

SECTION 3 CONDITIONS OF EMPLOYMENT

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<u>Original Adoption Date</u>	<u>Revision Number</u>	<u>Date</u>	<u>Approved</u>
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- A. All employees of the Department other than the Director and any administrators appointed in accordance with RC 329.021 are in the classified Civil Service.
- B. All positions in the Department are classified in accordance with the County Class Specifications found in the Ohio Department of Administrative Services for County Departments of Job and Family Services:
<http://das.ohio.gov/Divisions/HumanResources/TalentManagement/CountyServices/CountyClassSpecifications> (JobFamilyServices.aspx).
1. A classification is a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted. Examples of classifications are Eligibility/Referral Specialist 1, Unit Support Worker 1, Clerical Specialist 1, etc.
 2. Each classification is given a five-digit number. All classifications with class numbers having the same first four digits are considered to be in the same class series. A series is a group of related classifications which form a career progression, e.g., Eligibility Referral Specialist 1, Eligibility/Referral Specialist 2, Eligibility/ Referral Supervisor 1, and Eligibility/Referral Supervisor 2.
- C. Each position in the Department is assigned a classification based on the job duties and required worker qualifications of the position.
- D. Each position on the Department’s organizational chart is given a Position Control Number (PCN), a six-digit number unique to the position.
- E. Each employee is given a copy of the approved Position Description for his/her current position by his/her supervisor.
- F. Each employee also receives from his/her supervisor, a copy of the Essential Functions for his/her position, describing the job duties that must be done to fulfill the position.
- G. A non-probationary employee may request that his/her position be reviewed for proper classification. The Department may also request that a position be reclassified as job duties, etc. change. If the compensation of an employee in a reclassified position exceeds the maximum rate of pay for the employee’s new classification, the employee shall not receive an increase in pay until the maximum rate of pay for that classification exceeds the employee’s rate of pay.

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A. PURPOSE:

1. This policy establishes uniform standards and procedures within the Wayne County Department of Job and Family Services (WCDJFS) (this term also includes the departments of Child Support and Children Services) for conducting Background Investigations and evaluating the results thereof for the purpose of making Suitability determinations for both general employment and for specific positions of employment and contracts that have or involve access to or the use of Federal Tax Information (FTI).

B. AUTHORITIES:

1. IRS Publication 1075, issued September 2016
2. ORC Section 124.74
3. OAC 5101:9-9-26

C. SCOPE:

1. This policy supersedes all previous policies regarding background checks, Background Investigations, and the evaluation of investigation results.
2. This policy applies to all Final Candidates, WCDJFS Employees, and WCDJFS Contractors, as said terms are defined below.
3. The WCDJFS Director or Designee is responsible for implementing the standards and procedures contained within this policy and for ensuring said standards and procedures are equitably applied to all Final Candidates, WCDJFS Employees, and WCDJFS Contractors.

D. DEFINITIONS:

1. Background Investigation – One or more background checks and/or other inquiries related to employment or contracts that are conducted pursuant to and in accordance with all applicable laws, rules, etc.
2. Conviction – One or more of the following in a criminal, or equivalent, proceeding:
 - a. A plea of guilty, or an equivalent plea, that is accepted by any court or tribunal;
 - b. A verdict or finding of guilt, or an equivalent verdict or finding, in any court or tribunal; or
 - c. The imposition of a sentence by a judge or jury, or an equivalent arbiter or body, in any court or tribunal.

3. Favorable Adjudication – Upon the completion of a Background Investigation, a final determination that a Final Candidate, WCDJFS Employee, or WCDJFS Contractor is or continues to be Suitable to hold a position of employment or to participate in a contract with WCDJFS.
4. Federal Tax Information (FTI) – This term shall have the same meaning as in OAC 5101:9-9-26, or any successor provision.
5. Final Candidate – An individual, whether or not said individual is either a prospective employee or is currently employed by WCDJFS or any other Wayne County agency, department, or office, who has submitted an application for any position of employment at WCDJFS, including, a promotion, and who has received an offer of a position of employment conditioned upon a Favorable Adjudication.
6. Record of Untrustworthy Conduct – Other than a Conviction, one or more instances revealed in a Background Investigation that call into question the trustworthiness of a Final Candidate, WCDJFS Employee, or WCDJFS Contractor, including, but not limited to, arrests, pending criminal charges, restraining orders, terminations for cause, liens, or financial defaults.
7. Suitable – The status of a Final Candidate, WCDJFS Employee, or WCDJFS Contractor who:
 - a. Has no Conviction(s), or has one or more Convictions that have been reversed, expunged, or annulled; and
 - b. Has no Record of Untrustworthy Conduct; or
 - c. Has one or more Convictions and/or a Record of Untrustworthy Conduct that do not disqualify the Final Candidate, WCDJFS Employee, or WCDJFS Contractor from holding the applicable position of employment or from participating in the applicable contract.
8. Suitability – The quality of being Suitable.
9. Unfavorable Adjudication – Upon the completion of a Background Investigation, a final determination that a Final Candidate, WCDJFS Employee, or WCDJFS Contractor is not or is no longer Suitable, thus disqualifying said Final Candidate, WCDJFS Employee, or WCDJFS Contractor from holding a position of employment or from participating in a contract with WCDJFS.
10. WCDJFS Contractor – An individual who is not employed by WCDJFS, but who personally receives or seeks to receive, or who is associated with an entity that receives or seeks to receive, funds from WCDJFS, whether directly or indirectly, by way of contract, subcontract, or the like, to do either or both of the following:

- a. Provide services, assistance, or benefits to other individuals or entities; and/or
 - b. Perform duties or activities for WCDJFS pursuant to a contract, grant, or other agreement.
11. WCDJFS Employee – An individual, other than a Final Candidate, currently employed by WCDJFS in any capacity, including, but not limited to, individuals employed in a part-time, intermittent, or temporary capacity.

E. STANDARDS AND PROCEDURES

1. BACKGROUND INVESTIGATION REQUIREMENTS

- a. The nature, scope, extent, duration, etc., of a Background Investigation shall all be as deemed necessary by the Director or Designee, in accordance with all applicable laws, rules, etc., and this policy.
- b. WCDJFS requires that all Final Candidates submit to a Background Investigation (see Appendices). This requirement helps to ensure:
 - i. WCDJFS does not hire or continue to employ any individual who is barred from county, state, or federally funded employment due to a Conviction; and
 - ii. WCDJFS does not hire or continue to employ an individual who is not suitable for a position of employment that has access to or the use of FTI.
- c. Effective August 1, 2019, except as otherwise provided for in OAC Rule 5101:9-9-26 (B)(2), (3), and (4), all Final Candidates, WCDJFS Employees, and WCDJFS Contractors who will have or currently have access to or the use of FTI shall undergo a Background Investigation that includes, at minimum:
 - i. An Ohio Bureau of Criminal Investigation (BCI) finger print background check;
 - ii. A Federal Bureau of Investigation (FBI) finger print background check; and
 - iii. An inquiry to validate the individual's legal eligibility to work in the United State of America.
- d. All WCDJFS Employees and WCDJFS Contractors who have access to or the use of FTI must undergo the Background Investigation process outlined in paragraph V.A.3. every ten (10) years, calculated from the date of the conclusion of an individual's last Favorable Adjudication.

2. MANDATORY AND DISCRETIONARY DISQUALIFICATION

- a. Unless otherwise provided by law, rule, etc., a Background Investigation that reveals one or more Convictions and/or a Record of Untrustworthy Conduct shall not automatically disqualify a Final Candidate, WCDJFS Employee, or a WCDJFS

Contractor from holding a position of employment or participating in a contract with WCDJFS.

