

**PERSONNEL POLICY MANUAL**

**WAYNE COUNTY**

**THIS DOCUMENT IS NOT A CONTRACT**

**WAYNE COUNTY  
ACKNOWLEDGMENT OF RECEIPT**

I, \_\_\_\_\_, hereby acknowledge that I have access to the Wayne County Personnel Policy Manual through the Wayne County Employee Wellness Web Site, [www.wayneohio.org](http://www.wayneohio.org) (under Employee Benefits). And that through this Wayne County Personnel Policy:

1. **Computer Network Usage Policy:** I agree with the Computer Network Usage Policy (*Section 8.18*) in full, and I further state that I will be responsible for my actions and use or misuse of the network equipment; and
2. **Ohio Ethics Law and Related Statutes:** I acknowledge that, pursuant to Ohio Revised Code, Section 102.09(D), my employer has provided me with a copy of Ohio Revised Code, Chapter 102 and Section 2921.42 (*Section 8.01 and Appendix K*). I further acknowledge that as a public official or employee, I am prohibited from accepting or securing, for personal travel, a discounted or free “frequent flyer” airline ticket or other benefit from an airline if I have obtained the ticket or other benefit from the purchase of airline tickets, for use in official travel, by the office, department, agency, or other entity with which I serve, or by which I am employed.
3. **Ohio Fraud Reporting System:** I acknowledge that, pursuant to Ohio Revised Code, Section 117.103(B)(1) and (B)(2), my employer has provided me with a copy of the Ohio Fraud Reporting System Information which describes the means to report fraud, also including the Auditor of State’s Fraud Contact Information (*Appendix W*). I also acknowledge that I have received the information regarding Section 124.341 of the Revised Code (*also Appendix W*) and the protections I am provided as a classified or unclassified employee if I use the before-mentioned fraud reporting system. I have read and understand the information provided.
4. **Employer’s Drug Free Workplace Policy and Program:** As an employee or candidate for employment, I am aware of Wayne County’s Drug Free Workplace Policy and Program and have been given a copy of the policy or the opportunity to review the policy and program (*Section 8.08*). I understand that my employment or offer of employment is conditioned on my cooperation and compliance with the Wayne County Policy and Program.

I understand that any and all information obtained as a result of the program will be kept confidential and only the Program Administrator and other authorized Wayne County representatives, on a need-to-know basis only, will receive such information.

I understand that the Ohio Bureau of Workers’ Compensation or other regulating authorities may audit the Policy and Program and will have access to information.

Furthermore, I understand that information obtained, including but not limited to test results, may be disclosed in official communications and/or hearings regarding unemployment compensation and Workers’ Compensation matters. I understand that a violation of this policy may result in the loss of such benefits.

As an applicant, I understand that any offer for employment is contingent upon my successful completion and production of a negative drug test result. I understand that if I am unable to provide a negative drug test result, Wayne County will not provide a final offer of employment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Please Print Name:

Please Print Department/Office: \_\_\_\_\_

## **TABLE OF CONTENTS**

### **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/Equal Employment Opportunities (EEO)
- 1.08 Classified and Unclassified Employment

### **SECTION 2—RECRUITMENT, SELECTION, APPOINTMENT**

- 2.01 Recruitment
- 2.02 Recruitment: Department of Job and Family Services
- 2.03 Selection
- 2.04 Selection Process Recordkeeping
- 2.05 Employment Eligibility
- 2.06 Appointment
  - Probationary Period
  - Assignment
    - Classification Placement
    - Promotion
    - Transfer
    - Voluntary Demotion
    - Re-Employment
    - Assignment of Relatives

### **SECTION 3—CONDITIONS OF EMPLOYMENT**

- 3.01 Classification Plan for Job and Family Services
- 3.02 Employment Status

## **TABLE OF CONTENTS (Continued)**

- 3.03 Employment Eligibility
  - Job Applicant Requirements
  - Immigration/Citizenship Status
  - Driving Record Check
- 3.04 Employment Records
  - Personnel Files
  - Medical Records
  - Maintenance
  - EEO Records Maintenance
  - Licensure Registration
- 3.05 Medical Exam
- 3.06 Hours of Work
  - Regular Hours
  - Breaks/Lunch Periods
  - WCCC (Wayne County Care Center) Hours of Work
  - WCCC (Wayne County Care Center) Breaks/Lunch Periods
- 3.07 Bulletin Boards
- 3.08 Reasonable Accommodation
- 3.09 Exposure to Contagious Disease
- 3.10 Health and Safety

## **SECTION 4—COMPENSATION**

- 4.01 Time Sheets
- 4.02 Pay Day
- 4.03 Payroll Deductions
  - Ohio Public Employees Retirement System (OPERS)
  - Income Taxes
  - Medicare Deductions
  - Garnishment/Child Support Deductions
  - Optional Deductions
- 4.04 Overtime Compensation
  - Non-Exempt Employees
  - Exempt Employees
- 4.05 Compensatory Time
- 4.06 Expense Reimbursement

## **TABLE OF CONTENTS (Continued)**

4.07 Advancement of Expenses

### **SECTION 5—BENEFITS**

5.01 Insurance

Health, Dental, and Life Insurance

Ohio Public Employees' Retirement System (OPERS)

Workers' Compensation

5.02 Vacation

5.03 Holidays

5.03A Holidays (Wayne County Care Center)

5.04 Sick Leave

5.05 Non-Work-Related Court Leave

5.06 Military Leave

5.07 Unpaid Leaves

Active Duty Military Leave

5.08 Family and Medical Leave

5.09 Benefits Available to Re-Employed Retirants

5.10 Precinct Election Official Leave

5.11 Pre-Retirement Sick and Vacation Leave Conversion

### **SECTION 6—PERFORMANCE EVALUATION**

6.01 Purpose

6.02 Types of Evaluation

Annual Evaluation

Special Evaluation

Probationary Evaluation

6.03 Procedure

### **SECTION 7—EMPLOYEE DEVELOPMENT**

7.01 Training

Employee Orientation

Training Program Evaluation

On-The-Job Training (OJT)

Job-Related Training Courses

## **TABLE OF CONTENTS (Continued)**

- WCCC (Wayne County Care Center) Training
- WCCC (Wayne County Care Center) In-Services
- 7.02 Meetings and Conferences
- 7.03 Approval of Attendance at Meetings, Conferences, or Training Programs
  - Determination Procedure
  - Selection of Participants
- 7.04 Approval of Public Expenditures for “Special Events”

### **SECTION 8—EMPLOYEE CONDUCT**

- 8.01 Code of Ethics
  - State of Ohio Ethics Law
  - Conflicts of Interest
  - Wayne County Ethics
- 8.02 Attendance
  - Absence Reporting
  - Frequency of Absences
  - Tardiness/Early Departure
  - Emergency Closings
- 8.03 Outside Employment
- 8.04 Department Equipment and Personal Property
- 8.05 Political Activity
- 8.06 Discriminatory Harassment
  - Definition
  - Responsibility
  - Complaint Procedure
  - Disciplinary Procedure
- 8.07 Workplace Violence
- 8.08 Drug Free Workplace
- 8.09 On-the-Job Injury
- 8.10 Use of Telephones
- 8.11 Garnishments
- 8.12 Dress Standards
- 8.13 Gambling
- 8.14 Solicitation and Distribution

## **TABLE OF CONTENTS (Continued)**

- 8.15 Smoke-Free Environment
- 8.16 Concealed Weapons
- 8.17 Public Records
- 8.18 Computer Network Usage
- 8.19 Adherence to Laws
- 8.20 Conviction of a Felony

### **Wayne County Care Center**

- 8.21 WCCC Visitation
- 8.22 WCCC Employee Gifts
- 8.23 WCCC Violation of Resident Rights
- 8.24 WCCC Employee Parking
- 8.25 WCCC Resident Purchasing
- 8.26 WCCC Identity Theft Prevention Program

## **SECTION 9—COMPLAINT PROCEDURE/APPEALS**

- 9.01 Definition of a Complaint
- 9.02 Complaint Procedure
- 9.03 Appeals - State Personnel Board of Review

## **SECTION 10—DISCIPLINE**

- 10.01 Disciplinary Authority
- 10.02 Progressive Discipline
- 10.03 Grounds for Disciplinary Action
- 10.04 Predisciplinary Conference
- 10.05 Administrative Leave
- 10.06 Pre-Suspension, Reduction or Removal

## TABLE OF CONTENTS (Continued)

### SECTION 11—SEPARATION FROM EMPLOYMENT

#### 11.01 Voluntary Separation

- Resignation
- Abandonment
- Retirement
- Voluntary Disability Separation

#### 11.02 Involuntary Termination

- Probationary Discharge
- Disciplinary Discharge
- Layoff
- Involuntary Disability Separation

#### 11.03 Termination Benefits

- Sick Leave Conversion
- Health Care Benefits Continuation (COBRA)
- Disability and Survivor Benefits (OPERS)
- Accrued Leave

#### 11.04 Exit Interview

### SECTION 12 - APPENDICES

Appendix A	ADA Complaint Form
Appendix B	Application for Employment
Appendix C	Accident/Injury & Illness Report
Appendix D	Healthcare: Notice of Privacy Practices (HIPAA)
Appendix E	Workers' Compensation Notification Requirement
Appendix F	Request to Carry Over Vacation
Appendix G	Request for Family and Medical Leave
Appendix H	Family and Medical Leave Act: <ul style="list-style-type: none"><li>• <i>Notice of Eligibility and Rights &amp; Responsibilities</i></li><li>• <i>Designation Notice</i></li><li>• <i>Certification of Health Care Provider for Employee's Serious Health Condition</i></li><li>• <i>Certification of Health Care Provider for Family Member's Serious Health Condition</i></li><li>• <i>Certification of Qualifying Exigency for Military Family Leave</i></li><li>• <i>Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave</i></li></ul>
Appendix I	Employee Return to Work Information
Appendix J	Leave Conversion Request Form
Appendix K	Ohio Ethics Law and Related Statutes
Appendix L	Discriminatory Harassment Complaint Form
Appendix M	Witness Statement
Appendix N	Drug Testing Technology
Appendix O	Personal Use of County Cellular Phone Monthly Report
Appendix P	Identity Theft Prevention Program of the Wayne County Commissioners

## **TABLE OF CONTENTS (Continued)**

Appendix Q	Record of Instruction & Cautioning
Appendix R	Record of Written Warning
Appendix S	Notice of Pre-Disciplinary Conference
Appendix T	Order of Removal, Reduction, Suspension, Fine, Involuntary Disability Separation
Appendix U	Healthcare: Continuation Coverage Rights under COBRA
Appendix V	Exit Interview Form
Appendix W	Auditor of State Fraud-Reporting System Information

## **INDEX**

**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**

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

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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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.

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

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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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, 5<sup>th</sup> Floor  
Columbus, OH 43215  
614-466-2785  
888-278-7101

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<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.

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

**SECTION 2  
RECRUITMENT, SELECTION,  
APPOINTMENT**

**2.01 RECRUITMENT**

**2.02 RECRUITMENT: Department of  
Job & Family Services**

**2.03 SELECTION**

**2.04 SELECTION PROCESS  
RECORDKEEPING**

**2.05 EMPLOYMENT ELIGIBILITY**

**2.06 APPOINTMENT**

**Probationary Period**

**Assignment**

**Classification Placement**

**Promotion**

**Transfer**

**Voluntary Demotion**

**Re-Employment**

**Assignment of Relatives**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/06/05

**Approved**

7/06/05

- A. When an Appointing Authority approves a new position or determines that a vacancy will be filled, other than by placement of a current employee into the position, a description of the job, qualifications, and application deadline will be posted on the employee bulletin board in the Appointing Authority's Building, the County Court House, the Job and Family Services Jobs Department, and the Administration Building for five (5) working days. The salary or salary range for the position may be listed on the job posting, or may be made available through the office of the Appointing Authority where the vacancy exists. A file of all posting notices will be maintained by the Appointing Authority.
- B. Only use Department of Administrative Services approved application forms. (See Appendix B)
- C. An application must be properly completed and timely submitted before an applicant will be considered for employment.
- D. Positions may be advertised in major area newspapers. Professional positions may be advertised in newspapers with national circulation, professional journals, and newsletters, and by organizations specializing in minority and female-related issues.
- E. School placement services, colleges, and universities with appropriate training programs, and the state employment service will be contacted when appropriate.
- F. All advertisements and postings will include the Equal Employment Opportunity statement, which reads:  
Wayne County, Ohio is an equal opportunity employer.
- G. Applications will be accepted only when a position has been posted and/or advertised.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>3</u>	<u>12/07/05</u>	<u>12/07/05</u>

- A. Whenever the Director determines a job vacancy exists which needs to be filled, a Notice of Vacancy form (WCDJFS ADM #6) will be posted on the Department's bulletin board for five (5) working days. During this period an employee wishing to apply for the vacant position shall notify the Director by submitting an Application for Vacancy Bid Form. A copy of the bid form will be given to the employee's immediate supervisor. The Director may, but shall not be obligated to consider any applications submitted after the posting period.
  
- B. If applicable, the Director shall at the same time notify the Director of Administrative Services when a vacancy exists. The Director of Administrative Services shall then provide an open competitive list of applicants to be used for the selection process. The position may be filled by an agency employee whose certification will carry if he/she is placed in the vacant position and classification. Otherwise, a selection must be made from the open list if the list contains ten (10) or more names.
  
- C. If applicable and if no open list is available, and there are urgent reasons for filling a vacancy, the Employer may fill the position by non-competitive examination. A classified employee appointed in this manner who successfully completes the probationary period of the position or remains in the position for a period of six (6) months of continuous service, whichever is longer, shall be considered a permanent employee at the conclusion of that period.

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

- A. To be considered for a position or vacancy, an applicant must complete the approved employment application form (Appendix B). Applicants for a position that requires licensing must present the license for verification.
  
- B. Applications will be reviewed and selected candidates will be interviewed by the position's immediate supervisor or department head, as applicable (hereinafter "supervisor"). Fully qualified current County employees will be given first consideration for transfer or promotion to a vacant position. Qualifications, not seniority, will be used to determine internal transfers or promotions.
  
- C. Applicants may be required to submit to any or all of the following: reference checks, background checks, interviews, and other job-related procedures. Job-related employment tests will be administered in an objective manner. If an individual has a known disability, the test will be administered in a manner to ensure that the results reflect skills, aptitude, or other factors intended for measurement, rather than reflecting the impaired skills. This does not apply when the impaired skills are the job-related factors being tested.
  
- D. A minimum of three (3) documented reference checks should be conducted before recommending a candidate for employment.
  
- E. Once the supervisor or designee responsible for evaluating or selecting from among applicants has identified those applicants who meet the minimum job-related qualifications, the supervisor or designee will consider the skills and abilities each applicant possesses that will enable them to perform the essential functions of the position. The supervisor should not classify an applicant who specified the need for a reasonable accommodation as less qualified solely because that candidate requires an accommodation. On the other hand, if the accommodations which are available would create an undue hardship for the agency, the Employer may consider the applicant to be unqualified.

An applicant may generally be eliminated from consideration if he/she:

1. Does not possess the minimum licensure, certification, educational degrees or equivalent experience, or similar qualifications.
2. Does not have the knowledge, skills, and abilities to perform the essential functions of the position, either with or without reasonable accommodation; cannot satisfactorily perform job-related employment tests administered in an objective manner.
3. Rejects a reasonable accommodation offered to him by the Employer
4. Has made a false statement of material fact on the Application Form or supplements thereto.
5. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
6. Is an alien not legally permitted to work.

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

- F. The most qualified applicant(s) will be recommended to the Appointing Authority.
- G. Employment recommendations are subject to approval of the Appointing Authority.

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

**A. RECORD MAINTENANCE**

1. An Equal Employment Opportunity form will be given to each external employment candidate.
2. The Equal Employment Opportunity form will be removed and kept separate from the application.

**B. RETENTION PERIOD**

1. Equal Employment Opportunity forms will be kept for two (2) years after inclusion in the Annual Report or three (3) years.
2. Unsuccessful applications will be kept for one (1) year.

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

Successful applicants are appointed subject to the following employment constraints defined by the requirements of the position. Driving requirements only pertain if driving is an essential function of the position. An offer of employment may be withdrawn if an applicant is determined to be unqualified for the position.

1. Proof of required licensure and educational requirements;
2. Satisfactory driver's record check (see Section 3.03 [C] - Driving Record Check);
3. Proof of employment eligibility (see Section 3.03 [B] - Immigration/Citizenship Status);
4. Proof of liability insurance in compliance with the Ohio Revised Code for an employee who must drive his/her private vehicle as a part of the job duties (see Section 4.06 - Expense Reimbursement);
5. Physical ability to perform the essential duties of the job may require a post-selection physical examination of all new hires for certain positions; and
6. An employee in a position requiring an educational degree or license will have his/her qualifications verified at the time of employment. Failure to maintain a current license may result in disciplinary action up to and including discharge.

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

**A. PROBATIONARY PERIOD**

**1. Classified Employees**

**a. Duration**

i. A newly appointed full-time employee will normally serve a probationary period of one hundred eighty (180) calendar days. A newly appointed employee will be advised of the length of his/her probationary period at the time of his/her appointment.

ii. Time spent on leave of absence without pay shall not be counted as time served in determining a probationary period.

iii. An employee’s probation may be extended due to extenuating circumstances. (ex. If the employee is on an extended leave with pay, or the employee’s performance requires more time for evaluation). In such a case, the employee and the Appointing Authority shall sign a written statement as to the length of time of the probation extension.

iv. A newly appointed part-time employee working a portion of each workday will normally serve a probationary period of one hundred eighty (180) calendar days.

v. A newly appointed part-time employee who works an irregular schedule or less than the normal number of working days per week will serve a probationary period on the basis of time actually worked as follows:

<u>Length of Probationary Period</u>	<u>Equivalent Number of Hours</u>
180 days	1,000 hours
252 days	1,400 hours
270 days	1,500 hours
300 days	1,700 hours
365 days	2,000 hours

vi. A newly appointed probationary employee may be discharged as described (see Section 11.02 (A)—Probationary Discharge).

b. An employee who has been promoted to a higher classification will serve a probationary period as listed above. An employee serving a probationary period after a promotion may be returned to his/her former classification and rate of pay at any time during the probationary period if work performance, behavior, or work attitude are not satisfactory.

- c. Supervisors shall use the probationary period to closely observe and evaluate an employee's performance and aptitude for the job, as well as to encourage an employee's adjustment to the job and department/agency. Supervisors shall recommend retention of only those employees who meet acceptable standards during the probationary period.

