

**SECTION 1
INTRODUCTION AND
GENERAL EMPLOYMENT CONDITIONS**

**1.01 INTRODUCTION AND PURPOSE
OF POLICIES**

1.02 DEFINITIONS

1.03 OBJECTIVES

1.04 MANAGEMENT RIGHTS

1.05 SCOPE OF COVERAGE

**1.06 POLICY CHANGES,
DISSEMINATION, AND
SUGGESTIONS**

1.07 AFFIRMATIVE ACTION/EEO

**1.08 CLASSIFIED AND UNCLASSIFIED
EMPLOYMENT**

Original Adoption Date

7/31/96

Revision Number

2

Date

7/06/05

Approved

7/06/05

This Personnel Policy Manual ("Manual") contains those policies set forth for Wayne County Ohio. The Appointing Authorities who have adopted this manual will require all employees to conform to the policies and procedures stated in this manual. All personnel charged with the responsibility of administering policy must be familiar with its contents. This manual is a guide to be used by the Appointing Authority and other managerial staff to ensure uniform and nondiscriminatory application of the conditions of employment. It is essential that these policies be administered in a systematic, fair, and impartial manner.

There will be situations that require administrative interpretation of these policies. Every effort will be made to ensure that such decisions are made objectively with the general intent of the policy in mind.

There may be occasions when the County or an Appointing Authority must add, delete, or revise specific policies or give current rules a different interpretation from those previously made. The Appointing Authority has the right to change practices and policies, both written and unwritten, as business requires. Updated policies will be issued to all manual holders and communicated to all affected employees according to Section 1.6 – Policy Changes, Dissemination, and Suggestions. The policies contained in this manual are subject to and are in accordance with state and federal laws. If a policy contained in the manual conflicts with the terms or conditions of a collective bargaining agreement, the terms of the negotiated agreement will be followed. In the event there is a conflict between this manual and any other applicable law or legal document, the applicable law or legal document will prevail. In the event that future legislation or ordinances invalidate or change any of the provisions contained herein, the balance will remain in effect.

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

The policies stated and adopted within this manual and the communications interpreting and enforcing them supersede all previous policies and communications.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>2</u>	<u>7/06/05</u>	<u>7/06/05</u>

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

1. **ACTIVE PAY STATUS** - Conditions under which an employee is eligible to receive pay including, but not necessarily limited to, approved vacation leave, approved sick leave, and paid holidays.
2. **APPLICANT** – A person applying for employment or a position with the Employer.
3. **APPOINTING AUTHORITY** - The Wayne County elected or appointed officials, boards, or commissions authorized by law to make appointments to the several positions of their departments/agencies. However, references to the Appointing Authority for the Wayne County Care Center normally mean the Nursing Home Administrator.
4. **BREAK IN CONTINUOUS SERVICE** – An employee has had a separation from service of thirty-one (31) days or more. An authorized leave of absence, without pay, or any separation from service which carries with it the right to reinstatement shall not constitute a break in service provided the employee is reinstated within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service.
6. **CERTIFIED APPOINTMENT** – Appointment from a certification eligible list.
7. **CERTIFIED EMPLOYEE** – An employee who has been appointed from a certified eligible list to a position that is deemed “Classified” per the Ohio Revised Code or an employee who was appointed to fill a vacancy and who successfully completed the probationary period for the position or remained in the position for a period of six (6) months of continuous service, whichever is longer.
8. **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 classification may include only one (1) position.
9. **COMPENSATION PLAN** – A plan adopted by an Appointing Authority to regulate the consistent, fair, and equitable determination of pay rates in a non-discriminatory manner.