- b. One or more of the following shall automatically disqualify a Final Candidate, WCDJFS Employee, or WCDJFS Contractor from holding any position of employment or participating in any contract with WCDJFS:
 - i. Failure to cooperate with a Background Investigation, including, but not limited to, refusal to or delay in submitting to required background checks or in providing required information;
 - ii. A Conviction and/or Record of Untrustworthy Conduct that, pursuant to law, rule, etc., automatically disqualifies an individual from holding the applicable position of employment or participating in the applicable contract; or
 - iii. Ineligibility to legally work in the United States.
- c. Considerations that may disqualify a Final Candidate, WCDJFS Employee, or WCDJFS Contractor from holding any positions of employment or participating in any contracts with WCDJFS include, but shall not be limited to, any and all Convictions and/or any Record of Untrustworthy Conduct.
- d. Considerations that may disqualify a Final Candidate, WCDJFS Employee, or WCDJFS Contractor from holding positions of employment or participating in contracts with WCDJFS that have or involve access to or the use of FTI include, but shall not be limited to:
 - i. A Conviction for an offense listed in ORC Section 2961.02;
 - ii. A felony Conviction for bribery (ORC Section 2921.02) or theft in office (ORC Section 2921.41), any Conviction for soliciting or accepting improper compensation (ORC Section 2921.43) within seven years of the adjudication, or any equivalent offense in any other jurisdiction; or
 - iii. A Record of Untrustworthy Conduct that includes one or more instances of theft, dishonesty, fraud, chicanery, financial wrongdoing, or any similar conduct.

3. INDIVIDUALIZED EVALUATION

- a. If a Background Investigation reveals no Conviction(s) or Record of Untrustworthy Conduct, the Final Candidate, WCDJFS Employee, or WCDJFS Contractor shall be considered Suitable to hold the applicable position of employment or to participate in the applicable contract, thus resulting in a Favorable Adjudication.
- b. If a Background Investigation concerning a Final Candidate, WCDJFS Employee, or a WCDJFS Contractor reveals one or more Convictions and/or a Record of Untrustworthy Conduct, the Director or Designee, with the advice and counsel of

the Wayne County Prosecuting Attorney's Office, if required, shall perform an individualized evaluation as to whether the Final Candidate, WCDJFS Employee, or WCDJFS Contractor is Suitable to hold the applicable position of employment or to participate in the applicable contract.

- c. Evaluation of Convictions
 - i. Unless otherwise provided by law, rule, etc., to determine whether a Final Candidate, WCDJFS Employee, or WCDJFS Contractor with one or more Convictions is or continues to be Suitable to hold the applicable position of employment or to participate in the applicable contract, the Director or Designee shall conduct an analysis of the following factors, which are not intended to be an exhaustive list:
 - (a) The nature of the work or services performed or to be performed, including the duties associate with the position or contract;
 - (b) The age of the Conviction(s);
 - (c) The maturity of the Final Candidate, WCDJFS Employee, or WCDJFS Contractor at the time of the underlying offense(s);
 - (d) The elements of the specific offense(s) committed;
 - (e) The seriousness of and specific circumstances surrounding the offense(s), including the type and severity of any harm caused;
 - (f) The number of offenses committed;
 - (g) Any evidence of rehabilitation or contrition;
 - (h) Any correlation between the offense(s) committed and any Record of Untrustworthy Conduct;
 - (i) Any correlation between the offense(s) committed and the type of FTI used or accessible via the position or contract, if applicable; and
 - (j) Any other relevant information, including that submitted by or on behalf of the Final Candidate, WCDJFS Employee, or WCDJFS Contractor.
 - ii. When a Final Candidate, WCDJFS Employee, or WCDJFS Contractor has or will have access to or the use of FTI, special attention and consideration shall be given during the Suitability determination process to any Conviction for an offense involving theft, dishonesty or fraud.
- d. Evaluation of Record of Untrustworthy Conduct

- i. The Director or Designee shall take care to independently verify any instance(s) constituting a Record of Untrustworthy Conduct, as appropriate. Independent verification may include, but will not be limited to, additional research, contacting past employers, contacting arresting and/or charging agencies, and interviewing the Final Candidate, WCDJFS Employee, or WCDJFS Contractor about the instance(s).
- ii. An individual who has been arrested for and/or charged with a crime is presumed to be innocent until proven guilty beyond a reasonable doubt. Thus, independent verification of the alleged offense(s) is critical when evaluating criminal matters that did not or have yet to result in a Conviction. At the same time, it must be kept in mind that the burden of proof beyond a reasonable doubt does not apply to Suitability determinations.
- iii. Unless otherwise provided by law, rule, etc., to determine whether a Final Candidate, WCDJFS Employee, or WCDJFS Contractor with a Record of Untrustworthy Conduct is or continues to be Suitable to hold the applicable position of employment or to participate in the applicable contract, the Director or Designee shall conduct an analysis of the following factors, which are not intended to be an exclusive list:
 - (a) The nature of the work or services to be performed or to be performed, including the duties associated with the position or contract;
 - (b) The age of the instance(s) of untrustworthy conduct;
 - (c) The maturity of the Final Candidate, WCDJFS Employee, or WCDJFS Contractor at the time of the instance(s) of untrustworthy conduct;
 - (d) The nature of the specific instance(s) of untrustworthy conduct;
 - (e) The seriousness of and specific circumstances surrounding the instance(s) of untrustworthy conduct, including the type and severity of any harm caused;
 - (f) The number of instance(s) of untrustworthy conduct;
 - (g) Any evidence of rehabilitation or contrition;
 - (h) Any correlation between the instance(s) of untrustworthy conduct and any Conviction(s);
 - (i) Any correlation between the offense(s) committed and the type of FTI used or accessible via the position or contract, if applicable; and

- (j) Any other relevant information, including that submitted by or on behalf of the Final Candidate, WCDJFS Employee, or WCDJFS Contractor.

4. ADJUDICATION

- a. Applicable law establishes that, depending upon the circumstances, both or either the Director of WCDJFS (Director) and/or the Board of County Commissioners of Wayne County, Ohio (Board), are the appointing or contracting authority for WCDJFS. Thus, if a question concerning appointing or contracting authority arises, the Director or Designee, and the Board (or the Board's designee(s)), shall engage in a cooperative analysis to ensure that a final Suitability determination is made by the appropriate decision-maker or decision-makers.
- b. After performing an individualized evaluation, the Director or Designee shall make a determination as to if a Final Candidate, WCDJFS Employee, or WCDJFS Contractor is or continues to be Suitable to hold the applicable position of employment or to participate in the applicable contract. The determination of the Director or Designee shall be in writing.
- c. The Board may appoint one or more designees to carry out its duties outlined below.
- d. Final Candidates and WCDJFS Contractors
 - i. Any Suitability determination made by the Director or Designee concerning a Final Candidate or a WCDJFS Contractor shall be final and considered either a Favorable Adjudication or an Unfavorable Adjudication, unless said determination is taken up for review by the Director and/or the Board within ten (10) business days of the Director or Designee's written determination.
 - ii. When the Director and/or the Board review a Suitability determination concerning a Final Candidate or a WCDJFS Contractor, the Director and/or the Board shall either sustain or overrule the determination of the Director or Designee, in writing, within ten (10) business days of taking up the matter for review. The decision of the Director and/or the Board shall be considered a final Suitability determination and either a Favorable Adjudication or an Unfavorable Adjudication.
 - iii. A Final Candidate or WCDJFS Contractor shall be notified of a Favorable Adjudication or an Unfavorable Adjudication as soon as practicable. All notices shall be in writing.
 - iv. The entity associated with a WCDJFS Contractor, if applicable, shall receive written notice of a Favorable Adjudication as soon as practicable. Said entity shall receive immediate notice of an Unfavorable Adjudication, and the Director or Designee shall, to the extent allowed by law, rule, etc., share all relevant information and materials with said entity.