2. Unclassified Employees

Unclassified employees serve at the pleasure of the Appointing Authorities for their term of office. Therefore, the probationary periods do not apply to unclassified employees.

**B. ASSIGNMENT**

1. Classification Placement

- a. Jobs are grouped into classifications on the basis of similar duties and qualification requirements. Compensation is determined, in part, by the job classification.
- b. The duties and responsibilities of each job will be periodically reviewed and adjusted. When the job duties have changed significantly, the employee or his/her supervisor may request that the Appointing Authority have the position audited by a neutral third party. As a result of an audit, a revised job may be moved to another classification. A job audit may not be requested for a period of one (1) year from the date of the results of the last audit.

2. Promotion

- a. An employee who has successfully completed a probationary period in his/her current position may be considered for promotion to a higher classification.
- b. A current employee will be considered for promotion to a vacancy whenever he/she is determined by the Appointing Authority to be fully qualified for the position.

3. Transfer
  - a. An employee is considered to have been transferred when he/she is moved from one position to another within the same classification.
  - b. An employee who has successfully completed a probationary period in his/her current position may request transfer to a vacancy within the same classification by contacting the Appointing Authority.
  - c. Transfers will be made at the discretion of the Appointing Authority.
  - d. An Appointing Authority can initiate the transfer if the transfer would be in the best interest of the County.
  - e. The needs of the Appointing Authority take precedence over the wishes of the employee.
  - f. Nothing in this policy shall prevent the Employer from transferring, within a classification, employees at any time deemed appropriate or necessary. This includes transferring an employee from a position obtained through the submittal of a letter of interest.
4. Voluntary Demotion
  - a. When an employee becomes unable to perform the duties of his/her position, but can perform the duties of a position in a lower classification, he/she may request in writing a reduction to the lower position. Approval is at the discretion of the Appointing Authority.
  - b. A demoted employee will have his/her salary rate reduced to a level within the salary range of the lower classification.
5. Re-Employment

Any former employee of Wayne County who returns to employment with the County is deemed re-employed. Any re-employed individual will be credited with any previously accumulated but unused sick leave if re-employment occurs within ten (10) years of separation from public service. This provision does not apply to an employee who returns from retirement and has already received payment from any political subdivision to eliminate his/her previously accrued sick leave balance (See Section 11.03 [A] - Sick Leave Conversion).
6. Assignment of Relatives
  - a. The Appointing Authority generally will not employ members of the same family in the same department.

**APPOINTMENT  
(CONTINUED)**

- b. Members of the IMMEDIATE FAMILY will not be placed in a direct supervisory line with one another.
  
- c. If two employees marry, neither must resign nor be transferred unless the positions they occupy at the time of marriage are in a direct supervisor/subordinate relationship.

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

**SECTION 3  
CONDITIONS OF EMPLOYMENT**

**3.01 CLASSIFICATION PLAN FOR JOB  
AND FAMILY SERVICES**

**3.02 EMPLOYMENT STATUS**

**3.03 EMPLOYMENT ELIGIBILITY**  
**Job Applicant Requirements**  
**Immigration/Citizenship Status**  
**Driving Record Check**

**3.04 EMPLOYMENT RECORDS**  
**Personnel Files**  
**Medical Records**  
**Maintenance**  
**EEO Records Maintenance**  
**Licensure Registration**

**3.05 MEDICAL EXAM**

**3.06 HOURS OF WORK**  
**Regular Hours**  
**Breaks/Lunch Periods**  
**WCCC Hours of Work**  
**WCCC Breaks/Lunch Periods**

**3.07 BULLETIN BOARDS**

**3.08 REASONABLE ACCOMMODATION**

**3.09 EXPOSURE TO CONTAGIOUS DISEASE**

**3.10 HEALTH AND SAFETY**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/06/05

**Approved**

7/06/05

- 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 classification plan found in the Ohio Administrative Code for County Departments of Job and Family Services (OAC 123:1-7-27).
  - 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.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>3</u>	<u>5/13/09</u>	<u>5/13/09</u>

- 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.
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 - an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable.
- 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 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:

**EMPLOYMENT STATUS  
(CONTINUED)**

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 employees shall be entitled to all benefits as provided by Wayne County. The benefits 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.

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

**A. JOB APPLICANT REQUIREMENT**

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.

**C. DRIVING RECORD CHECK**

Driver abstract reports may be requested for each County employee who must operate a motor vehicle, County-owned or personal, as a regular function of the job. This includes standard driver's licenses and commercial driver's licenses (CDL).

1. A current employee who drives as a regular function of the job may be periodically screened for an acceptable driving record. If the information provided by the Driver Abstract Report places the employee in the "Unacceptable Driver" category, as defined below, the Appointing Authority will review the employee's driving record and determine if the employee can continue in his/her current position without driving. If driving is an essential function of the job, the employee may be transferred or terminated, at the discretion of the Appointing Authority.

2. **Review of the Driver Abstract:** A request will be sent to the Ohio Bureau of Motor Vehicles (Ohio BMV) to obtain the Driver Abstract. (The request must be submitted in writing to the Ohio BMV and must include the subject's social security number and the required processing fee.)

The Driver Abstract will be reviewed against the established criteria for operation of a motor vehicle on County business. The result of this review will be submitted to the Appointing Authority.

3. **Evaluating the Driver Abstract:** The following will be used as general guidelines to determine the acceptable driving status of applicants or employees:

Unacceptable Driver is defined as one who has received during the previous three (3) year period one (1) of the following:

- a. A conviction for one (1) or more of the following:
    - i. Reckless driving or drag racing;
    - ii. Driving while under the influence of alcohol or drugs;
    - iii. Vehicular homicide;
    - iv. Leaving the scene of an accident, if the accident resulted in personal injury or death; and/or
    - v. Willfully eluding or fleeing a police officer in response to a traffic violation.
  - b. Two (2) or more chargeable or “at fault” accidents in five (5) year period. (The nature and severity of the accident to be taken into account.)
  - c. Three (3) moving violations for which the applicable state agency awarded two (2) or more points.
  - d. Any combination of one (1) chargeable or “at fault” accident and two (2) moving violations.
4. **Periodic Review of Current Employees:** The driving records of each County employee falling within the purview of this policy may be reviewed annually to update his/her personal file.

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

**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 (i.e. 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**

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

**D. LICENSURE REGISTRATION**

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

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

- 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

**MEDICAL EXAM  
(CONTINUED)**

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.

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

**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. Employees 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.

**HOURS OF WORK  
(CONTINUED)**

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.

**HOURS OF WORK  
(CONTINUED)**

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.

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

- 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.

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

- A. 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.

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.

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 who are afflicted with a qualifying disability. The employee or applicant will be treated in the same manner as other employees. If the condition affects the employee's ability to perform the essential functions of the job, reasonable accommodation, if available, will be made by the Employer so the employee may perform the essential functions of the job.
- C. An employee with a qualifying disability may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees, or the public.
- 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 any medical records required to make decisions regarding job assignment and

**REASONABLE ACCOMMODATION  
(CONTINUED)**

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 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.
- H. Employees who refuse to work with an employee because of his/her disability, or who refuse service to a member of the public because of his/her disability, 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.

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

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 following policy:

**A. 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.

**B. EMPLOYMENT**

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.

- C. In making such a determination, the Employer shall consider: (1) the recommendation of the individuals identified in Section B; (2) whether the nature and extent of the disease precludes performance of the essential functions of the job, with or without a reasonable accommodation; (3) the probabilities that the disease will be transmitted to others in the normal work setting; and (4) 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.

**EXPOSURE TO CONTAGIOUS DISEASE  
(CONTINUED)**

- D. Any of the following actions may be taken by Wayne County: (1) assign the employee to return to their regular place of employment; (2) assign the employee to a modified work assignment where such accommodation is reasonable, or (3) permit the employee to take any paid or unpaid leave for which he/she is eligible; (4) require the employee to take an involuntary disability separation in accordance with Section 11.02 of this manual.
- E. 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.
- F. 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.
- G. The medical records of all employees shall remain confidential to the extent permitted by law (see Section 3.04[B] – Medical Records Maintenance).
- H. The identity of the infected employee shall not be revealed to the general public unless otherwise required by law.
- I. 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.

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

- 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 (Appendix C), 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.

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.

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

**SECTION 4  
COMPENSATION**

**4.01 TIME SHEETS**

**4.02 PAYDAY**

**4.03 PAYROLL DEDUCTIONS**

**Ohio Public Employees Retirement  
System (OPERS)**

**Income Taxes**

**Medicare Deductions**

**Garnishment/Child Support  
Deductions**

**Optional Deductions**

**4.04 OVERTIME COMPENSATION**

**Non-Exempt Employees**

**Exempt Employees**

**4.05 COMPENSATORY TIME**

**4.06 EXPENSE REIMBURSEMENT**

**4.07 ADVANCEMENT OF EXPENSES**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/6/05

**Approved**

7/6/05

- A. Employee time sheets or time cards showing hours worked (absences, leave without pay) will be filled out by each employee, signed by the appropriate supervisor, and submitted to the Appointing Authority by 9:00 a.m. on the first work day of each pay period. Time sheets are not to be completed by anyone other than the employee to whom such sheet belongs. Time cards are not to be punched by anyone other than the employee to whom the card belongs.
- B. If time sheets or time cards are not properly submitted, pay may be held until the hours can be verified.
- C. **Wayne County Care Center (WCCC) TIME CARD REQUIREMENTS**
1. WCCC requires the use of time cards for the recording of hours worked. Time cards are provided on a bi-weekly basis. Each employee is required to verify worked hours at or near the end of each pay period. Verification is made by the employee's signature. All appropriate forms necessary for processing of payroll are to be submitted by the deadline which is posted on the employee bulletin board.
  2. Employees are not to remove their time cards from the time card rack. Time cards and sheets are official records of time/hours worked.
  3. In the event a WCCC employee neglects to clock in or out, he/she shall request that his/her immediate supervisor verify the actual time worked.
  4. WCCC employees shall not deface or mark on time cards and should check carefully to assure the cards are "punched" properly.
  5. WCCC employees are not permitted to clock in more than ten (10) minutes prior to the scheduled starting time of their shift. Employees are not to engage in any work activity prior to their scheduled shift.
  6. There is no "grace period" for clocking out early. Employees should remain in designated work areas until the end of their shift. Early clock outs must be pre-approved by the supervisor.

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

A. The work week begins at 12:00 a.m. on Sunday and ends at 11:59:59 p.m. the following Saturday. The pay period covers two (2) weeks and ends on the second Saturday of the bi-weekly pay period. Employees are paid every other Friday for the two (2) week period ending two (2) weeks prior to the payday. If a holiday falls on a payday, the paychecks will be issued the preceding Thursday, except in extenuating circumstances when paychecks will be issued on the following Monday.

If an emergency is declared and the County Administration Building is closed on a scheduled payday, the Auditor will then make the payroll available for pickup on the next regularly scheduled business day that the County Administration Building is open. Direct deposits will be made as originally scheduled and should not experience a delay, unless caused by circumstances beyond the control of the Auditor.

B. The first two (2) weeks of pay that a new employee earns will be delayed by the County until the second eligible payday.

C. Questions about paychecks should be directed to the Appointing Authority. The Appointing Authority is responsible for making the necessary explanations or inquiries to resolve the matter.

D. Pay advances are not permitted.

E. A written authorization signed by the employee must be given to the Appointing Authority before issuance of a paycheck to any person other than the employee. Such statement must explicitly authorize a person to pick up the employee's paycheck in lieu of the employee. The authorized person must be able to produce identification at the time he/she arrives to pick up the paycheck.

F. All employees must use direct deposit. The Wayne County Auditor's office will directly deposit the employee's net paycheck. Existing employees should contact the person responsible for payroll in the Appointing Authority's office for direct deposit changes, additions, or deletions.

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

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee. Upon the passage of an appropriate resolution by the Board of County Commissioners and approval by the Wayne County Auditor, the Payroll Department of the Auditor's office will implement payroll deductions. These deductions are itemized on the employee's pay statement which accompanies his/her payroll check. Deductions may include:

- A. **OPERS** - Membership in the Ohio Public Employees Retirement System is compulsory upon being employed, except those employees specifically exempted under the provisions of RC 145.03. The amounts that employers and employees pay into OPERS are subject to change.
  
- B. **INCOME TAXES** - The federal, state, and city governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County by the Treasury Department and the Ohio Department of Taxation, and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Payroll Officer of any dependency change whenever such change occurs. Income taxes shall also be withheld in accordance with levies passed by an employee's home school district.
  
- C. **MEDICARE DEDUCTIONS**—Those employees hired on or after April 1, 1986, are required to contribute a percentage of their taxable income to the federal Medicare system, as required by law.
  
- D. **GARNISHMENT/CHILD SUPPORT DEDUCTIONS**—A court-ordered legal claim against the wages of department/agency employees by a creditor, for non-payment of a debt and/or payroll deductions for child support served by the constituted legal authority, are garnishments and must be recognized and executed by the County Auditor and the facility.
  
- E. **OPTIONAL DEDUCTIONS MAY INCLUDE:**
  - 1. An employee's share of County health insurance premium if the employee is enrolled in the plan, and premiums for any other available benefit which the employee elects to receive and pay for.

**PAYROLL DEDUCTIONS  
(CONTINUED)**

2. Deposits into one of the County-approved Deferred Compensation programs.
3. Contributions to United Way as authorized by the employee.
4. Union dues and other deductions authorized by a collective bargaining agreement.

The County Auditor may decline to make deductions that are not required by law, are below established minimum amounts, or that occur at irregular intervals.

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

**A. NON-EXEMPT EMPLOYEES**

Non-exempt employees are those employees who are covered by the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). All employees of Wayne County who are treated as hourly employees are considered non-exempt.

1. In general, County employees will not work more than forty (40) hours, or the otherwise established full-time standard, in a single work week. When overtime work cannot be avoided, employees will be compensated as provided in the FLSA and Ohio Revised Code.
2. If overtime is required, the authorization of the Department Head or the employee's direct supervisor is required. Failure to get authorization for overtime may result in disciplinary action.
3. In an emergency situation, if the Department Head or the employee's direct supervisor cannot be reached for prior approval, overtime may be worked without authorization. However, the situation must be recognized as an emergency by the employee's supervisor or the Appointing Authority.
4. For overtime calculation, time in active pay status but not actually worked (e.g., sick leave, vacation, or holidays) shall not be considered time worked.
5. Scheduled overtime that is subsequently canceled and not worked will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable.
6. Overtime compensation will be calculated as follows:
  - a. Time worked over forty (40) hours in a work week will be paid at one and one-half (1 1/2) times the employee's regular rate of pay.
  - b. Overtime compensation shall be based upon the employee's hourly rate of pay plus any applicable pay supplements.
7. When an employee is required to attend a meeting, conference, or training session travel time and time actually spent in meeting sessions will be considered time worked for the purpose of calculating overtime, except that non-working meal time and the employee's normal commuting time will not be considered time worked.

Time spent to attend a training program is not considered time worked if all of the following conditions are met:

- a. the employee's attendance occurs outside of his/her regular working hours; and
  - b. the employee's attendance is not required; and
  - c. the employee does no productive work while in attendance.
8. A part-time employee will not receive overtime compensation for hours worked more than his/her regularly scheduled hours until the total hours worked in a work week exceed forty (40) hours.
  9. Any employee required to work on one of the recognized holidays is entitled to receive compensation at the rate of one and one-half (1 1/2) times their usual rate of pay, in addition to receiving their regular holiday pay, if applicable. The premium rate of pay (one and one-half - 1 1/2 x the single rate) shall not be considered in determining an employee's regular rate of pay for the purposes of calculating overtime compensation (i.e., pyramiding of overtime is not permitted).
  10. It is the policy of the county that overtime will be distributed as equally as possible among employees by consideration of classifications, seniority, and qualifications of those employees who normally perform such work.
  11. The Appointing Authority may designate employees to work an adjusted work week not to exceed forty (40) hours per week. Such employees are considered "flexible hour employees." Any time worked over the daily regularly scheduled hours shall be taken off during the same work week that it is worked. For purposes of this policy, 12:00 a.m. Sunday to 11:59:59 p.m. Saturday shall constitute the work week.
  12. Any time worked over the daily regularly scheduled hours may be taken off within the same reporting week that it is worked. For purposes of this policy, Sunday through Saturday shall constitute the reporting period.
  13. Re-scheduling of staff by the Department Head or the Appointing Authority may be initiated to avoid payment of overtime.
  14. The Wayne County Sheriff's Office has adopted a 207K schedule for those non-bargaining unit deputies of the Sheriff's Office who are non-exempt under the FLSA. The 207K schedule adopted establishes a fourteen (14) day work period, during which overtime will be paid for all hours worked in excess of eighty-six (86).

**B. EXEMPT EMPLOYEES**

Employees may be exempt from the minimum wage and overtime provisions of the FLSA if they meet certain criteria for administrative, professional, or executive employees, are treated as salaried employees, and are declared to be exempt by the Appointing Authority.

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

- A. An Appointing Authority may allow an employee to elect to accumulate compensatory time in lieu of receiving overtime pay whenever such employee works in excess of forty (40) hours during the work week. Compensatory time is earned at the rate of one and one-half (1 1/2) hours for each overtime hour worked.
- B. The Appointing Authority may establish a limit on the accumulation of compensatory time. That cap may be up to two hundred forty (240) hours for non-safety forces and up to four hundred eighty (480) hours for safety forces. Hours earned in excess of these limits will be paid. The cap for compensatory time for all Commissioner Departments has been set at forty (40) hours.
- C. Compensatory time must be used within the time frame established by the Appointing Authority. If the compensatory time is not used within the established time frame, the employee will receive pay for the overtime worked.
- D. The use of compensatory time must be scheduled at a time mutually satisfactory to the employee and the Employer.
- E. Hours worked between thirty-seven and one-half (37 1/2) and forty (40) hours in a work-week will either be straight time pay or compensated on an hour-for-hour basis with compensatory time as established by the Appointing Authority.
- F. Overtime compensation may be taken in the form of pay or compensatory time, according to the established guidelines. Compensatory time will be calculated at the same rate as overtime pay. The following regulations apply to those choosing compensatory time: an employee must tell the supervisor at the time overtime is worked whether he/she wishes compensation in the form of wages or compensatory time. Failure to request compensatory time will result in overtime compensation in the form of wages.
- G. The employer reserves the right given under Subsection 7(0) (29 USC 207[o]) of the Fair Labor Standards Act, to offer only compensatory time for overtime hours worked. The employer agrees to invoke this regulation only when all of the following conditions exist:
  - 1. The Department's budget will not accommodate paid overtime
  - 2. Overtime is strictly voluntary and has received prior approval, and
  - 3. Each employee to whom overtime is granted has previously agreed, in writing, to accept compensatory time as payment.

