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PERSONNEL POLICY MANUAL

5.0 PERSONNEL POLICY MANUAL

PLEASE READ CAREFULLY, SIGN AND RETURN TO THE ADMINISTRATIVE OFFICE

I hereby acknowledge that I have been advised that the current personnel policy manual of the Delaware County Board of Developmental Disabilities is located at www.dcbdd.org and have been asked to review it and contact the personnel office/department supervisor with any questions. The personnel policy manual outlines my privileges and obligations as an employee of the Board.

I understand that it is my responsibility to read these policies and that this constitutes a summary of the benefits and personnel policies of the Board.

Since the information is subject to change without notice by action of the Board, it is understood that any changes in the policies or benefits herein may be made and employees will be notified of such changes through the usual channels of communication. See [section 5.1](#) Introduction of Personnel Manual for more information on notification of policy changes.

This personnel policy manual is not an employment contract. It is presented as a matter of information only. The Delaware County Board of Developmental Disabilities reserves the right to modify, revoke, suspend, terminate or change these policies and procedures with or without prior notice. In all cases where there is no governing policy, resort will be made to Ohio law, if applicable. Any statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied upon by anyone.

If I have any questions about the policies it is my responsibility to seek clarification from management employees of the Board. I further recognize that it is my responsibility to know, understand, and comply with the policies and rules of the Board.

Print Name

Position

Signature

Date

5.1 INTRODUCTION

Policies are defined as the basic rules that guide administrative action for accomplishing an organization's objectives. Comprehensive, clearly defined, and consistently administered policies are essential to the success of any organization. The policies set forth and adopted within this manual supersede all previously written and unwritten personnel policies of the Delaware County Board of Developmental Disabilities.

The policy manual is a guide to be utilized by management and supervisory personnel to ensure uniformity and nondiscriminatory application of the conditions of employment. In the event there is a conflict between the contents of this manual and any applicable laws, those applicable laws shall prevail.

This manual is designed as a tool to enable employees to be informed and to know and understand what to expect out of the environment and the organization. Questions regarding the interpretation and application of these policies should be directed to your supervisor who will seek clarification through the chain of command. Every effort must be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

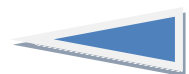
This personnel policy manual is not an employment contract. It is presented as a matter of information only. Any statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied upon. The Delaware County Board of Developmental Disabilities reserves the right to modify, revoke, suspend, terminate, or change these policies and procedures with or without prior notice.

Employees of the Delaware County Board of Developmental Disabilities shall be notified of policy additions, amendments and rescissions in a timely manner. It is the responsibility of the employee to read posted or distributed notices. Questions regarding this manual or any policy of the Board are encouraged and should be directed to Board management employees.

Whenever possible, notice of proposed changes will be posted as part of the Board packet on the website three (3) days prior to action by the Board. Once approved, policies generally become effective on the first business day following the Board meeting.

These personnel policies apply to employees of the Delaware County Board of Developmental Disabilities. The Superintendent and/or designee shall review the policies and make recommendations to the Board for revisions every three (3) years or as needed.

Disagreements or requests for waiver or exception to the provisions of this manual are to follow the procedures outlined in the [Resolution of Complaints](#) procedure.



5.1.1 Philosophy/Mission

The Delaware County Board of Developmental Disabilities believes in and is committed to the following principles:

Individuals with disabilities have the same rights as other citizens, notably, the right to live and participate in the community. Educational, habilitative, vocational, recreational and residential services shall be available to enhance their ability and opportunities to make life choices.

Services and supports will be provided based upon the needs of the individual with disabilities and in the least restrictive manner. Every effort will be made to use the same services available to the general community and to assist local services in adapting to meet specialized needs.

Services and supports of the Board will be developed, monitored and evaluated by means of a comprehensive planning process and nationally accepted standards of service delivery. The planning process will regularly assess individual and family service needs and satisfaction as well as general public opinion. Administration will propose and the Board will adopt a plan to improve and modify services. Progress on the Board's plan shall be reviewed periodically and reported annually.

Mission Statement

To ensure the availability of services and supports that assist eligible individuals with developmental disabilities in choosing and achieving a life of increasing capability so that they can live, work, and participate in the community, and to assist and support the families and friends of these individuals in achieving this objective.

5.1.2 Objectives

The Board recognizes that a personnel system that recruits and retains competent, dependable personnel is indispensable for the effective delivery of services to individuals of the community who have developmental disabilities.

The policies and procedures set forth in this manual are designed to:

- Promote high morale and foster good working relationships among employees of the Board by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs.
- Enhance the attractiveness of employment with the Board and encourage an employee to give his/her best effort to the county and the public.
- Establish a standard of courteous and dependable service to the public and to the individuals accessing the various services and supports.
- Provide consistent and equal opportunity for qualified persons to enter and progress in their employment as determined through objective and practical personnel management methods.
- Ensure that all operations and services and supports are conducted in an ethical and legal manner so as to promote the Board's reputation as an efficient and progressive organization in the community and the state.

5.2 GENERAL HIRING AND EMPLOYMENT PRACTICES

The Delaware County Board of Developmental Disabilities is an Equal Employment Opportunity (EEO) employer. It is the Board's policy that all an employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based upon merit and bona fide occupational qualifications for the position. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, military status, disability, genetic information, or other prohibited criteria. Procedures for hiring and employment shall conform to the Americans with Disabilities Act of 1990 (ADA) including reasonable accommodations unless such accommodations cause undue hardship to the agency.

The Appointing Authority shall appoint a person(s) to be responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. While overall authority for administering this policy shall be delegated to such person(s), supervisors and department heads shall also maintain responsibility for their actions in regard to providing equal opportunity to each employee or applicant.

The Board shall maintain an Affirmative Action Plan ([Civil Rights Policy](#)) describing the goals and methods for the provision of equal employment opportunities for all persons under its authority (Reference: R.C. §5126.07). A copy of this plan shall be available in each facility where employees are assigned to work.

Any employee or applicant who feels that he/she has been the victim of discrimination may contact the Equal Employment Opportunity Coordinator to obtain information concerning complaint procedures.

5.2.1 Notification of Available Positions

All open positions shall be posted in a manner to encourage application from any potential candidate. Such posting shall include e-mail and website notices, notices posted in agency department areas and may include notices to universities, state associations, Ohio Department of Education (ODE), Ohio Department of Developmental Disabilities (DODD), and local newspapers which shall refer individuals to the Board's website and may include job title and qualifications. For positions which the Board deems necessary, postings may be made on employment websites.

Each job posting or notice of vacancy, insofar as practicable, shall specify the title, nature of the job, the required qualifications, and method of application.

5.2.2 Applications

An application must be properly completed and submitted before an applicant will be considered for new employment. Current employees must submit a letter of intent to apply and, as applicable, an updated resume to the hiring department.

A standard application form is available on the Board's website – www.dcbdd.org.

EEOC requires applications be kept on file for two (2) years.

Falsification of information on the application will nullify the application and will result in dismissal if falsification is verified after employment.

5.2.3 Citizenship and Naturalization

To be eligible for employment with the Board, the applicant must be a citizen of the United States or a legal resident with authorization to work in this country.

5.2.4 Evaluation of Applicants/Background Investigation

Applicants shall be evaluated according to how well their qualifications meet the requirements of the position. Not all applicants will be interviewed for each vacancy. An applicant being considered for employment must submit to reference checks, interviews, background checks, validated performance tests, and/or other job-related screening procedures.

An applicant shall be required to provide any information such as transcripts, licenses and certificates, and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related. All applicants will be subject to drug testing after a conditional offer of employment.

The Board seeks to hire and keep qualified individuals who have the goals of the agency in their interest. Unless otherwise in accordance with Law, the Board will not employ or continue to employ any individual who has been convicted or plead guilty to any offense that relates in any way to the duties of a position authorized by the Board. This policy allows the Board to conduct appropriate background investigations of applicants and employees in furtherance of its goals.

INVESTIGATIONS/CRIMINAL BACKGROUND CHECKS

All applicants for employment with the Board shall undergo an initial background check in order to determine the fitness of the applicant to provide services to eligible individuals or perform other duties for the Board. This background check shall include but not be limited to a request for information regarding any prior criminal convictions or pleas of guilty by the applicant (Reference: R.C. §5126.28).

BCII records and similar records checks from any other state or federal agency are not public records for purposes of O.R.C. 149.43 and shall not be made available to any person except the applicant, Board members or employees responsible for hiring, or any hearing officer in a case denying employment. Such reports will not be maintained in the employee personnel files but will be maintained in a separate file in the personnel office (Reference: O.R.C. 5126.28(H) (1)).

Current employees have 14 days to notify the Superintendent of being charged with a disqualifying offense. Notification by the employee must occur both after being charged and after being convicted or entering a guilty plea to a disqualifying offense.

5.2.5 Disqualification

An applicant shall be eliminated from consideration if he/she:

- does not possess the knowledge, skills and abilities necessary to effectively perform, with or without reasonable accommodation, the essential duties of the vacant position;
- does not possess or is not eligible for appropriate licenses, certification, registration or degrees required for the position;
- has made a false statement of material fact on the application form or supplements thereto;
- has not fully cooperated regarding the Board's requirement of a background investigation/criminal background check or whose background check reveals a disqualifying conviction or plea;
- refuses to submit to urinalysis or has a positive test following a drug screening
- has committed or attempted to commit a fraudulent act at any stage of the selection process; or
- is an alien not legally permitted to work.

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

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee will be terminated.

5.2.6 Selection Process

The selection process will be made in accordance with the law including the Board's commitment to EEO and the ADA.

Appointments to vacant positions shall be made based solely on the applicant's knowledge, skills and abilities, integrity, work history and other job-related qualifications, as ascertained through consistent and practical selection methods (*Reference: O.R.C. 4112.02*).

Employees or applicants who feel that he/she has been the victim of discrimination may contact the Equal Employment Opportunity Coordinator to obtain information concerning complaint procedures.

5.2.7 Promotion

There are two types of promotions that can take place within the Board.

1. Position Upgrade of a currently existing position to a level of increased responsibility. This type of promotion does not involve the replacement or hiring of any additional personnel. This type of promotion is at the discretion of the Superintendent. No application process occurs with this type of promotion.
2. Filling a position available with an employee previously listed on a lower classification of responsibility on the Table of Organization. An employee must submit a Letter of Intent and, as applicable, an updated resume to be considered for the vacant position.

A current employee may receive preference in application and/or consideration to the extent such is permitted by state law.

Factors to be evaluated when considering an employee for a promotion include an employee's completion of required probationary periods, required training courses, and the employee's performance evaluation ratings.

5.2.8 Certifications/Registrations/Licenses

For those job classifications requiring certification as defined by the Ohio Department of Developmental Disabilities or the Ohio Department of Education, the employee of the Board must meet or exceed such requirements. Each employee's classification specification, as adopted by the Board, shall include the certification or registration requirements for that classification.

For positions licensed by a state licensing authority, an applicant possessing or eligible for such license shall be deemed eligible for employment.

Each employee is responsible for meeting the professional, educational, continuing education and/or experience requirements applicable to their position in order to maintain the proper state required certifications, licensures and registrations (see [section 5.5.7 Professional Development](#) and [section 5.5.8 Tuition Assistance Program](#)).

The required fees for certification/registration/license applications, renewals, or for course work related to certification and licensing are the responsibility of the employee.

An employee holding a certificate or evidence of registration may have such certification or evidence of registration denied, suspended or revoked by the Department of Developmental Disabilities if the Department determines that such employee is guilty of intemperate, immoral, or other conduct unbecoming to the employee's position, is guilty of incompetence or negligence within the scope of the employee's duties, or the employee has been convicted or plead guilty to any of the offenses listed in O.R.C. 5126.28.

An employee holding a certificate or evidence of registration has a duty to report to the Superintendent any acts described above in a timely manner. Failure to make such timely report may result in discipline up to and including discharge. Upon receipt of information that an employee holding a certificate or evidence of registration may have committed any of the acts described above, the Superintendent shall make an appropriate notification to the Department. For employee's holding an occupational or professional license or similar credentials, the Superintendent may request that the regulating state or federal agency supply the Board with a written report of any information pertaining to the employee's criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee's license or other credentials.

If a Board employee's required license/certificate/registration is revoked or is not renewed, that person's employment shall be terminated for just cause subject to due process. If a required license/certificate/registration is suspended, the person's employment may be terminated for cause subject to due process.

No person will be employed or compensated by the Board if the person does not hold the certificate, evidence of registration or license required for the position. The Superintendent may employ, at the Superintendent's discretion, an individual pending

the issuance of the proper certificate, registry or license if the person has met the requirements for such and has applied for certification, registry or license and the application has not been denied.

An employee that has a change in their educational, certification or registration status that may have an affect on their salary or wage are responsible for providing the appropriate documentation to the personnel office. An employee's failure to comply in a timely manner will result in possible loss of income.

Certain employees are required by state law or certification to have training in first aid, CPR and universal precautions.

Reference: R.C. 5126.25; R.C. 5126.26; R.C. 5126.28

5.2.9 Medical Examinations

All applicants are required to submit to urinalysis to test for illegal drug use prior to appointment. An applicant with a positive test shall not be offered employment. A medical examination by a qualified physician and drug screening to test for illegal drug use is required of all employees. The examinations may include such tests as determined for job-related duties of the position. The cost of mandated medical examinations and mandated drug testing for employment purposes shall be paid by the Board (O.A.C. 123:1-9-03). Record of this physical will be maintained by the Board.

Bus drivers shall have an annual physical examination in compliance with the rules established by the Ohio Department of Education and are subject to pre-employment and random drug testing.

The Superintendent or the Board may require any employee to submit to a physical examination when that employee is not, as a result of apparent medical problems, performing his/her job in a satisfactory manner. Refusal by the employee to submit to examination or refusal to release the results of examination constitute an admission of no physical or medical impairment justifying substandard work. Fees for medical examination under this section shall be paid by the Board (O.A.C. 123:1:30-03).

If the results of the medical examinations indicate the otherwise qualified applicant or employee has a disability as defined by the Americans with Disabilities Act, the Board will make reasonable accommodations to allow the individual to perform the essential functions of the employee's job unless such accommodations cause an undue hardship to the Board.

5.2.10 Fit for Duty and Non-Discrimination Policy

It is the policy of the Board to protect qualified individuals with disabilities from employment discrimination. It is unlawful and against the policy of the Board to discriminate against any employee or applicant with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment due to a disability.

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA defines a person with a disability as an individual who has a physical or mental impairment that

substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

All employees are expected to be "fit for duty" at all times. "Fit for duty" means the ability to perform the essential functions of the position as described in the job description in a responsible manner with or without accommodations and to work according to the appropriate Board adopted [calendar](#) and the employee's position description. An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation. This means that the applicant or employee must:

- Satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and
- Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

A reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. It is a violation of this Board policy and the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Board. Undue hardship means that the accommodation would require significant difficulty or expense.

If otherwise qualified applicants or employees can safely and substantially perform the essential functions of a job with a reasonable accommodation, the Board shall make such a reasonable accommodation so long as it is not an undue hardship to the Board. Decisions regarding reasonable accommodation of a known handicap will be made on a case by case basis.

Freedom from Substance Abuse: It is our expectation that the work place will be free of evidence of, use of and/or abuse of controlled substances, including drugs and alcohol. **The "work place" includes any community setting while on duty or performing duties including working in the homes of families and when employees may be working in their personal car or home.**

Need for Assistance: Employees who are considered to be unfit for duty, as determined by an appropriate examination, shall be counseled to seek appropriate rehabilitative assistance.

The Superintendent is authorized to establish guidelines to regulate the implementation of this policy.

5.2.11 Civil Rights Policy Plan

The Board has adopted a [Civil Rights Policy](#) to ensure the protection of the individual civil rights and to prescribe for [Resolution of Complaints](#) concerning possible civil rights violations including sexual harassment.

5.2.12 Physical Ability to Lift, Carry, and Move Individuals

Inservice: All employees holding positions in which they are required to lift, carry and move individuals as an essential function of the position are required to attend an inservice which stresses body mechanics, an introduction to anatomy and physiology, prevention aspects, and safe techniques of lifting, carrying and moving. New employees and substitutes shall receive training and all affected employees will attend a refresher course as needed at the direction of the department supervisor. Employees are to use mechanical lifts where provided and comply with no-lift procedures as defined at their work site. Employees may be disciplined for failure to use proper techniques in the lifting, carrying or moving of participants.

Appropriate Dress: Employees shall dress appropriate for their work setting and duties (also see [section 5.7.6](#)). Because of the need for lifting, carrying and moving, the following dress code must be followed by direct care employees:

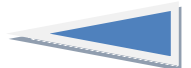
- An employee who is in a class, group or environment where he/she may be expected to lift or be involved in a behavioral intervention must wear shoes with a flat, wide-base heel with closed toe and heel.
- Jewelry of any type could be broken, grabbed or pulled by an individual, and/or could inhibit moving individuals safely and should be carefully considered before being worn. If any jewelry is broken, it will not be replaced by the Board.
- Loose clothing, which could be caught in wheel chairs, braces, or other types of equipment and tight fitting clothing that could limit movement should not be worn.

5.2.13 Nepotism

Members of the immediate families of Board members, Probate Judges or the Delaware County Commissioners may not be hired to work for the Board. No person shall occupy any position in which he/she could directly supervise or otherwise influence a decision in favor of or against another member of his/her immediate family. No employee will attempt to influence or intervene in any personnel action for a member of his/her family with this agency or with any agency or business contracting with the Board. If two employees work at the same site and marry or live together, the Superintendent may reassign either one to a different department. No employee shall be reassigned if reassignment would result in reduction in pay or position, require assignment to a new or different classification or in any other way affect the reassigned employee's civil service status (*Reference O.R.C. 5126.03*). When, as the result of promotion or reassignment, a potential conflict may exist, the Board may approve a plan to resolve the potential conflict.

5.2.14 Seniority

Seniority for classified employees shall have the meaning ascribed to it by the Ohio Department of Administrative Services. Employee assignments will be based on the



needs of the agency; when everything else is equal, seniority will be considered in priority order as follows: 1) years of current continuous service with the Delaware County Board of Developmental Disabilities; 2) years in current position; 3) years of service in the field of developmental disabilities.

5.2.15 Full-Time, Part-Time and Temporary Intermittent Status

Full-time employee – An employee whose regular hours of active duty total forty (40) hours in a seven (7) calendar day week on a year-round basis and is on active pay status for 260 days per year. Drivers who work at least four (4) hours per day for the adult program calendar are considered full-time employees. See below for FMLA information.

Full-time employees may charge two personal days per year to their sick leave.

Full-time seasonal (“Nine-month” employee) – An employee whose regular hours of active duty are specified on the respective program calendar. Full-time seasonal employees are referred to as "nine-month employees". Salary and benefits for seasonal full-time employees are paid in 26 bi-weekly installments. Seasonal full-time employees are entitled to the same benefits as full-time employees except they are not eligible to earn vacation.

Full-time seasonal employees who do not receive vacation shall receive three personal days per year that are not charged to their sick leave.

Drivers who work the preschool program calendar are considered full-time seasonal employees. See below for FMLA information.

Part-time employee – An employee who, at their request or as determined by the Board, has a work schedule less than a full-time schedule as required for the position. The employee may be hired on a part-time status for an indefinite period of time.

Part time employees must submit a calendar of their proposed work schedule annually as directed by the Superintendent or his/her designee.

Temporary intermittent employee – A substitute or other employee who works on an irregular schedule which is determined by the fluctuating demands of the work which is not predictable and whose hours are generally less than 1,000 hours per year.

Temporary intermittent employees (substitutes) must be available and respond to at least 50% of their work calls. Substitutes who fail to respond to at least 50% of their work calls or who do not respond to five (5) consecutive work calls may be removed from the substitute list. Substitutes require the same in-processing with the Board's personnel office including criminal background checks.

Benefits available to part-time and temporary intermittent employees: For purposes of this section only, “part-time employee” includes both “part-time employee” and “temporary intermittent employee” as those terms are defined above. Part-time employees receive the following compensation and benefits:

1. Salary based upon experience not to exceed the salary of the individual permanently holding the position.

2. Sick leave earned based upon .0575 hours of sick leave credit for every hour of work.
3. Part-time employees scheduled to work at least 1000 hours per year receive two personal days that are not charged to their sick leave.
4. Part-time employees who worked 80% of a full-time schedule during the six (6) months preceding their appointment to a position shall be credited for all days worked during that period for purposes of vacation and other leave accrual.
5. All part-time employees are members of either the Ohio Public Employees Retirement System (OPERS) or State Teachers Retirement System (STRS). Membership in a particular retirement system is determined by job duties and each retirement system's governing legislation.
6. Part-time employees scheduled to work at least 1,000 hours per year are eligible to receive professional growth allowance and Tuition Assistance of up to one half of the approved amount for full-time employees.
7. Part-time employees are eligible for leave pursuant to the Family and Medical Leave Act provided that, at the date the proposed leave begins, the employee has both completed at least 12-months active service with the Board and worked at least 1,250 hours for the Board during the preceding twelve months.

The following benefits are not available to part-time and temporary intermittent employees unless they actually work a 260 day schedule:

1. Vacation
2. Personal days (except as provided above)
3. Holiday pay – part-time employees are paid for the holidays they actually work and do not receive paid holidays
4. Health insurance – full-time employees who become part-time employees may be eligible to continue health insurance coverage under [COBRA](#). Health insurance is only available to full-time and full-time seasonal employees.

Salaries and eligibility for benefits are based upon the number of hours an employee works in a given year and is determined annually based in part upon calendars of their availability submitted by each affected employee. The Board will develop final work schedules and annual salaries and determine eligibility from that information.

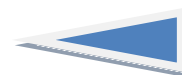
5.2.16 Classification Plan

The Board is the appointing authority for the Superintendent. The Superintendent is the appointing authority for all other positions.