- v. When a Final Candidate who is an internal WCDJFS candidate is the subject of an Unfavorable Adjudication, the Director or Designee shall consider the individual a WCDJFS Employee for the purposes of determining if the individual continues to be Suitable to hold his/her current position of employment.
 - vi. When a Final Candidate who is an employee of any other Wayne County agency, department, or office is the subject of an Unfavorable Adjudication, the Director or Designee shall, to the extent allowed by law, rule, etc., share all relevant information and materials with the agency, department, or office.
- e. WCDJFS Employees
- i. Any favorable Suitability determination made by the Director or Designee concerning a WCDJFS Employee shall be final and considered a Favorable Adjudication, unless said determination is taken up for review by the Director and/or the Board within ten (10) business days of the Director or Designee's written determination.
 - ii. When the Director and/or the Board review a favorable Suitability determination concerning a WCDJFS Employee, the Director and/or the Board shall afford the impacted WCDJFS Employee the benefit of any and all due process required by law, rule, etc. The Director and/or the Board shall then either sustain or overrule the determination of the Director or Designee, in writing, within ten (10) days. The decision of the Director and/or the Board shall be considered a final Suitability determination and either a Favorable Adjudication or an Unfavorable Adjudication.
 - iii. Any unfavorable Suitability determination made by the Director or Designee concerning a WCDJFS Employee shall only be considered a recommendation to the Director and/or the Board. Such a recommendation shall be in writing and shall be immediately forwarded to the Director and/or the Board for a final Suitability determination. The impacted WCDJFS Employee shall also be immediately provided a copy of the recommendation and all other relevant materials, to the extent allowed by law, rule, etc.
 - iv. After receiving a recommendation from the Director or Designee, the Director and/or the Board shall afford the impacted WCDJFS Employee the benefit of any and all due process required by law, rule, etc. The Director and/or the Board, shall then either sustain or overrule the Suitability determination of the Director or Designee, in writing, within ten (10) days. The decision of the Director and/or the Board shall be considered a final Suitability determination and either a Favorable Adjudication or an Unfavorable Adjudication.
 - v. A WCDJFS Employee shall be immediately notified of a Favorable Adjudication or an Unfavorable Adjudication. All notices shall be in writing.

- f. No appeal of an Unfavorable Adjudication is available under this Policy. However, Final Candidates, WCDJFS Employees, and WCDJFS Contractors have all remedies available to them by law, equity, or otherwise.

5. **REPORTING OF OUTSTANDING WARRANTS, VIOLATIONS, ETC.**

- a. Should the results of a Background Investigation disclose one or more outstanding warrants, violations of probation or parole, or any other similar outstanding actions against a Final Candidate, WCDJFS Employee, or WCDJFS Contractor, all pertinent information shall be forwarded to the Wayne County Prosecuting Attorney's Office for review and any appropriate action.

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- A. Employees are classified as full-time or part-time permanent, full time or part time temporary, full time or part time seasonal, or as intermittent/PRN.
1. Full-time employees – are those who are regularly scheduled to work forty (40) hours per week, or any other standard established as full-time by the Employer.
 2. Part-time employees – are those who are regularly scheduled to work fewer than forty (40) hours per week, or less than any other standard established as full-time by the Employer.
 3. Permanent (or Regular) Employee – a full-time or part-time employee who works a regular schedule of twenty-six (26) consecutive bi-weekly pay periods which is not limited to a specific season or duration.
 4. Temporary Employee – a full or part-time employee who works in a position which is normally of a non-permanent nature, and which normally has a specified duration of time not to exceed one hundred twenty (120) days (see definition in Section 1.02 – Temporary Appointment).
 5. Seasonal Employee – a full or part-time employee who works a certain regular season or period of the year performing work limited to that season or period of the year.
 6. Intermittent Employee/PRN (pro re nata) – an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. For most purposes, PRN and Intermittent are interchangeable. Employees who have questions regarding their work status should speak with their supervisor or Appointing Authority.
- B. Probationary employees are full-time or part-time employees who have not completed the established probationary period.
- C. Full-time or part-time employees who have successfully completed a probationary period and have been approved by the Appointing Authority are considered to be in regular (permanent) employment status. Regular classified employees are subject to dismissal only for cause. Regular unclassified employees may be terminated from service at any time; this includes seasonal, temporary and intermittent employees.
- D. Seniority is defined, for the purposes of Wayne County employees, as the uninterrupted length of Continuous Service with a County office, a state agency, the Ohio National Guard, or a state supported college or university. An authorized leave of absence does not constitute a break in service, and seniority time continues to accumulate during the term of leave provided the employee complies with rules and regulations governing his/her leave of absence, and that the employee is reinstated from the leave. Continuous service is broken by any of the following events:
1. Discharge for cause;
 2. Resignation;
 3. Failure to return to work at the end of an approved leave of absence;

4. Failure to timely apply for reinstatement after discharge from active duty in the military service;
 5. Absence from duty without leave for three (3) consecutive days; or
 6. Retirement.
- E. Full-time permanent and part-time permanent employees with an average of 30 hours per week or more, determined by Affordable Care Act (ACA) tracking, qualify for healthcare benefits as provided by Wayne County, regardless if their work status is permanent full-time or permanent part-time. Active pay status, as defined in this policy manual, is not the same as the definition under the County health plan. The benefits that other statuses of employees are eligible to receive vary. Information regarding those benefits can be found in Section 5.01, Insurance; 5.02, Vacation; 5.03 and 5.03 (A), Holidays; and 5.04, Sick Leave.

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A. JOB APPLICANT REQUIREMENTS

1. Due to the importance of hiring employees with a high degree of integrity and confidentiality, the Employer has adopted this policy that requires all applicants to successfully complete appropriate testing and background checks, which may include a criminal background check.
2. Drug Screening and confirmation tests for safety sensitive positions shall be conducted by a U.S. Department of Health and Human Services (DHHS) certified laboratory. The collection site and the laboratory shall have clear and well-documented procedures for collection, shipment, and accessing of urine specimens. The procedures utilized by the collection site and the laboratory shall include an evidentiary chain of custody and control and split sample collection and testing. All procedures shall be outlined in writing and provided to the specimen donor (applicant).

The Employer shall require testing for only those substances for which the DHHS has established an approved testing protocol. The Employer shall not hire any applicant who is unable to satisfactorily explain the presence of a controlled substance. The cost of the drug screening and confirmation tests shall be paid by the Employer.

3. The Employer may have certain positions in the agency for which the applicants are required, by law, to undergo a criminal background check by the State's Bureau of Criminal Identification and Investigation (BCII). For those positions in the agency which do not fit into the above-referenced category, the Employer reserves the right to request that a criminal background investigation be conducted by the BCII or any other qualified law enforcement agency. Any costs related to the applicant's criminal background investigation shall be paid by the Employer.
4. Applicants are expected to fully comply with the Employer's efforts to administer this policy. Any attempt to interfere with a controlled substances test or a criminal background investigation will result in the disqualification of the applicant. Examples of such interference are, but not necessarily limited to:
 - a. Refusal to sign forms or waivers
 - b. Failure to appear at a collection site
 - c. Failure to provide adequate samples for the controlled substances test
 - d. Engaging in conduct that clearly obstructs the testing procedure
5. This policy is intended to be in accordance with any existing laws or regulations, which address the issues of applicant controlled substances testing and criminal background investigations in the Employer's workplace. If there is a conflict between any provisions of this policy and/or a federal or state law or regulation, the appropriate law or regulation shall prevail.