**Original Adoption Date**7/31/96**Revision Number**3**Date**10/16/13**Approved**10/16/13

- A. Employees shall be reimbursed for actual and necessary expenses incurred while on official County business. Employees are normally eligible for expense reimbursement only when the travel has been authorized in advance by resolution of the Board of County Commissioners, as required by Ohio Revised Code, on the "Request for Travel" form.

Requests should be completed well ahead of the scheduled travel and submitted to the Appointing Authority/designee at least two (2) weeks in advance, if possible. When considering an employee's request for job-related travel, the Appointing Authority will consider the special needs of an employee with a disability that substantially affects the employee's ability to drive, see, hear, etc. The Appointing Authority will not deny job-related travel to a qualified employee with a disability merely because of the existence of the disability.

- B. Expenses for mileage, parking, and tolls shall be reimbursed as follows with prior authorization:
1. County cars are available and should be used for County-authorized travel. If an office does not have a County vehicle, the employee or the Appointing Authority should check with the Board of County Commissioners' Office to see if a vehicle is available.
  2. Employees shall be reimbursed for official business travel at the rate established by the Board of County Commissioners for the use of privately owned automobiles. Such expense reimbursement is intended to cover all vehicle-related expenses, (e.g., gas, oil, depreciation, automobile insurance, etc.).
  3. Mileage reimbursement shall be payable to only one (1) of two (2) or more employees traveling on the same trip and in the same vehicle. The names of persons traveling together shall be listed on the "Travel Expense Report." When two (2) or more employees drive separate vehicles to the same destination, the mileage reimbursement will be divided on a case by case basis as decided by the Appointing Authority.
  4. All employees who submit a form verifying coverage and receive prior approval to use personal vehicles shall be required to carry motor vehicle liability insurance minimums as prescribed by the Ohio Revised Code in order to be reimbursed for business travel.
  5. Employees and passengers traveling on County business, or in County vehicles, must always wear safety belts.

**EXPENSE REIMBURSEMENT  
(CONTINUED)**

**SECTION 4.06  
PAGE 2 OF 3**

6. Employees shall be reimbursed for business travel within the County, with the exception of travel between their home and the department/agency as well as meals purchased in Wayne County. An employee shall note itemized mileage on the "Travel Expense Report" showing the origin and destination of each trip in sufficient detail to account for mileage claimed.
  7. Charges incurred for parking at the destination and highway tolls, if any, are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
  8. Travel by air, bus, or other common carrier should be at the best available rate.
  9. Any tickets or fines received by an employee, whether driving a County vehicle or a personal vehicle, are the responsibility of the employee and will not be reimbursed by the County. Any tickets or fines received must be reported to the employee's Appointing Authority within 24 hours of the employee's return. Employees must follow the laws of the State of Ohio, which include but are not limited to, the ban on texting and/or emailing while driving.
- C. Expenses incurred for meals while on official County business will be reimbursed at actual cost per the below schedule. An employee is eligible for such reimbursement only when travel has been authorized and when travel extends through a normal meal period.

Meal allocation for in- and out-of-state travel:

\$6.00 – Travel time between 12:01am and 10:00am (Breakfast)

\$9.00 – Travel time between 10:01am and 4:00pm (Lunch)

\$16.00 – Travel time between 4:01pm and 12:00am (Dinner)

The following guidelines pertain to meals while on travel status:

1. The meal and tax shall not exceed the maximum meal rate as stated above.
2. If a meal reimbursement is requested that does not involve an overnight stay, that amount becomes taxable to the employee and will be dispersed through that employee's paycheck.
3. The maximum reimbursement rate may be allocated for meals as the employee chooses, but reimbursement must be listed separately on the "Travel Expense Report" and supported by an itemized receipt, including identification as to the date on which the expense was incurred, the type of meal, and the actual amount spent. Costs may not include charges for alcoholic beverages or gratuities. Please

**EXPENSE REIMBURSEMENT  
(CONTINUED)**

keep in mind this does not imply that the employee is entitled to the “per diem” amount.

4. Snack items, such as chips, pretzels, cookies or candy bars are not allowable meal purchases and will not be reimbursed unless served as part of an entrée.
  5. Itemized grocery store receipts will not be accepted for meal reimbursement purposes.
  6. If the employee is attending an event/conference where a breakfast, lunch and/or dinner meal is provided, then the meal allocation for the breakfast, lunch and/or dinner, per the policy, is not applicable for reimbursement.
  7. When multiple food items are ordered, please identify which items are being requested for reimbursement if over the meal allocation amount. Employees shall be reimbursed for the actual and necessary expense of meals which are an integral part of a business workshop, training seminar, or other working conference. Such receipt must identify "Registration" or "Registration/Lunch," etc.
  8. We will not reimburse any meals purchased in Wayne County.
- D. Expenses incurred for mileage, parking, tolls, meals, lodging, and other costs related to travel require prior approval.
- E. Personal telephone calls, laundry, entertainment, alcoholic beverages, room service charges, tips, and expenses of a non-employee or non-authorized person traveling with an employee are not subject to reimbursement.
- F. Upon return from travel, an employee shall file with his/her Appointing Authority/designee a "Travel Expense Report" detailing all reimbursable costs with required receipts attached. Expenses will not be reimbursed if the required receipts are not provided.
- G. Expense reimbursements may be subject to IRS regulations. Employees may be subject to taxation on the reimbursement of expenses. Employees are responsible for any income taxes due because of reimbursement; these taxes will not be reimbursed.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>5</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. An employee may, with the approval of the Appointing Authority and a resolution of the Board of County Commissioners, receive an advance payment for all or part of the expenses that the employee is expected to incur while on official County business.
1. Once the business travel has been concluded the employee must turn in copies of all receipts on a Travel Expense Report so that the actual cost of the business travel can be compared to the advance payment that the employee received.
  2. If it is determined that the advance payment was greater than the actual cost of the business travel, the employee must return the remaining money to his/her Appointing Authority so that such can be deposited with the Treasurer's Office.
  3. If the advance payment was smaller than the actual cost of the business travel, the employee may complete and turn in a "Travel Expense Report" in order to be reimbursed for any remaining business-related expenses.
- B. Any employee who wishes to receive an advance payment of anticipated business expenses must make such request in a timely manner in order to ensure the County has adequate time to process the request.
- C. For information on expenditures that the County recognizes as legitimate business expenses, employees should see the policy on expense reimbursement (Section 4.06).

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>2</u>	<u>7/6/05</u>	<u>7/6/05</u>

**SECTION 5  
BENEFITS**

**5.01 INSURANCE**

**Health, Dental, and Life Insurance  
Ohio Public Employees Retirement  
System (OPERS)  
Workers' Compensation**

**5.02 VACATION**

**5.03 HOLIDAYS**

**5.03A HOLIDAYS (Wayne County Care Center)**

**5.04 SICK LEAVE**

**5.05 NON-WORK-RELATED COURT LEAVE**

**5.06 MILITARY LEAVE**

**5.07 UNPAID LEAVES**

**Leave of Absence  
Active Duty Military Leave**

**5.08 FAMILY AND MEDICAL LEAVE**

**5.09 BENEFITS AVAILABLE TO RE-  
EMPLOYED RETIRANTS**

**5.10 PRECINCT ELECTION OFFICIAL  
LEAVE**

**5.11 PRE-RETIREMENT SICK AND  
VACATION LEAVE CONVERSION**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/06/05

**Approved**

7/06/05

**A. HEALTH, DENTAL, VISION, EAP & LIFE INSURANCE**

1. Full-time employees, as established by the County plan, are eligible for health, dental, vision, EAP and life insurance under the policies chosen by the Wayne County Board of Commissioners for County employees and their families. For this section, the term “full time” denotes someone who is expected to be a permanent employee working on average 30 or more hours per week. New full-time employees are eligible to enroll in the insurance program as provided by the plan. Current employees who are not enrolled may elect participation during open enrollment periods, or as provided by the plan.
2. Participating employees pay, through payroll deduction, a portion of the premium for single or family coverage. The remainder of the premium is paid by the Appointing Authority.
3. Details of coverage are outlined in the Summary Plan Description. All questions concerning your benefits with Wayne County should be directed to the Wayne County Benefits Administrator, the Commissioner’s Office.  
428 West Liberty Street  
Wooster, OH 44691  
(330) 287-5409
4. Appendix D includes information on our privacy procedures for HIPAA regulations. Appendix U includes the rights you may be eligible for under the Federal COBRA Act.

**B. OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (OPERS)**

1. **Enrollment in OPERS may affect any Social Security benefits for which an employee may be eligible. Please contact OPERS or the Social Security Administration at:**

**Social Security Administration:**  
**877-319-0729**  
[www.socialsecurity.gov](http://www.socialsecurity.gov)

**OPERS (Ohio Public Employees Retirement System)**  
**800-222-7377**  
[www.opers.org](http://www.opers.org)

2. OPERS enrollment is mandatory for all employees, except as specifically exempted under the provision of RC 145.03. Call OPERS with any questions.
3. This section is for reference only. If employees should have any questions or would like details regarding the rules and programs offered by OPERS, they should contact OPERS (see above for contact information).
4. Wayne County is not responsible for the rules and regulations for OPERS or Social Security. Employees or prospective employees must contact those agencies for details on their respective policies.

**C. WORKERS' COMPENSATION**

State law provides that a County employee may be eligible, pursuant to the Workers' Compensation regulations, for workers' compensation for injuries arising out of or in the course of his/her employment. Guidelines for administering workers' compensation are set forth below.

1. Wayne County is self-insured for Workers' Compensation. See Appendix E for attachments.
2. Should an employee be injured during the course of employment with the County, his/her supervisor is to notify the Appointing Authority on the day of the injury, and the employee or immediate supervisor must complete an injury form. This report must be completed, regardless of the apparent seriousness of the injury, and regardless of whether or not medical attention is required. Such report must be forwarded to the Appointing Authority or designee within twenty-four (24) hours of the accident.
3. Should an employee's injury require medical attention, the employee will cooperate with their provider on the completion of a Doctor's Report of Injury form, which is to be completed by the attending physician. This completed form must be forwarded to the Appointing Authority or designee at the earliest possible date.
4. In the event of serious injury, the injured employee's supervisor is to notify the Appointing Authority immediately so that an investigation can be initiated.
5. The employee is responsible for providing the Appointing Authority with his/her expected date of return as soon as it is known, and keeping the Employer apprised of his/her condition.
6. An employee who is injured in the line of duty and must leave work before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday.

7. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from workers' compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from workers' compensation. All time off of work for a workers' compensation claim may apply to the Family Medical Leave Act. This time off will run concurrently.
8. 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.
9. Time off does not constitute active pay status for purposes of the Wayne County Health Plan. Accordingly, prolonged Workers Compensation may affect your eligibility for the Health Plan. Please refer to the Employee Benefit Manual for more information and detail.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>6</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. All full-time employees and permanent part-time employees are entitled to receive vacation benefits as shown on the chart below. Vacation is prorated for part-time employees in proportion to the number of hours worked by the employee. Employees do not receive additional vacation time for overtime hours worked. Employees are not entitled to take vacation until they have completed one (1) year of service with a political subdivision of the State of Ohio.

<u>Years of Service</u>	<u>Vacation Days</u>	Hours	Hours
		Accrued Per 80 Hr <u>Pay Period</u>	Accrued Per 75 Hr <u>Pay Period</u>
Less than 1 year	None	3.1	2.9
1 year up to 8* years	10 work days (2 wks)	3.1	2.9
8 years up to 15* years	15 work days (3 wks)	4.6	4.3
15 years up to 25* years	20 work days (4 wks)	6.2	5.8
25 years or more	25 work days (5 wks)	7.7	7.2

NOTE: The accrual rates listed in the columns must be adjusted for employees who work less than eighty (80) or seventy-five (75) hours in a bi-weekly pay period.

- B. For the purpose of determining length of service for part-time employees, credit will be given on the basis of pay periods worked, not on the basis of full-time equivalent service.
- C. If an employee terminates his/her employment before serving one (1) full year with the County, or any political subdivision of the state, he/she will receive no vacation pay.
- D. As of October 25, 1995, service time for the purpose of calculating vacations for all eligible employees will be determined by the total service an employee has with the state or any political subdivision of the state. Prior service need not be continuous. However, prior service credit will not apply to an employee who has retired and is rehired after June 20, 1990. The rate that employees earned vacation between June 20, 1990, and October 25, 1995, will not be retroactively adjusted due to the October 25, 1995, change to the Ohio Revised Code.
- E. No vacation leave shall be carried over for more than three (3) years. An employee is entitled to compensation, at his/her current rate of pay, for the portion of any earned but unused vacation leave for the current year to his/her credit at the time of

---

\* **On the 8th, 15th, and 25th anniversary of employment, an employee is credited with one (1) additional week of vacation. Vacation begins to accrue at the higher rate after the 8th, 15th, and 25th anniversary dates.**

**VACATION  
(CONTINUED)**

separation or retirement. In addition, the employee shall be compensated for any unused vacation leave accrued to his/her credit, with the permission of the Appointing Authority, for up to three (3) years immediately preceding the last anniversary date of employment. Please note that it is the responsibility of the employee to request the carryover of unused vacation (see Appendix F). Failure to request the carryover of unused vacation may result in the employee's loss of such time.

- F. Vacation leave requests must be submitted in writing to the employee's immediate supervisor for approval. Vacation may be taken in no less than quarter-hour increments (0.25 hour).
- G. When two (2) or more employees request the same vacation date and all requests cannot be granted, the request of the employee with the most seniority will be granted, provided the request is submitted a minimum of one (1) month in advance. Leaves requested less than one (1) month in advance will be granted in the order received. Once an employee has received approval for vacation leave, he/she may not be displaced by a more senior employee.
- H. Vacation leave may be denied during a specific period if the departmental/agency work load dictates.
- I. While on vacation, if an employee experiences an illness or injury, or a death in the family that would qualify for paid sick leave, he/she may request that the time off be charged to sick leave by providing documented proof of eligibility.
- J. If any person removed from public employment for conviction of a felony, within the meaning of RC 124.34, is subsequently re-employed by Wayne County, such person is only qualified to accrue vacation as if he/she were a new employee receiving no prior service credit.
- K. An Employee does not accrue service credit for the purposes of vacation leave for any biweekly pay period in which the Employee did not work and was not scheduled to work. An Employee who has completed more than one (1) year of service with the Employer does not accrue vacation leave for any biweekly pay period in which the Employee does not work and is not scheduled to work.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>5</u>	<u>10/16/13</u>	<u>10/16/13</u>

For the purpose of this Personnel Policy Manual, the term *Continuous* and the term *Non-Continuous* are defined as follows:

- Continuous Operations are those positions that are staffed 7 days per week on a regular basis.
- Non-Continuous Operations are those positions that normally operate 5 days per week, such as Monday through Friday.

A. Full-time employees receive the following paid holidays:

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

B. A part-time employee who has an established work schedule (set days and hours) will receive holiday pay for those hours he/she would normally have been scheduled to work on an observed holiday.

C. If a full-time employee in a Non-Continuous operation is required to work on a holiday, he/she will be paid at one and one-half (1½) times his/her regular rate of pay for every hour worked, in addition to his/her regular straight time holiday pay. If a permanent part-time employee in a Non-Continuous operation is required to work on a holiday, he/she will be paid at straight time for every hour worked, in addition to holiday pay for every hour he/she was normally scheduled to work.

D. If a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday.

E. Only employees in active pay status will receive holiday pay. An employee who is not in active pay status the day before a holiday will not receive holiday pay.

F. Any employee who is not considered full-time or permanent part-time shall not be eligible for the above paid holidays.

**HOLIDAYS  
(CONTINUED)**

- G. If any employee is hired in a Continuous Operation position, holidays will be observed on the actual day of the holiday. Employees who work on the actual holiday are eligible for straight time holiday pay for the number of hours they are scheduled to work and straight time pay for actual hours worked, unless the hours worked are in excess of 40 hours for the week. This provision has been adopted in accordance with RC 325.19(F).

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>3</u>	<u>9/1/16</u>	<u>9/7/16</u>

- A. Full-time employees receive the following paid holidays:
- |                        |                  |
|------------------------|------------------|
| New Year's Day         | Labor Day        |
| Martin Luther King Day | Columbus Day     |
| President's Day        | Veterans' Day    |
| Memorial Day           | Thanksgiving Day |
| Independence Day       | Christmas Day    |
- B. A part-time employee who has an established work schedule (set days and hours) will receive holiday pay for those hours he/she would normally have been scheduled to work on an observed holiday.
- C. If a full-time or a permanent part-time employee is required to work on a holiday, he/she will be paid at one and one-half (1-1/2) times his/her regular rate of pay for every hour worked, in addition to his/her regular holiday pay.
- D. For employees who are in positions of non-continuous operation, if a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday. For employees who are in positions of continuous operations (24 hours per day, 7 days per week), holidays are observed on the actual day of the holiday. (This provision has been adopted in accordance with RC 325.19[F].)
- E. Only employees in active pay status will receive holiday pay. An employee who is not in active pay status the day before a holiday will not receive holiday pay.
- F. Any employee who is not considered full-time or permanent part-time shall not be eligible for the above paid holidays.
- G. No request for sick leave will be approved for an absence on a designated holiday.
- H. All employees may be required to work holidays on a rotation basis.

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

- A. Sick leave may be requested for the following reasons:
1. Illness or injury of the employee.
  2. Illness or injury of the employee's immediate family where attention by the employee is reasonably necessary.
  3. Exposure of the employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.
  4. Death of a member of the employee's immediate family. Sick leave not to exceed five (5) days.
  5. Medical, dental, or optical examinations or treatment of employee, or a member of his/her immediate family where the attendance of the employee is necessary.
  6. Pregnancy, childbirth, and/or related medical conditions.
- B. For each completed eighty (80) hours in active pay status, including over-time, an employee earns 4.6 hours of sick leave. (All County employees are eligible to earn sick leave.) The amount of sick leave time any one employee may accrue is unlimited. Sick leave can be charged in minimum units of one-quarter (1/4) hour.
- C. An employee requesting sick leave shall inform his/her supervisor/designee of the fact and the reason, not later than one-fourth (1/4) hour before the start of his/her workday, for each day, unless otherwise authorized. Failure to do so may result in denial of sick leave for the period of absence.
- D. Whenever medical attention is required, the employee may be required to furnish a statement from a licensed practitioner notifying the Employer that the employee was unable to work due to illness or injury for which they are being treated. In addition, such practitioner statement may be required for absences exceeding seven (7) consecutive calendar days due to illness. Whenever the Employer determines that there has been a pattern of abuse of the use of sick leave, it may require proof of illness in the form of a practitioner's statement of disability or other proof satisfactory to the Employer to approve the use of such leave.
- E. The Appointing Authority has the authority to investigate the reasons for an employee's absence.