**DEFINITIONS
(CONTINUED)**

**SECTION 1.02
PAGE 2 OF 5**

10. **COMPENSATORY TIME** – Paid leave time earned in lieu of paid overtime. Compensatory time may be earned either at a straight time or time and a half rate, depending on whether it is earned in accordance with the Fair Labor Standards Act (FSLA) or not.
11. **COUNTY** - The County of Wayne, State of Ohio, and all departments and divisions.
12. **CSEA** – The Wayne County Child Support Enforcement Agency.
13. **DAYS** – Calendar days unless specified otherwise. Ohio Administrative Code (“OAC”) 123:1-47-01(A)(25).
14. **DEPARTMENT** - A County organizational unit directed and controlled by an Appointing Authority and charged with a specific public service function. This is also referred to as a Work Unit.
15. **DEPARTMENT HEAD** - Any individual who has authority, in the interest of the public employer, to oversee and direct the work of supervisors and other employees on a daily basis.
16. **DISABILITY LEAVE** – Leave granted pursuant to Ohio Revised Code 124.385. Ohio Administrative Code (“OAC”) 123.1-47-01(A)(29).
17. **DISABILITY RETIREMENT** – A separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code. Ohio Administrative Code (“OAC”) 123:1-47-01(A)(30).
18. **DISABILITY SEPARATION** – A voluntary or involuntary separation granted by the Appointing Authority and the director when Employee becomes unable to perform the essential job duties of the Employee’s position. Ohio Administrative Code (“OAC”) 123:1-47-01(A)(31).
19. **DISHONESTY** - An act or disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity.
20. **EMPLOYEE** - Generally, this means any person holding a position subject to appointment, removal, promotion, or reduction by an Appointing Authority. However, the meaning of “employee” may be different for certain policies.
21. **EMPLOYER** - The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.

22. **EXEMPT EMPLOYEE** - An employee who is excluded from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Generally, to be exempt, an employee must receive a salary (a pre-determined amount) each pay period.
23. **FINE** – For the purpose of a disciplinary action, when vacation is deducted from the Employee’s balance of vacation hours, or when the Employee’s hourly rate is temporarily reduced as a form of discipline. The Employee’s hourly rate shall not be reduced lower than the state or federal minimum wage.
24. **IMMEDIATE FAMILY** - Mother, father, brother, sister, child, spouse, grandparents, grandchild, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, step-child, step-parent, step-sibling, legal guardian, or other person who stands in place of a parent.
25. **IMMORAL** - Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to the public welfare according to the standards of the community, as expressed in law or otherwise.
26. **INCOMPETENCY** - Lack of ability, legal qualifications, or fitness to perform duties and responsibilities required of an employee.
27. **INEFFICIENCY** - Quality of being incapable or indisposed to perform duties and responsibilities required of an employee.
28. **INSTRUCTION AND CAUTIONING (VERBAL WARNING)** - The discussion a supervisor holds with an employee in which the supervisor advises the employee of the need for improvement in his conduct. He further warns the employee that not to improve will subject the employee to a progression of disciplinary measures ending with possible termination. A notation of the date, time, and reason for the verbal warning must be kept in the employee's personnel file in the event the conduct of the employee does not improve and subsequent disciplinary action is required.
29. **INSUBORDINATION** - State of being unwilling to perform duties and responsibilities required of an employee. Refusal to obey an order issued by the employee's administrative superior (supervisor). Act of verbally abusing an employee's supervisor.

**DEFINITIONS
(CONTINUED)**

30. **JUST CAUSE** - Any one or more of the following: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the Appointing Authority, Chapter 124 of the Ohio Revised Code, or the rules of the Director of the Ohio Department of Administrative Services, conviction of a felony, any other failure of good behavior, or other acts of misfeasance, malfeasance, or nonfeasance.
31. **LEAVE OF ABSENCE WITHOUT PAY** – Temporary separation from active pay status, authorized by the Appointing Authority, with Employee generally retaining status and seniority rights. Ohio Administrative Code (“OAC”) 123:1-47-01(A)(47).
32. **MALFEASANCE** - The commission or performance of some act which is positively unlawful and wrongful. The doing of an act which a person ought not to perform.
33. **MISFEASANCE** - The improper performance of some act which a person may lawfully do.
34. **NEGLECT** - The omission or failure to do something that can be or that is required to be done, an absence of care or attention when performing a task, the omission of a given task. Neglect is the failure, refusal, or unwillingness to perform one's duty.
35. **NON-EXEMPT EMPLOYEE** - An employee who is covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). Generally, non-exempt employees are compensated on an hourly basis.
36. **NONFEASANCE** - Nonperformance of some act which ought to be performed, omission to perform a required duty at all, or total neglect of duty.
37. **OVERTIME** - The hours actually worked by an employee in excess of forty (40) hours in any work week (Sunday through Saturday).
38. **POSITION** - A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person.
39. **PROBATIONARY PERIOD** – Either the period of time at the beginning of an original appointment or the period of time immediately following a promotion, which constitutes a trial or testing period for the Employee, during which the Employee may be terminated or returned to their prior position. OAC 123:1-47-01(A)(63).
40. **RC** – An accepted abbreviation for Revised Code (also known as Ohio Revised Code). RC is used when referencing specific sections of the Ohio Revised Code.
41. **REMOVAL** - The termination of an employee's employment.