B. IMMIGRATION/CITIZENSHIP STATUS

1. The County will not discriminate on the basis of a person's national origin or citizenship status in recruitment, hiring, or termination. However, it will not knowingly employ any person who is or becomes an unauthorized alien.
2. Employees hired after November 6, 1986 must provide suitable documentation and complete INS form 1-9 to verify identity and employment eligibility.
3. A successful applicant refusing to provide documentation or providing false documentation will not be hired, or will be subject to discharge for cause.

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A. PERSONNEL FILES

1. Each Appointing Authority will maintain official personnel files on his/her employees. Such files shall include, but are not to be limited to: individual employment data; payroll information; work time schedules; records of deductions paid; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff, termination, etc. Personnel records, except for protected information (e.g., Social Security Numbers), medical information and certain documents which are the subject of criminal investigation, are public records as specified by the Ohio Revised Code.
2. Nothing herein shall prevent the dissemination of impersonal statistical information.
3. An employee may arrange with the Appointing Authority to inspect his/her personnel file.
4. Each employee is required to advise his/her Appointing Authority of any change in name, address, marital status, telephone number, number of exemptions claimed for tax purposes, change in the status of dependents covered by a family health insurance policy, citizenship, selective service classification, or association with any government military service organization.
5. All requests for information about present or former employees will be referred to the Appointing Authority. No County employee other than the Appointing Authority or his/her designee is authorized to release any information regarding current or former employees. Employee records once placed in personnel files become the property of the department/agency. Personnel files shall be protected and maintained in a confidential manner to the extent permitted by law.
6. Telephone requests for employment verification may be limited to employing agency, dates of County employment and job classifications. If this is a Public Record Request, see Section 8.17 of this Manual.

B. MEDICAL RECORDS MAINTENANCE

1. Any employee's medical records must be maintained in separate medical files, and they shall not be included in the employee's personnel file.
2. Medical records are confidential and may be released only in the following circumstances:
 - a. Supervisors and managers may be informed of restrictions and accommodations that are a part of an agreed-upon plan of reasonable accommodation.
 - b. First aid and safety personnel may be informed if an employee may require emergency treatment.
 - c. Government officials investigating compliance may be provided with relevant information upon request.

- d. Medical examination results may not be released for any other reason unless a signed consent form is received from the employee or his/her legal representative. This consent form must be completed and signed for each separate release of information.

C. **EEO RECORDS MAINTENANCE**

1. Equal Employment Opportunity (EEO) records must also be maintained in a separate file.

D. **LICENSURE REGISTRATION**

1. All employees who are required to be professionally licensed shall submit such license and/or license renewal to their department head for verification.

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- A. The County may require an employee to take a medical or psychological examination, conducted by a licensed practitioner, to determine if an employee can perform the essential job duties (see Section 3.04 (B) - Medical Records Maintenance). The WCCC may require an employee to submit to a medical or psychological examination, appropriate laboratory tests, x-rays, or immunizations during the employee's employment with the WCCC.

The testing for an employee may be done when:

1. it appears that an employee's state of mental or physical health is potentially detrimental to the employee's performance; or
 2. factors considered demonstrate risk to the residents or other employees.
- B. The licensed practitioner who will conduct any medical or psychological examination of an employee will be selected by the appointing authority and the cost will be borne by the appointing authority.
- C. If an employee is incapable of performing the essential functions of the job, with or without reasonable accommodation, he/she may be:
1. Referred to a vacant position in which he/she may perform the essential functions of the position with or without a reasonable accommodation.
 2. Placed in a position in a lower classification in which he/she can perform the essential duties with or without reasonable accommodation; or
 3. Granted a disability separation (see Section 11.01[D]-Voluntary Disability Separation and 11.02[D] Involuntary Disability Separation).
- D. A physical and/or psychological examination by a qualified licensed practitioner may be required prior to employment to ensure that selected job applicants are physically and psychologically able to perform the essential functions of the position for which they are applying. Examinations may include any job-related examination determined to be a pre-employment requirement. No physical or psychological examinations may be conducted until after the appointing authority has made the applicant a conditional offer of employment. The appointing authority shall select the physician to administer the examination and shall pay the cost.
- E. WCCC will require a physical examination and TB test by a qualified physician after the Administrator has made the applicant a conditional offer of employment. This is to ensure that selected job applicants are physically able to perform the duties of the position for which they apply. The expense shall be borne by the applicant if the examination is performed by their own physician.

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A. REGULAR HOURS

1. Generally, regular workdays are Monday through Friday. However, an employee may be required to work a flexible schedule to provide required services at times when County offices are closed or additional coverage is necessary. Any twenty-four (24) hour, seven (7) day per week County operation shall establish work schedules accordingly.
2. Employees are expected to arrive just prior to their designated start time in order to begin their duties as scheduled. However, employees are not to begin work-related activities prior to the start of their shift. Also, employees are not to continue working past the end of their shift unless specifically authorized by the Appointing Authority or other designated person. This includes reading and/or sending emails, listening to voice messages, making phone calls or conducting business in any format (this excludes an agency's procedures to take calls to cover an absence, to call off work, or to accept calls for work-related emergency purposes); questions regarding any conflict should be directed to the employee's supervisor. Employees not adhering to this policy and/or working unauthorized overtime will be paid but may be subject to progressive discipline. Each employee is also required to not engage in any work-related activities during an unpaid lunch period.
3. Any employee may request an "adjusted work schedule" on a temporary one-day basis. This request may be approved by the employee's supervisor.

B. BREAKS/LUNCH PERIODS

1. Each full-time employee is entitled to an unpaid meal period as designated by the Appointing Authority. Lunch periods normally occur at about the midpoint of the employee's shift.
2. An employee may not work through the lunch break in exchange for arriving at work late or leaving early, unless approved in advance by the supervisor.
3. An employee is entitled to a reasonable break time to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express milk. Employee shall be provided a place, other than a bathroom, which is shielded from view and free from intrusion from coworkers and the public, which may be used by employee to express breast milk. Employer shall not be required to compensate employee receiving reasonable break time under this paragraph for any work time spent for such purposes.

C. WCCC HOURS OF WORK

Scheduled hours of work are designated by the appointing authority and are subject to change as required to assure efficiency, effectiveness and smooth operation of the facility. WCCC shall attempt to notify employees affected by scheduling changes as soon as practicable, given the situation.

1. Nothing in the above paragraph limits or infringes upon the facility's rights to adjust

schedules or make assignments for staffing purposes on a daily basis or to minimize the payment of overtime.

2. Hours worked beyond scheduled shift must be approved and verified prior to payroll being submitted.
3. WCCC, which operates twenty-four (24) hours a day, seven (7) days a week, will require employees to work on holidays on a rotation or voluntary basis. Supervisors/Department Heads may also be required to work weekends and/or holidays as necessary.
4. When Daylight Savings Time begins, third shift will normally work one hour less. When daylight savings time ends, third shift will normally work one hour extra and be eligible for overtime.