- F. The Employer shall require an employee to submit for approval the Application for Leave to request the use of sick leave. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.
- G. The Employer may require an employee to submit to an examination in order to determine the employee's ability to perform the duties of his/her position. The Employer shall supply the examining practitioner with the job requirements of the employee's position, including duty statements, classification specifications, and position descriptions. Such examination shall be conducted by a licensed practitioner selected and paid for by the Employer.
- H. Employees are encouraged to schedule medical appointments during non-work hours and days.
- I. If any person removed for conviction of a felony within the meaning of RC 124.34 is subsequently re-employed by Wayne County, such person is only qualified to accrue sick leave as if he/she were a new employee receiving no credit for prior service.
- J. WCCC employees requesting sick leave shall inform the Appointing Authority of the fact and the reason no later than two hours prior to the start of his/her workday for each day, unless otherwise authorized.
- K. WCCC employees must take sick leave in increments of one (1) hour or more.

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

A. If an employee of the County is called for court jury duty or subpoenaed to testify in a court of law, through no action of his/her own, during any portion of the employee's regular scheduled work day, that employee may choose to be compensated for such time in one of the manners set forth below:

1. The employee may choose to receive his/her regular salary or wage in full for such time from the department/agency. In such case, all monies received as compensation for court service shall be remitted by the employee to the employer in full, unless such duty is performed outside normal working hours. If the jury duty spans both normal working hours and normal non-working hours, the employee will reimburse the employer a pro-rated share for the working hours spent on jury duty.
2. The employee may choose to retain all monies received as compensation for court service and waive his/her regular wages due for normally scheduled work hours that were served on jury duty.
3. Expenses incurred by the employee and reimbursed by the court for court duty shall be retained in full by the employee.

In order to receive compensation, the employee must provide to the Employer:

1. Notice of his/her summons or a copy of the subpoena forty-eight (48) hours prior to the date of such service, where applicable:
2. A clerk of courts certificate or other document of the court stating the time served.

B. An employee shall not be entitled to paid court leave when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters. This includes appearing in court when the employee's appearance is directly related to the employee personally knowing one of the parties involved. These absences would be leave without pay or vacation as scheduled in advance with the Employer.

C. An employee released from doing court duty prior to the end of his/her scheduled work day shall report to work for the remaining scheduled time unless otherwise authorized by the Appointing Authority.

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

- A. Any permanent public employee who is a member of the Ohio organized militia, or member of other reserve components of the Armed Forces of the United States, including the Ohio National Guard, is entitled to a military leave of absence from his/her respective duties without loss of pay for such time as he/she is performing service in the uniformed services, for periods not to exceed one (1) month (meaning twenty-two [22] working days, or one hundred seventy-six [176] hours for a forty [40] hour per week employee) for each calendar year in which the employee performs service in the uniformed services. For the purposes of this policy, "permanent public employee" means an employee who holds a position with the County that requires him/her to work a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, and such is not limited to a specific season or duration. This definition does not include student help; intermittent, seasonal, or temporary employees; or individuals covered by personal services contracts. Other provisions for military leave shall be controlled by state and federal laws.
- B. Any permanent public employee called to military duty for a period in excess of the twenty-two (22) working days because of an executive order issued by the President of the United States because of an act of Congress, or because of an order to perform duty issued by the Governor pursuant to R.C. Section 5919.29 may receive, during this period, the lesser of the following:
1. The difference between the employee's gross monthly wage or salary from the County and his/her gross uniformed service pay and allowances received in a particular month; or
  2. Five hundred dollars (\$500.00).
- C. An employee requesting such leave will be required to submit the necessary documentation and/or complete the necessary leave papers.
- D. For additional information on military leave time, see Section 5.07(A).

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

**A. LEAVE OF ABSENCE**

1. An unpaid leave requested by an employee may be granted by an Appointing Authority for purposes of economic or efficiency reasons.
2. Any request for unpaid leave must be submitted in writing at least two (2) weeks in advance of the actual leave dates.
3. An unpaid leave is discretionary and may be granted or denied by the Appointing Authority.
4. An unpaid leave may not exceed one month in duration.
5. An employee on unpaid leave does not accrue vacation or sick leave during their leave.
6. An employee returning from unpaid leave will be returned to a position in the classification held at the time of separation; or if the classification no longer exists, to another similar classification. If no similar classification exists, the employee may be laid off.
7. County paid health care benefits cease at the end of the month in which an unpaid leave of absence begins. Continuation of coverage may be available at the employee's expense. Employer contributions to health care benefits resume in the month of return as long as the total length of absence does not exceed 45 days. Employees should read the current version of the Health Plan Summary Plan Description for details on the continuation of health care benefits.
8. If an employee fails to return to duty within three (3) working days of expiration or cancellation of an approved unpaid leave, they may be terminated.

**B. ACTIVE DUTY MILITARY LEAVE**

1. A permanent public employee is entitled, upon giving notice to the Appointing Authority, to a leave of absence to serve in the uniformed service. Such leave is without pay and is considered as a leave of absence from service with reinstatement rights. No leave, or combination of uniformed service leaves of absence, may exceed five (5) years or a single, longer period required to complete an initial period of obligated service.
2. An employee returning from uniformed service leave without pay must apply for reinstatement. The application must be made to the Appointing Authority within the period set forth below.

- a. Leave of less than thirty (30) days: immediately upon release from uniformed service, but Appointing Authority must allow for travel time and eight (8) hours of rest;
  - b. Leave of thirty-one (31) to one hundred and eighty (180) days: within fourteen (14) days of completing uniformed service requirement; or
  - c. Leave of more than one hundred eighty (180) days: within ninety (90) days of completing uniformed service requirement.
3. If the leave of absence is for more than ninety (90) days, the Appointing Authority may require, with the application, evidence showing that the application is timely, the duration of all such leaves of absence does not exceed five (5) years, or the time to complete the initial period of obligated service, and the employee's entitlement to re-employment has not terminated pursuant to the Federal Uniformed Services Employment and Re-employment Rights Act.
4. Upon return from a period of duty in the uniformed service lasting ninety (90) calendar days or less, the employee is to be returned to the same or similar position within his/her former classification. If the period of duty lasts more than ninety (90) days, the employee may be placed in any position of equivalent status, seniority, and pay. Regardless of the duration of duty, if the Appointing Authority demonstrates to the Director of the Ohio Department of Administrative Services that reinstatement is impossible or would impose undue hardship, the employee may be assigned to another position with like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of the case.
5. If the employee is unable to perform the duties of his/her former position due to a permanent injury or illness incurred or aggravated during uniformed service, the Appointing Authority will make reasonable efforts to accommodate the employee's disability.
6. If an employee who is entitled to reinstatement is unable to report for or perform the duties of his/her position at the date of his/her application for reinstatement because of a temporary injury or illness incurred or aggravated during uniformed service, he/she shall have up to two (2) years to recover from such illness or injury before being required to report or reapply. The Employer has the right to request that the Employee report for a Fitness For Duty Exam, paid for by the Employer.
7. A reinstated employee is entitled to receive all rights and benefits generally available to employees in a comparable leave of absence without pay, including the following:

**UNPAID LEAVES  
(CONTINUED)**

- a. All sick leave and vacation leave which had been accumulated at the time of entering service;
- b. All seniority that would have accrued had the employee been on the job;
- c. Automatic salary adjustments associated with the position and due the employee had the employee been on the job;
- d. Any change in classification or pay range;
- e. Reinstated health insurance and related insurance benefits with no waiting periods or pre-existing condition exclusions, other than waiting periods or exclusions that would have applied even if there had been no absence for uniformed service. (Please note that this rule does not apply to the coverage of any illness or injury determined by the Secretary of Veterans' Affairs to have been incurred in, or aggravated during, performance of service in the uniformed service.)

<b>Original Adoption Date</b> <u>7/31/96</u>	<b>Revision Number</b> <u>4</u>	<b>Date</b> <u>8/6/14</u>	<b>Approved</b> <u>8/6/14</u>
---	------------------------------------	------------------------------	----------------------------------

- A. An employee who has been employed by the Employer for at least twelve (12) months and who has actually worked at least one thousand two hundred fifty (1,250) hours of service during the twelve (12) month period immediately preceding the commencement of the leave may be eligible for Family and Medical Leave as provided in this policy. The Act precludes the use of such leave by employees unless there are fifty (50) employees of the Employer within a seventy-five (75) mile radius. Employees who miss work due to (Uniformed Services Employment and Reemployment Rights Act) USERRA-covered military service extend to all military members (active duty and reserve), and all periods of absence from work due to or necessitated by USERRA-covered service is counted in determining an employee's eligibility for FMLA leave.
- B. An eligible employee may be permitted a total of twelve (12) work weeks of leave during the twelve (12) month period measured forward from the first date the employee uses Family and Medical Leave. Family and Medical Leave may be used for the following reasons:
1. To care for the employee's child after the birth of the child (see subsection (L) for the definitions of child and parent);
  2. To care for a child after the child is placed with the employee for adoption or foster care;
  3. To care for the employee's spouse, child, or parent who has a serious health condition;
  4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's position including a workers' compensation qualifying injury; or
    - A serious injury or illness for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:
      1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the servicemember unable to perform the duties of the servicemember's office, grade, rank, or rating; or
      2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; or
      3. A physical or mental condition that substantially impairs the veteran's ability to secure or follow a substantially gainful

- occupation by reason of a disability or disabilities related to military service or would do so absent treatment; or
4. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.
  5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, parent, or an individual which the employee has or had legal custody of, is a military member (includes both members of the National Guard and Reserves and the regular Armed Forces) on covered active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation (deployment to a foreign country is required). Qualifying exigencies are one or more of the following: short-notice deployment, military events and related activities, child care and school activities, \*parental care, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, or if the military member has been injured, wounded or hospitalized while serving in active duty.  
*\*Eligible employees may take leave to care for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty. Such care may include arranging for alternative care, providing care on an immediate need basis, admitting or transferring the parent to a care facility or attending meetings with staff at a care facility.*
- C. An eligible employee may be permitted a total of twenty-six (26) work weeks of leave during the twelve (12) month period measured forward from the first date the employee uses Family and Medical Leave in order to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent or next of kin of the service member (includes covered veterans, defined as "an individual who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran"). However, when Family and Medical Leave is used for this reason and one or more of the reasons listed in "B" above, the eligible employee will be entitled to a maximum combined total of twenty-six (26) work weeks of leave.

While on Family and Medical Leave, an eligible employee will be required to use all accrued vacation and sick leave (if appropriate),\* prior to being granted unpaid Family and Medical Leave. The combined period of leave, including vacation, sick leave,

---

\* See Section 5.04 of this manual for appropriate uses of sick leave.

and unpaid Family and Medical Leave shall not exceed the total of twelve (12) or twenty-six (26) work weeks during the twelve (12) month period defined above. The designation of leave as Family and Medical Leave is the responsibility of the Employer only.

- D. An eligible employee will be required to provide the Employer with thirty (30) days advance notice of the employee's intention to take Family and Medical Leave. The only exception will be when unforeseen circumstances prevent the employee from providing the required notice.

In the event of Military Family Leave, the Employee will be required to provide the Employer with fourteen (14) days notice prior to taking the leave if the leave is being taken because of a call to activity duty, or at least two (2) days notice prior to taking the leave if the leave is being taken because of an injury, wound or hospitalization. If the employee receives notice from a representative of the uniformed services that the injury, wound or hospitalization is of a critical or life-threatening nature, the employee may take the leave under this section, and/or including section 5.08(C), without providing notice to the employer.

- E. The Employer will require the employee to provide medical certification from the employee's health care provider or the family member's health care provider in order to support a leave request to care for a spouse, child, or parent who has a serious health condition; or for leave due to a serious health condition that makes the employee unable to perform the functions of the employee's position.

The Employer, at the Employer's expense, may require a second opinion on the validity of the certification. Should a conflict arise between the opinions of the two (2) health care providers, a third opinion will be sought. The third opinion will be provided by a health care provider mutually agreeable to the employee and the Employer. The expense of a third opinion will be paid by the Employer. The finding of the third health care provider is final and binding on both parties.

In the event of Military Family Leave, the Employer may require the Employee to provide certification from the appropriate military authority to verify that the Employee satisfied the criteria described herein.

- F. In the event of the continuation, reoccurrence, or onset of a serious health condition of the employee, after such employee has exhausted the twelve (12) work weeks of leave as provided in this policy, the employee may request an unpaid leave of absence in accordance with the Employer's policy.

- G. The Employer will also require the employee to provide appropriate certification in order to support a leave request because of a qualifying exigency or to care for a covered service member with a serious injury or illness.

In the event of Military Family Leave, the Employer may require the Employee to provide a copy of the covered military member's active duty orders to support request for qualifying exigency leave. In addition, upon an Employer's request, certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; and if the qualifying exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting. In cases of qualified exigency leave for Rest and Recuperation leave, the Employer may require the Employee to provide a copy of the military member's Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member's leave. The amount of time an eligible employee may take for Rest and Recuperation qualifying exigency leave is a maximum of 15 calendar days.

- H. In the event a husband and wife are both employed by the same Wayne County employer, and either or both request leave for the birth or placement of a child (bonding leave), the total number of work weeks of such leave to which both employees are entitled will be limited to a cumulative total of twelve (12) work weeks during the twelve (12) month period. In other words, a cumulative total of twelve (12) weeks of bonding leave is available to the parents of a child. The leave may be used by one parent or split between both parents.

- I. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent, or to care for a covered service member with a serious illness or injury, may be taken intermittently or on a reduced leave schedule when medically necessary. The Employer may require an employee who takes leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave. Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.

The taking of leave intermittently or on a reduced leave schedule will not result in a reduction in the total amount of leave to which the employee is entitled in accordance with this policy.

Leave due to the birth or placement of a child may not be taken on an intermittent or reduced leave schedule.

- J. It will not be considered a break in service when an employee takes leave in accordance with this policy, provided the employee returns to work at the expiration of the leave period.
- K. An eligible employee who takes leave in accordance with this policy shall, upon return from such leave, be restored to the position held by the employee when the leave commenced, or a similar position of equivalent pay and benefits. If appropriate, the Employer will require the employee's physician to certify that the employee is able to resume work as a condition of return to employment.
- L. During any period that an eligible employee takes leave in accordance with this policy, the Employer will maintain the employee's group health care coverage under the conditions coverage would have been provided if the employee had continued in employment for the duration of the leave. The employee will be responsible for paying the employee's share of the health insurance costs during the leave. If the employee does not return from the leave, the Employer may recover the premiums it paid for maintaining the health care coverage during the period of unpaid Family and Medical Leave.
- M. Upon requesting Family and Medical Leave, an eligible employee will receive a written notice, from the Employer, outlining the employee's rights and obligations (Appendix H).

N. **DEFINITIONS**

For purposes of Family and Medical Leave, and in accordance with the Family and Medical Leave Act, the following definitions shall apply to the terms set forth herein:

- 1. **Child**  
A biological, adopted, or foster child, a stepchild, a legal ward, or a child of an employee where the employee stands in loco parentis to that child, where the child is under the age of eighteen (18), or over the age of eighteen (18), but incapable of self-care because of a mental or physical disability.
- 2. **Parent**  
A biological, adoptive, step or foster mother or father, or an individual who stands or stood in loco parentis to an employee when the employee was a child.  
(This definition does not include in-laws.)

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>5</u>	<u>10/16/13</u>	<u>10/16/13</u>

- A. If a retiree who is receiving benefits from one of Ohio's retirement systems is re-employed in an OPERS position, his/her retirement benefit may be affected. Any employee who is considering re-employment with the County after retirement should contact the appropriate retirement system for clarification on how re-employment will affect his/her retirement benefits. (OPERS – 277 East Town St / Columbus, OH 43215 / (800) 222-PERS)
  
- B. A re-employed retirant of any retirement plan offered by the state shall be permitted to earn sick leave and vacation leave, in accordance with County policies, as if he/she is a new employee with no previous service time. A retirant must be re-employed one year in the service of a political subdivision of the State of Ohio before they can accumulate vacation time.
  
- C. A re-employed retirant of any retirement plan offered by the state shall be eligible to receive other County-provided benefits in accordance with the terms and conditions of the policies, which control such benefits. A re-employed retirant will be considered a new employee under the terms of the Benefit Plans.
  
- D. A re-employed retirant of any retirement plan offered by the state who later terminates or had their employment terminated will not be eligible for any sick leave conversion as described in Section 11.03(A) of this policy manual.
  
- E. A re-employed retirant of any retirement plan offered by a political subdivision is not eligible to carry over any unused sick leave from previous public service if the employee cashed out any sick leave based on the retirement.

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

- A. Any employee who has requested and been approved to assist the Board of Elections on Election Day may use accrued paid leave time, excluding sick leave, or may take unpaid leave on the day of an election.
  
- B. In order to ensure that the employee is able to take accrued paid leave time, the employee shall notify the appointing authority in writing at least two (2) weeks in advance of the fact that he/she is requesting to use leave to assist the Board of Elections on the day of an election. At this time he/she should also notify the appointing authority of his/her decision to take the day off as a paid or unpaid leave day. If the employee chooses to take the day as a paid leave day, he/she must inform the appointing authority of the type of paid leave he/she wishes to use to cover the absence.
  
- C. Failure by the employee to provide at least two (2) weeks advance notice, as referenced above, may result in ineligibility to take paid leave time to cover the absence.