**DEFINITIONS
(CONTINUED)**

- 42. **SUBSTANCE ABUSE** - Possession or use of any controlled or uncontrolled substance to the extent that it interferes with the employee's ability to perform the duties and responsibilities of his/her position, or may cause harm to the self or others.
- 43. **SUPERVISOR** - Any individual who has authority, in the interest of the public employer, to oversee and direct the work of other employees on a daily basis.
- 44. **SUSPENSION** - Relieving an employee from duty with or without pay, usually for a limited period of time, as a disciplinary measure aimed at improving the employee's conduct.
- 45. **TEMPORARY APPOINTMENT** – An appointment for a limited period of time not to exceed one hundred twenty (120) days. However, a temporary appointment may be made in excess of one hundred twenty (120) days due to the sickness, disability, or other approved leave of a regular employee. In this case the temporary appointment may continue for the length of the sickness, disability, or other approved leave of absence.
- 46. **UNCLASSIFIED EMPLOYEE** – An employee appointed to a position deemed “unclassified” by the Ohio Revised Code. Unclassified employees do not have civil service protection, and they serve at the pleasure of the Appointing Authority.
- 47. **UNIVERSAL PRECAUTIONS** - Per Federal Regulations 1910.1030—Blood borne pathogens; all human body fluids are treated as if known to be infectious.
- 48. **VWA** – The Victim Witness Assistance Program.
- 49. **USERRA** – The Uniformed Services Employment and Reemployment Rights Act.
- 50. **WCCC** – Wayne County Care Center.
- 51. **WORK UNIT** – See definition of Department.
- 52. **WORKING SUSPENSION** – A type of suspension during which an employee is not relieved from duty, but that has the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.
- 53. **WRITTEN WARNING** - Normally a step of the Employer's progressive discipline policy, depending on the degree and type of offense. Written warnings are more severe than instruction and cautioning and a record of written warning shall be placed in the employee's personnel file.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>4</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. It is the philosophy of Wayne County that providing a personnel system that aids in recruiting and retaining competent, dependable employees is vital to the success of Wayne County.
- B. The policies and procedures stated in this Manual are designed to:
1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies and consideration of employee needs;
 2. Provide fair and equal opportunity for qualified persons to enter and progress in service based upon merit and fitness as determined through objective and practical personnel management methods;
 3. Enhance the attractiveness of a career with the County and encourage each of its employees to give his/her best effort to the County and the public;
 4. Encourage courteous and dependable service to the public; and
 5. Ensure that all activities are conducted in an ethical and legal manner to promote the County's reputation as an efficient, progressive body in the community and the state.
- C. It is the intent of the Appointing Authority that these policies, procedures, and methods will hereafter govern the working relationships between the employee and the Employer.

Original Adoption Date7/31/96**Revision Number**2**Date**7/06/05**Approved**7/06/05

Each Appointing Authority maintains the ultimate authority to establish, interpret, and administer policies and direct the operations of the department/agency under his/her jurisdiction. It is the intent of Appointing Authorities that the rights set forth herein be applied in a manner consistent with all applicable law. The Appointing Authority's rights include, but are not limited to, the following:

1. To manage and direct its employees, including the right to select, hire, promote, transfer, assign, evaluate, lay off, recall, reprimand, suspend, discharge, and discipline;
2. To issue, modify, and enforce reasonable work rules, policies, and procedures;
3. To determine the size and composition of the work force and the organizational structure of each department/agency;
4. To determine the hours of work, work schedules, and overtime;
5. To determine the department's/agency's goals, objectives, programs, and services, and to use personnel in a manner designed to effectively and efficiently meet these purposes;
6. To determine the department's/agency's budget and uses thereof;
7. To manage and determine the equipment, programs, and work to be performed; and
8. To maintain the security of records and other pertinent information;
9. To establish job performance standards.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>2</u>	<u>7/06/05</u>	<u>7/06/05</u>

These policies apply to employees of Wayne County, except as may be specifically exempted by law. Employees of those agencies that have duly adopted personnel policy manuals specific to that agency are subject to the provisions of those manuals.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>2</u>	<u>7/06/05</u>	<u>7/06/05</u>