The Board shall administer a [classification plan](#) based on an analysis of the duties and responsibilities of positions within the organization. Position descriptions shall be prepared for the various positions of the agency.

Department heads shall annually review the duties and responsibilities of positions in their respective departments and make necessary adjustments to the position descriptions.

An employee may request that his/her position be audited for proper classification by requesting a review by the Personnel Director/Superintendent. Unless duties are substantially altered on a permanent basis, an employee may not request such a review for one year from the date of the results of the last review. If the employee is not



satisfied with the results of the Personnel Director's/Superintendent's decision, he/she may request a formal audit through the Ohio Department of Administrative Services.

5.2.17 Probationary Period

Each newly hired or promoted employee in a classified position shall serve a probationary period. The length of the probationary period for each classification shall be specified on the position description and on all employment contracts.

The probationary period shall be, at a minimum, one hundred eighty calendar days. The Board, with approval of ODAS, may increase the length of the probationary period but in no case shall such period exceed one (1) year. (Reference: R.C. 124.27; O.A.C. 123:1-19-03).

Time spent on non-paid status approved leaves of absence shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent on no-pay status.

Supervisors shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Employees are encouraged to bring problems to the supervisor for resolution in order to enhance his/her performance. Supervisors have a responsibility to recommend retention of only those employees who meet acceptable work standards during the probationary period.

The probationary period for full-time staff and scheduled part-time and seasonal staff shall be based on calendar days from the date of original appointment. Intermittent staff or staff who work irregular shifts have their probationary periods determined by the number of hours worked.

Employment, promotions, transfers, layoffs, reductions, suspensions and removals are accomplished in accordance with Chapter 124 of the Ohio Revised Code and the Rules of the Department of Administrative Services.

In accordance with the Civil Service Laws of Ohio, "the tenure of every employee shall be during good behavior and efficient service, but any employee may be removed for incompetence, inefficiency, discourteous treatment of the public, neglect of duty, violation of Civil Service Laws or Rules, or any other failure of good behavior or any other act of misfeasance, malfeasance, or nonfeasance."

An employee may be appointed on a temporary basis when the services to be rendered are of a temporary nature and a definite period. Emergency appointments may be made for a maximum of 30 calendar days. Temporary and emergency employment must also conform to O.R.C. Chapter 124 and rules prescribed by the Department of Administrative Services.

Probationary employees will be evaluated at midpoint and within ten (10) calendar days prior to the end of their probationary period. Full and appropriate records should be maintained. Should the employee be given a probationary removal within the second half of the probationary period but before the end of the probationary period, the final evaluation will be made at the time of removal. Although the primary purpose of a

probationary evaluation is to rate an employee's job performance uniformly and objectively, the evaluation serves several other purposes as well:

By acting as a means of communication between an employee and supervisor, it can reveal conditions that are contributing to poor morale or low productivity. It gives the employee an opportunity to identify and correct specific performance problems of which he/she may not have been aware.

It serves as the means of determining job efficiency for probationary removal.

An employee should sign the evaluation as an acknowledgement that he/she has seen and discussed the document with the supervisor. An employee should always be made aware that the signature does not signify agreement with the evaluation, but is only an acknowledgement that it has been seen and discussed. Any points of disagreement should be expressed in writing by the employee in the space reserved for employee comments. No change in the rating is to be made after the form is signed by the employee. If the employee refuses to sign the evaluation, the supervisor must record the reasons and the employee's refusal should be verified in writing by a witness. If an employee has not been on the job for some time and is, therefore, not available for signature, the supervisor must clearly indicate this absence on the evaluation form. While the employee signs the evaluation after the supervisor's rating, he/she must receive a copy of the rating in its final form after all other reviewers have made their comments.

If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced in pay or position at any time during the probationary period.

Probationary employees may be removed at any time during the probationary period if the service is considered unsatisfactory. The removal cannot be effective after the final day of the probationary period.

5.2.18 Promotion, Demotion and Lateral Transfer during Probationary Period

If an employee's service is found to be unsatisfactory during the probationary period following promotion, a reduction is made to the classification held prior to the promotion. A probationary removal may not be given in this case. However, an order of removal may be issued in accordance with the provision of the O.R.C. 124.34. No probationary period is required following a demotion.

Employees may not change positions during the original new hire probationary period.

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

No lateral transfer of an employee may occur during the employee's probationary period.

5.2.19 Probation of Transferred Employee

The employee will serve a probationary period. The employee will not be removed if his/her job performance in the new position is found to be unsatisfactory. The employee will, however, be demoted to the former, lower classification.

Employment, promotions, transfers, layoffs, reductions, suspensions, and removals are accomplished in accordance with O.R.C. Chapter 124 and the Rules of the Department of Administrative Services. A copy of the civil service statutes and rules is available in the Superintendent's office.

In accordance with the Civil Service Laws of Ohio, "The tenure of every staff shall be during good behavior and efficient services, but any staff may be removed for incompetence, inefficiency, discourteous treatment of the public, neglect of duty, violation of Civil Service Laws or Rules, or any other failure of good behavior or any other act of misfeasance, malfeasance, or nonfeasance."

Staff may be appointed on a temporary basis when the services to be rendered are of a temporary character and of a definite period. Emergency appointments may be made for a maximum of 30 calendar days. Temporary and emergency employment must also conform to Revised Code Chapter 124 and rules prescribed by the Department of Administrative Services.

5.2.20 Personnel Files Records

It is the policy of the Delaware Board of Developmental Disabilities to maintain certain records on each employee which are directly related to the employee's job. At all times, the Board will do its best to balance the employee's right to privacy with the Board's need to collect and use information.

Access, duplication, dissemination and destruction of personnel records procedures will comply with the Ohio Department of Developmental Disabilities Rule 5123:2-1-02, the Public Records Act, O.R.C. 149.43 and the Personal Information Systems Act, O.R.C. Chapter 1347.

The personnel officer will maintain procedures that address access, duplication, dissemination and destruction of personnel records. All employees having any responsibility for maintaining personnel information will be informed of these procedures.

Each employee has a responsibility to keep their personnel records up to date and is to notify their supervisor or the Personnel Officer of any changes.

Personnel records shall include, but not be limited to:

1. Name, permanent and current address, phone number.
2. Emergency notification information including name, address, home and work phone number.
3. Job description, civil service classification (if applicable).
4. Record of permanent or temporary certification, registration or license, as applicable.
5. Records of sick leave and vacation.

6. Record of physical examination, current within one year of date of initial employment, for persons providing direct services to those enrolled in the county board program. All medical records, including records of physical examinations, must be maintained in a confidential, separate file.
7. Bus driver annual physical examination form, as applicable, and must be maintained in a confidential, separate file.
8. Annual performance evaluations signed by the immediate supervisor, Superintendent, and the employee indicating the employee's awareness of the evaluation.
9. Payroll information.
10. Application forms.

An employee shall have a right of reasonable inspection of his or her official file. All personnel files are permanently retained by the Board. An employee who wishes to review his or her personnel file may do so by contacting the Personnel Director.

Employees must advise the Personnel Office of any change in: name, address, marital status, telephone number, number of withholding allowances claimed for tax purposes, citizenship and emergency contact.

In order to perform daily business transactions for the Board, the following positions shall have access to the personnel files: Superintendent, Personnel Director and Administrative Office Manager.

After inspecting their personnel file, an employee who believes that any material is inaccurate or irrelevant shall be permitted to place a written statement of disagreement in the file. An employee may request a reproduction of any item in his/her file, except for confidential letters of recommendation or reference. An employee shall pay for cost of reproduction.

5.2.21 Confidentiality/Limitations on Use of Medical Information

The [Americans with Disabilities Act \(ADA\)](#) and the [Health Information Portability and Accountability Act \(HIPAA\)](#) impose strict limitations on the use of medical examinations, medical information, and inquiries of employee. All medical information obtained from medical examinations and inquiries shall be collected and maintained on separate forms, in separate medical files and shall further be treated as a confidential medical record. Medical related material shall not be placed in an employee's personnel file. Steps will be taken to guarantee the security of the employee's medical information, including:

1. Keeping the information in a medical file in a separate, locked cabinet, apart from the location of personnel files; and
2. Designating a specific person or persons to have access to the medical file

All medical related information shall be kept confidential, with the following exceptions:

1. Supervisors and managers may be informed about necessary restrictions on the work or duties of employees and necessary accommodations;
2. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations;

3. Government officials investigating compliance with the ADA and other federal and state laws prohibiting discrimination on the basis of disability or handicap shall be provided relevant information on request, (other federal laws and regulations also may require disclosure of relevant medical information.);
4. Relevant information may be provided to state workers' compensation offices in accordance with state workers' compensation laws; and
5. Relevant information may be provided to insurance companies where the company requires a medical examination to provide health or life insurance for an employee.

5.2.22 Dissemination of Personnel Records

Ohio Law requires that all public records be prepared and made available for inspection to any member of the public upon written request to the Delaware County Board of Developmental Disabilities by appointment at all reasonable times during regular business hours. Records shall be reviewed only in the confines of the personnel office. No material may be removed from a personnel record without approval of the records custodian. If copies of materials in the personnel file are requested, a reasonable fee will be charged.

The public will have access to all records in the employee's personnel file with the following exceptions:

1. Medical records
2. Records pertaining to adoption, probation or parole proceedings
3. Trial preparation records
4. Confidential law enforcement investigatory records
5. Records of which the release is prohibited by State or Federal Law including criminal records checks and an employee's social security number
6. Records that do not serve to document official functions or activities
7. Home address and telephone numbers of employees

If unsure whether a record is a public document and should be released, consult with the Prosecutor's Office for clarification.

When an employee's personnel file has been requested to be reviewed by a member of the public, the Board will attempt to notify the employee.

5.2.23 Access to Board Facilities and Equipment

The facilities and equipment provided to employees by the Board are for the purposes and businesses of the Board. The Board reserves the right to have access and inspect its facilities and equipment and take action to seize, remove or destroy material found to be illegal, immoral or inappropriate to the work environment.

Reference: [Automation System Policy](#)

Reference: [Section 5.7.15 Automation System Use Policy](#)

5.3 PERFORMANCE STANDARDS, TRAINING AND EVALUATION

5.3.1 Performance Evaluations

Overview: Evaluation of an employee's performance is a continuous process based on conferences, discussions, and observations and is a method for increasing the worker's competence and his/her effectiveness with the program. Each new employee shall have a written evaluation from the immediate supervisor at mid-point and prior to the end of the probationary period. At least once a year thereafter, a written evaluation of each employee shall be prepared. These annual evaluations shall form the basis for promotion, determining work performance, and/or reference writing. Materials for the evaluations will consist of the position description, program objectives, personal career development plans, compliance with board policy and procedures, written records kept by the employee and the supervisor, and any other material from competent sources which seem pertinent. The employee shall have the opportunity to review, discuss, and make written comments of the evaluation.

General Purpose: The performance evaluation program is intended to be a system of communication between the supervisor and the employee on one hand, and between supervisory personnel and the administration on the other. If conscientiously applied, a performance evaluation program will enable the employee to have an increased awareness of his/her work and what is expected.

The employee will be evaluated with reference to the requirements of the job as defined in basic form on the position description. The employee will be able to tell in what respect his/her work is most in need of improvement or is worthy of praise and recognition. It will also enable the supervisor to find some of the gaps or limitations in department procedures. An evaluation may also be helpful in suggesting needs for types of training to be provided in inservice services and supports. The evaluation may be useful in considering potential candidates for promotion and are used in the process of determining the sequence of employees to be laid off when such action is necessary.

Who Will Evaluate: Each employee will be evaluated by the immediate supervisor to whom he/she is regularly assigned. If an employee has been reassigned to a new supervisor within one month of the evaluation date, the present and former supervisor will cooperate in the evaluation. If an employee receives approximately equal supervision from two persons, the supervisors will cooperate on the evaluation and both will sign the report as raters.

Types of Evaluation: The Performance Evaluation Report will be used for three (3) different types of ratings: 1) Probationary, 2) Annual, and 3) Special.

1. **Probationary Evaluations:** The length of the probationary period is indicated on the position description. Probationary employees will be evaluated at midpoint and within 10 calendar days prior to the end of their probationary period. Full and appropriate records should be maintained. Should the employee be given a probationary removal during the probationary period but before the end of the probationary period, the

final evaluation will be made at the time of removal. Although the primary purpose of a probationary evaluation is to rate an employee's job performance uniformly and objectively, the evaluation serves several other purposes as well:

- a. By acting as a means of communication between employee and supervisor, it can reveal conditions that are contributing to poor morale or low productivity.
- b. It gives the employee an opportunity to identify and correct specific performance problems of which he/she may not have been aware.
- c. It serves as the means of determining job efficiency for probationary removal.

The employee shall sign any evaluation as an acknowledgement that he/she has seen and discussed the document with the supervisor. An employee should always be made aware that the signature does not signify agreement with the evaluation, but is only an acknowledgement that it has been seen and discussed. Any points of disagreement should be expressed in writing by the employee in the space reserved for employee comments. No change in the rating is to be made after the form is signed by the employee. If an employee refuses to sign the evaluation, the supervisor must record the reasons and the employee's refusal should be verified in writing by a witness. If an employee has not been on the job for some time and is, therefore, not available for signature, the supervisor must clearly indicate this absence on the evaluation form. While the employee signs the evaluation after the supervisor's rating, he/she must receive a copy of the rating in its final form after all other reviewers have made their comments.

When making the final probationary evaluation, the supervisor shall indicate on the evaluation whether or not the employee is to be retained. This recommendation is to be confirmed by the department director. If a recommendation is approved for retention, the assumption will be made that the probationary period has been satisfactorily completed.

2. **Annual Evaluation:** All employees who are not on probationary status are to be evaluated once a year. The evaluation will cover the employee's performance since the previous evaluation or during the time elapsed since the completion of the probationary period.
3. **Special Evaluations:** Additional use may be made of the evaluation procedure at the discretion of the administration, for example, to document outstanding performance, to document close supervision following an unsatisfactory evaluation, at the request of the employee, or upon employee resignation.

Performance Review: When an evaluation is completed, the employee's performance will be reviewed and discussed with the employee. The employee shall sign a copy of the evaluation as verification that such a review was conducted and shall receive a copy of the evaluation.

This review is of benefit to both the employee and supervisor as it provides an excellent opportunity for the employee to express himself/herself and to explain or justify his/her performance. The review will be closed by summarizing the employee's strengths and areas of needed improvement and by emphasizing any changes needed to produce further improvement. The employee will be asked to sign the evaluation form thus verifying that he/she has reviewed it with the supervisor. The employee signature does not imply concurrence with the evaluation, only that the employee has seen the evaluation. The employee has the right to submit a statement of explanation or rebuttal

that is to be attached to the evaluation form. If the employee refuses to sign the evaluation form, the supervisor will call in a witness to verify that the review was held and to note that the employee refused to sign. Refusal to sign the evaluation form shall constitute a waiver of the employee's right to further review of the evaluation.

Evaluation Review: If the employee feels the evaluation is not a true reflection of job performance, providing the employee has signed his/her evaluation form, within ten (10) days of the evaluation he/she may request a review of the evaluation by submitting a written request to the next higher person in the chain of command for his/her department providing the staff has signed his/her evaluation. The written request must specify which part(s) of the evaluation the employee is requesting be reviewed and must include specifics related to job performance upon which the request is based. The supervisor/administrator responsible for reviewing the evaluation must meet with the employee within ten (10) days and present the findings. The employee, if still not satisfied after the initial review conference, may request further reviews through the chain of command. The final review is with the Superintendent, whose decision will be final.

Appeal Evaluation: If an employee disagrees with his/her evaluation they may appeal according to the Complaint Procedure to the Superintendent who is the Appointing Authority.

5.3.2 Training

All personnel employed by or under contract with the Board are encouraged to participate in employee development activities such as formal course work, workshops, clinics, local area meetings, professional conventions, and observations of other programs. Each full-time employee is authorized a professional development allowance to pay expenses such as registration, materials, and transportation. Training must relate to the employee's duties and be approved by the department supervisor. Additional training and professional development may be approved based upon the needs of the agency and available funds.

Seminar/Coursework needed for initial or renewal of certification is to be completed on the employee's own time. Upon approval of your direct supervisor, work time may be used for professional training. Monies may be available to assist with the cost of such seminar/coursework through the Tuition Assistance Program and/or Professional Development monies.

Training for drivers will be addressed in the transportation department's driver's manual.

Inservice training will be provided during the year which employees are required to attend. Regularly scheduled departmental meetings will be scheduled within each division/department. Attendance is required for all employees within the division/department. These meetings will allow time for discussion of topics of current concern within the program such as new policies, procedures, methods of training, instruction, and other matters as needed. A copy of the minutes of each meeting will be filed electronically in the department/division folder.

Records of professional growth for certification renewal shall be maintained by the employee. It is the employee's responsibility to submit documentation of required

training (i.e., MUI, Health and Safety, Behavior Support, etc.) to the personnel office in a timely manner for tracking purposes.

Individuals participating in inservice activities during professional leave time may be requested to submit a report or give a presentation concerning their observations and learning experiences.

Although an employee may be fully certified, registered and/or licensed for his/her position, the Board may request that additional training or course work be obtained in order to remain abreast of current information, improve upon weaknesses which appear in an employee's performance evaluation, and/or assist the employee in keeping up with the changes within his/her profession. The Board may require an employee attend workshops, seminars, and/or inservice training sessions that relate to his/her position. Such trainings will be at the Board's expense.

Employees are encouraged to conduct research, publish professional articles and present at professional meetings. All research, articles and presentations conducted on program work time or using the program name must receive prior approval of the Superintendent.

5.3.3 Outside Employment

Under no circumstances shall an employee have other employment that conflicts with the policies, objectives or operations of the Board.

Employment "conflicts", under this policy, are defined as impairment of the employee's ability to perform the duties of his/her position with the Board. Two common employment conflicts that may arise are:

Time Conflict - Defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the Board; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Board.

Interest Conflict - Defined as when an employee engages in outside employment which tends to compromise his or her judgment, actions and/or job performance with the Board or which impairs the Board's reputation in the community. This includes any employment with an agency contracting with the Board and any employment dependent upon Board funding.

Full-time employment with the Board shall be considered the employee's primary occupation, taking precedence over all other occupations.

"Outside" employment, or "moonlighting", shall be a concern to the Superintendent only if it adversely affects the job performance of the employee's duties with the Board or constitutes a conflict of interest.

Should the Board feel that an employee's outside employment is adversely affecting the employee's job performance, the Superintendent may request that the employee refrain from such activity. Any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment shall be disciplined in accordance with the policies set forth in this manual.

In addition to the foregoing, all employees are subject to the Board's Ethics Policy and Ohio law regarding outside employment. Any outside employment falling within the provisions of O.R.C. §5126.0228 must be approved by the Board's Ethics Council (Reference: R.C. §5126.0228, 5126.033).

No employee shall be employed by any entity having a contract with the Board unless the employee notifies the Superintendent and receives written authorization from the Superintendent permitting such employment (Reference: O.R.C. 5126.033).

Employment with an agency contracting with the Board and any employment dependent upon Board funding must be approved by the Board's Ethics Council. The Superintendent cannot approve contracts that violate the ethics laws. Check the ethics law for any conflict related to outside employment.

5.3.4 Employee Attendance

Employee attendance is a critical element in delivering quality care to individuals served by the Board. Employee absenteeism severely impairs the Board's ability to provide quality care because it destroys continuity of programming and takes money away from areas of programming which must then be spent on substitutes and in payment of sick leave to absent employees.

Schedules: All employees shall be able and ready to work according to the Board adopted [calendar](#). The salary year for the purpose of the annual Board calendar, leaves, allowances and management contracts shall normally begin with the pay period which includes January 1st of each year.

The work week for all Board employees begins at 12:00 a.m. on Monday and ends at 11:59 p.m. on Sunday. The annual work hours for each employee are outlined on his/her position description. Hourly and annual rates are provided to each employee annually. This notice will indicate any variation from the annual work schedule on the position description.

The department director, subject to approval by the Superintendent, shall establish the daily work schedule for his/her facility in consideration of current and anticipated workload, individual needs, customer service needs, statutory requirements and any other related factor.

There are many different jobs in the Board's services and supports requiring different hours of work. An employee's work schedule will depend upon the department to which he/she is assigned and his/her particular classification within the department.

The respective department directors will establish relief breaks and lunch periods. However, a minimum of one (1) 15-minute break and one (1) 30-minute lunch break will be provided. Relief breaks and lunch breaks may be combined.

Attendance Standards: The regular attendance of each employee is vital to the effectiveness of the agency. Direct care and support services are most effective when performed with the continuity provided by regular employees as opposed to substitutes. The Board identifies and recognizes excellent attendance through a sick leave buy out incentive system. It recognizes that circumstances prevent many employees from earning such awards and therefore, states its expectations in this policy.

Use of sick leave: The generous provision of accrual of up to fifteen (15) days per year allows for use only with good reason as set forth in related policies. The absences of an employee, which are verified by a physician, are not questioned. However, an employee who cannot document medical reasons is expected to have good attendance, missing not more than eight (8) days per year. Frequent absences of one (1) or two (2) days scattered over a year when reasons are not verifiable as medical are not acceptable. The use of sick leave in a pattern showing many Friday or Monday and/or pre/post holiday absences will be investigated for abuse of sick leave.

Frequent unpaid absence is as detrimental to services and supports as excessive use of sick leave. It should not be requested or used except for emergency situations, which must be explained to the satisfaction of the Superintendent.

Absence for medically verified reasons and for reasons protected by the Family and Medical Leave Act generally is not held against an employee. For instance, an employee who must take an extended absence for surgery and recuperation is not regarded as having poor attendance provided the employee's record is otherwise good as set forth above. The same principle applies if the reason(s) for absence is (are) for other allowable purposes or if medical or other reasons necessitate frequent short absences.

Employees are encouraged to make routine medical/dental appointments during non-working hours or early morning/late afternoon. Employees are expected to do personal business during non-working hours.