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

An employee may elect to convert up to eighty (80) hours of sick leave and/or up to eighty (80) hours of vacation leave per year to cash for leave that is accrued but not used during the calendar year, as defined January 1 to December 31, as part of an annual conversion plan. This conversion will result in the employee receiving payment for these hours, and having the appropriate leave account reduced by the hours converted. Only eligible employees may elect this conversion. Eligibility and the rules regulating conversion are as follows:

1. In order to be eligible, the employee must be an active employee of Wayne County, Ohio at the time of conversion (no later than January 31 of the calendar year following the conversion request.) Wayne County, Ohio is defined for this purpose as “the political subdivision organized pursuant to RC 301 and known as Wayne County.”
2. The “time of conversion” for the purposes of this policy shall mean the date on which payment for the leave time converted takes place, i.e., the second pay date in January.
3. In order to convert sick leave, the eligible employee must have, at the time of conversion, a minimum balance of nine hundred sixty (960) hours of accumulated sick leave plus the amount they wish to convert. (For example, an employee must have a balance of one thousand forty [1,040] hours of sick leave accumulated to convert eighty [80] hours.)
4. In order to convert vacation leave, the eligible employee must have, at the time of conversion, enough vacation leave accumulated to cover the number of hours converted up to eighty (80) hours, plus a balance of forty (40) hours that is not converted. (For example, an employee must have one hundred twenty [120] hours vacation leave accumulated in order to convert eighty [80] hours.)
5. An eligible employee may convert any combination of sick and/or vacation leave, subject to the regulations, up to the maximum of eighty (80) hours for each type of pay (one hundred sixty [160] hours total).
6. Leave shall be converted on a last in, first out (LIFO) basis. The maximum amount of converted sick and/or vacation leave that can be considered earnable salary under OPERS is the amount the employee earns in one calendar year, less any amounts taken during the calendar year. For this plan, it would be leave earned and unused between January 1 and December 31 of the current calendar year, i.e., the calendar year immediately prior to the time of conversion.
7. Conversion of sick and vacation leave will result in a permanent deduction of the converted hours from the participating employee’s appropriate leave balance at the time of conversion. Conversion will not affect an employee’s eligibility for sick leave payment upon retirement per Section 11.03(A) of this policy manual. However, once an employee converts sick leave upon retirement, all sick leave credit accrued is eliminated. Further conversion under this policy by a rehired retiree cannot occur until such time as the rehired retiree once again has the minimum balance of sick leave as required herein.

8. Additional sick and vacation leave accrual will not be earned from converted sick and vacation leave. Standard deductions as required by law, including OPERS deductions, if applicable, will be made.
9. Converted hours will not count as “hours worked” in the week paid out for the purpose of calculating overtime.
10. Employees are responsible for initiating the conversion process by annually completing and filing a “Leave Conversion Request” form. This request form must be completed by the employee, and approved by the Appointing Authority, no later than December 1 of the year prior to the actual conversion. The employee will receive the payout on the second pay of the following year. For example: a conversion request would have to be completed and approved by December 1, 2013, in order for the conversion to take place on the second pay of January 2014. However, any leave time taken between December 1, 2013 and December 31, 2013, shall be considered in determining leave time accrued but unused.
11. The employee’s Appointing Authority must put the approved conversion request on the turn around sheet for the second pay of the New Year and label the hours as “Sick Leave to be Converted” or “Vacation Leave to be Converted”
12. This policy only applies to those Wayne County employees who are not covered by a collective bargaining agreement, and whose Appointing Authority has adopted this policy.
13. Complete Leave Conversion Request Form (Appendix J-1).
14. Although it is the intent to have the leave conversion payments be considered earnable salary, all converted hours are subject to OPERS rules and regulations. In all cases, OPERS makes the final determination as to what constitutes earnable salary.

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

**SECTION 6  
PERFORMANCE EVALUATION**

**6.01 PURPOSE**

**6.02 TYPES OF EVALUATION**

**Annual Evaluation**

**Special Evaluation**

**Probationary Evaluation**

**6.03 PROCEDURE**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/06/05

**Approved**

7/06/05

The primary purposes of a performance evaluation are to:

1. Uniformly and objectively rate an employee's job performance;
2. Provide an opportunity for employees to recognize and correct specific performance problems and clarify expectations;
3. Provide a means of communication between the employee and his/her supervisor;
4. Provide data on which to base promotional selection decisions;
5. Provide a basis on which to make salary decisions;
6. Reveal conditions that contribute to poor morale or low productivity; and
7. Enable supervisors to detect gaps and limitations in their own supervisory performances.

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

**A. EVALUATION**

Evaluations are designed to communicate to an employee acceptable and unacceptable levels of job performance. Sub-standard or unacceptable job performance which is not corrected or improved may subject an employee to disciplinary action.

**B. ANNUAL EVALUATION**

Each regular employee is evaluated annually. Evaluations cover the preceding year or, in the case of new employees, the completion of the remainder of the year following the probationary period.

**C. SPECIAL EVALUATION**

Special evaluations may be performed at any time, at the discretion of an employee's supervisor.

**D. PROBATIONARY EVALUATION**

A probationary employee is normally evaluated before the end of the probationary period. Should the employee be terminated or returned to his/her former classification before the end of the probationary period, the evaluation should be made at the time of termination or reassignment.

**Original Adoption Date**7/31/96**Revision Number**3**Date**10/16/13**Approved**10/16/13

- A. Appointing Authorities and/or supervisors have the primary responsibility for initiating, scheduling, and completing performance appraisals.
- B. Each employee will be evaluated against the established position description for his/her assignment.
- C. The supervisor will meet with the employee to review concerns, expectations, duties, and responsibilities, and to set measurable objectives for the next period. The employee will be given the opportunity to read the appraisal, ask questions, and comment in writing on the appraisal document. The employee must sign the document, indicating he/she has been given this opportunity.
- D. The completed performance appraisal, including any employee comments, will be placed in the employee's personnel file. Copies will be given to the supervisor and the employee.
- E. An employee who disagrees with his/her supervisor's appraisal may request a discussion with his/her supervisor's immediate superior.
- F. The employee has the option to make a written statement of comment concerning his/her evaluation on the form itself or separate attachment. Either way, this statement becomes a part of the employee's personnel file.

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

**SECTION 7  
EMPLOYEE DEVELOPMENT**

**7.01 TRAINING**

**Employee Orientation  
Training Program Evaluation  
On-the-Job Training (OJT)  
Job-Related Training Courses  
WCCC (Wayne County Care Center)  
Training  
WCCC (Wayne County Care Center)  
In-Services**

**7.02 MEETINGS AND CONFERENCES**

**7.03 APPROVAL OF ATTENDANCE  
AT MEETINGS, CONFERENCES,  
OR TRAINING PROGRAMS**

**Determination Procedure  
Selection of Participants**

**7.04 APPROVAL OF PUBLIC  
EXPENDITURES FOR “SPECIAL  
EVENTS”**

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

A. **EMPLOYEE ORIENTATION**

Each new employee will be provided a period of orientation by his/her immediate supervisor. In most situations, this will be handled in an informal manner on the job.

B. **TRAINING PROGRAM EVALUATION**

The Appointing Authority shall periodically examine current and proposed training programs in order to ensure the program's relevance to individual employees and organizational training needs.

C. **ON-THE-JOB TRAINING (OJT)**

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

D. **JOB-RELATED TRAINING COURSES**

Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If training is required by the Appointing Authority, the expense incurred will be paid by the County. Non-exempt employees are entitled to be paid for mandatory training, which cannot be scheduled during normal working hours.

E. **WCCC TRAINING**

To enhance the understanding of the employer-employee relationship, each newly hired employee shall be required to attend a WCCC orientation session conducted by persons designated by the administration. These sessions shall include the contents of this manual, safety procedures, payroll specifics, Bill of Resident Rights, and introduction of administrative personnel.

The orientation sessions will be held on WCCC time. Employees will receive regular pay during the orientation process.

It will be the responsibility of the employee's department head to continue the orientation process during the probationary period by providing on-the-job training. The length of the training depends upon the education and experience of the employee as well as the department with which the employee is assigned to work.

**F. WCCC IN-SERVICES**

WCCC employees may be required to attend In-House In-Service Classes.

1. Some in-services are mandated by the Department of Health for certification purposes, and therefore require employees to attend.
2. Additionally, nursing facility personnel must attend those classes directly related to their position to maintain their licensure and certification.
3. Employees will be paid for attending any mandatory in-services. Attendance is taken by roster and credit is given for actual time of in-service.
4. On-duty employees are encouraged to attend any in-service provided by the WCCC without loss of time.

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

- A. The County encourages professional growth of all employees through continuing education and training.
- B. Paid registration may be granted to an employee for any bona fide educational conferences, professional organization meetings, and training seminars. The County will not reimburse mileage or hourly rate during attendance even if registration payment is granted when the following conditions are met:
  - 1. The employee's attendance occurs outside of his/her regular working hours; and
  - 2. The employee's attendance is not required; and
  - 3. The employees does no productive work while in attendance
- .C. The County will pay the cost of registration for all required attendance at meetings, training, or conferences.
- D. Employees in certain positions are required as a condition of continuing employment to take coursework and training as defined by the licensing authority.
- E. An employee may request unpaid leave to attend educational meetings that are not required by the County. Leave may be granted at the discretion of the Appointing Authority.
- F. Meeting/training travel expenses will be reimbursed as described in Section 4.06 - Expense Reimbursement.

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

A. Professional development activity participation must have the prior approval of the Appointing Authority. This includes seminars and training taking place in or out of Wayne County. This also includes county sponsored events.

**DETERMINATION PROCEDURE**

In reviewing requests for class work/training/attendance, the following items will be considered:

1. Nature and purpose of the course of study/meeting;
2. Benefits to be derived by the employee and the County;
3. Level of responsibility, performance, and length of service of the employee;
4. Estimated cost;
5. Potential lost time from work; and
6. Ability to adequately staff services during the employee's absence.

**SELECTION OF PARTICIPANTS**

Whenever there are a limited number of openings for a training course, or if attendance will be during an employee's regularly scheduled work day, the Appointing Authority will determine which employees may participate. The needs of the County, previous training experience of the employee, and service coverage will be considered in making the decision.

**Original Adoption Date**  
7/31/96

**Revision Number**  
2

**Date**  
7/06/05

**Approved**  
7/06/05

- A. It is required to obtain approval in advance for any expenditure associated with a county office sponsoring a "special event".
- B. Any event, for which expenditures are planned to include non-typical "public" expenses such as refreshments, beverages, food, napkins, table service, etc., is considered a "special event". Examples of a "special events" include receptions, open houses, meetings, and training sessions.
- C. If the "special event" is for the benefit of (attendance by) county employees, then event expenditures must be made from salary appropriations.
- D. To obtain necessary prior approval for all such events and planned "event" expenditures, a written request must be sent to the Board of Wayne County Commissioners describing:
  - 1. the nature of the event
  - 2. the proposed date, time and place for the event
  - 3. a proposed "not to exceed" total budget for all expenses
  - 4. an itemization of all expenses included in the budget total
  - 5. the source of funds to make payment of expenses
  - 6. a statement of the public benefit to be served.
- E. Requests for approval for funding of "special events" must be sent well in advance of committing any funds or of incurring any actual expenses.
- F. The Wayne County Board of Commissioners will respond to all requests promptly and in writing.

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

**SECTION 8  
EMPLOYEE CONDUCT**

**8.01 CODE OF ETHICS**

**State of Ohio Ethics Law  
Conflicts of Interest  
Wayne County Ethics**

**8.02 ATTENDANCE**

**Absence Reporting  
Frequency of Absences  
Tardiness/Early Departure  
Emergency Closings**

**8.03 OUTSIDE EMPLOYMENT**

**8.04 DEPARTMENT EQUIPMENT &  
PERSONAL PROPERTY**

**8.05 POLITICAL ACTIVITY**

**8.06 DISCRIMINATORY HARASSMENT**

**Definition  
Responsibility  
Complaint Procedure  
Disciplinary Procedure**

**8.07 WORKPLACE VIOLENCE**

**8.08 DRUG FREE WORKPLACE**

**8.09 ON-THE-JOB INJURY**

**8.10 USE OF TELEPHONES**

**8.11 GARNISHMENTS**

**Continued on Next Page**

**SECTION 8  
EMPLOYEE CONDUCT  
(CONTINUED)**

**8.12 DRESS STANDARDS**

**8.13 GAMBLING**

**8.14 SOLICITATION AND DISTRIBUTION**

**8.15 SMOKE-FREE ENVIRONMENT**

**8.16 CONCEALED WEAPONS**

**8.17 PUBLIC RECORDS**

**8.18 COMPUTER NETWORK USAGE**

**8.19 ADHERENCE TO LAWS**

**8.20 CONVICTION OF A FELONY**

**8.21 WCCC VISITATION**

**8.22 WCCC EMPLOYEE GIFTS**

**8.23 WCCC VIOLATION OF RESIDENT RIGHTS**

**8.24 WCCC EMPLOYEE PARKING**

**8.25 IDENTITY THEFT PREVENTION PROGRAM**

**8.26 GENERAL STANDARDS OF CONDUCT FOR SOCIAL  
MEDIA USE**

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

**A. STATE OF OHIO ETHICS LAW**

1. No public employee shall knowingly authorize or use his/her authority or influence to: (a) secure a public contract for himself/herself, his/her family or his/her business associates; or (b) secure the investment of public money in any security in which he/she, his/her family, or his/her business associates has an interest, or for which he/she, his/her family, or his/her business associates act as an underwriter or receive brokerage, origination, or servicing fee. No public employee shall knowingly profit, during his/her term of office or for one (1) year after, from the execution of a public contract authorized by himself/herself or by a legislative body, commission, or board for which he/she was a member when the contract was authorized, if the contract was not competitively bid or the contract was not with the lowest and best bidder.
2. No public employee shall knowingly have an interest in the profits or benefits of a public contract. Employment with a public office is considered to be a contract with the public office. Therefore, the use of one's position to obtain employment for a family member is prohibited by law.
3. In accordance with RC 102.09(D), Wayne County Appointing Authorities will provide new employees with a copy of RC 102 and RC 2921.42 within fifteen (15) days after the employee is hired. The employee shall acknowledge receipt of the documents in writing (see Acknowledgment of Receipt of the Ohio Ethics Law and Related Statutes).

**B. CONFLICTS OF INTEREST**

1. No employee shall participate as a public official in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which he/she or his/her immediate family owns or controls more than five percent (5%), or any business which he/she or his/her immediate family has sold goods or services of more than one thousand dollars (\$1,000.00) during the preceding year.
2. No employee shall use or authorize the use of the authority or influence of employment to secure anything of value or the offer or promise thereof that is of such a character as to influence his/her duties.
3. No employee shall solicit or accept anything of value that is of such a character as to influence his/her duties.

**C. WAYNE COUNTY ETHICS**

All County employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other policies,

procedures, rules, and regulations, as may be set forth by the Appointing Authority. This manual is not all-inclusive with regards to such policies, rules, and regulations. Conduct that interferes with normal office operations, brings discredit to the department/agency, is illegal, or is offensive to the public or fellow employees will not be tolerated. Examples of proper employee conduct include, but are not limited to, the following:

1. An employee must always conscientiously perform all assigned job duties.
  2. An employee must be tactful, patient, and courteous in the conduct of County business.
  3. No employee may grant special consideration to any citizen or group of citizens.
  4. No employee may engage in any outside employment or have a financial interest that will conflict with his/her duties or be detrimental to the County.
  5. No employee may use or permit the use of County vehicles, equipment, materials, or property for personal convenience or profit.
  6. No employee may accept (except those of little or nominal value) or ask for any gift or consideration that is granted as a result of his/her employment with the County.
  7. No employee may use the County name or tax exempt status for his/her personal advantage on any purchases.
  8. No employee may discuss or reveal confidential County information to anyone, under any circumstances, except within the scope of his/her job duties.
- D. It is important to remember that employee compensation is paid through taxes. Therefore, each employee assumes responsibility to serve the public in an effective, courteous, and professional manner, and to conscientiously perform all assigned job duties.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>3</u>	<u>5/13/09</u>	<u>5/13/09</u>

**A. ABSENCE REPORTING**

1. When an employee is unable to report to work, he/she must notify the immediate supervisor or another designated person within fifteen (15) minutes before the start of his/her scheduled working hours. This must occur on the first day of absence and each day thereafter, unless emergency conditions make it impossible or prior arrangements have been made with the supervisor. **WCCC** requires that employees notify the immediate supervisor no later than two (2) hours prior to the start of their shift if they are unable to work.
2. On the day the employee returns to work after an absence, he/she must report to his/her supervisor. He/she must supply any requested documents. These documents will be reviewed by the supervisor to determine if the employee's absence is an approved absence.

**B. FREQUENCY OF ABSENCES**

1. Regular attendance is expected of all employees.
2. A pattern of absences or frequent absences that affect the County's ability to provide services will result in disciplinary action.
3. An employee who develops a pattern of absences, tardiness, or leaving work early will have his/her absences reviewed for possible abuse of sick leave or the attendance policy. (For example, calls in sick every Friday before a Monday holiday.)

**C. TARDINESS/EARLY DEPARTURE**

1. Employees are expected to arrive at work promptly and remain at work until the end of the scheduled work day.
2. Tardiness/early departure is defined as late arrival at the employee's work location, early departure, or overstaying scheduled meal periods five (5) minutes or more. An employee who will be late reporting to work must call the supervisor within fifteen (15) minutes before the scheduled start time. Tardiness and/or absences not reported in accordance with the rules might not be approved. Unapproved absences may be a basis for appropriate discipline.
3. Any deviation from an employee's work schedule must be authorized by his/her supervisor in advance and noted on the weekly time sheet.
4. Repeated tardiness is grounds for disciplinary action.

5. Make-up time lost due to being tardy is at the Appointing Authority's discretion only. The tardiness shall still be counted regardless if time is made up afterward.

**D. EMERGENCY CLOSINGS**

1. If a weather emergency is declared by the Board of County Commissioners, employees will be compensated for the time they were scheduled to work during the emergency period. If employees are released from work because of a non-weather-related emergency situation (fire, natural gas leak, etc.), the employees will be compensated for the time they were scheduled to work during the emergency period.
2. Employees not scheduled to work because of scheduled vacation or continuing sick leave will be charged for the leave regardless of the declared emergency.
3. An employee, who is absent, tardy, or leaves work early on a day when weather conditions interfere with travel, but when no emergency has been declared by the state or County, is absent without leave and therefore in non-pay status. The employee may, with approval of the Appointing Authority, account for time during which he/she was absent from his/her job due to inclement weather by charging it to vacation, compensatory time, or to leave without pay. Inclement weather is not a valid use of sick leave.
4. If County offices are closed due to weather-related or some other emergency condition, certain essential personnel may be required to work despite the closing of the County offices. Each Appointing Authority will determine which personnel shall be considered essential. Those employees who are required to continue working when County offices are closed due to weather-related or other emergency conditions will receive their normal straight time pay for the time worked. No additional compensation will be received as a result of the emergency.
5. If an emergency is declared and the County Administration Building is closed on a scheduled payday, the Auditor will then make the payroll available for pickup on the next regularly scheduled business day that the County Administration Building is open. Direct deposits will be made as originally scheduled and should not experience a delay, unless caused by circumstances beyond the control of the Auditor.