- A. Each Appointing Authority will keep a copy of the complete Manual available for review by employees.
- B. Any question about a provision of this Manual or items not covered in the Manual such as rules, either written or unwritten, implied or expressed, should be directed to the employee's supervisor.
- C. The Appointing Authority encourages employees to consider and recommend changes in policy. Matters not already addressed may be brought to the attention of the Appointing Authority or a supervisor so appropriate policies may be considered and formulated.
- D. As conditions warrant, these policies may be amended or deleted by act of the Appointing Authority or the County Commissioners. Such amendments or deletions shall be distributed to affected employees and a copy sent to the Appointing Authority and the County Commissioners. Such shall normally occur at least thirty (30) days prior to the effective date of the amended policy.
- E. Supervisors should periodically review personnel policies and propose changes and additions to the Appointing Authority. Approximately every two (2) years each Appointing Authority may review all personnel policies and propose to the County Commissioners revisions to address changes in law and current practice. All changes are subject to approval of the Board of Commissioners.
- F. Employees are not permitted to use work time to review these policies, unless so authorized by the Appointing Authority.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>3</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. Wayne County is an Equal Opportunity Employer. All employees and applicants for employment shall be recruited, selected, promoted, demoted, terminated, suspended, or evaluated in an equitable manner, based solely upon merit, fitness, and other bona fide occupational qualifications as each individual might possess. No personnel decisions concerning any term or condition of employment shall be based upon race, color, religion, sex, national origin, age, disability, or other non-job-related criteria which does not interfere with an employee's ability to perform the essential functions of the position.
- B. No person(s) shall on the grounds of race, color, national origin, disability, age, sex, or religion be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program, service or benefit authorized or provided by the Appointed Authority.
- C. Wayne County has voluntarily developed an Affirmative Action Plan (AAP) and most County agencies participated in the development of the AAP. Questions regarding the AAP should be directed to the County Administrator who serves as the County's Equal Employment Opportunity Officer.
- D. The Appointing Authority also designates the County Administrator as the position responsible for providing information about the Americans with Disabilities Act (ADA) to others, and for receiving and resolving complaints about discrimination against the disabled. Any person may file a complaint if he believes the Employer has discriminated against him on the basis of a disability. The person filing the complaint shall be referred to as the "complainant."
- E. The complainant must file the complaint on the ADA Complaint Form within fourteen (14) calendar days of the date the alleged discrimination occurred. The County Administrator reserves the right to either process or not process a complaint filed after the deadline.
- F. The complainant must file the complaint with the County Administrator who will investigate the allegations and respond within fourteen (14) calendar days. When reviewing the complaint, the County Administrator will determine whether the complainant is actually a qualified person with a disability, whether the Employer may have discriminated against the complainant, and whether the Employer can reasonably accommodate the complainant or otherwise resolve the complaint.

**AFFIRMATIVE ACTION/EQUAL
EMPLOYMENT OPPORTUNITY (CONTINUED)**

G. If an employee files a regular grievance claiming handicap or disability discrimination, the Appointing Authority may process the grievance through the normal channels, but must discuss the grievance with the County Administrator for assistance.

The Appointing Authority should also have the employee fill out an ADA Complaint Form. If an employee files both a regular grievance and an ADA complaint, the Appointing Authority will process them both through the regular grievance procedure with assistance from the County Administrator, as described above.

H. Discrimination of any kind by one employee against another will not be tolerated.

I. To contact the Ohio Civil Rights Commission:

Ohio Civil Rights Commission
30 East Broad Street, 5th Floor
Columbus, OH 43215
614-466-2785
888-278-7101

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>3</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. An employee of Wayne County is presumed to be a classified civil servant unless the position that he/she occupies has been exempted from the classified service by lawful request of the Appointing Authority or by operation of law. The Appointing Authority is exempt from the classified service.

- B. After completion of the established probationary period, a classified employee may be discharged only for cause and removed by following the procedures stated in the Ohio Revised Code (RC 124) and the applicable provisions of this policy manual.

- C. An employee who is exempted from the classified service serves at the pleasure of the Appointing Authority.

Original Adoption Date	Revision Number	Date	Approved
<u>7/31/96</u>	<u>2</u>	<u>7/06/05</u>	<u>7/06/05</u>