D. WCCC BREAKS/LUNCH PERIODS

1. The immediate supervisor maintains the authority to schedule the time that breaks may be taken. Break periods shall be considered a privilege, not a right, and shall not interfere with the proper performance of the work responsibility. Such breaks shall be considered as part of the employee's work time.
2. Employees who work an eight (8) hour shift may take two (2) separate 15-minute break periods each day. Rest breaks are to be staggered to provide for work area coverage at all times. Employees are subject to call back if a situation demands immediate attention. Employees must notify their supervisor when on break. Breaks must be taken in the designated break areas.
3. WCCC has designated break areas for employees taking relief from daily assignments. Employees shall be required to use break areas to prevent conflict with employees actively involved in work.
4. Employees who work an eight (8) hour shift are entitled to a 30-minute unpaid meal period.
5. Lunch scheduling is subject to approval by the employee's immediate supervisor. Sufficient staffing levels must be maintained during lunch periods. Breaks may not be used to abut the lunch periods.
6. Employees are required to be completely relieved of all duties during lunch periods. The Appointing Authority has designated this as time not worked. If an employee's lunch period is interrupted for business purposes, the employee shall be granted equal time off to compensate for the interruption.
7. Employees shall be responsible for clocking in and out for lunch if leaving the premises.
8. Meal tickets are available at the Office Monday through Friday, 8:30 – 5:00 p.m. All eating utensils must be returned to the dietary unit during the employee's meal period.
9. Appropriate areas for meals are Staff Dining Room, Main Dining Room, and the Gazebo.

10. An employee may not work through the lunch break in exchange for arriving at work late or leaving early unless expressly authorized by the supervisor.

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- A. County bulletin boards are to be used only for official County business. Only materials approved by the Appointing Authority may be posted.
- B. Employees are expected to consult the bulletin board regularly.
- C. An employee wishing to have County business information posted must submit the material to the Appointing Authority or his/her designee for approval. Posted materials are to be signed by the requesting party. Approved materials will be initialed by the Appointing Authority.
- D. Material posted in violation of this policy will be removed from the bulletin board. All violators of this policy are subject to disciplinary action.
- E. No employee may remove an item from the bulletin board without permission of the Appointing Authority.

Original Adoption Date

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2

Date

7/6/05

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- A. Reasonable Accommodation(s) will be provided to a qualified individual with a disability, religious belief or practice, or pregnancy, who is an employee or applicant for employment, unless to do so would cause undue hardship. In general, a reasonable accommodation is any change to a job, the work environment, or the way things are customarily done that enables an individual with a disability, religious belief or practice, or pregnancy, to enjoy equal employment opportunities.
1. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual; a record of such impairment; or the state of being regarded as having such an impairment.
 2. The severity of the impairment must substantially limit a major life activity, which include, but are not limited to, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, speaking, concentrating, thinking, communicating, walking, talking, bending, seeing, reading, hearing, breathing, learning, or working. A major life activity also includes the operation of a major bodily function, which include, but are not limited to, functions of the immune system, normal cell growth, bowel, bladder, brain, endocrine, digestive, neurological, respiratory, circulatory, and reproductive functions.
 3. Disabling conditions include, but are not limited to: orthopedic conditions; vision, speech, or hearing impairment; cerebral palsy; AIDS; epilepsy; muscular dystrophy; multiple sclerosis; cancer; heart disease; diabetes; tuberculosis, and mental retardation; as well as those regarded as having physical or mental impairment such as severe burn victims. Contagious diseases are not included so long as they do not pose a current, direct threat to health and safety in the workplace.
- B. Wayne County will not discriminate against employees or applicants with a qualifying pregnancy, religious practice or disability. The employee or applicant will be treated in the same manner as other employees. If the condition or practice affects the employee's ability to perform the essential functions of the job, the Employee may make a request for a reasonable accommodation, which the Employer will then begin an interactive process to determine if a reasonable accommodation, if available, will be made by the Employer so the employee may perform the essential functions of the job. The Employer is not required to accommodate an Employee's qualifying disability, pregnancy or religious beliefs /practices if doing so would cause undue hardship to the Employer. An accommodation may cause undue hardship if it is costly, compromises workplace safety, decreases workplace efficiency, infringes on the rights of other employees, or requires other employees to do more than their share of potentially hazardous or burdensome work.
- C. An employee qualifying for a reasonable accommodation may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees, or the public.
- D. Should an employee require a reasonable accommodation to perform the essential functions of the job, he/she should discuss any necessary accommodation with the supervisor or Appointing Authority. If the Employer cannot accommodate an employee in his/her current position, the Employer may place the employee in a lower available vacancy for which the employee is able to perform the essential functions. Absent such a vacancy, the Employer may place the employee on medical leave under the procedures for such leave.

- E. An employee who requires accommodation must provide the Appointing Authority with adequate information to validate the reasonable accommodation. Medical records are confidential, kept separate from the employee's personnel file, and are not available for public inspection (see Section 3.04[B] - Medical Records Maintenance).
- F. The Appointing Authority may require a doctor's certification, if applicable, of an employee's ability to safely perform his/her duties. An employee who is determined to be unable to safely perform his/her duties may use accrued sick and vacation leave, or may be eligible to apply for family and medical leave, or a disability separation.
- G. The County supports educational programs to enhance employee awareness and understanding of disabling conditions and/or discrimination.
- H. Employees who refuse to work with an employee because of his/her disability, pregnancy or religious practice or who refuse service to a member of the public because of his/her disability, pregnancy or religious practice, are subject to disciplinary action up to and including dismissal. Employees are encouraged to seek assistance, clarification, and information from their supervisor or from the American with Disabilities Act (ADA) coordinator (County Administrator) when confronted with a disability situation, if necessary.
- I. The above policy must be applied when a reasonable accommodation is being requested. However, below is an 8-step process to guide both Employer and Employee through a reasonable accommodation request:
1. Employee requests accommodation.
 2. Employer examines Employee's job and determines the essential functions.
 3. Employer interacts with Employee to learn about physical/mental abilities as they relate to the essential functions.
 4. Employer makes an individualized determination whether Employee poses a direct threat to himself, other employees, or the public, and if that threat can be removed by a reasonable accommodation.
 5. Employer and Employee interact to identify potential accommodations.
 6. Employer considers whether the accommodation would impose an undue hardship and if so, considers other alternatives which could be implemented.
 7. If reasonable accommodation is available, Employer provides it in a timely manner.
 8. Employer follows up with Employee within a reasonable amount of time to ensure the accommodation is working.

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5

Date

8/4/21

Approved

8/4/21

A. Wayne County recognizes that contagious diseases such as Acquired Immune Deficiency Syndrome (AIDS), tuberculosis, and hepatitis pose significant medical, social, and legal problems. In response to these growing concerns, Wayne County has adopted the policy contained herein.

B. **SERVICING CLIENTS**

1. Clients coming to a Department have a right to all services if they meet program guidelines regardless of the presence of an infections/contagious disease. In situations where a question about appropriateness for service occurs, the Appointing Authority or a designee will make the final decision.
2. Clients have a right to expect that information about them will be respected and safeguarded by the Department, *including all staff and providers*. The confidentiality of written records will be maintained as well. In addition, strict confidentiality will be expected surrounding matters of stigmatization, discussion of high-risk behaviors, and test results.