6. **WCCC** is required to maintain twenty-four (24) hour service for the residents. It is our policy to use all available personnel in the case of a weather emergency. As a condition of employment, the employees of the **WCCC** may be required to be available beyond regularly scheduled hours if deemed necessary by the Appointing Authority.
  - a. Compensation for employees required to work beyond their regular shift shall be paid overtime in accordance with the overtime policy. Time spent in off duty status, such as sleep or recreation, shall not be compensated.
  - b. Employees that are scheduled to work but unable to get to and from work may be requested by the Appointing Authority to make themselves available for pickup by methods of local safety forces, national guard, or other available means.
  - c. Employees are required to provide a phone number where they can be reached in the event of an emergency or staffing shortage.
  - d. **WCCC** recognizes the need for flexible scheduling. Once work schedules are posted, employees may trade days with co-workers in the same classification and department providing the days traded occur during the same week of work and shift. Trade days must have prior written approval of the supervisor on the trade day form. Trade days are not permitted if use of trade days results in overtime liability.
  - e. Employees requesting days off must request such days by the first of the month prior to departmental scheduling for such a request to be considered.

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

- A. Outside employment is allowed when the following provisions are met:
1. The employee must notify his/her employer, in writing, of any outside employment.
  2. The interests of the second employer do not conflict with those of the County;
  3. The second job does not have a negative impact on the employee's job performance; and
  4. Employment with the County is the employee's primary job and time conflicts are resolved in favor of the County.
- B. When an employee's supervisor has reason to believe the demands of a second job are having a negative impact upon the employee's performance or availability, the employee will receive instruction and cautioning. If the situation is not resolved, appropriate disciplinary action may result.

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

- A. When tools, supplies, and equipment needed to perform job duties are provided by the Employer, including computer hardware and software, it is the responsibility of supervisors to see that they are properly used and maintained.
- B. Misuse, personal use, neglect, loss, theft, or abuse of tools, supplies, and equipment, including computer hardware and software, is prohibited. Accidents involving misuse of tools or equipment will be cause for disciplinary action. (See Section 3.10 - Health & Safety)

Loss of tools or equipment may require payment by the employee for those items lost, at the discretion of the Appointing Authority.

- C. All tools, supplies, and equipment utilized by the employee in the performance of his/her job, including computer hardware and software, are subject to the prior approval of the Appointing Authority.
- D. All employees are responsible for safeguarding all County assets, including cash and other types of funds. Failure by an employee or supervisor to exercise due care in handling all County assets may result in discipline. Intentional acts, or lack of action by an employee that results in the loss or destruction of a County asset, is grounds for immediate termination.
- E. Unauthorized actions by an employee that causes the County to incur an expense may be subject to discipline. The employee may also be required to provide restitution.
- F. The Employer is not responsible for any personal property that an employee elects to have in or on county property. In the event of loss for any reason, including theft or damage due to fire or flood, the employee will not be compensated for the loss of personal property

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

A. Classified employees are prohibited from participating in partisan political activities.

B. **POLITICAL ACTIVITIES PERMITTED TO CLASSIFIED EMPLOYEES**

The following are examples of permissible activities for classified employees:

1. Registering and voting;
2. Expressing opinions, either orally or in writing;
3. Making voluntary financial contributions to political candidates or organizations;
4. Circulating non-partisan petitions or petitions stating views on legislation;
5. Attending political rallies;
6. Signing nominating petitions in support of individuals;
7. Displaying political stickers, badges, and buttons on their cars or person; and
8. Serving as a precinct election official under RC 3501.22.

C. **POLITICAL ACTIVITIES PROHIBITED TO CLASSIFIED EMPLOYEES**

The following are examples of prohibited activities for classified employees:

1. Participating in a partisan election as a candidate for office;
2. Declaring candidacy for an elected office that is filled by partisan election or through the circulation of nominating petitions identified with a political party;
3. Filing or circulating official nominating petitions for any candidate for office filled by partisan election;
4. Holding an elected or appointed office in any partisan political organization;
5. Accepting a party-sponsored appointment to any office normally filled by partisan election;
6. Campaigning by writing for publications, by distributing political material, or by making speeches on behalf of a candidate for partisan elective office;
7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate for partisan office;
8. Soliciting the sale or selling political party tickets, materials, or other political matter;

**POLITICAL ACTIVITY  
(CONTINUED)**

9. Engaging in partisan political activities at the polls, such as soliciting votes for other than non-partisan candidates and non-partisan issues;
10. Engaging in political caucuses of a partisan nature;
11. Servicing as a witness or challenger for any party or partisan committee;
12. Participating in a political action committee that supports partisan activity.

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

**STATEMENT OF POLICY**

It is the policy of the Wayne County Appointing Authorities to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by or against supervisors, co-workers, clients or members of the public, is strictly prohibited.

**A. DEFINITION**

Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, disability, or protected activity. Sexual harassment, which is a form of sex discrimination, includes, but is not limited to the following:

1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
2. Repeated verbal abuse of a sexual nature;
3. Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;
4. The display of sexually suggestive objects, pictures, or the display of same through other media;
5. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee or applicant's submission to sexual harassment in any form; and
6. Any offensive, abusive, or unwanted physical contact.

**B. RESPONSIBILITY**

1. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory harassment to the proper authority (see reporting procedure below). Any employee, who observes any conduct that may constitute discriminatory harassment of a co-worker, but fails to report the conduct, may be subject to disciplinary action. Moreover, any employee who receives a complaint alleging conduct which may constitute discriminatory harassment of any County employee, but fails to report same, may be subject to disciplinary action.

2. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.
3. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.
4. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive sufficient training to maintain an environment free from discriminatory harassment. Additionally, each newly-hired employee will receive training in this policy as a part of their employee orientation.

**C. COMPLAINT PROCEDURE**

Once a complaint of discriminatory harassment has been received, or an instance of discriminatory harassment has been reported, the complaint shall be immediately forwarded to the proper member of management for investigation (see reporting procedure below). The proper member of management shall then immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.

If, after a thorough and prompt investigation, it is determined that discriminatory harassment has occurred, the employee who has been found to have committed discriminatory harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.

If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed of same.

Any employee who believes that he/she has been the subject of discriminatory harassment, and/or any employee who has witnessed an incident, or incidents, of

**DISCRIMINATORY HARASSMENT  
(CONTINUED)**

**SECTION 8.06  
PAGE 3 OF 4**

discriminatory harassment, should report the matter to the proper authority immediately as follows:

1. Any employee who believes that he/she has been the subject of or witness to discriminatory harassment should immediately report the alleged act(s) to his/her immediate supervisor, department head, or Appointing Authority.  
  
If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the Appointing Authority is the subject of the complaint), the employee should report to the County Prosecutor. If the County Prosecutor is the subject of the complaint, the employee should report the matter to the County Coroner or the Board of County Commissioners.
2. Each Appointing Authority with second and third shift employees must establish a hotline number that said employees may use to immediately report instances of discriminatory harassment during off shift hours.
3. The employee alleging discriminatory harassment shall complete a written complaint form provided for that purpose (see Appendix L). The employee should provide:
  - a. The employee's name;
  - b. The name of the subject of the complaint;
  - c. The act(s) complained of;
  - d. The date(s) of the act(s);
  - e. Any witnesses to the alleged acts; and
  - f. The remedy the employee is seeking.
4. If the employee alleging discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the form completed by the person to whom the verbal complaint was made.
5. After the complaint form has been completed, the complaint will promptly be investigated by the proper member of management. This form should be completed by the Employer as soon as possible, and no later than two (2) working days after the date the alleged harassment occurred. A copy of this form must immediately be forwarded to the County Administrator. If it is alleged that the County Administrator is the subject of the complaint, then a copy of this form must immediately be sent to the County Prosecutor.
6. If the investigation reveals that the complaint is valid, prompt action will be taken to end the harassment immediately.

7. Any employee who is found, after appropriate investigation, to have engaged in discriminatory harassment of another employee or a member of the public shall be subject to disciplinary action, up to and including termination.

**D. DISCIPLINARY PROCEDURE**

When it is determined that there is cause for believing that discriminatory harassment has occurred, the following steps will be followed:

1. The charged party will immediately be placed on administrative leave with pay or temporarily transferred pending the final resolution of the complaint.
2. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge.
3. Subsequent to the meeting, a final determination will be made. If it is determined that a prima facie case of discriminatory harassment has been established, the charged employee will be subject to discipline up to and including termination. An employee found to have committed discriminatory harassment may, depending upon the severity of the harassment, be given the option of being immediately suspended without pay until such time as the employee completes a program in discriminatory harassment awareness conducted by a recognized professional. If a program is not completed, employer may proceed to discipline as outlined in Section 10; this is the right of the employer. All costs for this program will be borne by the employee. This program must be successfully completed within a reasonable time. Upon successful completion of the program, the employee may apply for reinstatement, and will be reinstated upon presenting proof of successful completion of the program. The reinstatement will be conditional upon the employee's good behavior. Any future act of discriminatory harassment by the employee will result in immediate termination without recourse to this option, or resignation.

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

The safety and security of employees, clients, contractors, and the general public are of vital importance to Wayne County Appointing Authorities. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found to have violated this policy may be subject to disciplinary action up to and including termination of employment.

The purpose of this policy is to provide guidance to employees of the County should they encounter a situation that they believe is or could result in an act of violence.

The word "violence" in this policy shall mean any act or behavior that:

1. is physically or emotionally assaultive;
2. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
3. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
4. would be interpreted by a reasonable person as carrying a potential for harm to the person;
5. a reasonable person would perceive as intimidating or menacing;
6. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
7. consists of a communicated or reasonably perceived threat to destroy property.

Wayne County Appointing Authorities prohibit the following:

1. Any act or threat of violence by an employee against another person's life, health, well-being, or property.
2. Any act or threat of violence, including, but not limited to, intimidation, harassment, bullying or coercion.
3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.

5. Use or possession of a weapon on County property, on an Employer-controlled site, or an area that is associated with County employment. (This provision does not apply to those permitted to carry weapons pursuant to 8.16.)

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on County property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job-related or might be carried out on an Employer-controlled site, or is associated with County employment.

All incidences of suspected or potential violence should be reported to the employee's immediate supervisor, Department Head, or the Appointing Authority. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.

All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to the Appointing Authority a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>2</u>	<u>10/16/13</u>	<u>10/16/13</u>

**A. STATEMENT OF POLICY**

Employer is legally, morally, and philosophically committed to workplace safety. By implementing this policy, Employer is renewing its commitment to workplace safety while, at the same time, recognizing that substance use, and abuse, must be addressed as a part of any such program.

1. **“Zero Tolerance” Policy:** Substance Abuse, in violation of this policy, will not be tolerated; and substance abusers will be terminated.
2. **Prohibited Behaviors:** Employer will not tolerate substance abuse by its Employees. For the purpose of this policy, “Substance Abuse” means:
  - a. Use of illegal substances or drugs would include those items listed in R.C. 2925.01 and R.C. 3719.01, including but not limited to, items listed in Schedules I, II, III, IV, and V, and all harmful intoxicants. “Use of” includes consumption while at work, or reporting to work while under the influence, as that term is used in R.C. 4511.19.
  - b. Misuse of lawfully obtained drugs which can encompass either prescription or over-the-counter preparations whenever dosages are exceeded, or where safety warnings are ignored (i.e. driving or operating machinery while under the influence).
  - c. Misuse of alcohol which includes both the consumption of alcohol while on duty; as well as the act of reporting to duty or working while having sufficient alcohol in blood, breath, or urine to constitute a “positive” result under R.C. 4511.19; or the CDL standard, for those Employees who operate commercial motor vehicles.
  - d. The sale, purchase, manufacture, transfer, use, or possession of any illegal substances or unlawfully obtained prescription drugs while at work.
  - e. The arrival at work, or return to work, or execution of work on work time, while under the influence of drugs or alcohol, or under circumstances where the laws of Ohio, or where testing confirms the presence of a drug of abuse or a blood alcohol concentration at a level indicated in Appendix N of this policy.

3. Limited Allowance of Rehabilitation: An Employee who voluntarily acknowledges a substance use/abuse problem, before it is discovered as a violation of this policy, will receive support and assistance, and may enter the Employee Assistance Program (EAP), or other program approved by the Appointing Authority, for counseling and/or rehabilitation.

**B. PROGRAM PROTECTION**

This is a “safety” policy, designed to protect Employees from hazards caused by substance users. This program has, as built-in controls, the following:

1. Those Employees who self-identify a problem, and seek a referral to the Employee Assistance Program, will enjoy confidentiality as to that referral, per R.C. 149.43(A)(7)(b).
2. On the other hand, the results of any alcohol or drug screening, required under this policy, cannot be regarded as “medical records,” and may be “public” under R.C. 149.43. (See *State, ex rel. Multimedia, Inc. v. Snowden*, (1995) 42 Ohio St.3d 141.)
3. Nonetheless, any substance test results will be separately maintained, and will not be commingled with personnel records in a personnel file.
4. All supervisors will be trained on this policy, and their respective duties relative to drug testing, before this policy is implemented, and annually thereafter.
5. Employees will receive substance awareness education from a qualified person to help identify problems and learn where to turn for help.
6. Testing will be done through an approved laboratory that uses the highest level of care in ensuring accurate results. This process is accurate in detecting the substances present in the Employee’s system in sufficient quantity to lead to behaviors that may endanger the person or other Employees. The approved laboratory will work closely with a local hospital to ensure fairness and accuracy. Employer will have a Medical Review Officer (MRO) who is a trained physician responsible for checking whether there is a valid reason for the presence of the substance within the Employee’s system.
7. The testing program consists of an initial screening test. If the initial results are positive, then a second test is used. For the most part, the cutoff levels found in Appendix N for each drug are established based on federal guidelines,

except in those cases where state law provides for a lower cutoff point.

8. An Employee's violation of this policy will not be reported to law enforcement unless required by a regulatory body such as conduct related to drug trafficking. However, in protection of the workforce, law enforcement may be requested to come onto Employer property in conjunction with a referral for criminal prosecution.
9. Cutoff levels are used to determine when an Employee has enough of a certain drug or alcohol in his/her system so that it should be considered a positive test. Employer recognizes that many of the standards adopted were designed for either CDL drivers or Ohio drivers; however, Employer has adopted Appendix N as the standard for all Employees.

**C. PROGRAM DESCRIPTION**

Every Employee will be required to review materials on substance abuse awareness prepared by qualified personnel and distributed by their supervisor. There will be an opportunity to ask questions, and each Employee will be expected to sign an acknowledgement that they received the materials as well as a copy of the Drug Free Workplace Policy. [See Appendix N] Such acknowledgement will constitute proof that the Employee is "on notice" of this program.

There will be a qualified trainer who will explain why, and how, substance use is a workplace problem, the effects, signs, and symptoms of use, and how to get help. New Employees will receive information during orientation and will be given substance education as soon as possible thereafter.

**D. DRUG AND ALCOHOL TESTING**

1. **Reasonable Suspicion Testing:** Reasonable suspicion testing, for the purpose of this policy, encompasses "reasonable cause," as that term is used in R.C. 4123.54, and includes:
  - a. Observed behavior such as direct observation of drugs and/or alcohol use or possession during working hours, or in such proximity, either in time or distance, as to implicate workplace safety;
  - b. Observed physical symptoms during working hours or in such proximity, either in time or distance, as to implicate workplace safety, of drugs and/or alcohol use;

- c. A pattern of abnormal conduct or erratic behavior during working hours;
  - d. Information provided by a reliable and credible source or independently corroborated regarding an Employee's substance use or being under the influence of drugs or alcohol, during working hours;
  - e. Newly discovered evidence that the Employee has tampered with a previous drug or alcohol test;
  - f. Repeated or flagrant violations of the safety or work rules of the Employee's employer, that are determined by the Employee's supervisor to pose a substantial risk of physical injury or property damage, and that appear to be related to the use of alcohol or a controlled substance, and that do not appear attributable to other factors.
2. **Post Accident Testing:** This type of testing will be conducted whenever there is a "reasonable suspicion" that the Employee's use of alcohol or a controlled substance contributed to a workplace accident.
  3. **Return to Work following voluntary acceptance of EAP counseling.** Employees who self-identify a substance problem, and who are, by virtue of that problem, unable to work, must agree to testing and present a negative test result prior to resuming paid duty.
  4. **Safety-Sensitive Testing** – certified peace officers and CDL drivers, who fall within the policy, unless subject to other requirements by virtue of a collective bargaining agreement, will be subject to additional testing as follows:
    - a. Random testing
    - b. Suspicion-less post-accident testing

**E. TESTING PROTOCOL AND PROCEDURE**

Drug testing, under this policy, will be carried out by certified collection sites, working in conjunction with certified testing laboratories. Drug tests will utilize urinalysis, while alcohol testing will be by breathalyzer.

1. **Positive Result:** The initial and confirmatory cutoff levels are set forth in Appendix N.

2. **Specimen Collection and Testing Procedure:** Testing will be conducted by trained collection personnel who meet quality assurance and observe requirements for chain of custody for urine collection and breath-alcohol testing. Confidentiality is required from any laboratory used. Any individual subject to testing under this policy shall be permitted to provide urine specimens in private, but subject to strict scrutiny by collection personnel so as to avoid any alteration or substitution of the specimen. Collection personnel may use such procedures as deemed necessary to ensure the proper provisions of samples to be tested, including but not limited to, specimen temperature measurement, urine adulteration testing, and, if requested, observed urine specimen collection by a same-sex observer. Collected specimens will be sealed in appropriate containers in a manner that will permit a demonstration that requirements for chain of custody were met.
3. **Test Review Results:** Drug test results will be reported by the testing laboratory to an MRO contracted by Employer to ensure the accuracy of the tests, and to the Appointing Authority. The MRO will be able to determine whether there are any valid reasons for the presence of substances for which the Employee has presented a positive test result.
4. **Status Pending Results:** Any Employee who is selected for testing will be driven to and from the collection site by another county worker, and may not drive county vehicles or operate county machinery until the initial test result has been received and reviewed by the Employer and the MRO. At that time, if all tests are negative, the Employee will resume all prior duties, and those with a positive test result will be terminated.

**F. REPORTING AND RECORDKEEPING**

The Employer will be responsible for maintaining all records and reports concerning the Drug Free Workplace Policy and Program. The Employer will be responsible for integrating substance abuse programs where more than one program exists. The Employer will also be responsible for statistical recordkeeping and report, both internally and externally, as the Bureau of Workers' Compensation or other regulating agencies may require.

All records, test results, communications, and reports regarding the Employer Drug Free Workplace Policy shall be forwarded to the Employer to ensure confidentiality of recordkeeping. No manager, supervisor, or Employee will keep any Employee-specific information concerning this program with an unauthorized third party.