An employee that has exhausted his/her sick leave balance and has used or is not eligible for Family Medical Leave or Contingency Family Medical Leave shall be considered absent without approved leave. An employee who is absent without approved leave shall have their absences reviewed by their supervisor and the Superintendent to determine the situations surrounding the absence and what, if any, corrective action should be taken.

At minimum, all absences without approved leave will require detailed explanation by the employee and supporting documentation. Employees are expected to improve their attendance and sick leave balance. Employees that continue to have absence without leave will meet their supervisor and the Superintendent to determine their fitness for continued employment.

Tardiness: Employees are to be on duty and ready for work according to their work schedule. Employees that are tardy for work are to immediately report to their supervisor and submit a Request for Leave form for absence with approved leave and shall have their pay reduced accordingly.

Unexcused, frequent tardiness (*two times during any three months*) or excessive tardiness (*5 minutes or more*) shall result in disciplinary action and/or loss of pay (fine).

Reference: [5.2.10 Fit for Duty and Non-Discrimination Policy](#)

5.3.5 Employee Ethics

As professionals employed to serve individuals with disabilities, we are held to a standard of personal conduct, especially as related to those we serve, which must be above reproach in every respect. Employees hold unique positions of influence,

authority and control. As such, behaviors or responses that would otherwise be accepted in a different setting are viewed as abuse when viewed in the context of the employee and eligible individual relationship. Abuse includes any action that takes unfair, illegal or immoral advantage of a child's or adult's disability or the employee's position.

Ethics of County Employment: All employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other rules and regulations as may be set forth by their appointing authority. Accordingly, this section establishes a Code of Ethics as follows for all officials and employees appointed and employed by the Board.

It is essential that the public maintain confidence in the employee of the Board. For this reason, no employee shall use his or her official position for personal gain, participate directly or indirectly in any activity which is in conflict with his/her official duties, or disclose confidential information regarding the business of the Board to any private concern for his or her personal benefit.

Employees shall at all times adhere to the following standards of conduct:

1. Employees shall not engage in outside employment which results in a conflict of interest with their duties as Board employees.
2. Employees shall not solicit or accept anything of economic value from any individual or entity engaged in business dealings or seeking to engage in business dealings with the Board.
3. Employees shall not use Board property for other than proper activities.
4. Employees shall not accept gifts from individuals having a value greater than \$25.00 nor more frequently than two (2) times per year.
5. Employees shall not hire eligible individuals for private work except as specified in the Employment of Eligible Individuals by Board Employees policy ([section 5.3.7](#)).

Employees shall not date or have sexual relations with eligible individuals. Per the Ohio Revised Code, sexual relations between employees and eligible individuals are a criminal offense by the employee. Knowledge of such conduct must be reported to the MUI Coordinator Support who will contact local law enforcement.

Employees should report any apparent violation of this policy to the Superintendent/designee and/or their Department Director and the MUI Coordinator on behalf of the eligible individual. The Superintendent/designee and/or their Department Director and the MUI Coordinator shall investigate and, if the circumstances warrant, take corrective action.

5.3.6 Conflicts of Interest – Ohio Ethics Law

The Ohio Ethics Law prohibits public officials from receiving payments from any party having a contract with the public agency employing the public official. The intent of this is clearly that public officials should not have an unlawful interest in public contracts. The law, however, applies to all public officials, which includes all employees. The law also applies to parents who may serve on the Board and employees of the Board that are also eligible individuals and/or also have family members who receive services and supports through Delaware County Board of Developmental Disabilities.

To address the later case, the Board established an Ethics Committee to review any contracts that a Board member may receive as a parent to insure that they enjoyed no greater access to these services than any other parent.

There is also a potential problem with three categories of Board employees:

- Those that provide services and supports to individuals outside of their regular duties
- Those who work for any agency that contract with the Board
- Those who are eligible individuals or those with a family member receiving service from the Board.

- A. A County Board of Developmental Disabilities shall enter into a direct services contract for services provided in accordance with Sections 5126.40 to 5126.46 of the Ohio Revised Code under which an individual agency, or other entity will employ a professional or service employee who is also an employee of that Board only if the conditions of Section 5126.32 of the Revised Code and all of the following conditions are met:
1. The employee is not in a capacity to influence the award of the contract.
 2. The employee has not attempted in any manner to secure or influence the contract on behalf of the individual, agency, other entity or individual's family member.
 3. The employee does not hold any administrative or supervisory position in the employ of the Board, did not hold any administrative or supervisory position during the period when the contract was developed, and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
 4. The employee has not taken any actions that create the need for the services to be provided under the contract.
 5. The individual, agency, or other entity seeks the services of the employee because of his/her expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the service provided by that employee.
- B. The Ethics Council established under Section 5126.032 of the Revised Code shall determine whether the conditions specified in division (B) of this section have been met before it certifies to the Board its recommendation to enter into the contract. The Superintendent of the County Board shall notify the employee and the individual, agency, or other entity that seeks his/her services of the Council's determination. The Council's determination shall be binding on all parties.
- C. The employee who is the subject of the contract shall inform the Superintendent of the County Board of any employment he/she has outside the County Board that is with any individual, agency, or other entity that has a contract with the County Board. If the employee fails to comply with this Division, the provisions of Division (G) of Section 5126.032 of the Revised Code shall not apply to him/her.

5.3.7 Employment of Eligible Individuals by Board Employees

Employees are cautioned in establishing employment relationships with individuals receiving Board services. Prior to establishing an employment relationship with an individual receiving Board services, the situation must be reviewed/approved by the employee's immediate supervisor. Any personal services such as baby-sitting, lawn care, car washing, etc., should be compensated at the usual prevailing wage. In order to comply with all applicable state, federal, and local regulations, it is suggested that these services be contracted through a community provider.

5.3.8 Relationships between Employees and Eligible Individuals

All individuals have the right to be treated with courtesy and respect and with full recognition of their dignity and individuality at all times by employees. All individuals have the right of access to opportunities that enable them to develop their full human potential.

Each has the right to be treated equally as citizens under the law. Each has the right to be free from emotional, psychological and physical abuse and to be free from unnecessary chemical and physical restraints.

Each Board employee shall endeavor to protect these rights at all times. As required by Ohio law, employees shall report any suspected abuse or neglect of individual's rights to the MUI Coordinator and/or the assigned Support Administrator. Employees shall cooperate in any investigations regarding abuse or neglect.

No employee shall subject an individual to physical, verbal or psychological/emotional abuse or respond in kind to behaviors of the individual. Procedures that cause physical, visual and/or auditory pain are strictly prohibited. Attacks on personal dignity (foul language, name-calling, shouting and other types of verbal abuse) are forbidden. Actions such as threats, whether founded or unfounded, or the use of objects that are frightening to an individual, constitute psychological/emotional abuse and are forbidden. Each employee shall comply with the proper procedures for Behavior Support Intervention as adopted by the Board.

No employee shall subject an individual to sexual abuse or take advantage of individuals by procuring sexual favors either on or off regular work hours.

At no time shall an employee betray the trust relationship that exists between himself/herself and the eligible individual. In particular, relationships outside the school/work environment require caution regarding social contacts, financial dealings, or any other activities, which would take advantage or appear to take advantage of the trust the individual has in the employee who is working for the well-being of the individual.

Reference: *Behavior Support Policy; MUI Policy; Civil Rights Policy*

5.3.9 Confidentiality of Information

All information contained in an individual's record, including information in an automated data bank, shall be considered confidential. The content of these records is

never to be the subject for discussion except as an official member of a habilitation team. All requests for information on eligible individuals are to be accompanied by a signed release of information and forwarded to the assigned Board authorization contact.

Reference: [HIPAA - Confidentiality/Privacy/Security Policy](#)

5.3.10 Reporting Abuse and Neglect

All employees are required to immediately notify the MUI Coordinator and their immediate supervisor of suspected abuse or neglect of eligible individuals and follow up with a written report. Employees must immediately report all criminal activity or suspicions of child abuse or neglect to the statutorily responsible agency (Department of Job and Family Services or local law enforcement). If the MUI Coordinator is not available, the report is to be made to a Director of Support Administration. The MUI Coordinator will take a written report from the complainant, investigate the facts and make a report to the appropriate agencies. Except for the report to the MUI Coordinator and to other authorized investigative bodies, information on the alleged abuse or neglect is confidential. The complainant will be notified that an internal review of the report has occurred. If a complainant has not received a response to their report within five (5) working days, the Superintendent should be notified in writing of the suspected abuse/neglect. At the determination of the Superintendent, the Chairperson of the Board and other Board members may also be notified.

Reference: [MUI Policy](#)

5.3.11 Anti-Harassment

The Board strives to maintain an environment where all employees will work free from harassment. The Board will not tolerate harassment of any type whether the behavior, comment, or conduct is from an employee or a visitor, vendor and/or customer of Board facilities. Any form of harassment is illegal and will not be tolerated.

Harassment includes, but is not limited to, any action that singles out an employee, to the employee's detriment, for unsolicited racial, ethnic background, sex, age, religion, disability, veteran status, and/or racist, ethnic, religious, age or sexist comments and/or behavior.

Other forms of harassment include comments, jokes, epithets, gestures, physical contact, display or circulation of written materials, including e-mail, pictures or objects derogatory to any individual's race, color, religion, sex, national origin, age, disability, veteran status, or any other legally protected characteristic.

It is the responsibility of any employee that is subjected to harassment to inform his/her immediate supervisor, the human resource department or other management personnel of the facts regarding such harassment so that appropriate corrective action may be taken.

All incidents of harassment will be taken seriously and investigated in an efficient and expeditious manner. The employee will be informed that an investigation of the alleged

harassment will be conducted and that appropriate corrective action will be taken if warranted.

The employee will be informed that no retaliation will be taken or allowed against individuals who in good faith raise or report concerns and/or incidents of harassment. The Board will attempt to keep the identity of the reporting employee as confidential as possible, but cannot and will not guarantee such confidentiality. The Board reserves the right to apply corrective action against an employee that has been determined to have filed a bad faith or frivolous complaint.

5.3.12 Sexual Harassment

The Board has a strong commitment that all employees should enjoy a working environment free from all forms of discrimination, including sexual harassment. Sexual harassment is any unwelcome or unsolicited sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

Sexual harassment is illegal and will not be tolerated. Therefore, the Board has implemented a sexual harassment policy that will treat sexual harassment as any other form of serious employee misconduct. Conditions that constitute harassment on the basis of sex includes any unwelcome sexual advance, requests for sexual favors, or other verbal or physical sexual conduct when:

- Submitting to such conduct is made a term or condition of employment;
- Submitting to or rejecting such conduct is used as the basis for employment decisions; or
- Such conduct creates an intimidating, hostile, or offensive work environment.

Inappropriate behavior and/or conduct, based on the above information, are strictly prohibited and performance of this behavior is grounds for disciplinary action up to and including dismissal for cause.

One area that creates the potential for sexual harassment is a romantic relationship between employees. Although there is no prohibition against such relationships, employees are strongly cautioned about the risks and ramifications commonly associated with such relationships. In the event that work performance or the work environment is negatively affected by a romantic relationship between employees, the Board reserves the right to take appropriate action including disciplinary measures, transfers, or reassignment. In no event will romantic activity be tolerated in the workplace. Any employee in a romantic relationship with another employee or who has ended such relationship still has all protections provided by the Board's sexual harassment policy.

If an employee has experienced any form of sexual harassment, the employee shall follow the procedure below to report the incident.

- The employee shall **immediately** report the harassment to his/her supervisor; however, the employee is expected to bypass the standard chain-of-command and should report to the next higher supervisor, appointing authority, or personnel coordinator when reporting allegations of sexual harassment when the person to whom the employee would normally report is the person who allegedly committed the harassment;

- Co-worker to co-worker and non-employee harassment shall be reported to the immediate supervisor.

No management employee or other employee may retaliate or discriminate against any employee for filing a complaint in good faith or any person acting as a witness in or conducting a sexual harassment investigation. Anyone acting in such a manner will be subject to disciplinary action up to and including dismissal.

The Board reserves the right to apply corrective action against an employee who has been determined to have filed a complaint in bad faith or frivolously.

Each and every allegation will be taken seriously, investigated thoroughly and completely, and an appropriate course of action will be taken to resolve the situation in the most expeditious means possible by law, if warranted. Although confidentiality cannot be guaranteed, the Board will make every attempt to keep the complaint as confidential as possible, except as required by law and as may be reasonably necessary to successfully complete the investigation.

5.3.13 Alcohol and Drug-Free Work Place

The Board is committed to providing employees with a safe, healthy, and productive environment by maintaining a drug-free and alcohol-free workplace and taking reasonable measures to ensure that employee alcohol and drug abuse does not exist. Any location at which the Board conducts its business is declared to be a drug-free workplace.

The Board realizes that a successful policy may combine education, counseling, assistance and/or discipline. All employees are absolutely prohibited from working under the influence, the use, sale, dispensing, distribution, possession, or manufacturing of illegal drugs and narcotics or alcoholic beverages on its premises or while on duty. The Board adheres to the [Drug Free Workplace Policy](#) approved by the Delaware County Commissioners and, as a condition of employment each employee shall abide by the terms of the drug free workplace policy.

All offers of employment shall be conditioned upon the applicant submitting to, and successfully passing, a drug test. Applicants who refuse to consent to a required drug test will not be hired.

The Board utilizes random drug testing for commercially licensed drivers. All other Board employees may be required to undergo drug/alcohol testing for cause.

The Board recognizes that some prescription medications may cause impairment in judgment, coordination, and physical ability and the employee should report this fact to his/her immediate supervisor along with acceptable written medical documentation. Reasonable accommodations will be made when possible for any employee that uses such prescribed medication.

An employee with substance abuse problems is encouraged to voluntarily contact the Employee Assistance Program (EAP) and enroll in a rehabilitation program. Voluntary contact of the EAP or enrollment in a substance abuse program may not adversely affect employment. The Board reserves the right to offer an employee convicted of violating criminal drug statutes in the workplace participation in an agency approved rehabilitation or alcohol and drug abuse assistance program as an alternative to discipline. If such a

program is offered and accepted by the employee, the employee must satisfactorily participate and/or complete the program as a condition of continued employment. However, a failed drug or alcohol test, continued unacceptable job performance, attendance, and/or behavioral problems may result in disciplinary action, up to and including termination. Confidentiality will be maintained to the extent provided by law.

As a condition of employment, each employee shall abide by the terms of the drug-free workplace statement. Any employee convicted (for purposes of this policy, a plea of guilty has the same effect as a conviction) of violating a criminal drug statute, or convicted of violating a drug/alcohol statute that results in a misdemeanor of the first degree and a felony on subsequent offenses, shall provide written documentation to the personnel department within five (5) working days. Any employee who fails to report such a conviction will be subject to disciplinary action, up to and including termination for the first offense.

Within ten (10) days of receiving actual notice that an employee has been convicted of any of the aforementioned, the Board is required by the federal Drug Free Workplace Act to notify the Ohio Department of Developmental Disabilities of this fact. Within thirty (30) days of receipt of such notice, the board shall:

1. Terminate the employee with cause if the conviction is for dispensing, trafficking, distributing, or manufacturing.
2. Require such employee to satisfactorily complete a drug/alcohol abuse assistance program or rehabilitation program of the Board's choosing if the conviction is for possession, under the influence of, or using.
 - a. Failure to satisfactorily complete the program will result in termination with cause of the employee.
 - b. As a further condition of employment, the employee must agree to random drug/alcohol testing for a period of twenty-four (24) months upon their successful completion of the program and return to work.
 - c. Any further convictions will result in termination with cause.
 - d. If the Superintendent, upon the recommendation of the department head and the director of personnel, has reasonable suspicion that an employee has manufactured, distributed, possessed, used, or worked under the influence of a controlled substance in any facility of the Board, the Superintendent can require that such an employee undergo drug/alcohol testing.
 1. If the employee refuses such testing, the employee will immediately be terminated with cause.
 2. If the employee complies and the test is positive, the employee will be required to satisfactorily complete a drug rehabilitation program.
 - e. If an employee has an accident while operating a Board insured vehicle, the employee may be required to submit to a drug/alcohol test depending on the circumstances surrounding the accident. Such test will be within four (4) hours of the accident and the provisions of (d) (1) and (d) (2) above apply. Failure to comply within the four (4) hour period may result in corrective action up to and including termination.

Reference: [Qualifications for Driving on Board Business/Accident Policy](#)

5.3.14 Violence-Free Work Place

The Board will not tolerate threats or acts of workplace violence and is committed to providing a safe and professional work environment. "Work place" includes any community setting while on duty or performing duties. All employees are expected to treat co-workers, managers, elected officials and the public in a mature and professional manner. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect Board employees or which occur at the work place will not be tolerated.

Prohibited workplace violence consists of:

- All threats or acts of violence occurring on Board property, regardless of the relationship between the Board and the individual involved in the incident.
- All threats or acts of violence not occurring on Board property, but involving someone who is acting in the capacity as a representative of the Board.
- All threats or acts of violence not occurring on Board property, but involving an employee of the Board if the threats or acts of violence affect the legitimate interests of the Board.
- Any threats or acts of violence resulting in the conviction of an employee or agent of the Board, or of an individual performing services on the Board's behalf on a contract or temporary basis, under any criminal code provision relating to threats or acts of violence that adversely affect the legitimate interests of the Board.
- With exception to law enforcement officers, pursuant to Ohio law, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance in Board owned or leased buildings, secured areas, and vehicles. A valid license does not authorize the licensee to carry a weapon while on duty or on Board premises. Violators of this policy will be subject to discipline, up to and including immediate termination and possibly prosecuted for violation of Ohio law.

Employees should also be alert to any threats or acts of violent behavior from co-workers, the public, eligible individuals, or others. Employees and management should utilize necessary precautions to protect all parties when a threat is made. It is the responsibility of each employee to report incidents of threats or acts of physical violence of which he or she is aware to his/her immediate supervisor or to another person in authority. If a Board employee is the individual reporting the incident, the report should be addressed with the reporting individual's immediate supervisor or a member of management for assessment and possible referral to the appropriate law enforcement agency. Any employee involved in violating this policy will be subjected to corrective action, which may include termination, in accordance with the applicable law, rule, policy, procedure or collective bargaining agreement.

5.3.15 Protection of "Whistle Blowers"

Any employee of the Board who learns, in the course of his/her employment, of a violation of state/federal statutes, rules, or regulations or the misuse of public resources which his/her supervisor or the Superintendent could correct may report that violation or misuse without reprisal as follows:

1. Reports must be written. Oral reports have no protection under the "whistle blower" statute, O.R.C. 124.341.

2. The report must be filed with either the Superintendent or the employee's supervisor unless the employee reasonably believes the violation or misuse constitutes a criminal offense or a violation of O.R.C. 102 (ethics) or O.R.C. 2921.42 (unlawful interest in a public contract) or O.R.C. 2921.43 (soliciting or receiving improper compensation).
3. Suspected criminal offenses can be reported to a prosecuting attorney, the chief legal officer of a municipality or a peace officer.
4. Suspected violations of O.R.C. 102, 2921.42, or 2921.43 may also be reported to the Ohio Ethics Commission.

Except as provided below, an employee may not be punished for making any report authorized above.

Employees shall make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be punished, up to and including removal, for purposely, knowingly or recklessly reporting false information.

Employees punished as a result of reporting violations or misuse under this policy may appeal that punishment to the State Personnel Board of Review. Appeals must be filed no more than thirty (30) calendar days after the employee learns he/she has been punished. O.R.C. 124.341 (D) makes appeal to the State Personnel Board of Review the exclusive remedy for an employee punished for reporting violations or misuse under this policy.

For purposes of this policy:

1. A person acts purposely when it is his/her specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his/her specific intention to engage in conduct of that nature.
2. A person acts knowingly, regardless of his/her purpose, when he/she is aware that his/her conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he/she is aware that such circumstances probably exist.
3. A person acts recklessly when, with heedless indifference to the consequences, he/she perversely disregards a known risk that his/her conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he/she perversely disregards a known risk that such circumstances are likely to exist.

References: *O.R.C. 102.01, et seq.; 124.341; 2901.22; 2921.42 and 2921.43*

5.4 DISCIPLINARY POLICIES

5.4.1 Disciplinary Process - Unclassified Employees

(This policy applies to the removal, suspension and demotion of management employees. It does not apply to non-renewal of management contracts.)

As used in this section, “employee” means a management employee or Superintendent of the Board.

An employee may be removed, suspended, or demoted for violation of written rules set forth by the Board or for incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or other acts of misfeasance, malfeasance, or nonfeasance.

Prior to the removal, suspension, or demotion of an employee, the employee must be notified in writing of the charges against him/her. Not later than thirty (30) days after receiving such notification, a pre-disciplinary conference shall be held to provide the employee an opportunity to refute the charges against him/her. At least seventy-two (72) hours prior to the conference, the employee shall be given a copy of the charges against him/her.

If the removal, suspension, or demotion action is directed against a management employee, the conference shall be held by the Superintendent/designee who shall notify the management employee within fifteen (15) days after the conference of his/her decision with respect to the charges. If the removal, suspension, or demotion action is directed against a Superintendent, the conference shall be held by the members of the Board or their designees, and the Board shall notify the Superintendent within fifteen (15) days after the conference of its decision with respect to the charges.

Within fifteen (15) days after receiving notification of the results of the pre-disciplinary conference, an employee may file with the Board a written demand for a hearing before the Board or before a referee. The Board shall set a time for the hearing which shall be within thirty (30) days from the date of receipt of the written demand, and the Board shall give the employee at least twenty (20) days notice in writing of the time and place of the hearing.

If a referee is demanded by an employee or a Board, the hearing shall be conducted by a referee selected in accordance with the procedures below; otherwise it shall be conducted by a majority of the members of the Board and shall be confined to the charges enumerated at the pre-disciplinary conference.