C. **EMPLOYMENT**

1. Wayne County prohibits employment discrimination against any employee afflicted with a contagious disease. Employees are required to report any exposure to a contagious disease which might pose a direct threat to health and safety in the workplace. The determination of whether an employee diagnosed as having a contagious disease is to be permitted to continue their employment in a capacity that involves contact with the public, residents, or other employees shall be made by the Employer on a case-by-case basis in consultation with the employee's treating physician, the employee, their representative, and outside professionals as may be required.
 - a. In making such a determination, the Employer shall consider:
 - i. the recommendation of the individuals identified in Section B;
 - ii. whether the nature and extent of the disease precludes performance of the essential functions of the job, with or without a reasonable accommodation;
 - iii. the probabilities that the disease will be transmitted to others in the normal work setting;
 - iv. the potential health risk to the afflicted employee. Pending such a determination, the employee will be permitted to continue working in their current position unless it is determined by the Employer that the employee poses an immediate threat or danger to others.
 - b. Any of the following actions may be taken by Wayne County:
 - i. assign the employee to return to their regular place of employment;

- ii. assign the employee to a modified work assignment where such accommodation is reasonable, or
 - iii. permit the employee to take any leave for which he/she is eligible;
 - iv. require the employee to take an involuntary disability separation in accordance with Section 11.02 of this manual.
2. The employee will receive written notice of the Employer's determination. The employee may request a reconsideration of the Employer's determination, provided that such a request is accompanied by medical evidence of an improvement in the employee's physical condition.
- D. An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to his/her department head. Any employee who refuses to work with or perform services for a person known or suspected to have a contagious disease is subject to discipline, up to and including discharge.
- E. The medical records of all employees shall remain confidential to the extent permitted by law (see Section 3.04[B] – Medical Records Maintenance).
- F. The identity of the infected employee shall not be revealed to the general public unless otherwise required by law.
- G. Employees who are at risk of exposure to blood-borne or contagious diseases will follow a system of "universal precautions" to limit the spread of infection in the workplace. Supervisors will instruct employees about any special precautions necessary in individual work areas.

- A. It is the goal of Wayne County to provide all employees with a safe and healthful work environment. Wayne County believes that safety must always be foremost in the minds of all employees, and do not believe that health and safety practices and procedures should be sacrificed in order to get a task completed faster or more inexpensively. Wayne County has adopted the Wayne County Safety Manual; by reference here, it is made a part of this policy manual.
- B. **APPOINTING AUTHORITY RESPONSIBILITY** – The responsibility of the Appointing Authority is to provide a safe and healthful workplace, establish and maintain a facility health and safety program, ensure employees are properly trained, provide medical and first aid equipment, provide employees with health and safety information, support facility supervisors in their health and safety activities, and to evaluate the health and safety programs of facility supervisors.
- C. **DEPARTMENT HEAD** – The responsibility of department heads is to properly instruct employees, enforce health and safety regulations, correct unsafe acts and conditions, ensure that only authorized and adequately trained personnel operate equipment, report and investigate accidents/incidents, inspect areas of responsibility for hazards, ensure equipment is properly maintained, and instill safety awareness in employees.
- D. **EMPLOYEE RESPONSIBILITY** – The responsibility of each employee is to follow safe work procedures, know and comply with applicable regulations, report injury or illness immediately to their immediate supervisor, report unsafe acts and conditions, and participate in any agency-sponsored health and safety meetings or programs. Any employee questions regarding health and safety should be directed to the employee's immediate supervisor.
- E. Any employee found to be negligent in equipment operation, resulting either in damage to the equipment or an accident, may be subject to discipline or immediate termination; if there is cause for reasonable suspicion, the employee also may be tested for drugs.
- F. Any accident occurring during working hours shall be reported to the immediate supervisor at once. The supervisor shall, in turn, notify the Appointing Authority or Department Head. The employee shall complete an Accident Report Form (see Appendices), Workers' Comp Form, and/or OSHA Form, and forward to the Appointing Authority no later than twenty-four (24) hours after the accident in order that the employee may be covered under Workers' Compensation.
1. Appointing Authorities or their designee must notify and forward copies of all injury and/or accident reports and information to the Safety and Loss Coordinator within twenty-four (24) hours after the accident or the next business day.
- G. Smoking is generally prohibited. See Section 8.15 of this Manual for a complete description of the Wayne County Smoke-Free Environment policy.
- H. **WCCC FIRE AND SAFETY PLAN**
1. The WCCC shall develop and implement a fire and disaster plan for the safety of its employees, visitors, and residents. It shall provide instruction and hands-on training for all employees. The plan shall consist of evacuation procedures, continuing patient care

procedures during an evacuation, location of fire alarms and pull stations, general precautions, fire extinguisher use, and the responsibilities of all employees within their unit.

2. The plan shall be covered in the orientation session and formal training held annually.
 3. The Safety Committee shall conduct periodic training drills.
 4. It is the responsibility of all employees to read and understand the plan in addition to participating in all required training sessions and drills. Supervisory personnel shall be responsible for instructing and directing employees with regard to the plan.
- I. WCCC assumes no liability for personal items that are lost, stolen, or damaged when brought into the work place. The Appointing Authority, however, will evaluate any damage done to employee items, (glasses, dentures, etc.) by a resident and determine appropriate means of reimbursement.

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- A. Wayne County appreciates its volunteers who donate their time by providing valuable service to its various offices. Volunteers play a key part in providing extra help to Wayne County, and in many instances, ensuring superior public service is provided to the Wayne County community, and we thank you for your service.
- B. Individuals who choose to volunteer their time with a Wayne County Department, Office or Agency are subject to the following rules, procedures and limitations:
1. Wayne County welcomes people from all sections of the community regardless of race, color, sex, sexual orientation, gender identity, genetic information, national origin, age, religion, disability or protected activity.
 2. Wayne County volunteers must be a minimum of 18 years of age or older, or accompanied by a parent or guardian. Minors cannot be younger than 16, and must obtain any appropriate and necessary permits. Supervisors should consult HR if they have any questions regarding restrictions for minors.
 3. Volunteers must be approved by the Appointing Authority of each Wayne County Department, Office or Agency where the volunteer works.
 4. Wayne County Employees who wish to volunteer at a Wayne County agency must get approval from both agencies before commencing said volunteer work. Employees must also notify Wayne County HR (330-287-5409) in order to ensure there is not a conflict in hours, duties or pay status. The agency where the Employee is paid is the Employee's primary responsibility and time conflicts are resolved in favor of this agency.
 5. Volunteer work within Wayne County is an unpaid activity where the individual freely gives their time, talents, skills and energy to one or more of Wayne County's Departments, Offices or Agencies, with no expectation of monetary compensation. There is no legally binding contractual relationship between the volunteer and Wayne County.
 6. Recruitment of volunteers will occur throughout the year on an as-needed basis to fill the requirements of a Department, Office or Agency. Recruitment efforts may include advertisements, outreach and/or referrals.
 7. Volunteers may be required to consent to a required reference and/or background check before the commencement of volunteer work.
 8. Volunteers are not expected to incur personal costs in the capacity of their volunteer work, nor will any personal costs be reimbursed, unless specifically agreed upon prior to the expense being incurred. Transportation to and from the workplace is not considered a personal cost and is not provided by the Department, Office, Agency or County.
 9. Volunteers may not act as representatives of the Department, Office, Agency or County.
 10. Volunteers must honor the confidentiality of customers, employees and/or other volunteers. Volunteers may not disclose confidential information to any person who is not authorized

by the Department, Office or Agency to have such information. Prior to taking any action or making any statement that might significantly affect or obligate the Department, Office or Agency, a volunteer must obtain prior approval from his/her supervisor. Such actions or statements would include, but are not limited to, public statements to the press, coalition or lobbying efforts with other organizations or any agreements involving contractual or other financial obligations.