**G. TESTING NONCOMPLIANCE**

Employees who refuse, or willingly fail, to cooperate in testing may be disciplined up to, and including, discharge.

**H. NOTICE UPON HIRING**

1. Prior to hiring, all applicants who have accepted an offer of employment in a department [a "Prospective Employee"] receiving federal money will receive an information package containing:
  - a. A current copy of the Employer's published statement;
  - b. A current copy of the Employer's Drug Free Workplace policy;
  - c. Information concerning the dangers of drug abuse in the workplace;
  - d. Information concerning any available drug counseling, rehabilitation, and the employee assistance program;
  - e. Information concerning the penalties that will be imposed for the breach of the Employer's Drug Free Workplace policy; and
  - f. Notice to the Employee who is responsible for the performance of a federal grant that any work-related conviction of any federal or state criminal drug statute must be reported in writing to the Employer within five (5) calendar days after such conviction.
2. In addition, all Prospective Employees who will be "responsible for performance of a federal grant" will be required to sign a written statement to the effect that:
  - a. They have received and read a copy of the Employer's Drug Free Workplace statement and policy.
  - b. That they understand that as a condition of their employment:
    - i. They will abide by the terms of the statement and policy; and

- ii. They will notify the Employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction.

**I. CURRENT EMPLOYEES IN DEPARTMENTS RECEIVING FEDERAL MONEY**

1. All current Employees in departments receiving federal money will receive a copy of the Employer's Drug Free Workplace statement and policy.
2. All current Employees who "are responsible for performance of a federal grant" will be required to sign a written statement as outlined in (H) (2) above.
3. Any Employee who is responsible for the performance of a federal grant and is convicted of any federal or state criminal drug statute violation occurring in the workplace, must notify the Employer of that fact within five (5) calendar days of the conviction.

**J. LOCAL DRUG AND ALCOHOL TREATMENT AGENCIES:**

Employees experiencing problems resulting from drug or alcohol abuse or dependency are encouraged to seek counseling or rehabilitation services.

The following agencies are examples of where Employees may look for treatment of alcohol or drug dependency:

1. STEPS at Liberty Center  
104 Spink Street  
Wooster, OH 44691  
Phone: 330-264-8498
2. Your Human Resource Center  
2587 Back Orrville Road  
Wooster, Ohio 44691  
Phone: 330-264-9597
3. Wayne County EAP Program  
For more information, call Wayne County Benefits Administrator  
330-287-5409

**OUT-OF-COUNTY AGENCIES (Primarily for In-Patient & Residential Treatment Services)**

1. Summa Health System  
444 North Main Street  
Akron, OH 44310  
Phone: 330-379-5257
  
2. Interval Brotherhood Home  
3445 South Main Street  
Akron, OH 44319  
Phone: 330-644-4095
  
3. Edwin Shaw Hospital  
405 Tallmadge Road  
Cuyahoga Falls, OH 44221  
Phone: 330-436-0910

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

- A. Whenever an employee is injured on the job, the first action of the employee's supervisor should be to ensure that the injured employee receives proper medical treatment.
- B. An employee who is injured during employment with the County must notify the supervisor immediately and must complete an accident report containing all pertinent and factual information about the accident. (This occurs after medical treatment is received, if such is necessary.) This report must be completed on all work-related injuries, whether or not they required medical attention. The report is to be forwarded to the Appointing Authority within one (1) work day of the accident. Any workers' compensation claim for an unreported injury will not be certified unless the injury required immediate medical attention and was documented by the supervisor. For further information, please see the Wayne County Safety Manual, which by reference, is hereby incorporated into this policy manual.
- C. See Section 5.01(C), Workers' Compensation
- D. Appointing Authorities or their designee should 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.

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

- A. Personal use of all County telephones, including cell and other phones, is discouraged. Personal toll calls should be limited and must be charged to a personal calling card or made collect.
- B. Excessive use of telephones for personal use or charging personal toll calls to the County may result in disciplinary action.
- C. Employees are encouraged to review their phone bills. All personal calls, whether charged or not, should be identified. The employee may be responsible for reimbursing the county actual charges for personal calls and a percentage of the cost for providing the phone based on the amount of personal calls.
- D. Employees who are issued county-owned cell phones are required to complete a monthly report of their usage and submit the same to the Auditor. The indirect personal use of county-owned cell phones must be claimed as income and will be added to the employee's total gross wages for payroll purposes. All direct charges for personal use of cell phones must be reimbursed monthly by the employee. Please use the "Personal Use Of County Cellular Phone Monthly Report", Appendix O.
- E. Non-work related use of personally owned cellular phones should be limited to the employee's breaks and lunch period. Employees should avoid using personally owned cellular phones during work periods. The County understands that there may be occasional use to address unexpected personal issues. However, excessive, non-work-related use of personally owned cellular phones during work periods may result in disciplinary action.

**Original Adoption Date**7/31/96**Revision Number**4**Date**10/16/13**Approved**10/16/13

- A. A court-ordered legal claim by a creditor against the wages of a County employee for non-payment of a debt and served by the constituted legal authority is a garnishment and will be recognized and executed by the County.
- B. When a garnishment is received by the County, the Appointing Authority will discuss the garnishment with the employee.

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

Employees are expected to dress in an acceptable, professional manner. Clothing must be clean, neat, in good repair, and appropriate for the assigned duties. Each Appointing Authority may determine the proper dress standards for their departments.

1. Employees are required to dress in accordance with their job tasks.
2. Clothing shall be conducive to the safe and effective performance of required job duties.
3. Failure to follow these guidelines may result in progressive disciplinary action.
4. Employees shall dress and present themselves in a professional manner. Clothing shall appear neat and clean and also be appropriate in accordance with the guidelines set forth by the Appointing Authority.
5. **WCCC** employees shall dress in an acceptable, professional manner. Clothing must be neat, clean, appropriate, and conducive to the safe and effective performance of required job duties. The Appointing Authority will determine the proper dress standards. Failure to comply with appropriate dress, cleanliness, or hygiene may result in disciplinary action. Each employee will be required to sign a compliance form at the time of hire stating they will comply with the uniform regulations.

**Original Adoption Date**7/31/96**Revision Number**3**Date**10/16/13**Approved**10/16/13

The County does not permit legal or illegal gambling in any form by County employees during paid working hours. The County does not permit illegal gambling in any form on County property. Violation of this policy may be cause for disciplinary action.

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

In order to maintain a productive, appropriate, and safe working environment, Wayne County reserves the right to govern solicitation and distribution by employees and non-employees in the following manner:

1. Any solicitation by an employee of another employee on the department/agency premises, while either employee is on work time, is prohibited. "Work time" means all time when an employee's duties require that he/she be engaged in work tasks. However, such solicitation is permitted during non-work time in non-work areas.
2. Distribution of any type of literature, brochures, goods, etc. electronically or manually during work time in work areas is prohibited. Employees may distribute goods and written materials during non-work time on approved bulletin boards or as designated by the appropriate authority. .
3. Employees are not permitted access to the interior of County facilities during their off-duty hours without the approval of the Appointing Authority or designee.
4. Non-employees are not permitted access to the premises of any department/agency, including the interior of the facilities and other work areas, for the purpose of solicitation and/or distribution. This section does not apply to agency vendors who are permitted access when scheduled and authorized by the Appointing Authority.

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

A. There is no smoking in County-owned or leased buildings, areas of ingress and egress, and any County-owned vehicles.

B. **WCCC SMOKE-FREE POLICIES**

The National Fire Prevention Association (Life Safety Code Number 101-193) mandates that all medical facilities have an effective smoking policy.

1. Smoking shall only be permitted outside the building away from areas of ingress and egress.
2. Smoking is strictly prohibited in all other areas.
3. By recommendation of the Board of Commissioners, Medical Director, and the Administrator, this facility is striving to become a smoke-free facility. Employees are encouraged to seek cessation programs to that end.

**Original Adoption Date**

7/31/96

**Revision Number**

5

**Date**

5/13/09

**Approved**

5/13/09

Unless authorized by law, pursuant to the Ohio Revised Code, and permitted by the Appointing Authority for the performance of an employee's job responsibilities, no person shall knowingly possess, have under the person's control, or convey or attempt to convey a deadly weapon or dangerous ordinance onto or into any County property.

A violation of this may be subject to progressive discipline up to and also including termination.

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

**A. PUBLIC RECORDS POLICY**

It is the policy of this Employer that openness leads to a better informed citizenry, which leads to more transparent government and sounder public policy. It is the policy of this Employer to strictly adhere to the state's Public Records Act as well as other state and federal laws.

Ohio's Public Records Act imposes two primary obligations upon public offices:

1. Provide prompt inspection of public records (R.C. 149.43(B)(1)); and
2. Provide copies of public records within a reasonable period of time (R.C. 149.43(B)(2)).

The Public Records Act evolved from the principle that Ohio's citizens are entitled to access the records of their government. We agree that to advance that principle, the Public Records Act should be interpreted liberally in favor of disclosure.

**SECTION 1. PUBLIC RECORDS**

Under Ohio law, a public office only creates records that are necessary for the adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and for the protection of the legal and financial rights of the state and persons directly affected by the agency's activities. (R.C. 149.40).

In accordance with the Ohio Revised Code and court rulings, "records" are defined as those items that meet all of the following:

1. any document, device, or item, regardless of physical form or characteristic, including an electronic record (which includes but is not limited to e-mail or other record created, generated, sent, communicated, received, or stored by electronic means);
2. that is created or received by, or coming under the jurisdiction of a public office; and
3. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).

The determination of whether a specific item constitutes a “record” will depend on the facts and circumstances surrounding the particular item requested. The Ohio Supreme Court has imposed an actual use standard in defining a “record,” which means that an item is not automatically a “record” simply because the public office could (but did not) use a document it received to carry out its duties and responsibilities.

Furthermore, a public office is not required to create new records to respond to a public records request, even if it is only a matter of compiling information from existing records.

### **Section 1.1**

It is the policy of this Employer that, as required by Ohio law, records will be organized and maintained so that they are made available for inspection to any person at all reasonable times during regular business hours. (R.C. 149.43(B)(1)).

Copies will be made available upon request within a reasonable period of time. (R.C. 149.43(B)(1)).

A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2))

### **Section 1.2**

Not all of the records of this Employer are “public records.” Certain records are exempt from the Public Records Act. Exempt records include records: (1) the release of which is *prohibited* by state or federal law, or 2) that are subject to an express exception set forth in Ohio’s Public Records Act, which may be released only if this Employer decides to waive the express exception.

Examples of records, the release of which is *prohibited* by state or federal law, include, but are not limited to, the following:

- Attorney-client privileged information;
- Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office (R.C. 4701.19(B));
- Federal tax returns (26 U.S.C. 6103(a));
- Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database (42 U.S.C. 3789g);
- Records that have been sealed pursuant to a statutorily authorized court order (*i.e.* R.C. 2953.52);

- Peace officer's home address during the pendency of a criminal case in which the officer is a witness or arresting officer (R.C. 2921.24(A)); and
- Employees' and their family members records that were created for purposes of the Family Medical Leave Act or the Americans with Disabilities Act (29 CFR 825.500(g) and 1630.14(c)(1)).

Examples of records that are subject to an express exception set forth in Ohio's Public Records Act, which may be released only if this Employer decides to waive the express exception include, but are not limited to, the following:

- Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, residential and familial information (R.C. 149.43(A)(7));
- Records that pertain to a patient's medical history, diagnosis, prognosis, or medical condition and that were general and maintained in the process of medical treatment (R.C. 149.43(A)(1)(a));
- Records that contain information that was specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding (R.C. 149.43(A)(1)(g)); and
- Records that pertain to a law enforcement matter of a criminal, quasicriminal, civil, or administrative nature and that, if released, would create a high probability of disclosing any of the following (1) the identity of an uncharged suspect, (2) the identity of a confidential source, (3) specific confidential investigatory techniques or procedures; (4) specific investigative work product; or (5) information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential source (R.C. 149.43(A)(2)).

The exemptions to the Public Records Act will be narrowly construed by this Employer in the favor of disclosure. This Employer may seek a legal review prior to determining whether or not an exception applies.

## **SECTION 2. RECORD REQUESTS**

Each request for public records will be evaluated for a response using the following guidelines:

### **Section 2.1**

Although no specific language is required to make a request, the requester must at least identify the records requested with sufficient clarity to allow this Employer to identify,

retrieve, and review the records. If a requester makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records such that this Employer cannot reasonably identify what public records are being requested, then this Employer may deny the request. In such case, this Employer will provide the requester with an opportunity to revise the request by informing him/her of the manner in which records are maintained by the Employer and accessed in the ordinary course of this Employer's duties. (R.C. 149.43(B)(2)).

**Section 2.2**

The requester does not have to put a records request in writing, and does not have to provide his/her identity or the intended use of the requested public record. However, the records custodian may ask for a written request and may ask for the requestor's identity and/or intended use of the information requested if (1) it would benefit the requestor by helping the public office identify, locate or deliver the records being sought, and (2) the requestor is informed that a written request and the requestor's identity and intended use of the information requested are not required. (R.C. 149.43(B)(5)).

**Section 2.21**

The Public Records law allows a person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. This Employer is not required to allow the requester to make the copies of the public record. (R.C. 149.43(B)(6)).

**Section 2.3**

Public records will be available for inspection at all reasonable times during regular business hours. Public records will be made available for inspection promptly. (R.C. 149.43(B)(1)). To the extent that this Employer may operate 24-hours-a-day, the records of that Employer will be made available for inspection during normal administrative hours.

Copies of public records will be made available within a reasonable period of time. (R.C. 149.43(B)(1)).

The determination of the terms “prompt” and “reasonable” take into account the volume of records requested; the proximity of the location where the records are stored; and the necessity for any legal review of the records requested.

**Section 2.4**

Each request will be evaluated for an estimated length of time required to gather the records. Routine requests for records will be satisfied immediately if feasible to do so.

**Section 2.5**

Upon request, this Employer will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this Employer deems reasonable. (R.C. 149.43(B)(7)).

This Employer will limit to ten the number of copies of public records provided per month to a requester by United States Mail, unless the requester certifies in writing that he/she does not intend to use or forward the requested records, or the information contained in them, for commercial purposes. (The word “commercial” should be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research). (R.C. 149.43(B)(7)).

**Section 2.6**

By Ohio law, this Employer is not required to permit a person who is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning a criminal investigation or prosecution or concerning what would be a criminal investigation if the subject of the investigation or prosecution were an adult, unless the request to inspect or to obtain a copy of the record is for the purpose of acquiring information that is subject to release as a public record under this section and the judge who imposed the sentence or made the adjudication with respect to the person, or the judge’s successor in office, finds that the information sought in the public record is necessary to support what appears to be a justifiable claim of the person. R.C. 149.43(B)(8).

**Section 2.7**

This Employer, in response to a written request made and signed by a journalist, which must include the journalist’s name and title and the name and address of the journalist’s employer, and which states that the disclosure of the information sought would be in the public interest, will provide the address of the actual personal residence of anyone employed by this

Employer as a peace officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, and, if such employee's spouse, former spouse, or child is employed by a public office, the name and address of that public office. (R.C. 149.43(B)(9)).

**Section 2.8**

Any denial of public records requested, in part or in whole, will include an explanation, including legal authority, as to why the request was denied. If the initial request was provided in writing, the explanation for denial will be provided to the requester in writing. (R.C. 149.43(B)(3)).

If portions of a record are public and portions are exempt, the exempt portions will be redacted and the rest released. If there are redactions, this Employer will notify the requester of any redaction or make the redaction plainly visible. Each redaction will be accompanied by a supporting explanation, including legal authority, as to why the redaction was made. (R.C. 149.43(B)(1) and (2)).

**Section 2.9**

This Employer has no duty to provide records acquired after a request for records is complete.

**SECTION 3. COSTS FOR PUBLIC RECORDS**

Those seeking public records may be charged the actual cost of making copies, unless the cost is otherwise set by statute. (R.C. 149.43(B)(1)). Employee time will not be calculated into the charge for copying a public record. However, in the event that circumstances make it reasonable for this Employer to hire an outside contractor to make copies of requested records, the requester will be charged the actual cost paid to the outside contractor for the copying service. (R.C. 149.43(F)(2)(a)). These circumstances may include but not be limited to a lack of in-house photocopying resources or labor.

This Employer has no duty to provide copies of public records free of charge to someone who indicates an inability or unwillingness to pay for them.

**Section 3.1**

The charge for making copies of records shall be determined by the Appointing Authority and shall reflect the actual cost to the County.

**Section 3.2**

This Employer may require a requester to pay in advance the cost involved in providing the copy of the public record, as requested. (R.C. 149.43(B)(6)).

**Section 3.3**

Upon request, this Employer will provide copies of public records to a requester by United States mail or by any other delivery means or transmission that this Employer deems reasonable. This Employer may require such a requester to pay in advance the cost of postage or costs incurred for other supplies used in the mailing, delivery, or transmission. (R.C. 149.43(B)(7)).

**Section 3.4**

There may be instances when this Employer may be able to provide copies made in-house without disrupting its normal functions, but only over an extended period of time. In that instance, this Employer may offer the requester the options of (1) having the documents produced through a faster method by employing temporary personnel and equipment, (2) using an external private contractor, or (3) having the documents produced in-house by this Employer's normal staff and equipment in a less efficient and more time consuming manner.

**SECTION 4. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST**

- A. This Employer recognizes the legal and non-legal consequences of failure to properly respond to a public records request. In addition to the distrust in government that failure to comply may cause, this Employer's failure to comply with a request may result in the requester commencing a mandamus action against this Employer in either the court of common pleas, in the court of appeals, or in the Supreme Court of Ohio. The court may order this Employer to comply with the Public Records Act, as well as order this Employer to pay statutory damages of one hundred dollars for each business day (beginning with the day the requester files the mandamus action) during which this Employer failed to comply (up to a maximum of one thousand dollars), as well as court costs and the requester's reasonable attorney fees.
- B. **CONFIDENTIALITY, GENERAL**  
Each employee of Wayne County shall treat all documents, publications, written, and spoken communications of the County as confidential, even if regarded under RC 149.43 as "public records." Employees are expected to exercise reasonable discretion when discussing work related information with all others.

**C. SELF-HELP TO PUBLIC RECORDS PROHIBITED**

No employee may copy or remove any record or writing, even those regarded as "public" under RC 149.43, without first having received advanced written permission from the Employer.