Referees for the hearings required by this section shall be selected from the list of names compiled by the Superintendent of Public Instruction pursuant to O.R.C. 3319.161. The Board and the employee shall attempt to agree upon one of the three referees provided by the Superintendent of Public Instruction. If the Board and the employee are unable to agree upon a choice for referee, the superintendent shall appoint one of the designees to serve as referee. The appointment of the referee shall be entered in the minutes of the

Board. The referee appointed shall be paid his usual and customary fee for attending the hearing which shall be paid from the general fund of the Board.

The Board shall provide for a written record of the proceedings, and a copy of the record shall be furnished to the employee.

Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the Board. In case of the failure of any person to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the Board or the referee may administer oaths to witnesses. After a hearing by a referee, the referee shall file his/her report within ten (10) days after the termination of the hearing. After consideration of the referee's report, the Board, by a majority vote, may accept or reject the referee's recommendation. After a hearing by the Board, the Board, by majority vote, may enter its determination upon its minutes. If the decision, after hearing, is in favor of the employee, the charges and the record of the hearing shall be physically expunged from the minutes and, if the employee has suffered any loss of salary by reason of being suspended, he/she shall be paid his/her full salary for the period of such suspension.

Any employee affected by a determination of the Board under this division may appeal to the court of common pleas of the county in which the Board is located within thirty (30) days after receipt of notice of the entry of such determination. The appeal shall be an original action in the court and shall be commenced by the filing of a complaint against the Board, in which complaint the facts shall be alleged upon which the employee relies for a reversal or modification of such determination. Upon service or waiver of summons in that appeal, the Board immediately shall transmit to the clerk of the court for filing a transcript of the original papers filed with the Board, a certified copy of the minutes of the Board into which the determination was entered and a certified transcript of all evidence adduced at the hearing or hearings before the Board or a certified transcript of all evidence adduced at the hearing or hearings before the referee.

The employee or the Board may appeal from the decision of the court of common pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, pursuant to O.R.C. Chapter 2505.

Not renewing an employee's employment contract with the Board is not a disciplinary action, is not a removal, and is not subject to this policy (*Reference: O.R.C. 5126.23*).

5.4.2 Disciplinary Process – Classified Employees

Philosophy: Discipline should be viewed as constructive in nature, designed to improve the performance and behaviors of employees so those incidents do not reoccur. It should be viewed as a means to ensure the safety and well being of employees as well as individuals.

Principles: The majority of our employees will never have cause or reason to be involved in disciplinary actions. Counseling, when used as a means to instruct an

employee or to improve performance, will be all that is usually needed to assist an employee in meeting expectations. The Board has faith that its employees are dedicated and caring people who consistently try to do their best.

5.4.3 Expectations of Employee Performance and Conduct

Each employee's performance and conduct is critical to the safeguarding of individual's rights, providing a quality work environment for all employees. Therefore, the following is a basic statement of what is expected of each employee. It is meant to be illustrative in nature and should not be considered all-inclusive.

Supervisors are obligated to maintain standards in both performance and conduct of their assigned employees. When standards are not met, supervisors have the discretion to recommend disciplinary action to reflect the seriousness of the offenses, harmful impact upon the program and/or individuals and other mitigating circumstances.

Statement of Expectations: Employees of the Delaware County Board of Developmental Disabilities are expected to:

1. Safeguard individuals and their rights.
2. Maintain confidentiality, professional behavior and language with individuals, fellow employees and the public; provide complete, accurate and timely reporting of critical incidents, suspected violation of individual and/or employee rights; and report exposure to serious communicable diseases to the supervisor.
3. Maintain a safe, clean and professional working environment; conduct personal business during nonworking time; be free of intoxicating or illegal substances on the job or on Board business; and always remain fit for duty.
4. Follow all proper department and agency rules, policies and procedures; communicate all expenses, service or performance incurred to the Board; take reasonable care of Board property, records and equipment and use only for authorized purposes; avoid all unauthorized political activity and solicitations; carry no firearms or weapons while on duty, on Board property or Board business.
5. Maintain all certification and registration as required by the Department of Developmental Disabilities, Department of Education, Medicaid or other licensing authority; complete and maintain all other job requirements.

5.4.4 Progressive Discipline Policy

The Board reserves the right to utilize appropriate discipline that reflects the seriousness of the action, its impact upon individuals and other employees, and any possible criminal nature of the offense. Disciplinary action will comply with laws, regulations and statutes regarding public employment.

The Board believes that certain basic principles, as set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job performance or conduct when it occurs.

The Board's expectations are:

1. Employees shall be aware of job expectations through job descriptions, performance evaluations, policies and procedures, the types of conduct the Board expects of all employees as set forth in this manual, and the penalties for unacceptable job performance and conduct.

2. Immediate attention shall be given to policy infractions. As soon as the supervisor is aware of a problem/concern/allegation concerning an employee, the supervisor shall discuss it with the employee, allowing the employee an opportunity to respond to the issue.
3. Discipline shall be applied uniformly and consistently.
4. Each offense shall be dealt with as objectively as possible.
5. Discipline shall usually be progressive but, depending upon the severity of the offense, may proceed immediately to termination.
6. An employee's immediate supervisor/coordinator, department director, and/or personnel administrator and the Superintendent shall be responsible for administering discipline.

Employee Responsibilities during the Disciplinary Process: Employees are required to be truthful at all times during the disciplinary process. Lying, withholding information (partially or completely) or refusal to give information may result in termination. Employees are reminded that failure to report abuse/neglect of individuals or other violations of statute, rules or policy may result in the employee being held equally responsible for a disciplinary offense as the person who committed the offense which was not reported.

Progressive Discipline Steps: Written actions are to be signed by the employee. If the employee refuses to sign, a witness must verify that the meeting was held by signature to the appropriate action(s). Signature signifies notification of action and is not an admission of guilt. All steps outlined below are written actions.

STEP 1: Counseling (noted in supervisor's file)

STEP 2: Written Reprimand (copy to employee, in supervisor's file and to personnel file - to remain in effect for a minimum of one (1) year

STEP 3: Fine or suspension of less than three days for overtime eligible employee or less than forty (40) hours for overtime exempt employee - not appealable to the State Personnel Board of Review (SPBR). An appointing authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee's regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee's personnel file in the same manner as other disciplinary actions and has the same effect as a suspension without pay for the purpose of recording disciplinary actions. Copy to the employee, SPBR and permanently in personnel file.

STEP 4: Fine or suspension of more than three days for overtime eligible employee or forty (40) hours or more for overtime exempt employee; appealable to SPBR; permanently in personnel file. Copy to the employee, SPBR and permanently in personnel file.

STEP 5: Reduction in pay or position and removals; appealable to SPBR; permanently in personnel file; may not be rehired. Copy to the employee, SPBR and permanently on file.

Progressive discipline steps are not mandatory. Seriously unacceptable actions on the part of the employee may result in removal on the first offense. Such unacceptable actions include:

- Abuse/Neglect of individuals or individual's rights
- Falsification of records (such as deliberate recording of more hours than actually worked, misuse/abuse of sick leave)
- Failure to report individual abuse/neglect
- Lying or withholding information at a fact-finding conference
- Use, under the influence of, or sale of narcotics or alcohol during work time or on Board property, or while operating Board owned or leased vehicles
- Breach of confidentiality regarding individuals or employees
- Unlawful harassment
- Any other gross misconduct

Fact-finding Conference: Employees will be offered the opportunity of a fact-finding conference when corrective action at Steps 4 through 5 may be imposed.

Expungement of prior warnings and reprimands: Employees who have not received corrective action during the 12 months following counseling or a written reprimand may request expungement of the record of the counseling/reprimand from their personnel files. Expungement is discretionary with the Superintendent. Requests for expungement must be written.

Rights of Abused Individuals: Disciplinary action taken by the Board against any employee for abuse, neglect, slander or other illegal acts does not diminish the rights of the victim or the victim's parent/guardian or advocate to pursue legal recourse.

Responsibility to Report Abuse/Neglect: By law, any employee who suspects abuse or neglect of an individual in any manner must report their suspicions to appropriate authorities pursuant to policies and procedures. Failure of an employee to make such reports as required by law will result in the employee being subject to disciplinary action.

5.4.5 Order of Removal, Suspension or Reduction - Classified

The same Order form is used for removals (including involuntary disability removals), suspensions, and reductions. One copy is given to the employee, one is filed with the State Personnel Board of Review, and one is retained by the appointing authority.

One of the statutory grounds for action must be stated on the form. Those acts of behavior which constitute or support the statutory basis for the action are to be specifically listed and described.

Whenever possible, the exact time and place of specific acts are to be given, together with the names(s) of the person(s) involved. Where incompetence or inefficiency is charged, the standards of performance by which it is judged are to be given. The information given in this portion of the form must be clearly stated in terms which the employee can understand--but which also would be meaningful in the event the case reaches further stages of administrative review. The specific acts are to be written in such detail as to advise the employee of exact actions which must be defended. If previous warnings or suspensions of any sort have been given the employee concerning any of the behavior cited in the action, they should also be indicated on the form.

The Order form shows the date on which the action becomes effective. This may be the same date that the employee receives a copy of the Order or it may be later than that date but it may never be earlier than that date.

The filing date of the Order is entered at the designated place on the form. This may be the same date that the employee receives a copy of the Order or it may be later than the date but it may never be earlier. In cases where immediate removal seems to the appointing authority to be imperative, the effective date, the filing date, and the date of giving notice to the employee may all be the same.

The copy of the Order which is given to the employee must be signed personally by the appointing authority.

If an amended order is prepared, a new filing date and period for appeal will follow.

5.4.6 Appeals - Classified Employees

Personnel actions affecting classified employees such as non-probationary dismissals, suspension of twenty-four (24) hours or more for overtime eligible employees, suspension of forty (40) hours or more for overtime exempt employees, reductions, demotions and layoffs, may be appealed by affected employees to the State Personnel Board of Review. Suspensions of less than twenty-four (24) hours for overtime eligible employees and suspensions of less than forty (40) hours for overtime exempt employees are not appealable to the State Personnel Board of Review.

Written appeals of removal, demotion or suspension must be filled with the State Personnel Board of Review within ten (10) calendar days after receipt of the Order by the employee. Written appeals of layoffs must be made within ten (10) calendar days after the effective date of the action.

The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the State Personnel Board of Review may affirm, disaffirm, or modify personnel decisions made by the Superintendent.

EXCEPTIONS OF APPEAL

Suspensions of less than twenty-four (24) hours for overtime eligible employees and suspensions of less than forty (40) hours for overtime exempt employees are not governed by the above procedure. Such suspensions may be made by the appointing authority at any time without the employee having recourse to any appeal. However, the employee must be notified of the grounds.

Voluntary written agreement by the employee to a reduction constitutes a waiver of the above procedure. This consent must be signed on the date shown on the consent.

When an employee becomes physically unable to perform the duties of the position, a transfer may be requested to a vacant position of a similar or lower pay grade that the employee has the ability/qualifications to fill.

5.4.7 *Suggestions and Complaints*

There are occasions when complaints arise regarding the service or operation of the Delaware County Board of Developmental Disabilities or there are suggestions to improve the services provided. The Board is interested in all ideas and in using them to improve services to the individuals served.

Many formal procedures already exist to raise complaints. The Board's Civil Rights Policy outlines procedures that protect the rights of individuals receiving services from or employed by the Board. Likewise, there are procedures defined by the rules of the Department of Education, Department of Health and Ohio Department of Developmental Disabilities. Employees have formal complaint/grievance procedures. All of these are available and have specific requirements on the agency and on the complainant.

Another, and probably more effective way to get ideas across, is direct, face-to-face contact with the right person. Here are some guidelines that might help when submitting suggestions and will certainly help the department director, Superintendent and the Board in responding.

Start with the right person. The people who have the best and quickest solutions are the direct service employees and department director. If they cannot answer the concerns, they will help you find someone who can.

Issues need to be timely. The best time to correct a problem or consider a new idea is when it is fresh. It is very difficult to do anything about a problem that happened many days earlier.

Be specific. Objectively state concerns, involved individuals, when it happened or did not happen and what should happen in the future to address similar concerns.

One issue at a time. Some concerns can be addressed quickly and completely. Others will take more time. A shopping list of problems usually can never be totally and finally resolved.

By using these guidelines most ideas or questions can be answered quickly by simple verbal requests. If verbal requests do not elicit a response, please use the above format in a written communication.

5.4.8 *Grievance Procedure Policy*

It is important for employees to have the means by which grievances may be aired in an atmosphere without fear that the submission of such a grievance will be held against them. To accomplish this, the Board has adopted a [Resolution of Complaints](#) procedure. An employee desiring to air a grievance must follow the steps of the procedure that are appropriate for his/her particular grievance.

A "grievance" is defined as an allegation in writing describing a disagreement between an employee and management as to the interpretation or application of official Board policies, state civil service laws, agency rules or decisions, matters subject to state or federal law, departmental rules and regulations, or other disagreements perceived to be

inconsistent or inequitable relating to discipline, treatment or other conditions of employment. Neither probationary removals nor any other personnel actions taken in matters in which employees have been afforded the opportunity for a pre-disciplinary conference described earlier may be appealed through the in-house grievance procedure.

Nothing in this policy is intended to deny employees any rights available by law to have access to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.

The purpose of this procedure is to secure equitable resolution of problems at the lowest possible administrative level.

This grievance procedure is only to be used when normal supervisor/subordinate communications breakdown and the subordinate feels that a proper solution has not been reached.

All employees shall sign a statement that they have seen and have knowledge of the complaint procedure.

The employee must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted.

Where a grievance cites issues of law that the individual hearing the complaint cannot address, the complaint shall be forwarded to the Prosecuting Attorney's Office for an opinion before proceeding. All time limits set forth in this procedure shall be held in abeyance until a response from the Prosecutor is received.

Where a group of employees desire to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the complaint. However, each employee affected shall sign the grievance.

A complainant may have a representative (employee or non-employee) of his/her choosing present at any step of the procedure except Step 1. Employees and employee representatives shall not lose pay or benefits during normal working hours for time spent in grievance hearings. The expense of any legal representative(s) shall be borne by the party utilizing them. Witnesses may be called by both parties. Management maintains the right to schedule witnesses for hearings.

All grievances filed under this procedure shall be in writing on the form provided for this purpose and shall state the nature of the complaint, the expected resolution and the facts that affect the conditions of the complaint.

For the purpose of this policy, days shall not include Saturdays, Sundays, holidays, or non-working days.

The employee may terminate the grievance at any point by submitting a written statement to that effect. This statement shall be submitted to the Superintendent.

Time limits as set forth in the Grievance Procedure may be extended by mutual written agreement of the parties.

5.4.9 EEO Complaint Policy and Procedure

The following complaint procedure has been adopted by the Board.

Filing of Discrimination Complaint: Any employee or applicant having a complaint of discrimination on basis of race, color, religion, sex, national origin, military status, disability, genetic information, or age (40 and over), may file a written discrimination complaint in the office of the Equal Employment Opportunity (EEO) Coordinator located in the administrative office.

The complaint must be filed within thirty (30) days of the alleged discriminatory action, except that this time limit may be extended if the complainant can show that he/she did not have notice of the time limit, or was prevented by circumstances beyond his/her control from submitting the complaint within the time limit, or for other reasons considered sufficient by the coordinator.

A complaint shall be deemed filed on the date it is received, or on the date postmarked if mailed. The EEO Coordinator shall acknowledge receipt of the complaint in writing, and inform the complainant in writing of the complaint procedure and of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission.

Complainant's Right to Representation: At any time during the course of the procedure, the complainant has the right to be accompanied, represented, and advised by a representative of his/her choosing. If the complainant is an employee and has designated another employee as his/her representative, both the representative and the complainant will be given a reasonable amount of time off work during normal working hours to present the complaint. Time spent during non-working hours to prepare the complaint will not merit compensation under this policy.

Rejection of Complaint: The EEO Coordinator may reject a complaint that was not timely filed or where information supplied by the complainant is deemed insufficient for the purpose of conducting an investigation.

The EEO Coordinator shall reject those complaints that do not allege discrimination on the basis of race, color, religion, sex, national origin, military status, disability, genetic information, age (40 and over), or which are substantially identical to a previous complaint filed by the same complainant which is pending or has been decided under this procedure.

The decision to reject a complaint, and the reason(s) for the decision, shall be communicated to the complainant in writing within ten (10) days of the filing of the complaint.

Informal Resolution of Complaint: Upon receipt of complaint, the EEO Coordinator shall have twenty-one (21) days in which to investigate and attempt to resolve the complaint informally. If an informal resolution of the complaint is achieved, the terms of the resolution shall be set forth in writing, made part of the complaint file, and a copy shall be provided to the complainant.

If an informal resolution of the complaint is not achieved, the EEO Coordinator shall notify the complainant in writing: (1) of the proposed disposition of the complaint; and (2) of his/her right to a determination by the personnel committee of the Board if the complainant notifies the Board's personnel committee chairperson in writing of his/her desire for a determination within fifteen (15) days of his/her receipt of this notice.

Determination by the Personnel Committee of the Board: Upon receipt by the personnel committee chairperson of the Board of the complainant's written notification of his/her desire for a determination, the personnel committee of the Board shall have thirty (30) days in which to conduct a determination proceeding on the complaint.

The EEO Coordinator shall transmit to the personnel committee all materials concerning the complaint which have been acquired. Should the personnel committee determine that further investigation is needed the committee may direct the EEO Coordinator to conduct such investigation.

The determination proceeding shall be conducted in accordance with the following:

- Adequate notice to parties of the determination proceeding including time, place and procedures
- Reasonable timing
- Right of each party to representation
- Right of each party to present evidence
- Right of each party to question evidence of the other
- Decision made solely on the basis of the evidence

The personnel committee, established by the Board on an as needed basis, shall have the authority to:

- Oversee the adherence of EEO complaint policies and procedures
- Exclude irrelevant or unduly repetitious evidence
- Limit the number of witnesses
- Exclude any person from the determination proceeding for misconduct

The personnel committee shall render a decision within ten (10) days of the conclusion of the determination proceeding or as soon thereafter as possible. The decision shall be made in writing and shall contain a statement of the reason(s) for the decision. Copies of the decision shall be provided to the Superintendent, the EEO Coordinator, and the complainant. In addition, a letter shall be provided the complainant informing him/her of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission. The complainant has the right to file with the EEO Commission and the Ohio Civil Rights Commission within 180 days (federal) or six (6) months (state) of the date of the alleged discrimination.

The decision of the personnel committee shall be final; however, the committee may refer the matter to the entire Board.

Freedom from Retaliation: Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or retaliation during all stages and following the completion of the complaint procedure.

5.5 COMPENSATION POLICY

5.5.1 Salary Policy

The [salary policy](#) is approved by the Board annually and sent to each employee with their salary for the coming year.

5.5.2 Pay Periods

There are normally twenty-six pay periods per year. All employees are to be paid every other Friday under a two (2) week delayed system.

If a holiday occurs on a Friday on which a pay day falls, pay checks will be issued on Thursday. The personnel office will advise employees of any deviation in this procedure.

Questions regarding an employee's pay are to be referred immediately to the personnel office for resolution.

Pay advances of any kind are not permitted.

5.5.3 Payroll Deductions

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. These deductions are itemized on the employee's bi-weekly pay statement. Deductions include:

1. **OPERS/STRS:** State law requires that employees contribute to the Ohio Public Employees Retirement System or the State Teachers Retirement System rather than Social Security. With every contribution made by the employee, the Board contributes an amount set by OPERS/STRS and the Ohio Legislature. Questions should be directed to the appropriate retirement office.
2. **Income Taxes:** Federal, state and some city ordinances or school districts with an approved income tax require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the county personnel office by the Ohio Department of Taxation, the IRS, and various cities, and varies according to the amount of salary, work location, residence, and number of withholding allowances (e.g., dependent exemptions). Employees are required to complete tax withholding forms upon initial employment and to inform the personnel office on the required form of any changes in withholding exemptions or residence whenever such change occurs.
3. **Medicare:** For all employees hired after April 1, 1986, a 1.45% deduction of gross salary will be withheld for federal Medicare/medicine.
4. **Miscellaneous:** Examples include garnishments, deferred compensation, child support, Flexible Spending Accounts, Credit Union, United Way, etc. The employer may refuse to make deductions not required by law which are below certain prescribed minimum amounts, or at irregular intervals, or for other causes that the employer deems not in the best interest of the Board. All requests for payroll deductions must be presented by the employee in writing to the personnel office on the prescribed form.

5. Whenever a request for payroll deductions is not personally made by the employee, the payroll department may verify the request with the employee.

5.5.4 Overtime Pay/Compensatory Time Accrual and Use

The purpose of this policy is to establish uniform guidelines for the accrual, payment, and use of overtime pay and compensatory time off. The provisions of this policy shall apply to all non-exempt employees of the Board. Exempt professional and management employees are not eligible for overtime pay or compensatory time but are eligible for adjusted work schedule.

OVERTIME EXEMPTION STATUS DETERMINATION

Determination of an employee's overtime exempt status shall be individually based upon each employee's duties as reflected in his signed, official position description.

Appeals from the determination of exempt status should follow the established grievance procedure.

OVERTIME PAY/COMPENSATORY TIME

All "overtime eligible employees" who work overtime may elect to be compensated at one and one half times their base rate of pay or to receive compensatory time at one and one half hours for each hour worked in excess of 40 hours during one work week.

To receive overtime pay or compensatory time, the employee must submit a completed Compensatory Time Accrual/Overtime Pay Request Form to be attached to the division/department time sheets for the work weeks involved. The Superintendent's/designee's signature on this form verifies that all hours recorded were prior approved by the Superintendent/designee.

When an "overtime eligible employee" works at two different rates, overtime will be paid at the weighted average of the two overtime rates (FLSA). An Agreed Overtime Rate Form shall be completed for each employee who wishes to work two or more jobs that pay different rates. This completed form must be included with the pre-employment paperwork before an employee is appointed to a second position if the second position is paid at different rates from the first position.

"Overtime exempt employees" are not eligible to earn overtime pay or compensatory time.