11. Work schedules of volunteers are diverse, flexible and varied depending on the job and/or Department, Office or Agency. Volunteers should work with their supervisor to set a schedule that is mutually acceptable. If a volunteer cannot make it to his/her assignment on a scheduled day, the volunteer should notify his/her supervisor as soon as possible prior to the start of the work day.
12. Volunteers must follow the same rules and procedures as outlined in the Wayne County Personnel Policy Manual. However, since volunteers are not employees, they should contact Wayne County HR Department at 330-287-5409 for any section in question which may apply to employees but not volunteers.
13. Volunteers who do not adhere to the rules, policies and regulations of Wayne County, fail to perform their assignments satisfactorily or are participating in activities that are no longer required, are subject to the ending of the volunteer assignment at any time. Each Department, Office or Agency will try to inform the volunteer as soon as possible when this happens. However, Wayne County reserves the right to request that a volunteer leave immediately and no prior notification is necessary to release a volunteer of their services. Volunteer work may also be terminated by the volunteer at their discretion. One week of notice is preferable, so that a replacement may be found or adjustments made within that Department, Office or Agency.
14. Any Department, Office, Agency or Wayne County property including, but not limited to, safety clothing, building access keys or devices, identification badges, etc. must be returned prior to the end of the last day of volunteer work.

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- A. **PURPOSE** – The purpose of this policy is to establish requirements and guidelines for employees engaging in authorized teleworking or telecommuting. “Teleworking” or “Telecommuting” is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite.
- B. **SCOPE** – This policy applies to all employees specifically authorized by the Employer to perform teleworking or telecommuting. This Policy is effective as of the date which the employee signs, and will continue until rescinded by the Employer. This policy may be revoked at any time.
- C. **REQUIREMENTS**
1. **Location of Work**
 - a. The workspace must be safe and free from hazards.
 - b. The workspace must be reasonably free from interruptions and distraction that would affect work performance.
 - c. The workspace must allow for the employee to preserve the confidentiality of sensitive or non-public information. Any Employer-provided material or equipment shall not be removed from the workspace while the employee is teleworking.
 - d. For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during those times.
 - e. Teleworking employees shall not conduct face to face meetings with the public or clients in their approved worksite in any official capacity or connected with the Employer’s business. The Employer is not responsible for any injuries to family members, visitors and others in the employee’s approved worksite.
 - f. The Employer is not responsible for any loss to the employee’s property whether caused by physical damage or by computer virus attacks or other intrusions via the internet that are not related to the Employer or its equipment, systems, etc.
 - g. Employees utilizing Employer equipment while teleworking must protect the equipment from damage.
 2. **Communication and Work Schedules** – Employees are authorized to engage in teleworking during the scheduled workdays and hours pre-approved by their supervisor; employees must be reachable by the employer during these days and times. Employees should also make all efforts to be reachable outside normal work hours, so that work schedules and needs, emergencies, etc. can be communicated to them. If the employee becomes aware of or anticipates any failure of technological communication or equipment that could prevent the employee from being reached by their supervisor and/or performing any of the employee’s duties during their normal working hours, they are to immediately

notify their supervisor. Employees may not work outside of these days and hours without prior supervisor approval. Supervisors reserve the right to phone or email employees at any time during working hours and may require employees to report productivity daily. Meetings may take place virtually or telephonically; however, in-person meetings may be scheduled as needed and the remote employee must attend if directed. At any time, employees may be required to physically report to work. Employees who require sick leave and/or wish to request vacation or comp time leave must follow the current policy in place.

3. **Security and Confidentiality** – While working remotely, employees must take steps to preserve the security and confidentiality of Employer information. Employees must keep confidential documents and materials in secure locations. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. Any suspected loss or theft of Employer documents, materials, or information, as well as any suspected hacks or breaches of security, must be reported to the Employer immediately.
 4. **Policies** – This teleworking arrangement does not change the terms and conditions of employment, including rate of pay and benefits. Employees are expected to comply with all Employer policies, procedures and performance standards.
 5. The Employer retains the right to investigate alleged abuse of this teleworking policy and may revoke or modify an employee’s approval for telework at any time.
- D. **EMPLOYEE ACKNOWLEDGEMENT** – (see Appendices) Employee(s) are expected to sign the acknowledgement contained the Appendices prior to the beginning of their telework and agree to abide by its terms. Employees must also understand that they must have sufficient internet access at the approved worksite to support working from that location. They also must understand that they will not be reimbursed for any of the cost associated with internet access or use of personal phone when working from the approved worksite.

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- A. Driving County vehicles and use of personal vehicles used for County business is closely monitored and enforced by each Appointing Authority. Driver abstract reports may be requested for each County employee or prospective employee who operates a motor vehicle, County-owned or personal, as a regular and/or essential^{1,2} function of the job, and said records may be requested and reviewed annually. This includes standard driver's licenses and commercial driver's licenses (CDL). Recommended forms (Background Check, CDL Forms (4) and Driver History Form) can be found in Appendices.
1. Use of Vehicles
 - a. Employees are to use their personal vehicles for commuting to and from work. County vehicles are not to be used for this purpose unless the Appointing Authority specifically authorizes such use, in writing.
 - b. Employees who own and drive an autonomous vehicle (aka self-driving, driverless, robo-car, etc.) are required to get permission from their Appointing Authority before using it for a work-related purpose.
 - c. Employees who are approved to use a County vehicle for commuting purposes are required to complete a "fringe" report at the end of each year, and are taxed on the number of days the vehicle was used to commute, multiplied by the amount required by the County Auditor, which is currently \$3 per day, unless exempt (law enforcement, busses, etc.) If an employee resigns, is discharged, laid off, or otherwise separates from employment, the employee is responsible for reimbursing the County for all un-reimbursed commuting mileage costs as of the effective date of separation.
 - d. Smoking is prohibited in all County vehicles. Additionally, smoking is prohibited in personally owned vehicles when operated for County business and when another employee or other individual is in the vehicle. Passengers also are not permitted to smoke. For purposes of this policy, the term "smoke" and "smoking" applies to, but is not limited to, any and all definitions described in Section 8.15 Tobacco-Free Environment of this Personnel Policy Manual; similarly, all rules stated in Section 8.15, which apply to vehicles, shall also be followed.
 - e. Vehicle accidents, traffic citations and/or arrests must be immediately reported to the Appointing Authority by the involved employee(s). All citations, including those for moving violations or accidents, are the responsibility of the employee to pay.
 - f. Employees who own and drive an electric vehicle will not be reimbursed, other than the normal mileage reimbursement, for any costs for charging the vehicle when driving their own vehicle for work-related purposes.
 2. Safe Driving Guidelines

