken within twelve (12) months following an employee's anniversary date. An Appointing Authority, at its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years. Accrued vacation time that is not taken within the time period permitted under this policy is forfeited.
2. Vacation requests should generally be received by the employee's immediate supervisor in advance. Vacation requests will be granted on a first-come, first-serve basis and are subject to operational needs. Vacation time may be taken in one (1) hour increments.

3. The County may revoke vacation leave that has been approved if required by operational reasons.

C. Unused Vacation Leave.

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

XL. HOLIDAYS⁽¹⁾

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

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

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

XLI. UNPAID LEAVE

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

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

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

XLII. MILITARY LEAVE

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

A. Paid Military Leave.

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

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

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

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

Also see Family and Medical Leave Act Policy

XLIII. PERSONNEL FILES

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

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

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

XLIV. 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.

XLV. 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

PERSONNEL POLICY MANUAL RECEIPT ACKNOWLEDGEMENT

I acknowledge receipt of this manual (electronic copy or otherwise) and understand and agree that I am responsible for knowing its contents and for keeping it updated. An electronic copy of the manual may also be found at the County website at:

<https://oh-washingtoncounty.civicplus.com> and navigating the following links: Homepage > Your Government > Board of County Commissioners > Policies & Procedures.

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

Issued To: _____

Signed: _____

Date Received: _____