COMPENSATORY TIME USE

Compensatory time must be taken within 180 days of the date on which it is earned (R.C. 4111.03(B)). Compensatory and holiday time not used within 180 days of its accrual will be paid at the employee's hourly rate.

No more than 40 total hours of accrued compensatory or holiday time may be carried by any employee. Once an employee reaches the 40 hour ceiling, time in excess of the limit will be paid at the employee's hourly rate at the time of payout.

All requests for use of accrued compensatory time will be considered individually and granted at a time mutually convenient to the employee and his/her administrative superior.

FLEX TIME

Subject to the following conditions, department directors may authorize occasional changes in their overtime eligible employees' work schedules to meet their department's operational needs as follows: (a) the employee must agree to the change; (b) the change must be temporary, not permanent and (c) additional hours worked on one day of a week must be offset by fewer hours worked on another day within the same workweek so that the employee does not work more than 40 hours within that work week.

The Superintendent must approve any arrangement that falls outside of these limits

MOVING FROM AN OVERTIME ELIGIBLE POSITION TO AN OVERTIME EXEMPT POSITION

Any overtime eligible employee with a compensatory time balance who moves into an overtime exempt position will be permitted to use the remaining compensatory time in accordance with the principles set forth above. Once an employee moves to an overtime exempt position, he/she cannot earn additional compensatory time.

PAYMENT OF COMPENSATORY TIME UPON TERMINATION OF EMPLOYMENT - (FLSA)

Upon termination of employment, an employee shall be paid for unused compensatory time at the employee's final regular rate of pay.

TIME RECORDS

Employees are to start their work shift no sooner than 15 minutes prior to the start of the work shift and are to end their work day no later than 15 minutes after the work shift is over.

"Overtime eligible employees" who voluntarily arrive early for their assigned shifts and/or stay late after the shift will be actively discouraged from doing so by their immediate supervisors and division directors. Overtime eligible employees who arrive early for work and who voluntarily stay late after work shall spend this time in designated non-work areas. Overtime eligible employees may only engage in work related activities that would result in overtime pay or compensatory time accrual if they have prior written authorization to do so. Overtime eligible employees who violate this policy are subject to corrective action.

The division time sheet/time card is the official record of the employee's time worked. It is the employee's responsibility to complete this time sheet in a timely and accurate manner. Each employee must accurately record his/her actual starting and finishing times, break time (if applicable) and lunchtime. Employees who fail to accurately record their hours of work shall be subject to corrective action.

VOLUNTEER TIME

The time in which an employee engages in volunteer activities outside normal work time shall not be compensable (i.e., volunteering for Special Olympics, Self Advocates of Delaware, etc.). Employees are not required to volunteer for anything and supervisors shall not state or imply that employees should volunteer. Employees who wish to volunteer may register with the volunteer coordinator of the prospective entity (i.e., Special Olympics, Self Advocates of Delaware, etc.) for insurance liability purposes. No employee may volunteer to perform the same or similar duties that he/she performs during regular work hours.

ADJUSTED WORK SCHEDULES

Only executive or professional employees as defined in the Board's Classification Plan are eligible for adjusted work schedules.

Unless they are operating on an approved, modified work schedule, executive or professional employees are required to be at work during normal working hours. If, due to special circumstances, an executive or professional employee is required to work outside his/her normal work hours and works more than 40 hours during one or more work weeks, he/she may be credited for the additional hours worked ("adjusted work time") and use that credit in lieu of other leave. Accrual and use of adjusted work time is subject to the following conditions:

- Adjusted work time is credited for hours worked in excess of 40 on an hour for hour basis; there is no overtime premium.
- No employee may accrue adjusted work time without his/her supervisor's prior, written approval.
- No employee may be credited with more than 20 hours of adjusted work time per year without the superintendent's prior, written approval.
- No employee may use adjusted work time without his/her supervisor's prior, written approval. Adjusted work time must be used within the calendar year in which it was accrued.
- Adjusted work time is a gratuity, not compensation. Employees may neither carry unused, adjusted work time from one calendar year to the next nor may they liquidate unused adjusted work time for cash.

MODIFIED WORK SCHEDULES

Regular adjustments from work hours listed on job descriptions are referred to as modified work schedules. Modified work schedules must be reviewed and renewed at least annually and may be revoked at any time. Both the employee's Department Director and Superintendent must approve all modified work schedules.

5.5.5 Fringe Benefits

Health Insurance

The Board offers a comprehensive health care benefit package including vision and dental coverage. To be eligible for the health care benefits, employees must be full-time as defined in the health care plan. An employee must enroll himself/herself and his/her dependents in health care benefits within 30 days of the employee's hire date or wait

until Open Enrollment with coverage to begin at 12:01 a.m. on January 1st of the appropriate year.

For new employees, coverage will begin the first day of the month following one full month of employment (i.e., if the employee begins employment January 15th, coverage will begin March 1st; if the employee begins January 1st, coverage will begin February 1st).

For more detailed information on the health care benefits, consult the health care benefits brochure.

COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (**COBRA**) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Board's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Board's group rates plus an administration fee. Each eligible employee is provided with a written notice describing rights granted under COBRA when the employee becomes eligible for COBRA coverage. The notice contains important information about the employee's rights and obligations. For more information contact the personnel office.

Flexible Spending Account

The Flexible Spending Account allows participating employee out-of-pocket expenditures on uncovered medical, dental, vision, other medical related service and dependent care to be paid with tax-free dollars. Employees participating in the plan can elect to direct a portion of their salary to the flexible spending account. The employee's redirected salary is "banked" by the employer in an account maintained for the employee. When an expense is incurred for a covered service (i.e., medical expenses not covered by insurance because of paying deductible, coinsurance, dependent care or some other uncovered expense), the employee is reimbursed from the dollars in the "banked" account. The dollars redirected into the plan escape federal, state and social security taxation.

Life Insurance

Full-time, full-time seasonal and part-time employees are eligible for life insurance at no cost to the employee.

Deferred Compensation Program

Deferred compensation programs are available for eligible employees where employees invest part of their income (prior to taxes) into a deferred compensation plan. The money is invested into various funds to earn higher yields than savings accounts. The employee's investment and interest earnings are tax deferred until the employee begins withdrawing funds from the investment. The Board is not responsible for any losses or returns accumulated on investments made with any deferred compensation plan. For more information contact the personnel office.

Employee Assistance Program (EAP)

The Board offers a voluntary and professional service that provides information, counseling, and referral services to all full and part-time employees and their dependents. The Board has contracted with an employee assistance program (EAP) provider to assist employees in a private, confidential manner to resolve personal and/or career related issues.

The EAP offers the following services and supports to employees free of charge for a limited amount of time:

- Mental health issues
- Marriage/Divorce issues
- Child care issues
- Financial concerns
- Legal concerns
- Relocation/Community profile information

The EAP is available during normal business hours with the exception of the mental health services, which is accessible 24 hours a day.

Liability Insurance

The Board, its operations, employees and volunteers are covered under the general liability insurance coverage of the Delaware County Board of Developmental Disabilities.

Retirement Plan

Employees of the Board are required by law to participate in either [O.P.E.R.S.](#) or [S.T.R.S.](#) as applicable. In addition to retirement benefits, OPERS/STRS provides other benefits such as disability retirement, survivor benefits, and health insurance for retirees, etc.

Employees should direct questions about retirement benefits to:

Ohio Public Employees Retirement System
277 East Town Street
Columbus, OH 43215
1-800-222-7377

State Teachers Retirement System
275 East Broad Street
Columbus, OH 43215-3771
1-888-227-7877

Worker's Compensation

State Law provides that every Board employee is eligible for Workers Compensation for injuries arising out of, or in the course of, his/her employment. Guidelines for administering Workers Compensation are set forth below.

1. Should an employee be injured during the course of employment with the Board, the employee shall immediately notify his/her supervisor and shall complete an injury report form. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. The employee may be required to undergo drug and alcohol testing based on the discretion of the supervisor/agency administration. Such report shall be signed by the department director following an investigation of the injury/accident and forwarded within twenty-four (24) hours to the personnel office.
2. Should an employee's injury require medical attention, the injured employee shall go to Grady Memorial Hospital's Occupational Health Center. The employee shall notify the physician that the injury occurred during the course of

employment. Worker's compensation claim forms shall then be completed by the attending physician and the injured employee and forwarded to the personnel office for certification. The County's Insurance Coordinator may certify worker's compensation claim forms only when a Board injury report form has been submitted and the employee and physician sections have been completed on the worker's compensation form.

3. Upon approval by the Bureau of Workers Compensation, a claim number will be assigned and mailed to the injured employee. The injured employee shall notify the attending physician that all professional medical charges be directed to the Bureau for payment with the claim number.
4. The personnel office must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing their supervisor with a physician's statement identifying the nature of the disabling condition and the projected date of return. This physician statement must accompany the leave request form.
5. Employees who are injured in the line of duty and must leave work to obtain medical treatment before completing their scheduled work day shall be granted paid administrative leave for the remainder of the shift if the time is needed for medical treatment.
6. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Worker's Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Worker's Compensation.
7. Qualifying absences due to work related injuries may be designated as Family and Medical Leave time.

5.5.6 Driving Authorization and Expense Reimbursement

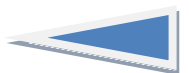
The [*Qualifications for Driving on Board Business/Accident Policy*](#) is approved by the Board annually and sent to each employee.

5.5.7 Professional Development

An employee of the Board may be granted professional leave at the discretion of the department director to attend professional meetings, conferences, workshops, courses, etc. Professional leave is intended to allow employees to receive specialized training and information without loss of pay and to stimulate and support their professional growth.

All full-time employees may receive an allowance of \$400 annually (January 1 – December 31) for professional development purposes. Part-time employees scheduled to work at least 1000 hours per year are eligible to receive professional growth monies of up to one-half of the approved amount for full-time employees. Substitutes, temporary, and contracted employees are not eligible for the professional development allowance. These funds may be used to pay for conferences, meetings, college courses, or other training programs to improve job related skills. All requests for professional growth are to be submitted on appropriate form.

The Board will not reimburse employees for overnight stays in neighboring counties unless it is required that the employee attend/present at an evening event. To be reimbursed for overnight stays within Ohio, the event must be more than a two (2) hours



drive from Delaware County. Expenses for overnight stays will reduce the employee's professional developmental monies available.

Employees requesting leave to travel outside the State of Ohio must have Board approval prior to the date(s) of the conference. Leave requests must be approved by the Superintendent through regular channels at least five (5) days in advance of the Board meeting which is scheduled prior to the dates requested.

Scheduled employee development days in the Board approved calendar and days the Superintendent or designee requires an employee to attend a professional development experience will not count as professional leave days for the purpose of this policy.

5.5.8 Tuition Assistance Policy

Eligibility

- A. Employees of the Delaware County Board of Developmental Disabilities: All full-time employees are eligible for tuition assistance in the amounts indicated below. Part-time employees scheduled to work at least 1000 hours per year are eligible to receive tuition assistance of up to one half of the approved amount for full-time employees. Substitutes and temporary employees are not eligible for tuition assistance.
- B. Employees of Not-for-Profit Agencies: Full time employees of not-for-profit organizations operating in Delaware County to provide services or supports to eligible individuals with disabilities are eligible for tuition assistance if the following conditions are met:
- There is an agreement between the Board of Developmental Disabilities and the not-for-profit for administration of tuition assistance.
 - The employee works exclusively in Delaware County serving or providing supports to individuals eligible for services from the Delaware County Board of Developmental Disabilities. The employee can work in any capacity with the agency.
 - Course work has to have begun and been completed during the term of current eligible employment. Course of study must be approved by the Superintendent or designee in advance of taking the course.

Tuition Assistance Allocation Levels

Level 1: Applicants may receive up to \$1,000 per calendar year (January 1 - December 31) as reimbursement for an approved course of study leading to a degree or professional certification related to services to individuals with disabilities and the applicant's position. The tuition assistance shall be forgiven over two (2) years at the rate of one twenty-fourth of the tuition assistance for each full month of employment with the Board or approved not-for-profit agency after completion of the course and submission of a grade report. Should an employee leave their qualifying employment, the outstanding balance of the tuition assistance is payable to the Board by the employee or not-for-profit.

Level 2: Applicants may receive up to \$2,000 per calendar year (January 1, - December 31) as reimbursement for an approved course of study leading to a degree or professional certification related to services to individuals with disabilities and the applicant's position. The tuition assistance shall be forgiven over three (3) years at the

rate of one thirty-sixth of the tuition assistance for each full month of employment with the Board or approved not-for-profit agency after completion of the course and submission of a grade report. Should an employee leave their qualifying employment, the outstanding balance of the tuition assistance is payable to the Board by the employee or not-for-profit.

Level 3: Applicants may receive up to \$3,000 per calendar year (January 1, - December 31) as reimbursement for an approved course of study leading to a degree or professional certification related to services to individuals with disabilities and the applicant's position. The tuition assistance shall be forgiven over four (4) years at the rate of one forty-eighth of the tuition assistance for each full month of employment with the Board or approved not-for-profit agency after completion of the course and submission of a grade report. Should an employee leave their qualifying employment, the outstanding balance of the tuition assistance is payable to the Board by the employee or not-for-profit.

Application Process

It is the responsibility of the employee to obtain approval for tuition assistance at least thirty (30) days prior to the start of each course/class. All applicants shall use the appropriate form to make application for the tuition assistance. For employees of not-for-profits, the application must include the dated signature of the agency's executive director or representative.

- a. Contact the administrative office to obtain the Tuition Assistance application.
- b. Complete the Tuition Assistance application, attaching course description and Applicant Statement of Justification and forward to your supervisor for approval **within thirty (30) days of course(s)/classes starting.** If registering for multiple courses/classes, indicate each on the application.
- c. Once the supervisor has approved the application, forward the application to the administrative office for final approval.
- d. A copy of the approved application will be returned to the employee. The original will be maintained in the administrative office.
- e. If the Tuition Assistance application is denied, a copy of the application and a written statement specifying the reason(s) for the action will be returned to the employee and the immediate supervisor. The original will be maintained in the administrative office.

An employee whose request has been denied may request a meeting with the denying party to discuss the reason(s) for denial.

Reimbursement

The following costs are reimbursable: *tuition, lab fees, and text books.*

Non-reimbursable costs include items such as **recommended** study guides/text books, notebooks, pens, paper, travel expenses, parking fees, insurance fees, deferred payment fees, enrollment and/or application fees, administration fees, general fees and graduation fees.

All expenses submitted for reimbursement must be supported with original receipts reflecting reimbursable items **required** for the course(s).

No deduction from payroll is permitted for monies due the Board for tuition assistance. Employees of the Board of Developmental Disabilities and eligible not-for-profit

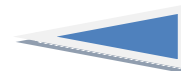
agencies agree to make full payment prior to out-processing. The not-for-profit agency is obligated to reimburse the Board of Developmental Disabilities regardless of the success in securing the outstanding portion of the tuition assistance from their employee.

Before the “forgiveness” phase of the tuition assistance policy can be implemented, the employee must submit a grade card showing a grade of “C” (or its equivalent) or better for each course/class. Should a course/class not be successfully completed (grade of C, it’s equivalent, or better), the employee will not be eligible for tuition assistance for that course/class and must reimburse the Board of Developmental Disabilities for any tuition assistance received for the course/class.

A copy of the applicant’s grade report must be submitted within six months of the date of the approval of the tuition assistance application or the full amount of the tuition assistance is payable to the Board. None of the tuition assistance will be forgiven without a grade report.

General Information

- All courses must be taken outside of regularly scheduled working hours whenever possible. Flexible scheduling may be permitted with prior written approval of the Superintendent. All scheduled hours for courses must be filed with the Superintendent. All courses are subject to approval by the Superintendent.
- Over the period specified in the level of tuition assistance requested, the Board will forgive a monthly rate for each full month of employment with the Board or approved not-for-profit agency providing services to eligible persons with disabilities in Delaware County after completion of the course and submission of a grade report. No credit will be given for a partial month of employment. Employees shall not be credited for employment serving individuals other than individuals eligible for services by the Delaware County Board of Developmental Disabilities.
- If the applicant’s employment is terminated for any reason, save those identified in #4 below, the full balance of the applicant’s debt to the Board is immediately due and payable. The Board need not make formal demand for payment. For the purpose of the tuition assistance, employees on an approved Family Medical Leave will have their time credited as active employment.
- The applicant is relieved of obligation to repay the Board if the applicant’s separation from employment with the Board or not-for-profit agency is due to permanent disability which precludes the applicant from performing the essential requirements of the job, or death.
- The use of tuition assistance may affect your taxable income. For more information, please discuss with a tax advisor on how best to file.



5.6 LEAVES OF ABSENCE

5.6.1 Notification of Absence/Leave Request

All employees must “report off” work for any absence. An employee is required to notify his/her supervisor or designee of his/her absence prior to the start of their shift or earlier if a substitute is required. Failure to do so may result in denial of leave for the period of absence, the absence may be determined to be unexcused and without pay and may result in disciplinary action in accordance with the Board’s disciplinary policy.

Leaves for other than illness, disability, or death of a member of the immediate family may be granted based upon the operational needs of the program. Requests for leaves are to be submitted to the department director on the Request for Leave form with other applicable documents attached. Such requests must be completed and submitted to the department director prior to the absence whenever possible or immediately upon return to work.

Sick leave, personal leave, or vacation may be used in quarter hour increments. Paid leaves will only be charged to employees with regard to scheduled workday.

The Superintendent/designee shall be the authority to approve or disapprove applications for leave and maintains the right to investigate any absence from work.

When an employee fails to return to work upon the expiration of an authorized leave of absence, that employee shall be considered to have resigned from the position effective the initial date of the leave.

Granting absences for other than approved paid leaves will not be done except in most extraordinary situations which are beyond the employee’s control.

5.6.2 Sick Leave

Sick leave is administered in accordance with O.R.C. 124.38 for all employees. An employee may request sick leave for absences resulting from illness as described below, provided the employee follows the “Notification of Absence” policy outlined in this manual. Sick leave may be requested for the following reasons:

1. Illness or injury or conditions of the employee or a member of the employee’s immediate family
2. Exposure of employee or a member of the employee’s immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others
3. Death of a member of the employee's immediate family
4. Medical, dental or optical examinations or treatment of employee or a member of the employee’s immediate family
5. Pregnancy, childbirth and/or related medical conditions

For purposes of this policy, "immediate family" is defined as: mother, father, brother, sister, child, step-child, foster child, spouse, grandparent, grandchild, mother-in-law,

father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of an employee's parent.

The Superintendent or designee shall require an employee to furnish a satisfactory written statement signed by a physician to justify the use of sick leave for three (3) or more consecutive days of absence. If medical attention is required, a certificate from a licensed physician shall be required to justify the use of sick leave.

For each completed hour of active pay status, an employee earns .0575 hours of sick leave. For the purposes of this section, active pay status is defined as hours worked, hours on paid vacation, hours on holiday leave, hours on paid sick leave and hours on paid compensatory time. Simply, if pay is received for a bi-weekly pay period, that pay period is active pay status.

Intermittent employees accrue sick leave on a proportionate basis to the hours paid each pay period.

The amount of sick leave time any one employee may accrue is unlimited.

Sick leave shall be charged in minimum amounts of quarter hours.

Employees absent on sick leave shall be paid at the same basic hourly rate as when they are working.

Individual departments may establish procedures for reporting off for sick leave.

Employees who request sick leave and have no available balance will have their pay reduced for the missed time and shall be subject to disciplinary review.

Sick leave used by an employee is considered non-work time for purposes of calculating overtime pay or compensatory time accrual.

An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action up to and including termination in accordance with policies outlined in this manual. The Superintendent or designee may require from the employee such verification as is appropriate to substantiate the employee's request for sick leave if the Superintendent or designee has a reasonable basis for requiring such verification.

Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate dismissal.

Employees who transfer between county departments or agencies, or who are reappointed or reinstated, will be credited with the unused balance of sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years. It is the employee's responsibility to request that sick leave from prior services be transferred, and to provide documentation concerning the balance to be transferred.

Employees may be required to document sick leave and other absences in accordance with the Board's Family and Medical Leave Act policy.

Sick Leave Donation Policy

Employees of the Delaware County Board of Developmental Disabilities may voluntarily donate leave to a fellow employee who is otherwise eligible to accrue and use sick leave pursuant to the provisions of O.R.C. 124.391 and this rule.

Receiving Leave – To receive donated leave an employee must:

- have a serious illness, injury, medical condition or have a member of their immediate family who has a serious illness, injury or medical condition
- have no accrued leave (sick, vacation, etc.) or is projected to exhaust all accrued leave as a result of a serious illness, injury or medical condition
- have applied for any paid leave, worker’s compensation, or benefits program for which the employee is eligible
- have applied for Family and Medical Leave
- have completed one (1) year of service with the Delaware County Board of Developmental Disabilities
- have provided written verification that the serious illness, injury or medical condition exists
- agree to accept the leave under the terms of this policy and completed an “*Application to Receive Donated Leave*”

Donating Leave – Employees may donate leave if the donating employee:

- voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned
- donates a minimum of one (1) hour
- retains a sick leave balance of at least 120 hours. Sick leave shall be donated in full hour units.
- Completes an “*Application to Donate Leave*”

Administration – The sick leave donation program shall be administered on a per occurrence basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Donated sick leave shall be considered sick leave and shall not be converted to a cash benefit to the employee. Donated sick leave shall not be donated for use by other employees. If qualifying, cash benefits will be distributed to the employee’s survivors according to policy.

When an application to donate leave is received, the entire amount of the donation will be transferred to the record of the designated employee.

5.6.3 Sick Leave Conversion - Separation from Employment/Death

This policy governs conversion of sick leave upon separation of employment or death of an active employee. It applies to all Delaware County Board of Developmental Disabilities (“Board”) employees and supersedes the provisions of R.C. §124.39 including any amendments thereto.