- a. Employees operating a County vehicle or a personal vehicle on County business are expected to drive safely and courteously, with respect for other drivers and pedestrians. Speeding, or careless, reckless, or destructive vehicle operation is prohibited.
 - b. When operating a vehicle on County business, employees are to focus on safe driving practices and avoid unnecessary distractions. Distracted driving of any kind is unsafe and can violate Ohio's distracted driving and texting laws. Likewise, the driver and all passengers are required to use seatbelts at all times while the vehicle is moving.
 - c. Specifically, employees are prohibited from driving while using any electronic wireless communication device such as a cell phone, a text messaging device, a laptop computer or computer tablet, or any similar device that is designed or used to communicate text or voice messaging, except an employee may use a voice activated device or hands-free device that allows use of an electronic wireless communications device without the use of either hand, which allows them to reach their destination. Absolutely no texting, on any device or in any format, is permitted while driving for County purposes. Other prohibited forms of driver distraction under Ohio law can include any activity that is not central to driving. Mapping programs used to reach a destination may be used, but must be programmed prior to the vehicle being in motion. Employees *must* pull into a safe place and stop their cars before performing any prohibited activity under this policy.
 - d. Should an employee be found to be in violation of any traffic law, including Ohio's texting or distracted driving laws while driving on the job, the employee shall be solely responsible for any fines or penalties that may be imposed by the law or a court.
 - e. Should an employee, who is subject to a distracted driving fine, choose to complete the online distracted driving course in lieu of paying the fine as provided under the law, the employee is not permitted to take the course during working time, unless using appropriate leave (sick leave excluded) and receiving pre-approval from their Appointing Authority; even if approved, all costs will be the responsibility of the employee.
 - f. Additionally, while operating a vehicle on County business, the employee is to be aware of and comply with any municipal ordinance or other State law that prohibits or restricts cell phone use or any other form of distracted driving. The employee may also be subject to appropriate disciplinary action, up to and including termination, for failure to follow safe driving standards and this policy.
3. Driving Eligibility Guidelines
- a. Employees who are asked to drive on County business must meet the eligibility guidelines specified in this policy.

- b. To the extent allowed by law, driving standards are a condition of employment for employees whose essential duties require driving on the job. If such employee is suspended from driving under the conditions of this policy, the employee may, at the discretion of the Appointing Authority, be disciplined. This includes, but is not limited to, suspension from work without pay for the duration of the driving suspension or termination from employment.
 - c. Under no circumstances can an employee, who's been suspended from driving, operate a vehicle on behalf of the County.
4. Proof of Current and Valid Driver's License and/or CDL License
 - a. No employee is permitted to operate any County vehicle unless that employee has a proper, appropriate, and valid operator's license pertinent to the operation of the vehicle.
 - b. If an employee does not possess a vehicle operating license *that is required to perform essential job duties*, the employee may have a conditional offer of employment rescinded, or may be disciplined, up to and including termination.
 - c. Upon hiring in a position in which driving is an essential^{1, 2} job duty, the Appointing Authority (after a conditional offer of employment is made) shall require the conditional employee to 1) provide a current and valid driver's license relevant to the job and 2) agree to a background check, which includes a driving record check; employee will be required to fill out a Driver History form and a Background Check form (see Appendices). Employees in which a CDL license is an essential duty will be additionally required, annually, to fill out any and all Clearinghouse forms required for such background checks (see Appendices). If the conditional employee does not comply to either or both of these requests, the offer of employment will be withdrawn. The Appointing Authority will make and retain a copy of said records, which shall be retained in the employee's personnel file.
 - d. Any time during the course of employment, when an employee's job changes and driving becomes an essential duty, that employee will be required to comply with the process specified above.
5. Confirmation of Continuing Driver Eligibility^{1, 2}
 - a. A designee of the Appointing Authority will coordinate the process for confirming the continuing eligibility to drive on County business.
 - b. At any time during the course of employment, an employee who drives on behalf of the County is required to immediately notify their Appointing Authority of any loss or restriction to driving privileges and/or personal vehicle insurance. At no time may an employee drive a vehicle on behalf of the County without a current and valid driver's license and/or personal vehicle insurance, or contrary to any

restrictions imposed by a court of law. This applies to both classified and unclassified employees.

- c. Upon hire into a position where driving is an essential job duty, or any time during the course of employment when a job changes and driving becomes an essential duty, the following requirements shall be met prior to the employee operating a vehicle on County business. These requirements apply regardless whether the vehicle is a County vehicle, or personally owned or leased vehicle of the employee.
 - i. Annually, employees who drive on the job are required to verify their personal information, which may include their driver's license number, birth date and/or social security number.
 - ii. Conditionally hired employees (and current employees when their job changes to require them to drive on the job) are to complete a background check of the employee's driving record to determine eligibility to drive on behalf of the County.
 - (a) In the event the background check reports a clean driving record, without citations, the Appointing Authority's designee will so notify the Appointing Authority who may then authorize the employee to drive on behalf of the County. The designee shall retain a file of all background check records and related documentation which substantiates the employee's eligibility to drive on behalf of the County.
 - (b) In the event the background check reports driving citations, the designee will determine the points attributed to the employee using the State of Ohio Bureau of Motor Vehicles (BMV) guidelines, which are established according to ORC 4510.036. The designee will then report to the Appointing Authority the employee's eligibility or ineligibility to drive on behalf of the County.
 - (c) Upon receipt of the report from the designee which substantiates the points attributed to the employee, the Appointing Authority will take appropriate action against the employee by following the guidelines specified on the "Discipline Guidelines" at the end of this Vehicle Policy.
 - (d) When a conditionally hired employee (who will be required to drive on behalf of the County) is calculated to have 4 or more points, the offer of employment may be rescinded.
6. Insurance Coverage – An employee, who is approved to operate a personal vehicle for county related business, is required to certify that they have insurance which meets the State of Ohio minimum required liability insurance, currently set at \$25,000 for injury/death of one person, \$50,000 for injury/death of two or more people, and \$25,000

for property damage in an accident.

B. DISCIPLINARY GUIDELINES

1. These Disciplinary Guidelines refer to Employees whose essential functions of their job position require them to drive on the County's behalf, whether with a County vehicle or a personal vehicle. County employees may be disciplined^{1, 2} from driving either County owned or privately-owned vehicles during the scope of their employment, according to points/suspension assigned by the Bureau of Motor Vehicles (BMV), regardless of where the incident occurs and regardless if the incident occurs while in the scope of employment. All points/suspension will be considered, without regard to whether the employee was employed at the time the points/suspension were assigned. Employees may also be disciplined^{1, 2} for any violations to this policy, whether or not points are assigned to the employee's motor vehicle record. Employees must report any accident, arrest, suspension and/or violation prior to operating a County vehicle or any other vehicle on behalf of the County; failure to do so may result in discipline, up to and including termination.

LICENSE SUSPENSION NOTICE! *If an employee's driver's license becomes suspended, the employee must immediately cease driving on behalf of the County, whether using a County vehicle or a personal vehicle, and report the suspension to his/her supervisor. License suspension violations will not use the below point system to determine discipline; rather, the employee will be temporarily restricted from driving on behalf of the County until a pre-disciplinary hearing is held, and the process will follow the same guidelines as outlined below for 8 or more points.*

0 – 2 Points No action required.

3 – 5 Points Instruction and Cautioning

6 – 7 Points Written Warning

8 or more points ^{1,2} Employee will be temporarily restricted from driving on behalf of the County until a pre-disciplinary hearing is held, for which Employer will follow the guidelines outlined in Section 10 of this Personnel Policy Manual. If discipline is determined necessary, it may be up to and including suspension of driving privileges for a set amount of time and through the scope of the employee's employment, or termination of employment. Discipline may also include counseling by the County Safety & Loss Control Coordinator or other person or body, or attending a driver education course/class to avoid further incidents, as appointed by the Appointing Authority. Discipline should take into consideration any disruption, delay or impediment of services caused to the public.

¹Any discipline beyond a written warning should be reviewed with the Safety and Loss Manager and/or County Administrator to determine if the County's liability insurance will allow the employee to continue to drive for the County. Any violation involving an accident (while driving a County car or driving on behalf of the County) or any violation involving drug or alcohol use (regardless of when the incident occurred and/or the vehicle being driven) should also be discussed with the Safety and Loss Manager and/or County Administrator, regardless of points or discipline.

²Discipline for violations of this policy by an unclassified employee will be determined by the Appointing Authority.

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