Conversion upon Separation from Employment

Separation from employment - Except as provided in the following sentence, “separation from employment” means termination of a person’s employment relationship with the Board by resignation or retirement. Any employee who retires

from the Board under a State of Ohio retirement system but continues his/her employment with the Board pursuant to the statutes governing that retirement system may convert his/her accrued sick leave upon *either* (a) retirement under the retirement system or (b) resignation from employment with the Board.

Eligibility - Only those employees who satisfy each of the following criteria may convert sick leave on separation from employment:

1. The employee must have completed at least one calendar year of service with the Board immediately prior to separation;
2. The employee must have at least 10 years total service with the State of Ohio or any of its political subdivisions prior to separation;
3. The employee must resign or retire;
4. The employee must submit a written notice of resignation at least 30 calendar days before the effective date of his/her retirement or resignation. The letter of resignation must indicate that the employee wishes to convert sick leave.
5. The employee may not convert sick leave more than once.
6. The employee cannot convert donated sick leave to a cash benefit.

Payout of Converted Leave for Separation from Employment - Payment, computed as provided below, shall be made in a lump sum on the payday for the first, complete pay period following the employee's separation from employment with the Board.

Sick Leave Conversion upon Death of an Employee

Recipient of Converted Leave - Upon the death of an employee in active service with the Board, the employee's accrued, unused sick leave shall be converted and payment issued as follows:

1. To the employee's surviving spouse, if any;
2. If the employee is not survived by a spouse, in equal share to his/her children or, if any children are minors or otherwise incompetent, to the child's guardian for the child's use and benefit;
3. If the employee is not survived by a spouse or children, in equal share to his/her surviving natural or adoptive parents or
4. If the employee is not survived by a spouse, children or parents, then to his/her estate.

Documentation - No payment may be made to anyone pursuant to this provision unless and until the Board receives a written request for payment supported by both a death certificate and documentation that conclusively establishes the appropriate payee's identity. Should the Board, in its absolute discretion, determine that it cannot conclusively identify the appropriate payee, payment shall be made to the employee's estate.

Payout of Converted Leave upon Death of Employee - Payment, computed as provided below, shall be made in a lump sum on the payday for the first, complete pay period following date on which the Board adopts a resolution authorizing the payment.

Rate of Conversion, Payout and Elimination of Balance - This section applies to conversions made under both separation from employment and death of an employee.

Maximum Conversion - Employees may convert up to 60 days of sick leave.

Rate of Conversion - Conversions shall be made at one half of the employee's base, hourly rate as of the payday immediately preceding the effective date of the employee's separation from employment or his/her death.

Elimination of Sick Leave Balance - Conversion of sick leave pursuant to this policy liquidates the employee's entire sick leave balance as of the date of conversion.

Transfer and Reinstatement of Leave Balances

Transfer of Unconverted Sick Leave Balances - Upon written request of any employee who separates from employment without converting his/her sick leave balance, the Board shall cooperate in any effort to transfer the unconverted balance to the new employer. Because the Board has no control over transfer of sick leave, it makes no representations regarding any employee's right to transfer unused sick leave to a new employer.

Reinstatement of Unconverted, Non-Transferred Sick Leave Balances - Sick leave that is neither converted nor transferred shall be credited to the employee should he/she return to active employment with the Board within five (5) years of last date of continuous employment with the Board.



5.6.4 Sick Leave Conversion

Annual Conversion - Full-time employees meeting the established criteria below may convert sick leave as per this policy:

In order to be eligible for sick leave conversion the employee must:

- maintain a balance of one (1) year's sick leave accrual
- be on active pay status as of January 1st of the current year
- complete a sick leave conversion request and submit to the administrative office by the deadline established

Leave can only be converted in the year it is earned. Payments for converted leave are earnable salary when conversion does not exceed what one could accumulate in 25 pay periods less any leave taken during the time period. For a full-time employee the 25 pay equivalent would be 115.0 hours maximum for conversion purposes. Employees working less than a full-time schedule will have their available conversion leave figured individually based on their work schedule. Calendar year is defined as the first full pay period in January thru the last full pay period in December. Accrual outside the pay periods defined in "calendar year" will not be included in the conversion. For example, an employee who accrues 115 hours of sick leave in a calendar year and uses 40 hours of sick leave during that same calendar year is eligible to convert 75 hours of sick leave.

Sick leave conversion is based upon the sick leave balance as of the end of the last pay period in December of the calendar year. Actual payment of the sick leave conversion will be made on the second pay day in January of the following calendar year and will be subject to all normal payroll deductions (i.e., payroll taxes, retirement, etc.).

Converted sick leave shall be paid at 50% of the employee's base, hourly rate of pay for the pay period in which the conversion is made.

Conversion of sick leave will reduce the employee's sick leave balance.

Eligible employees will receive notice of their sick leave conversion option and may elect to receive all or part of their annual conversion authorization or carry their sick leave balance forward. Cash conversion will be made only for those completing the conversion request by the deadline indicated.

Donated sick leave shall never be converted to cash.

5.6.5 Family and Medical Leave

The Family Medical Leave Act ([FMLA](#)) is a federal law that allows eligible employees up to twelve weeks of a combination of paid and unpaid leave of absence during any twelve month period in connection with specific qualifying events. The FMLA was established to protect the employment and benefits of employees needing leave to care for themselves or immediate family members under specific circumstances.

5.6.6 Personal Leave with Pay

Each full-time employee who has worked for the Board at least three (3) months will be granted paid personal leave according to the schedule below. These personal days will be placed to the employee's credit on the first day of each calendar year. Personal leave may not be accumulated and may only be used during the leave year in which it is granted.

- Regular full-time employees who are eligible for vacation shall be authorized a maximum of two (2) days personal leave per leave year that shall be charged against their sick leave balance.
- Full-time seasonal and part time employees working less than a 260 day schedule shall not be eligible for vacation but granted three (3) personal days per leave year not to be charged to their sick leave.
- Substitute, temporary and contracted employees are not eligible for personal leave.

Employees beginning work on or before June 30th will receive the full number of personal days per their employment status while employees beginning work on or after July 1st will receive one half of the number of personal days per their employment status.

Personal leave, as described in this policy, must be taken in minimum units of quarter hours.

Except in emergencies, prior approval by the department director must be submitted before using this benefit and Request for Leave form completed and submitted immediately upon return to work. Approval of personal leave shall be based on the ability of the program to maintain adequate programming.

Personal days may not be used in the last two (2) weeks of employment or the last two (2) weeks of the school year for those employees who work the school year schedule.

5.6.7 Vacation

All full-time employees earn vacation leave according to their years of service with the State of Ohio or any political subdivision of the state at a rate proportionate to the regular number of hours in the employee's bi-week as set forth below. (Except for classified employees who have retired according to the provisions of any retirement plan offered by the state and have returned to public service after June 24, 1987. Such employees will not receive service credit for service prior to retirement with the State of Ohio or any political subdivision of the state. Vacation for unclassified employees is defined in their employment contract.)

Reference: O.R.C. 9.44; O.R.C. 325.19

Nine-month, part-time, substitute, temporary and contracted employees are not eligible to earn and accrue vacation.

<u>Years of Completed Public Svs. (1)</u>	<u>Bi-weekly Accrual Rate (per hr worked)</u>		<u>Annual Work Hours</u>	<u>Annual Vacation Hours Earned</u>
Less than 1 year	no vacation			
1 year but less than 7 yrs.	.03875	x	2080	80.60
7 yrs. but less than 14 yrs.	.05770	x	2080	120.02
14 yrs. but less than 24 yrs.	.07750	x	2080	161.20
24 or more years of service	.09625	x	2080	200.20

Footnote 1: To determine prior service for the purpose of computing the amount of vacation leave for persons initially employed by Delaware County Developmental Disabilities on or after October 25, 1995, per ORC 9.44 (A) the State of Ohio or any political subdivision is entitled to have the employees prior service credited for computing the amount of the employee's vacation leave.

Footnote 2: Per ORC 325.19(2) (3) vacation will be accrued based upon compensated hours worked.

Footnote 3: Effective August 1, 2009 employees will begin accruing at the next higher service rate in years 7, 14 and 24 so as to have accrued 40.0 hours of vacation upon the anniversary dates specified in the ORC.

The service required in each instance need not be continuous. Completion of a total of one year of public service as defined in O.R.C. 9.44 is required before eligibility for any vacation leave is established. No further eligibility requirement need be met and vacation leave may be used as it is accrued with approval of the department director and consistent with the other sections of this manual pertinent to vacation.

Vacation is credited each bi-weekly pay period at the following standard rates:
 3.1 hours per pay period for those entitled to 80 hours of vacation per year
 4.6 hours per pay period for those entitled to 120 hours of vacation per year
 6.2 hours per pay period for those entitled to 160 hours of vacation per year

7.7 hours per pay period for those entitled to 200 hours of vacation per year

Full-time seasonal employees (full time employees scheduled to work less than 12 months per year) accumulate vacation prorated to bi-weekly hours for the hours actually worked. Full time seasonal employees are not entitled to accumulate vacation benefits during the period they are not scheduled to work. Full-time seasonal employees may be required to use some or all of accrued vacation time during periods when the relevant Board program is on break.

Nine (9) month employees follow a program calendar and are not eligible for vacation but do get paid for holidays.

Employees may carry forward accumulated vacation up to a maximum accumulation of three (3) times their annual accrual amount. Once the maximum accumulation has been reached, no further vacation will be credited.

Days designated as holidays, listed as non-scheduled work days for the employee, or emergency days declared by the Governor are not charged to vacation leave regardless of the day of the week on which they occur.

Vacation leave is earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence or unpaid military leave.

Vacation time used by an employee is considered non-work time for purposes of calculating overtime pay or compensatory time accrual.

Part-time employees are not entitled to vacation leave. However, if these employees subsequently become full-time employees their part-time service will count in determining the total amount of service. If a part-time employee becomes a full-time employee, he/she will be entitled to vacation leave after completing a total of one year of service with the county or state or a political subdivision. When a part-time employee who has been in an active pay status for 2080 hours becomes a full-time employee, that employee is eligible to immediately accumulate and use vacation benefits (Reference O.R.C. 325.19).

Upon separation or termination from county service, an employee is entitled to compensation for any earned but unused vacation leave credit at the time of separation/termination. However, no payment will be made to employees having less than one year of public service. Upon termination all accumulated vacation will be paid to the employee at the employee's current hourly rate at the time of separation. Vacation severance pay is not subject to OPERS or STRS retirement deductions.

In the case of the death of an employee, earned but unused vacation leave shall be paid to the date of death in accordance with O.R.C. 2113.04 to the deceased employee's estate.

Vacation may be used in units of quarter hours.

Employees are generally not eligible to take vacation or personal leave in the last two (2) weeks of employment.

Request and Approval - Vacation leave will normally be granted on a first request basis and must conform to operational schedules. The Board reserves the right to approve vacation consistent with operational needs.

Vacation shall be requested in writing on the Board's leave request form at least two (2) weeks prior to the beginning of the leave for leave of three (3) days or more. Requests for vacation must be submitted to and approved by the employee's immediate supervisor.

Vacation Conversion - Full-time employees meeting the established criteria below may be eligible to convert vacation as per this policy.

In order to be eligible for vacation conversion the employee must:

- have ten (10) years continuous service with the Delaware County Board of Developmental Disabilities
- maintain a balance of one (1) year's vacation accrual
- be on active pay status as of January 1st of the current year
- complete an *Application for Vacation Conversion* and submit to the administrative office by the deadline established

Leave can only be converted in the year it is earned. Payments for converted leave are earnable salary when conversion does not exceed what one could accumulate in 25 pay periods less any leave taken during the year. Conversion is as follows:

VACATION EARNED	HOURS AVAILABE TO CONVERT
2 weeks	3.1 * 25 pays = 77.5 hours
3 weeks	4.6 * 25 pays = 115.0 hours
4 weeks	6.2 * 25 pays = 155.0 hours
5 weeks	7.7 * 25 pays = 192.5 hours

Calendar year is defined as the first full pay period in January thru the last full pay period in December. Accrual outside the pay periods defined in "calendar year" will not be included in the conversion. For example, an employee who accrues 115 hours of vacation in a calendar year and uses 40 hours of vacation during that same calendar year is eligible to convert 75 hours of vacation leave.

Vacation conversion is based upon the vacation balance as of the end of the last pay period in December of the calendar year. Actual payment of the vacation conversion will be made on the second pay day in January of the following calendar year and will be subject to all normal payroll deductions (i.e., payroll taxes, retirement, etc.).

Converted vacation leave shall be paid at 100% of the employee's base, hourly rate of pay for the pay period in which the conversion is made.

Conversion of vacation leave will reduce the employee's vacation leave balance.

Eligible employees will receive notice of their vacation leave conversion option and may elect to receive all or part of their annual conversion authorization or carry their vacation leave balance forward. Cash conversion will be made only for those completing the *Application for Vacation Conversion* by the deadline established.

5.6.8 Military Leave

Such leaves may be granted in accordance with the provisions of Ohio Revised Code and the provisions of the Uniformed Service Employment and Reemployment Rights Act of 1994.

5.6.9 Court Leave/Jury Duty

Court leave with pay shall be granted to employees summoned for jury duty during normal working hours by a federal, state or any other court of competent jurisdiction. In cases where the employee's absence will create a hardship on the agency or jeopardize the safety of individuals served, the employee will be requested to ask to be excused from jury duty. However, if an employee cannot get released from jury duty, he/she cannot be penalized.

Court leave with pay shall be granted to employees subpoenaed to appear before any court or other body authorized by law to require attendance of witnesses during normal working hours where the employee is not a party to the action. An employee who is the appellant in an action before the State Personnel Board of Review or the claimant before the Bureau of Workers Compensation for a Board-related claim, and who is in active pay status at the time of the scheduled hearing or examination, shall be granted leave with pay for purposes of attending such hearing or examination during a normally scheduled work day.

Any compensation or reimbursement received, related to jury duty or for court attendance compelled by subpoena, must be remitted to the personnel office when such duty was performed during normal working hours.

An employee who is appearing before a court or other authorized body in a matter in which he/she is a party to the action, except as noted, may request vacation time or personal time. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody or appearing as directed as a parent or guardian of juveniles (*Reference: Ad. Code 123:1-34-03*).

An employee called as a witness or party in a civil action is not eligible for court leave but may take vacation or personal leave. Employees who are ordered to appear in court as related to their primary duties shall do so as part of their regular work schedule.

5.6.10 Holidays

Eligible employees are entitled to the following legal holidays (O.R.C. 325.19):

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day (12 mo. only)	Fourth Day of July
Labor Day	First Monday in September
Brown Jug Day	As declared by the Fair Board
Columbus Day (float to day after Thanksgiving)	Second Monday in October

Veteran's Day (float to Christmas Eve day)
Thanksgiving Day
Christmas Day

Eleventh Day of November
Fourth Thursday in November
Twenty-fifth day of December

Holidays will also include any other day designated for County employees by an act of the President of the United States, the Governor of this State, or the Board.

Other non-required work days when employees are not required to report for work shall be specified in the calendar adopted annually by the Board. Employees shall not be paid for non-scheduled work days.

Holidays may be observed on days other than traditionally designated in order to be consistent with the schedules of local schools and businesses as well as other non-scheduled work days. In such cases, changes will be reflected on the calendars adopted by the Board.

When a holiday (*such as Veteran's Day/Columbus Day*) is scheduled to be celebrated at other times, the employee is not eligible for compensatory time off for working on the actual holiday. The floating of the holiday on the calendar is not mandatory and the employee may elect to celebrate the floated holiday on the actual day. The employee must notify their supervisor of that intent at least one week prior to the holiday. In such cases these employees will be required to work on the day that the floated holiday was scheduled.

Unless otherwise noted on the calendar, if a holiday falls on Sunday, it will be observed on the following Monday and if it falls on a Saturday, it will be observed on the preceding Friday.

Full-time employees who work a schedule other than Monday through Friday will receive compensatory time for any holiday observed on their regular day off based upon their regularly scheduled hours. Such time must be taken in the work week in which the holiday occurs, unless otherwise approved by the Superintendent.

Employees who begin work after the day a floated holiday is normally observed but before the date to which it is floated will not be paid for the day to which the observance is moved. For example, an employee beginning work after Columbus Day but prior to Thanksgiving Day will be paid for Thanksgiving Day but not the following Friday since that is a floated holiday. An employee beginning work after Veteran's Day but prior to Christmas Eve day will be paid for Christmas Day but not Christmas Eve day since that is a floated holiday.

If a holiday occurs while an employee is on vacation or sick leave, such vacation or sick day will not be charged against his/her vacation leave or sick leave.

In order for an employee to be eligible for a paid holiday, they must be on active pay status the work day before and after the holiday.

5.6.11 Religious Holidays

It is the policy of the Board, in a flexible and fair manner, to permit and assist employees to observe religious holidays that have not been granted by law. While the

granting of leave for such holidays may not always be possible, efforts will be made to accommodate the needs of the employee.

Employees observing religious holidays on days other than the already approved holidays may apply for administrative leave with pay for the observance of a maximum of two religious holidays per program year. Request for such leaves must be submitted two weeks in advance.

The time granted for administrative leave with pay for religious holidays is to be made up by being assigned work within the agency at times when the employee would not normally be scheduled to work.

Except by special permission, the employee will be assigned to work this make-up time in advance of the religious holidays to be taken. The time will be banked for use during the year. Selection of time to work as make-up must be approved in writing by the Superintendent or designee.

5.6.12 Assault Leave

An employee who is physically injured due to an assault by a person enrolled or appearing for evaluation to be enrolled in services and supports operated by the Board may apply for assault leave to be used in lieu of sick leave and may be granted such leave subject to the following conditions and limitations.

Conditions:

1. The injury must have resulted from an actual or attempted assault by an individual or applicant on the agency premises and/or during an agency function when the employee is working in an approved and proper manner or has gone to the aid of an employee being assaulted or in need of assistance to effectively restrain an individual or applicant.
2. The incident that resulted in the injury must have been reported to the building administrator at the time of its occurrence and an incident report submitted within the established guidelines for incident reports.
3. The employee with an injury or suspected injury must have been seen by a doctor within 24 hours of its occurrence.
4. The doctor's written authorization must be submitted to return to work.
5. If a doctor is seen during the employee's workday and the doctor authorizes the employee's immediate return to work or return on the following day, the doctor's written authorization must be as specified in item 6 below.
6. If it is necessary for the employee to be absent, the employee shall promptly notify the department director of the nature of the injury and the probable extent of the absence. A statement by the examining physician certifying the nature of the injury, the necessity for the employee to be absent and the date of the employee's ability to return to normal duties without restrictions must be submitted at the time of the employee's return to duty.
7. The employee must cooperate fully with any investigation and action unless otherwise advised by his/her own counsel.

Limitations:

If the conditions above that are applicable in a given instance are met in full, the agency shall:

1. Provide full payment for each full or partial day of such absence for which there is no payment by Workers Compensation to a maximum of two work days per incident. If the absence exceeds five work days, the employee must apply for Workers Compensation. If a subsequent award by Worker's Compensation is made effective to the first day of absence for an injury resulting in absence, assault leave paid to the employee shall be returned to the agency by subsequent deductions from the employee's regular pay.
2. Charge the absence as assault leave which shall not be deducted from the employee's accumulated unused sick leave and/or vacation leave and, during the assault leave time, the employee shall continue to accrue such leaves.
3. Provide all other benefits to which the employee is entitled during the term of absence for assault leave.

The appointing authority shall have the right to require a physical examination by a doctor that the appointing authority shall appoint. The Board shall pay the cost of such examination.

5.6.13 Administrative Leave with Pay

Employees may be granted leave with pay for purposes directly related to the function of the agency or to the functions of the employee's position. Administrative leave with pay may only be granted by the Superintendent.

5.6.14 Calamity Days

The Superintendent/designee has the authority to delay opening, dismiss early or to close the agency, either partially or totally, due to any condition that may pose a threat to the health and safety of individuals served and employees.

A calamity day shall be considered a regular work day subject to all applicable policies. Employees, other than drivers, are to report to work unless under a Level 3 snow emergency in their city of residence or county of employment.

Employees who are on extended (five work days or longer) prearranged sick or vacation leave, shall be charged for sick or vacation leave on calamity days.

Employees who are in a non-pay status before and after a calamity day will not be paid for the calamity day. If a substitute is scheduled to work and a calamity day is called, the substitute shall be paid for the day as if they had worked.

Notwithstanding the above, a calamity day is a paid work day and no additional pay or compensatory time off will be authorized for employees who work on a calamity day.

Employees who are not on an extended leave and who are in a pay status (i.e., paid sick or vacation leave) either the entire day before or after a calamity day, will be paid for the calamity day or portion of the day missed, and will not be charged for sick or vacation leave for the portion of time they were not expected to report to work.

If the number of calamity days exceeds the number authorized by the Ohio Department of Education, the program year may be extended and employees will be required to work without additional pay in order to fulfill program contract requirements.

Every effort will be made to decide and communicate decisions on Level 3 closings to bus drivers by 6:00 a.m. and to radio stations by 6:30 a.m.

Closing the program early will only be considered in the most serious conditions, as it may be difficult for families to insure supervision for the individuals served on such short notice.

In severe inclement weather conditions, a bus driver may use his/her discretion in determining if an individual or portion of a route can be driven, if the route must be canceled, if an alternate route should be driven, or if the route must be delayed. In each case, the driver must contact the transportation coordinator by radio to explain the conditions for his/her decision.

Reference: *Calamity Day Policy*

5.6.15 Funeral Leave

An eligible employee may be granted use of sick leave upon approval of the Superintendent or designee for a maximum of five (5) working days in the event of a death of an immediate family member. See definition of immediate family under [section 5.6.2](#).

For purposes of funeral leave only, an eligible employee may be granted use of sick leave upon approval of the Superintendent or designee for a maximum of one (1) work day in the event of a death of an extended family member. "Extended family" is defined as anyone related by blood, marriage or by an established cohabitation relationship.

5.6.16 Leave for Volunteer Firefighters/Volunteer Providers of Emergency Medical Services

This policy covers an employee who is absent from or late to work because the employee is responding to an emergency as a volunteer firefighter or a volunteer provider of emergency medical services and such response occurs prior to the time the employee is to report to work. If the employee follows the procedures set forth in this policy, the employee will not be penalized in any way for the time missed from work. However, the time worked is considered personal time and the employee will need to cover such leave pursuant to the Board's leave policy (for example, vacation leave, personal leave, etc.).

Procedures to be followed:

1. *Notification of volunteer status*

An employee, who is a volunteer firefighter or a volunteer provider of emergency medical services, shall notify the Delaware County Board of Developmental Disabilities Personnel Office in writing within thirty (30) days of obtaining such position. The written notice must be signed by the chief of the volunteer fire department or the medical director or the chief administrator of the cooperating physician advisory board of the emergency medical organization with which the employee serves. The employee shall also notify the Board of any changes in the

employee's status as a volunteer, including when the employee's status as a volunteer is terminated.

2. *Employee notification of absence due to an emergency*

The employee must make every reasonable effort to notify the Board prior to his/her absence or tardiness due to the need to respond to an emergency. If notification is not possible, the employee shall submit to the Board a written explanation from the chief of the volunteer fire department or the medical director or the chief administrator of the cooperating physical advisory board of the emergency medical organization with which the employee serves, explaining why prior notice was not given.

At the request of the Board, the employee dispatched to an emergency which results in time missed from work shall submit to the Board a written notice from the chief administrator of the cooperating physician advisory board of the emergency medical organization with which the employee serves indicating that the employee responded to an emergency and listing the time of that response.

For purposes of this policy, "emergency" means going to, attending to, or coming from a fire, hazardous or toxic materials spill and clean-up, medical emergency, or other situation that poses an imminent threat of loss of life or property to which the fire department or provider of emergency medical services has been or later could be dispatched.

3. Time missed is not counted as an absence for disciplinary purposes. An employee serving as a volunteer pursuant to this policy who is absent from or late to work because the employee is dispatched to an emergency prior to the time the employee is to report to work and who follows the above notification procedures, shall not have such absences counted for purposes of the Board's disciplinary procedures.
4. Absence due to an employee responding to an emergency is an absence for personal reasons. Any time missed by a volunteer due to an emergency shall be handled according to the Board's policy regarding employees who are not at work due to personal reasons.

5.7 MISCELLANEOUS POLICIES

5.7.1 *Solicitation and Distribution*

No employee shall be permitted to solicit or distribute literature of any kind during the actual working time of the employee(s) soliciting, or the actual working time of the employee(s) being solicited. This does not include recognized breaks and lunch period. However, at no time may any employee(s) solicit or distribute material or literature of an illegal nature, or that by its distribution or by employees participating, constitutes a form of gambling. Any person who distributes non-Board program material and literature is responsible for its accuracy and content.

Persons who are not employees may not solicit or distribute literature or material for any purpose on Board owned property, in any working areas, or in any non-working area that is restricted to employees only. There shall be no solicitation or distribution of literature or material of any kind at any time by any person(s) in lobbies, waiting rooms, or public parking lots that are a part of Board property, or any other public service areas of Board premises.

This policy is vital to our efficiency and productivity, and is also critical to on-going working relationships and continuing goodwill with the public we serve.

Any employee(s) who violates any provision of this policy shall be subject to employee counseling and disciplinary action, up to and including discharge.

Distribution of material not related to Board: The use of Board facilities, including computers, e-mail, mailboxes, bulletin boards, walls and tables for the distribution of literature, handouts, cards, notices, newsletters and memoranda relating to personal and private matters, is prohibited.

Distribution of literature by means of Board facilities, including computers, e-mail, mailboxes, bulletin boards, walls and tables, shall be limited to official Board program information and material pertinent thereto or material approved by the Board, such as United Way or information on other community resources.

5.7.2 *Bulletin Boards*

It is the policy of the Board to maintain all facility bulletin boards as a means of communicating information to employees. Exceptions are those bulletin boards specified for programming purposes. The following procedures apply to bulletin boards and areas of common use.

All material that is to appear on Board bulletin boards shall be posted and removed by the facility department director or designee.

All board, federal and state required notices, and other legally required notices shall be posted in an area visible to all employees.

Information of a general public interest may be posted by the department director or designee if the information does not contain the following:

- personal attacks upon any employee or public official;
- scandalous, scurrilous or derogatory attacks on the Board, managing officers, supervisors, other personnel of the agency, or individuals and families of the board;
- comments regarding candidates for public office

The following procedures shall be followed concerning the posting of any materials on the Board's bulletin boards:

1. All requests to have materials posted shall be in writing to the department director or designee, and shall contain the name of the person or group requesting to post the material, a copy of the material to be posted, and the requested period of time the material is to be posted.
2. The department director or designee shall approve or disapprove the request by the end of the next scheduled work day.
3. No material will be posted for a period of time which is longer than thirty (30) calendar days, except for legally required notices, timely employee training materials, or agency publications/notices that the department director or designee decides should be posted for a longer period.
4. At the end of the thirty (30) day period, or any period specified by the person or group requesting the posting, whichever is less, the department director or designee shall remove the posted material.

Any material posted in violation of this policy shall be removed from the facility bulletin boards.

5.7.3 Political Activity - Classified Employees

This policy lists the specific political activities legally permitted and prohibited to all classified employees, including classified employees on authorized leave of absence from their positions. Employees are encouraged to exercise their constitutional rights to vote.

Activities permitted to classified employees:

1. Registration and voting
2. Expressing opinions, either orally or in writing
3. Voluntary financial contributions to political candidates or organizations
4. Circulation of non-partisan petitions or petitions stating views on legislation.
5. Attendance at political rallies. Employees may attend political rallies that are open to the general public.
6. Nominating petitions. Employees may sign nominating petitions in support of individuals.
7. Political pictures. Employees may display political signs in/on their homes/yards.
8. Badges, buttons and stickers. Employees may display political stickers on their private automobiles or may wear political badges or buttons as long as it does not interfere with job safety.
9. Serving as a precinct election official under O.R.C. 3501.22.

Activities prohibited to classified employees:

1. Participating in a partisan election as a candidate for office.
2. Declaring candidacy for an elected office that is filled by partisan election.
3. Circulating official nominating petitions for any candidate.
4. Filing of petitions meeting statutory requirements for parties on candidacy to elective office.
5. Holding an elected or appointed office in any political organization.
6. Accepting appointment to any office normally filled by partisan election.
7. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office.
8. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate.
9. Soliciting the sale of or selling political party tickets, materials or other political matter.
10. Engaging in activities at the political polls, such as soliciting votes.
11. Acting as recorder, checker, watcher, judge, poll worker, or challenger for any party or partisan committee.
12. Engaging in political caucuses.
13. Participation in a political action committee which supports partisan activity.

Reference: O.R.C. 124.57, O.A.C. 123:1-46-02

5.7.4 Political Activity - Unclassified Employees

Unclassified employees are subject to the Hatch Act (prohibits unclassified employees being forced to participate in political activity) and the Ohio Ethics Law.

5.7.5 Safety and Health

Work safety and health is a primary concern of the Board. Employees are to be familiar with the specifics outlined in the Board's [Health and Safety Policy](#). The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all safety procedures/practices are observed.

An employee found to be willfully or wantonly negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to disciplinary action which may include termination. An employee who drives county vehicles will maintain the appropriate speed limits and obey all other vehicular laws. Violators are subject to disciplinary action, including termination. Employees will take safety measures, such as universal precautions, when directed to do so by Board policy and/or Board supervisory employees. Violators are subject to disciplinary action, including termination.

All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. Employees will not be required to work in unsafe conditions and are encouraged to report any unsafe conditions to supervisory employees.

Any accident, whether or not injuries were incurred, occurring during working hours shall be reported to the immediate supervisor at once. Upon notification, the supervisor

or department director shall complete and submit to the Superintendent/designee an accident form no later than the end of the work shift.

Dress code shall be appropriate to the job and safety concerns.

5.7.6 Dress Code

The Board reserves the right to prescribe appropriate dress and grooming and to set standards that are in the best interests of the department and position. The Board requires that an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable image of the program to the public and serve as a role model for individuals. Also see [section 5.2.12](#).

Clothing shall be conducive to the safe and effective performance or required job duties.

The following are guidelines to employees on dress and appearance:

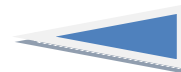
1. Dress and appearance of personnel shall be functional and appropriate to their duties and shall promote a good image to the community.
2. Jewelry and personal adornment of any type could be broken, grabbed or pulled by an individual, and/or could be inhibiting to moving individuals and should be carefully considered before being worn. If any jewelry or personal adornments are broken, it will not be replaced by the program.
3. Clothing shall be clean, pressed and well mended.
4. Clothing shall be appropriately modest and fastened.
5. Apparel that promotes businesses, products, or organizations other than those sponsored by or affiliated with the Board is discouraged.
6. Apparel that promotes alcohol, tobacco, drugs, or implies a sexual, vulgar or hate message is prohibited.
7. Appropriate standards of cleanliness and grooming are required.
8. Sweatpants, athletic pants, pajama pants and workout pants are not permitted.
9. Beach sandals, shower shoes and flip flops are not acceptable.
10. Wearing of fragrances (perfume, cologne, etc.) should be done in moderation with recognition that adults, children or co-workers with allergies, asthma, or other respiratory conditions may have an adverse reaction to strong scents.
11. When employees do a home visit and will likely remove their shoes to permit working with children on the floor or keep debris from entering the living space, the employees are to wear socks so as not to be bare footed.

Drivers will adhere to the dress code in the transportation department's policy manual.

5.7.7 Employee Property Damage

Replacement of damaged items will be set at comparable worth. If the damage to employee's property is the result of an action of an individual which is considered deliberate, the individual or the parent/guardian of the individual will be billed for damages. The functioning level of the individual shall be considered before deliberate intent is attributed to the action.

Replacement of Personal Items: The Board may reimburse employees, volunteers and others serving in a similar capacity, reasonable costs related to the repair or replacement of personal items that are damaged or destroyed in the performance of the employee's



duties as the result of an incident with an individual. Precious metals and gems (jewelry or personal adornments) will not be replaced by the program.

The Superintendent authorizes payment. Claims of over \$200 will require Board approval.

The Board reserves the right to require an employee to use his/her health benefits to replace eye glasses, if eligible.

5.7.8 *Volunteers/Interns*

The use of volunteers to support and supplement the activities of paid employees is encouraged. Volunteers shall be recruited and assigned based upon the needs of the program and the skills of the volunteer. Volunteer services and selection of volunteers shall be in accordance with the Civil Rights Plan of the Board.

There shall be two classes of volunteers.

Supporters and Friends are individuals or groups (i.e., fraternity, sorority, etc.) who assist with one time projects or other activities where paid employees are present and supervising all individual activities.

Certified Volunteers/Interns are individuals who have been selected through an application process, received training and are assigned specific responsibilities which may include direct contact with individuals in unsupervised settings or providing direct contact to the public as speakers, receptionists, tour guides, or other such activities.

The program supervisors shall determine volunteer need for their departments, recruit, train and supervise volunteers and keep records of volunteer services.

A volunteer guide shall be provided for all certified volunteers. The guide shall address Board policies and practices for volunteers.

Volunteers shall not be used in place of employees.

A record/file will be kept on each certified volunteer that shall include the following information:

1. application
2. signed parental permission slip if under 18 years of age
3. records of assignment and training received
4. attendance records
5. evaluations
6. criminal background check
7. emergency notification data
8. physical examination report
9. resignation/termination data

5.7.9 *Copyright Laws*

The Board does not authorize, permit, nor encourage the duplication of printed material, music, video, or computer software that violates the copyright of the author.

5.7.10 Employee Communicable Disease Guidelines

Colds, flu and other viral infections are common and easily transmitted in the work place. It is difficult to effectively contain the spread of these diseases because the individual has spread the disease for several days while in the early stages. Physician's sanction to return to work is usually not necessary for these infections (unless the employee has missed three (3) consecutive days).

If an employee is suspected of having a communicable disease, the department director may request the employee leave work and seek medical attention. The employee can return to work when the employee's attending physician states that continued presence at work would not pose a threat to the employee, co-workers, or individuals. The Superintendent reserves the right to require an examination by a medical doctor appointed by the agency at the agency's expense.

An employee who has been diagnosed as having an infectious disease must inform his/her supervisor of the condition. An employee's health condition is personal and confidential. Precautions shall be followed to protect information regarding an employee's health condition.

An employee may have or be a carrier of an infectious disease that is of life-long duration and he/she may or may not be symptom-free. If there is evidence that the disease cannot be transmitted by normal, casual contact in the work environment and the condition is not a threat to self or others, the employee will continue to work in a regular manner. The Board shall follow any applicable requirements of the Americans with Disabilities Act in this regard. The employee is expected to meet acceptable performance standards and will be treated in a manner consistent with other employees.

No special consideration will be given beyond normal transfer requests for employees who feel threatened by a co-worker's disease. Requests for transfer will be decided by the Superintendent based on the best interests of the agency.

The Superintendent will determine the admissibility to the work place by an individual whose condition is in question. The Superintendent will consult with or convene a meeting of the employee, building authority, the employee's physician, and others as the Superintendent deems necessary. Based on the information gathered, the Superintendent may decide:

- to return the employee to his/her usual place of employment unconditionally;
- to place the employee on a work assignment under restrictive conditions;
- to seek to have the employee utilize sick leave and be placed on a leave of absence.

In making a decision, the Superintendent will consider:

- the nature of the risk and how the disease is transmitted;
- the duration of the risk and how long the carrier is infectious;
- the severity of the risk and the potential harm to others;
- the individual's physical condition.

5.7.11 Board Property/Employee Privacy

All Board property and contents thereof including desks, lockers and computers, are subject to Board control and supervision and are not private areas for employees. This includes any information contained in Board computers (such as e-mail, anything in the computer's memory, and software used in Board computers including memory disks). The Board will maintain the privacy of employee records, such as medical records, employee social security numbers, etc., as required and permitted by law.

5.7.12 Delegated Nursing

The Delaware County Board of Developmental Disabilities hereby establishes a policy providing that designated county board workers may give or apply prescribed medication to individuals in accordance with O.R.C. 4723.77 to 4723.79 and policies established by the Delaware County Board of Developmental Disabilities.

5.7.13 Board Meetings

The Delaware County Board of Developmental Disabilities meets on a regularly scheduled basis and there is public notice of the meetings. Citizens and employees are welcome to attend these meetings. Issues of concern to the Board and actions required are presented by the Superintendent in advance of the meeting. Citizens and employees who have items they wish to have the Board consider will work with the Superintendent to have items placed on the agenda.

Public participation and comment on items before the Board are welcome. In order for the Board to fulfill its obligation to complete the planned agenda in an effective and efficient fashion, a maximum of 30 minutes of public participation will be permitted at each meeting. If several people wish to speak, each person will be allotted three minutes until the total time of 30 minutes is used. During that period, no person may speak twice until all who desire to speak have had the opportunity to do so. The period of public participation may be extended by a vote of the majority of the Board. Each person addressing the Board will give his/her name and address. The President of the Board shall have the responsibility of deciding to limit the number speaking. If many are present to speak on a particular item on the agenda, the President of the Board should request them to meet in the lobby and select their representatives to speak. Persons desiring more time should follow the procedure of the board to be placed on the regular agenda. Requests to be on the agenda must be submitted one week prior to the meeting and include the subject to be presented.

Concerns regarding the operation of the program or employee issues will be presented to the Superintendent before coming before the Board. The President of the Board will make final determination as to items added to the Board's agenda. Agendas will be distributed to all those who attend Board meetings. That section on the agenda for public participation will be noted. This public participation session is not one of dialogue between persons speaking and Board members. The President may allow the Board to ask participants questions for information.

Reference: [Board By-Laws](#)

5.7.14 No Code Order

The employees of the Delaware County Board of Developmental Disabilities do not have adequate training or experience to deal with all of the associated issues of a no-code order while an individual is under the supervision and control of Board employees. Board services are not designed or operated as a medical or hospice service and is not equipped, trained or prepared to deal with the medical or emotional issues associated with allowing an individual to die of natural causes as part of our services. Therefore, the Board directs employees to call for emergency medical services when there is a life-threatening situation without regard to any no-code order that may exist. The appropriate medical personnel will determine what treatment is needed. If transport to a medical facility is determined to be needed by the emergency medical personnel, they will determine what is the nearest and most appropriate medical facility

Board employees do not have the decision-making authority to honor a no-code order or to honor preference for a particular medical facility. If Board employees become aware of a no-code order on an individual, they will advise the appropriate employee of the order. The employee will contact the individual/guardian to determine if the individual is aware of the no-code and if they have given their consent. If not, the employee will attempt to intervene to have the wishes of the individual honored.

5.7.15 Automation System Use Policy

As a county agency, the Delaware County Board of Developmental Disabilities (DCBDD) is responsible for ensuring that its resources, including electronic equipment, are used for appropriate public purposes. To the extent provided to employees by the DCBDD, the following equipment, referred to as "electronic equipment", remains the property of DCBDD and is to be used for business purposes only, except as otherwise authorized by this policy or in writing by a supervisor.

- desktop computers
- laptop computers
- network servers
- facsimile machines
- scanners
- copiers
- e-mail systems
- Internet/Intranet access
- network accounts providing electronic mail and world wide web
- electronic calendars
- voicemail
- cellular telephones (Board owned)
- personal digital assistant ("PDA")

Pursuant to this policy, employees are hereby advised that they have no reasonable expectation of privacy in their use of DCBDD's electronic equipment, including, but not limited to, personal use of DCBDD's electronic equipment. The use of any passwords to access particular component of DCBDD's electronic equipment does not create an expectation of privacy.

Employees are prohibited from using DCBDD's electronic equipment to send unprofessional, threatening, defamatory, harassing, pornographic, or discriminatory

material, documents, or information to any person, in or outside of the program and regardless of relationship to the employee. DCBDD's electronic equipment may not be used to solicit or promote commercial ventures, religious or political causes, outside organizations, or any other non-job-related solicitations.

Violations of this policy include, but are not limited to, the following:

- Viewing, distributing, storing, or possessing sexually explicit, pornographic, racist, sexist, or material disparaging based on race, origin, sex, sexual orientation, age, disability, religion or political beliefs;
- Viewing or sending messages intended to harass, intimidate, threaten, embarrass, humiliate or degrade co-workers or third parties, or that contain defamatory references;
- Conducting illegal activity including, but not limited to, gambling;
- Using DCBDD's resources for commercial uses of the employee;
- Downloading or distributing pirated software or data, entertainment software, music or games;
- Sending chain letters;
- Downloading, uploading, or installing viruses, worms, Trojan horses, or the like;
- Copying, destroying, deleting, distorting, removing, concealing, modifying or encrypting messages or files or other data on any DCBDD computer, network or other communications system without authorization;
- Attempting to access or accessing another employee's computer, computer account, e-mail or voice mail messages, files or other data without authorization;
- Using resources for personal use that interferes with DCBDD's operation, productivity or distracts employees from their responsibilities.

DCBDD reserves the right to monitor, access, retrieve, read and disclose to law enforcement officials or other third parties all messages created, sent, received, or stored on DCBDD's electronic equipment without prior notice to employees who originated or received such messages. DCBDD may monitor the use of electronic equipment by employees to determine whether there have been any violations of law, breaches of confidentiality, communications harmful to the interests of DCBDD, or any violations of this policy or any other DCBDD policy. Use of DCBDD's electronic equipment is considered consent by the employee to have such use monitored by DCBDD at its sole discretion, with or without prior notice to the employee.

DCBDD is the owner of all work product developed by an employee while working for DCBDD, including, but not limited to, all property, programs, systems, devices, patents, applications, hardware, products, and all other things tangible or intangible which are created, made, enhanced, modified, or improved by employees during employment with DCBDD. Employees may not transfer, sell, lease, license, patent, use, franchise, or gift such work product and shall not permit any other party to obtain the beneficial use of such work product without the expressed and written permission of DCBDD.

Employees who violate this policy will be subject to discipline, up to and including termination.

The DCBDD's intentions for publishing an Automation System Use Policy are not to impose restrictions that are contrary to DCBDD established culture of openness and

trust. The Information Systems Department is committed to protecting DCBDD's employees, individuals, providers and the agency from illegal or damaging actions by individuals, either knowingly or unknowingly.

Effective security is a team effort involving the participation and support of every DCBDD employee and agency who deals with information and/or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

DCBDD owned equipment assigned to an employee and in the personal possession of the employee for business use (i.e., cell phone, pager, PDA, laptop, etc.) that is lost, stolen, or damaged shall be reported to the Information Systems Manager. It is the sole responsibility of the employee to reimburse DCBDD the cost of repairs or the full purchase price to replace these items should they not be repairable or recoverable.

Employees with work from home offices or who take laptops/equipment out of their assigned work site are required to carry an additional home insurance rider to cover board owned equipment or be able to prove coverage of board equipment under their current policy.

Reference: [Automation Systems Policy](#)

5.7.16 Smoke-Free Workplace

The Delaware County Board of Developmental Disabilities is a smoke-free worksite.

The intent of this policy is to provide employees with a healthy workplace. It is not the intent of this policy that employees are required to quit smoking. This policy applies to all employees, individuals, contractors, and visitors.

Smoking is prohibited within all facilities and on all property owned or leased by the Delaware County Board of Developmental Disabilities. Employees and guests may smoke in privately owned vehicles only.

Smoking is prohibited in all vehicles owned or leased by the Delaware County Board of Developmental Disabilities.

All employees share in the responsibility for adhering to this policy. Extraordinary breaks will not be provided for smoking. Employees who violate this policy will be subject to the same disciplinary actions that accompany infractions of other Board rules/policies.

5.8 SEVERANCE POLICIES

5.8.1 Resignation

Voluntary separation from employment shall require at least 30 days written notice before its effective date. Professional and management employees in a position that requires a certificate issued by the State Board of Education (O.R.C. 3319.22 to 3319.31) or a certificate issued by the Department of Developmental Disabilities (O.R.C. 5126.25) who resign without 30 days notice shall be subject to suspension of the certificate for a period of time not to exceed one (1) year as determined by the state board/director following a complaint filed by the county board of DD and investigated by the issuing body. (O.R.C 5126.29)

Failure to give proper notification may result in ineligibility for reinstatement. Employees are encouraged to have an exit interview with their immediate supervisor. All employees are required to out-process through the personnel office and shall not receive their final paycheck until all Board property has been returned.

Employees are not generally eligible for vacation or personal leave during their last two (2) weeks of employment. Employees who resign during a vacation or leave shall be considered to have resigned on the first day of their vacation or leave.

An employee who fails to report to work without approval for any three (3) days in a work year will be subject to removal for neglect of duty as called for in Section 123:1-31-03 of the Administrative Code.

Any employee who accepts employment that conflicts with their position shall be considered to have resigned the first day of such new employment.

Employees who fail to provide the program a timely and written resignation may forfeit all separation benefits for which they may be eligible and may be ineligible for future employment consideration.

Any employee who resigns is encouraged to give his/her reasons for resigning and to discuss with his/her supervisor any working conditions which he/she feels are noteworthy.

Failure to give proper notification may result in ineligibility for reinstatement.

5.8.2 Disability Separation/Reduction

This policy outlines the conditions under which Disability Separation may be granted and procedures for administering its use. Employees who are protected under the Americans with Disabilities Act, 1990, and/or Family and Medical Leave Act are guaranteed their rights by the Board. A disciplinary separation may be voluntary or involuntary. (The appointing authority must follow the removal provisions (R.C. 124.34) in the case of an involuntary disability separation.)

Voluntary Reduction: When an employee becomes physically unable to perform the essential duties of his/her position, but is still able to perform the essential duties of a

vacant, lower level position for which the employee has the necessary credentials, he/she may voluntarily request reduction to the lower level position and the subsequent salary adjustment. Such request shall be made in writing through the proper channels stating the reason for the request.

Disability Separation: A disability separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized vacation and any other approved leave and the Board has substantial credible medical evidence of the employee's disability and determines that the employee is incapable of performing the essential job duties of the employee's assigned position due to the disabling illness, injury or condition (Ohio Administrative Code 123:1-30-01).

Voluntary Disability Separation: A voluntary disability separation may be granted when requested by an employee who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition (Ohio Administrative Code 123:1-30-02).

Medical/Psychological Examination: The Superintendent may request a medical or psychological examination when it appears that an employee is unable to perform the essential functions of the employee's job or the employee has requested a voluntary disability separation or, the employee has requested reinstatement from a disability separation. An employee may be disciplined, including removal, for failure to appear for the scheduled exam or failure to release to the Superintendent the results of the examination.

If, as a result of the examination, the Superintendent determines that the employee is incapable of performing the essential functions of the employee's job due to a disabling injury, illness, or condition, the Superintendent shall, in the case of an involuntary disability separation, institute pre-separation proceedings (Ohio Administrative Code 123:1-30-01), or shall, in the case of a request for a voluntary disability separation, grant the employee's request (Ohio Administrative Code 123: 1-30-02). In the case of an involuntary disability separation, if the Superintendent determines after the pre-separation proceedings that the employee is incapable of performing the employee's job, the Superintendent shall file with the State Personnel Board of Review a R.C. 124:34 order of involuntary disability separation.

Temporary Appointment of Replacement - An appointment made to a position vacant by voluntary or involuntary disability separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature with written documentation of same. A replacement in the position while an employee is on leave will be terminated upon the reinstatement of the employee from leave.

5.8.3 Separation Pay

Upon separation from employment, an eligible employee shall be paid for any unused vacation time to his/her credit as of the date of such separation.

Eligible employees shall be paid for their sick leave upon written request and according to the Board's policy.

Separation payments will be made on the nearest scheduled payday following separation from employment.

5.8.4 Retirement

Board employees are required by law to participate in the Ohio Public Employees Retirement System or the Ohio State Teachers Retirement System, as applicable.

If an employee is age 60 and has five (5) years of service, he/she is eligible to retire. An employee can retire on a lesser benefit, as early as age 55, if he/she has 25 years of service. With 30 years of service there is no age requirement or age benefit reduction.

Employees who are retiring must submit to the personnel office a copy of the letter from O.P.E.R.S. or S.T.R.S. verifying the retirement date.

5.8.5 Layoff Procedure - Classified

Intent of this policy: Employees in the classified civil service may be laid off whenever a reduction in force is necessary due to a lack of funds, lack of work, or the abolishment of positions.

Implementation process: If it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees in accordance with O.R.C. 124.321 to 124.327 and the rules of the Administrative Code of the Ohio Department of Administrative Services.

If an appointing authority abolishes positions in the civil service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with O.R.C. 124.321 to 124.327 and the Administrative Code of the Ohio Department of Administrative Services.

Employees desiring a copy of the applicable codes may request them from the Superintendent's office.

Reference: [Section 5.2.16](#).

5.8.6 Layoff Procedure - Unclassified

Intent of this policy: Management employees may be laid off whenever a reduction in force is necessary due to a lack of funds, lack of work, or the abolishment of positions.

Implementation Process: If it becomes necessary for an appointing authority to reduce its work force, the appointing authority shall lay off employees in accordance with O.R.C. 124.321 to 124.327 and the rules of the Administrative Code of the Ohio Department of Administrative Services, notwithstanding that these provisions do not expressly apply to management employees of this Board.

If an appointing authority abolishes positions in the unclassified civil service, the abolishment of positions and any resulting displacement of employees shall be made in accordance with O.R.C. 124.321 to 124.327 and the Administrative Code of the Ohio Department of Administrative Services. Employees desiring a copy of the applicable codes may request them from the Superintendent's office.

DEFINITIONS

Unless otherwise indicated in these policies, the following definitions shall apply:

ABSENCE, EXCUSED - Being absent from work with the approval of the department director or designee (i.e., vacation, holiday, compensatory time, personal day).

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

ABSENT WITHOUT LEAVE - Failure to report for work without any authorization from the department director or designee to be absent. The employer may deem an employee to be absent without leave when that employee is tardy, or when the employee departs from his/her work site during working hours without authorization. These examples are not exhaustive. Also known as an unexcused absence.

ACTIVE PAY STATUS - The conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation pay, sick leave, and other compensated time off. Simply, if pay is received for a bi-weekly pay period, that pay period is active pay status.

ACTIVE WORK STATUS - Conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, personal leave and disability leave.

ADMINISTRATION - General operations of the Board of Developmental Disabilities

ADJUSTED SCHEDULE – adjustment of an overtime exempt (executive or professional) employee’s working hours to address a department’s temporary operational needs.

AMERICANS WITH DISABILITIES ACT (ADA) - Federal legislation passed in 1990 which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications.

APPOINTING AUTHORITY - The Board is the appointing authority for the superintendent. The superintendent is the appointing authority for all other positions.

APPROVED LEAVE – Any leave of absence including, without limitation, FMLA leave, personal leave, sick leave or vacation, granted and used in accordance with the Board’s policies.

BOARD - The Delaware County Board of Developmental Disabilities. The Board, which is created by O.R.C. 5126.02, comprises seven (7) members. The Delaware Board of County Commissioners appoints five (5) of these members and the Probate Judge of Delaware County appoints two (2) members. Each appointee shall be a resident of Delaware County.

CALAMITY INTERVAL - a time period determined by the Superintendent during which only absolutely essential employees are required to work.

CLASSIFICATION - A group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title

indicating the general nature of the work. A class may include only one position in some circumstances.

CLASSIFICATION TITLE - The title assigned by the Ohio Department of Administrative Services for purposes of civil service compliance or as assigned by the county or county board classification system.

CLASSIFIED POSITIONS - All positions of employment in the county board except those designated as management employees as defined in R.C. 5126.20.

COMPENSATORY TIME - compensation in the form of time off at the rate of one and one half hours off for every hour worked in excess of 40 hours in a work week.

COMPREHENSIVE OMNIBUS RECONCILIATION ACT, 1989 (COBRA) - Federal legislation and later amendments that establish an employee's rights to continue certain health benefits of the agency for a specified period of time after termination of employment at the employee's expense paid at the group rate for the agency.

COUNTY - The County of Delaware, State of Ohio.

CREDENTIALS – Every authorization, certificate, evidence, registration or license the Board, Delaware County, the State of Ohio or the government of the United States requires as a condition of employment for a particular job or classification. Credentials include, without limitation, adult services registrations, support administration, commercial driver's licenses, insurability under Delaware County's motor vehicle insurance program and professional certificates and licenses.

DAYS - Calendar days, except as otherwise defined in these policies.

DEMOTION – Reassignment to a lower classification with concurrent reduction in pay.

DEPARTMENT - A Board organizational unit directed and controlled by an appointing authority and charged with a specific public service function.

DEPARTMENT DIRECTOR - Person having responsibility for a department within Delaware County Board of Developmental Disabilities. May also be known as Department Head.

DEVELOPMENTAL DELAY - Has the meaning established pursuant to O.A.C. 5123:2-1-02 (C) (6). Current Ohio Department of Developmental Disabilities definition of a developmental delay is that the child has not reached developmental milestones expected for his/her chronological age as measured by qualified professionals using appropriate diagnostic instruments and/or procedures. Delay may be demonstrated in one or more of the following developmental areas: cognitive development (learning); physical development (fine and gross motor skills); language, speech, hearing or communication skills; psychosocial or physical maturation; or self-help skills.

DEVELOPMENTAL DISABILITY - When used for the purpose of defining eligibility for county board services means a severe, chronic disability that is characterized by all of the following: (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in O.R.C. §5122.01(A); (2) It is manifested before age twenty-two; (3) It is likely to continue indefinitely; (4) It results in one of the following: (a) In the case of a person under age three, at least one developmental delay; (b) In the case of a person at least age three

but under age six, 1.5 in two areas or -2 in one area; (c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and if the person is at least age sixteen, capacity for economic self-sufficiency; and (5) It causes the person to need for an extended period of time a combination and sequence of special interdisciplinary, or other type of care, treatment, or provision of services that is individually planned and coordinated for the person.

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

DRUNKENNESS - The condition of a person whose mind is affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is "drunk" or "high." The effect produced upon the mind or body by drinking intoxicating liquors or ingesting other intoxicating substances to such an extent that the normal condition of the subject is changed and his/her capacity for rational action and conduct is substantially lessened.

DUE PROCESS/DUE PROCESS HEARING – Predisciplinary procedures mandated by statute or a collective bargaining agreement - including O.R.C. 5126.23 and O.R.C. 124.34, or the United States Constitution, to assess whether there is probable cause to suspend, reduce or terminate an employee.

DUE PROCESS (PARTICIPANT) - Statutory or administrative provisions (O.A.C. 5123:2-1-02) permitting participants access to a process to appeal denial of services from the Board.

ELIGIBLE INDIVIDUAL - Any person who has been determined eligible and receiving services from the Board. Also referred to as enrollee, consumer or client.

EMPLOYEE - Any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority. Any person hired to work for the Board. The term "employee" does not include volunteers or independent contractors.

EMPLOYEE COUNSELING - The discussion a supervisor holds with an employee in which the supervisor counsels him/her for his/her conduct and impresses upon him/her the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an employee conference must be kept in the supervisor's files, in the event the conduct of the employee does not improve and subsequent action is required. If department/division is governed by a union contract, the procedures outlined in the union contract, if any, shall be followed.

EMPLOYER - The appointing authority, or the designee of the appointing authority, authorized by law to make appointments to positions.

FAIR LABOR STANDARDS ACT (FLSA) - The FLSA is a federal legislation governing the minimum wage, hours of work, and overtime compensation of most employees (including public employees).

FLEX TIME – Adjustment of an overtime eligible employee's working hours to address a department's temporary operational needs.

FMLA – The Family Medical Leave Act (FMLA) is a federal law that allows eligible employees up to twelve weeks of a combination of paid and unpaid leave of absence during any twelve month period in connection with specific qualifying events. The FMLA was established

to protect the employment and benefits of employees needing leave to care for themselves or immediate family members under specific circumstances.

FULL-TIME EMPLOYEE - An employee whose regular hours of active duty total forty (40) hours in a seven (7) calendar day week on a year-round basis and is on active pay status for at least 260 days per year.

FULL-TIME SEASONAL EMPLOYEE - An employee whose regular hours of active duty are specified on the respective calendar. Full-time seasonal employees are referred to as "nine month employees".

HIRE DATE – Date of hire and continuous employment with Delaware County Board of Developmental Disabilities. Used for seniority and service recognition.

HOLIDAY PAY/HOLIDAY TIME – In general, overtime eligible employees will not be required to work required to work on a holiday. If, as a result of unforeseen circumstances, and eligible employee is required to work on a holiday, he/she may elect to (a) be paid for all hours worked on the holiday in addition to payment for the holiday (holiday pay) or (b) having paid time off on another day equivalent to the hours worked on the holiday (holiday time). Neither holiday pay nor holiday time are compensated at time and a half unless the affected employee worked more than forty (40) hours during the work week in which the holiday was observed.

HOLIDAYS – Full-time, overtime eligible employees are entitled to payment for their regularly scheduled daily work hours as holiday pay for New Year's Day, Martin Luther King Day, Washington-Lincoln day, Memorial Day, Independence Day, Labor Day, Brown Jug Day, Columbus Day, Veteran's Day, Thanksgiving Day, and Christmas day of each year (i.e., an eight hour per day employee will receive eight hours of holiday pay; a seven and a half hour per day employee will receive seven and a half hours of holiday pay; a four hour per day employee will receive four hours of holiday, pay, etc.). The Board may observe some or all legal holidays on alternate dates as necessary to serve its consumers. Compensation for paid holidays is included in overtime exempt employees' salaries.

IMMEDIATE FAMILY – Mother, father, brother, sister, child, step-child, foster child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or other person who stands in the place of an employee's parent.

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

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

INCOMPETENCY - Lack of ability, legal qualification, or fitness to do things required of an employee.

INDIVIDUAL - Any person who is has been determined eligible and receiving services from the Board. Also referred to as enrollee, consumer or client.

INEFFICIENCY - Quality of being incapable or indisposed to do things required of an employee within reasonable standards.

INSUBORDINATION - State of being unwilling to do the things required of an employee. Refusal to obey an order issued by the employee's immediate supervisor or other employee having authority to direct the employee.

INTERMITTENT EMPLOYEE - A substitute or other employee who works on an irregular schedule which is determined by the fluctuating demands of the work which is not predictable and whose hours are generally less than 1,000 per year.

LEAVE OF ABSENCE - Temporary separation from active work status as authorized by the appointing authority.

MALFEASANCE - The commission of an act which is unlawful; the doing of an act which is wrongful and unlawful; the doing of an act which a person should not perform.

MANAGEMENT EMPLOYEE - All employees identified in R.C. 5126.22(A) as existing or hereafter amended are "management employees" including: assistant superintendent, director of business, director of personnel, adult services director, workshop director, habilitation manager, director of residential services, principal (director of children services), director of early intervention, program or service supervisor, plant manager, production manager, director of service and support administration, investigative agent, transportation coordinator, confidential employees as defined in R.C. 4117.01, positions designated by the director of developmental disabilities as having managerial or supervisory responsibilities and duties, positions designated by the county board in accordance with R.C. 5126.22(D). In general, management employees are overtime exempt. Reference: [Classification Plan](#)

MENTAL RETARDATION – Mental impairment manifested during the developmental period characterized by significantly subaverage general intellectual functioning existing concurrently with deficiencies in the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected of the individual's age and cultural group. (O.R.C. §5126.01(N)).

MISFEASANCE - The improper performance of some act which a person may lawfully do.

MODIFIED SCHEDULE – Authorization for an overtime exempt employee to regularly work outside of normal working hours as noted on the employee's position description.

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

NONFEASANCE - Non-performance of some act which ought to be performed, omission to perform a required duty at all, or total neglect of duty. "Nonfeasance" is the total omission of an act which a person ought to do.

OVERTIME – Refers to time actually worked in excess of forty (40) hours during a work week. For purposes of overtime, "hours worked" and "active pay status" are not synonymous. Time spent in active pay status for which the employee did not actually work is not included in "hours worked" for purposes of establishing overtime compensation. Examples of non-work time which are also active pay status include holidays taken off, compensatory time off, vacation, sick leave, personal days off, etc. Scheduled overtime that is subsequently canceled before it is worked is not compensable.

OVERTIME ELIGIBLE EMPLOYEES - Refers to employees of the Board who are not overtime exempt employees. All overtime eligible employees are also eligible for compensatory time off.

OVERTIME EXEMPT EMPLOYEES - Refers to those employees of the Board whose positions are professional, administrative or executive as defined by the Fair Labor Standards Act and whose positions/classifications have been placed on the Overtime Exempt Classifications list (see Classification Plan). Overtime exempt employees are also exempt from earning compensatory time or overtime pay.

OVERTIME PAY - compensation in the form of wages at the rate of one and one half times the base rate of pay for hours worked in excess of 40 hours during a work week.

PART-TIME EMPLOYEE - An employee whose regular hours of active duty is less than a full time schedule as required for the position. The employee may be hired on a part time status for an indefinite period of time.

PHYSICAL OR MENTAL INCAPACITY – Physical or mental inability to perform a position’s essential functions except that any employee (1) who is “otherwise qualified” within the contemplation of the ADA or (2) who is absent on approved leave is not physically incapacitated

POSITION - Any specific employment or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities assigned or delegated by competent authority to be performed by one person.

PROFESSIONAL EMPLOYEES – “Professional employee” means all employees identified in R.C. 5126.22(B) as existing or hereafter amended are “professional employees” including: employees certified pursuant to R.C. Ch. 3319, early intervention specialist, physical development specialist, habilitation specialist, work adjustment specialist, placement specialist, vocational evaluator, psychologist, occupational therapist, speech and language pathologist, recreation specialist, behavior management specialist, physical therapist, supportive home services specialist, licensed practical nurse or registered nurse, rehabilitation counselor, doctor of medicine and surgery or of osteopathic medicine and surgery, dentist, service and support administrator, conditional status services and support administrator, social worker, any position that is not a management position and for which the standards for certification established by the director of developmental disabilities under R.C. 5126.25 require a bachelor’s or higher degree, professional positions designated by the director, and professional positions designated by the county board in accordance with R.C. 5126.22(D). In general, professional employees are overtime exempt.

PROGRAM YEAR - Coincides with the adoption of program calendars by the Board, which comply with the mandated minimums established by the Ohio Department of Education for the various programs.

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

PUBLIC SERVICE DATE – Adjusted date that accounts for total documented public service (Hire Date – Public Service Date). Service years for vacation accrual.

PUBLIC SERVICE IN OHIO - Time in active pay status in all public service in Ohio prior to July

5, 1987 and time in active pay status in Ohio counties or the Ohio Department of Developmental Disabilities after the above date.

REDUCTION - A change in classification to one having a lower base pay range or change to a lower point within the pay range for a given classification or any decrease in compensation.

REGISTERED SERVICE EMPLOYEES - Employees who meet the standards of the Ohio Department of Developmental Disabilities as authorized under O.R.C. 5126.25. These standards do not require a baccalaureate degree.

REINSTATEMENT - The act of returning a person to county service following a period of separation or leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" is the act selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

REMOVAL - The termination of an employee's employment for the reasons outlined in O.R.C. 124.34 or 5126.23.

SENIORITY - The length of continuous employment with the Delaware County Board of Developmental Disabilities based on HIRE DATE. A break in active pay status will break seniority unless the employee is on an approved leave without pay.

SERB – State Employment Relations Board

SERVICE CREDIT – Years of approved employed experience for a specific position. Service credit does not directly relate to hire and public service date. Set at time of first hire and is used for initial Range Factor placement.

SICK LEAVE ABUSE - The use of sick leave for any purpose other than as provided by applicable law, or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business, or no show and no call. Abuse includes establishing a pattern of reporting off sick on certain days of the week such as prior to or following regular days off, utilizing hours as they are accrued, repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures including not timely submitting required documentation.

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

SUPERVISOR - The individual who has been authorized by the superintendent to oversee and direct the work of certain employees on a daily basis and who effectively recommends actions such as hiring, transfers, suspensions, promotions, discharge, rewards, lay offs, recalls or disciplines. If department/division is governed by a union contract, the procedures outlined in the contract shall be followed.

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

TEMPORARY APPOINTMENT – An appointment for a limited period of time, fixed by the appointing authority and approved by the director for a period not to exceed six months; an unclassified position.

THEFT - The act of stealing; robbery; larceny. This shall include theft of computer data.

TRANSFER - The movement of an employee from one position to another where there is no change in level of responsibility, classification or salary.

UNCLASSIFIED EMPLOYMENT - Those positions exempt from classified service, including management positions. Those positions listed in O.R.C. 5126.22 as management positions. Unclassified employees may actively participate in political activity.

UNEMPLOYMENT COMPENSATION - Benefits authorized by O.R.C. 4141 and administered by the Ohio Bureau of Employment Services paid to eligible individuals for loss of remuneration due to involuntary total or partial unemployment.

VENDOR – A person/company providing products/services to eligible individuals of the Board or to the Board and/or its facilities. May also be referred to as a “contractor” or “service provider”.

WORK WEEK - Refers to that time period commencing at 12:01 a.m. on Saturday and ending seven twenty-four hour periods later at midnight on Friday.

WORKERS COMPENSATION - Benefits authorized by O.R.C. 4123 and administered by the Bureau of Workers Compensation under regulations established by O.A.C. 4123 paid to employees injured or contracting an illness while performing work related activities.

WRITTEN REPRIMAND - This is a disciplinary action. It is placed in the employee's personnel file and remains part of the employee's record until the employee's conduct has improved over a given period of time or as stated in the disciplinary policy.