**D. USE OF COUNTY RECORDS IN PERSONAL ACTIONS PROHIBITED**

1. No employee may copy or use any County writing, document, or record in any grievance, administrative appeal, or legal action without having first obtained the written permission of the Employer. This particular policy does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure or the rules of the State Personnel Appointing Authority of Review.
2. Except for official Departmental business, no employee may have any agency writing or document in his/her possession, unless obtained through this policy.

**E. TAPE RECORDING PROHIBITED**

No employee may tape record any meeting, conversation, or telephone call unless he/she has received advanced written permission from the Employer.

**F. PENALTY FOR BREACH OF THIS POLICY**

Any employee who is discovered to have violated any of the above-enumerated provisions will be disciplined, up to and possibly including termination. Any former employee who is discovered to have violated this policy by producing unauthorized documents or tape recordings at any grievance, administrative appeal, or civil action against the Employer, will be barred from seeking a remedy of reinstatement and may be subject to civil or criminal penalties.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>7/31/96</u>	<u>4</u>	<u>5/13/09</u>	<u>5/13/09</u>

It is the intent of Wayne County to provide local, network, and Internet access, where implemented, to employees of Wayne County for functional purposes of local government. This access will assist in the collaboration and exchange of information, facilitate personal growth in the use of technology, and enhance information gathering and communication skills.

County users will comply with all of the following local, network, and Internet acceptable use policies and guidelines.

- A. The use of the network is a privilege that may be revoked by the Appointing Authority at any time and for any reason. Appropriate reasons for revoking privileges include but are not limited to:
  - 1. malicious use of the network;
  - 2. altering of system software;
  - 3. placing of unauthorized information, computer viruses, or harmful programs on or through the computer system in either public or private files or messages.
- B. The Appointing Authority reserves the right to remove files, limit or deny access, and refer the user for other disciplinary actions.
- C. The Appointing Authority reserves all rights to any material stored in the files that are generally accessible to others and will remove any material that the Appointing Authority at its sole discretion, believes may be unlawful, obscene, pornographic, abusive, or otherwise objectionable. Users will not use their County-approved computer account/access to obtain, view, download, or otherwise gain access to such materials.
- D. All information services and features contained on local, County, or network resources are intended for the private use of its registered users, and any use of these resources for commercial-for-profit or other unauthorized purposes in any form is expressly forbidden.
- E. The local and County electronic mail network resources are intended for the exclusive use by their registered users. The user is responsible for the use of his/her account/password and/or access privilege. Any problems that arise from the use of a user's account are the responsibility of the account holder. Use of an account by someone other than the registered account holder is forbidden and may be grounds for loss of access privileges.

**COMPUTER NETWORK USAGE  
(CONTINUED)**

**SECTION 8.18  
PAGE 2 OF 3**

- F. Any misuse of the network will result in suspension of network privileges and/or other disciplinary action determined by the Appointing Authority. Misuse shall include but not be limited to:
1. intentionally seeking information on, obtaining copies of, or modifying files, other data, or passwords belonging to other users;
  2. misrepresenting other users on the network;
  3. disrupting the operation of the network through abuse of the hardware or software;
  4. malicious use of the network through hate mail, harassment, profanity, vulgar statements, or discriminatory remarks;
  5. interfering with others using the network;
  6. extensive use for non-county-related communication;
  7. illegal installation of copyrighted software;
  8. unauthorized downloading, copying, or use of licensed or copyrighted software;
  9. allowing anyone to use an account other than the account holder;
  10. making any personal purchases using any County network connections.
- G. The use of the network resources are for the purposes of (in order of priority):
1. support of Wayne County functions and operations;
  2. telecommunications;
  3. general information.
- H. The County does not warrant that the functions of the network will meet any specific requirements the user may have, or that it will be error free or uninterrupted, nor shall the County be liable for any direct or indirect incidental or consequential damages (including lost data, information, or time) sustained or incurred in connection with the use, operation, or inability to use the system.
- I. The user with an electronic mail account will diligently delete old mail messages from the personal mail directory to avoid excessive use of the electronic mail disk space. The deleting of emails must comply with the Appointing Authority's record retention policy.

**COMPUTER NETWORK USAGE  
(CONTINUED)**

- J. The County will periodically make determinations on whether specific uses of the network are consistent with this policy. The County reserves the right to log network use to monitor filesaver space utilization by users and examine specific network usage (as may be deemed necessary) for the maintenance, safety, or security of the network. The County does not warrant that the functions of the network will guarantee privacy. All data transmitting across local and wide area networks have the potential of being read by unintended individuals either by mis-routed data or intentional monitoring. The County reserves the right to remove a user account on the network to prevent unauthorized activity.
- K. The e-mail system is the property of the Appointing Authority and should be used for the County's purposes only. Users should disclose information or messages from an e-mail system only to authorized persons. The County reserves the right, in its discretion, to monitor the e-mail system to assure that its property is being used for County purposes only and to prevent harassment or improper use. Individuals do not have a personal privacy right in any matter created, received, stored in or sent from an e-mail system. Nothing should be entered into the e-mail system without a good reason.
- L. In order to access the network, the employee must sign appropriate forms releasing the County, its operators, and administration from any and all claims of any nature arising from the use of network resources. In addition, the employee must sign agreeing to this policy in whole and accepting responsibility for the actions and use or misuse of the network equipment (see Acknowledgment of Receipt of Computer Network Usage Policy).
- M. Child Support Enforcement Agency employees and Job and Family Services employees are bound by these policies, as well as the Ohio Department of Job and Family Services (ODJFS) Internal Policy and Procedure Manual (IPP), including but not limited to ODJFS Form 7078, ODJFS IPP.3922 Code of Responsibility and ODJFS IPP.10002 Computer and Information Systems Usage. These documents are available for review on the ODJFS Innerweb, Legal/Policy, Emanuals.

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

- A. All Wayne County employees must follow all local, state, and federal laws while engaged in County business, while on or in County property, and while operating/utilizing County equipment. Failure to adhere to this policy will result in appropriate disciplinary measures.
- B. Wayne County Appointing Authorities also reserve the right to discipline employees for the violation of laws while the employee is off duty. The discipline to be imposed, if any, will be determined by the Appointing Authority who will consider factors such as the nature of the position the employee holds with the County and the severity of the law violated.

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

- A. Conviction of a felony is a separate basis for reduction in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by an appointing authority as a result of the employee's conviction of a felony. If an employee is removed for any other reason listed in RC 124.34 and is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action.
- B. Any employee convicted of a felony immediately forfeits his/her status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
- C. As used in this policy, "felony" means any of the following:
1. a felony that is an offense of violence as defined in RC 2901.01;
  2. a felony that is a felony drug abuse offense as defined in RC 2925.01;
  3. a felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
  4. a felony involving dishonesty, fraud, or theft; or
  5. a felony that is a violation of RC 2921.05, 2921.32, or 2921.42.

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

- A. All visitors to the WCCC are required to register with the Administrative Office prior to visiting with employees and/or residents. During non-business hours visitors are required to register at the appropriate nurses' station. Resident visiting hours are 10:00 am to 8:30 pm. Visitors causing a disturbance will be asked to leave.
- B. Off duty employees are considered visitors.
- C. Employees are not permitted to receive personal visitors in working areas unless permission is granted by the office or Charge Nurse during non-business hours. Visitation is limited to Break Rooms, Dining Room, or Lobby. Potential employee visitors should be informed of this policy.
- D. Administration understands that due to the nature of operations, it may be desirable for employees to request delivery of food to the facility. Employees ordering food outside the facility must notify the supervisor of the delivery (approx. time) and are responsible for instructing the delivery person that they are restricted from entering the building and should ring at the front entrance. Employees in violation of this policy may be subject to disciplinary action.

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

- A. Employees of the WCCC are not permitted to accept personal gifts or money from the residents of the WCCC. This policy relieves the WCCC and its employees of any criticism or accusations resulting in gifts given as tokens of appreciation and/or inducement.

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

It is the obligation and duty of all employees of the WCCC to protect the rights of residents. During their initial orientation period new employees will become familiar with the Resident Bill of Rights.

Any employee who fails to protect the rights of residents, who neglects the care of any resident, who verbally, mentally, or physically abuses any resident shall be subject to disciplinary action. Also, if an employee fails to protect the personal property of any resident by converting such personal property to their personal use, or attempts to defraud any resident of personal property shall be subject to disciplinary action up to and including termination.

**PROCEDURE**

Where a violation of a resident’s rights is suspected to have occurred, evidenced by a report from a resident, an employee, or a supervisor, an incident report will be filed with the Appointing Authority or the Director of Nursing. Failure to file an incident report, either by the supervisor in charge and/or by an employee witness shall be grounds for disciplinary action. Abuse shall be defined as:

1. Active – verbal, mental or physical
2. Passive – through negligence or withholding services

When an allegation of a violation is reported or suspected, the following procedures shall be implemented:

1. The Supervisor shall immediately inform the Administrator of the allegation.
2. The Administrator shall determine the immediate appropriate action to be taken.
3. The Administrator or designee will send home the accused employee until the completion of the investigation (administrative leave with pay).

Discipline for the violation of resident rights shall be determined on a case-by-case basis depending upon the degree of violation. All cases of resident abuse are disciplined according to Section 10 of this manual.

The Administrator must also report any case of abuse to the Ohio Department of Health and the County Prosecuting Attorney for possible criminal action.

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

- A. The WCCC provides for and maintains adequate parking facilities for all employees.
  
- B. All employees are required to park at the rear of the building. Exception: For security reasons, the 3<sup>rd</sup> shift personnel may park in front of the building and enter through the front entry door.
  
- C. Employees are not permitted to park in visitors, reserved, or fire lane designated areas. Employees are also not permitted to block exit doors or otherwise park in areas designated “no parking.”

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

Please see Appendix P.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>5/13/09</u>	<u>2</u>	<u>10/16/13</u>	<u>10/16/13</u>

Employees who utilize social networking sites, blogs, Twitter, discussion forums or other mediums of electronic communication in their off-duty time shall maintain an appropriate level of professionalism and appropriate conduct so as not to broadcast in a manner which is a violation of confidentiality or is detrimental to the mission and function of Wayne County.

- A. Employees shall not use references in these social networking sites or other mediums of communication that in any way represent themselves as an employee of the Employer without prior Employer approval. This shall include but not be limited to:
  - 1. Text which identifies the Employer.
  - 2. Photos that depict the logos, patches, badges or other identifying symbol of the Employer.
  - 3. Accounts of events which occur within the Employer.
  - 4. Any other material, text, audio, video, photograph or image which would be identifiable to the Employer.
- B. Employees are prohibited from using their title as well as any reference to Wayne County in any correspondence to include emails, postings, blogs, Twitter, discussion forums, social network sites such as Facebook, unless the communication is of an official nature and is serving the mission of the Employer. This prohibition also includes signature lines in personal email accounts. An employee may seek Employer approval for such use.
- C. Employees shall not use their Wayne County email address as a means of identification in social media without prior Employer approval.
- D. Employees cannot post information (including emails, postings, blogs, Twitter, discussion forums, social network sites such as Facebook) obtained from their Employer's records unless they have been obtained through the appropriate Public Records request process.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>10/16/13</u>	<u>1</u>	<u>10/16/13</u>	<u>10/16/13</u>



**SECTION 9  
COMPLAINT PROCEDURE**

**9.01 DEFINITION OF A COMPLAINT**

**9.02 COMPLAINT PROCEDURE**

**9.03 APPEALS—STATE PERSONNEL BOARD  
OF REVIEW**

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

- A. A complaint is any dispute or disagreement with management, regarding the employment relationship.
- B. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written complaint to his/her immediate supervisor according to the procedures set forth in Section 9.02 herein.
- C. If the complaint alleges discriminatory harassment of any type, the policy and reporting process as described in Section 8.06 should be followed.
- D. If the complaint alleges a violation of equal employment, or a violation of the Americans with Disabilities Act (ADA), then the procedures as described in Section 1.07 should be followed.

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

- A. It is intended that complaints be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint may be sent to the Prosecutor's office for an opinion before proceeding. If the complaint involves the Prosecutor's office or any of the Prosecutor's staff, it should be reviewed by the Attorney General for an opinion before proceeding. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor or Attorney General is received. If the complaint involves issues related to discriminatory harassment, please follow the procedures outlined in Section 8.06.
- B. Nothing in this policy is intended to deny employees any rights available at law to have redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body. The filing of an internal complaint may not affect or extend required filing deadlines.
- C. A written complaint must state the reason for the complaint and the requested resolution.
- D. Complaints will not be made a part of an employee's personnel file, but may be filed separately.
- E. The following procedure will be followed in processing a complaint:
1. Informal Resolution  
Within five (5) workdays of the event prompting the complaint, the employee will meet with his/her supervisor or an appropriate management level employee to try to resolve the issue.
  2. Level One  
If the issue is not successfully resolved through the informal resolution step, the employee may, within five (5) workdays of the informal resolution meeting, file a written complaint with his/her supervisor. The supervisor will reply in writing to the written complaint within five (5) workdays of its receipt.

**COMPLAINT PROCEDURE  
(CONTINUED)**

3. Level Two

If the Level One response is not acceptable to the employee or if the issue is not resolved, he/she may, within five (5) workdays of its receipt, appeal in writing to the Appointing Authority.

The Appointing Authority will respond in writing within five (5) workdays of receipt of the appeal.

- F. If an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response.
- G. Copies of each complaint, response, and correspondence about the complaint will be filed with the Appointing Authority on the day of its execution or receipt.

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

A. Personnel actions such as:

1. dismissals or suspensions of more than twenty-four (24) working hours<sup>1</sup>,
2. fines of more than twenty-four (24) working hours<sup>1</sup> pay,
3. demotions,
4. layoffs

may be appealed by affected, qualified employees through the complaint procedure outlined in Section 9.02, and/or may be appealed to the State Personnel Board of Review (SPBR).

Suspensions of twenty-four (24) or less working hours and fines of twenty-four (24) or less working hours pay may be appealed through the complaint procedure only. (This is less than forty (40) working hours in the case of an employee exempt from the payment of overtime.)

B. Disciplinary action based on conviction of a "felony" within the meaning of RC124.34 may not be appealed to the SPBR.

1. Appeals from removal, demotion, fines, or suspension must be filed with the State Personnel Board of Review within ten (10) days following the date on which the employee is served with the order.
2. Appeals from layoffs must be made within ten (10) days after the employee receives his/her notice of layoff. Utilization of the complaint procedure does not affect or extend these time limits.

C. The SPBR has the authority to decide whether an appeal warrants a hearing. When an appeal is heard, the Board may affirm, disaffirm, or modify personnel decisions made by the Appointing Authority.

<sup>1</sup> This is forty (40) working hours or more in the case of an employee exempt from the payment of overtime.

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

**SECTION 10  
DISCIPLINE**

- 10.01 DISCIPLINARY AUTHORITY**
- 10.02 PROGRESSIVE DISCIPLINE**
- 10.03 GROUNDS FOR DISCIPLINARY ACTION**
- 10.04 ADMINISTRATIVE LEAVE**
- 10.05 PRE-DISCIPLINARY CONFERENCE FOR SUSPENSION, REDUCTION OR REMOVAL**

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

Employees may be reduced in pay or position, suspended, fined, terminated, or otherwise disciplined by the County, for just cause, neglect of duty, violation of departmental/agency regulations, conviction of a "felony" as defined in RC 124.34, or any other failure of good behavior.

For the purpose of disciplinary action, a "fine" shall mean when vacation time is deducted from the employee's balance or the employee's hourly rate of pay is temporarily reduced as a form of discipline. The employee's hourly rate of pay must not be reduced lower than the federal or state minimum wage, whichever is greater.

The only form of a "fine" that may be applied to an employee who is exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act is the loss of accrued vacation time.

Fines of more than twenty-four (24) working hours pay may be appealed to the State Personnel Board of Review (SPBR).

The employee's Appointing Authority is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information to supervisors investigating infractions.

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

- A. Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable, and the penalties for unacceptable behavior. Employees are also responsible for following any rules, regulations, or directives established by the individual Appointing Authority, whether written or unwritten.
  
- B. Supervisors are to follow an established system of progressive discipline when correcting job behavior. Each offense is to be documented and dealt with objectively, taking into account the nature of the violation, the employee's record of discipline, and the employee's record of performance and conduct.
  
- C. The progressive discipline policy is established as a guide for management employees to use in administering discipline in a uniform manner. It is not a limitation upon the statutory rights stated in the Ohio Revised Code.
  
- D. This policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.
  
- E. The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant. In instances where a penalty deviates from the recommended standard penalty, the reason for deviation should be noted.
  
- F. Both written disciplinary action and documentation of instruction and cautioning will be logged by the employee's supervisor and placed in the employee's personnel file.

However, all records and disciplinary proceedings involving incidents of moral turpitude will remain in effect during the entire period of an employee's employment with the County.

All records and disciplinary proceedings will remain in an employee's personnel file.

**PROGRESSIVE DISCIPLINE  
(CONTINUED)**

- G. Different offenses within the same group and related offenses within different groups are to be disciplined progressively (that is, each incident is disciplined at the next higher level).
  
- H. Unrelated offenses in different groups are to be considered individually.
  
- I. Working suspensions with pay have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

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

This policy is applicable to all employees, including those who are exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act (FLSA). The decision to dock an exempt employee's pay in increments of one (1) or more full day has been made to ensure compliance with public accountability requirements. It shall be the responsibility of each appointing authority to determine the extent this policy will be applied to unclassified employees.

The examples of Group I, II, and III Offenses, set forth below, are characteristic of those offenses which the State Personnel Board of Review has historically judged to be of such a nature as to warrant those penalties established for the group.

Some examples appear in more than one group. Because the seriousness of the offense will vary, the resulting disciplinary action may vary as well. The following lists are meant to be used as a guide or reference only. **This is not a complete list of all possible offenses.**

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary or minor impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting minor impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long lasting and serious impact against the organization.

**GROUNDS FOR DISCIPLINARY ACTION  
(CONTINUED)**

GROUP I OFFENSES

First Offense	Instruction and Cautioning
Second Offense	Written Warning
Third Offense	One (1) to three (3) day suspension or fine*
Fourth Offense	Five (5) to fifteen (15) day suspension or fine*
Fifth Offense	Up to termination

1. Discourteous treatment of the public.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Neglect or carelessness in signing in or out.
6. Creating or contributing to unsanitary or unsafe conditions.
7. Distracting the attention of others, unnecessary shouting or demonstrations, or otherwise causing disruption on the job.
8. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
9. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
10. Failure to cooperate with other employees as required by job duties.
11. Failure to exercise reasonable care in the use of department/agency property or equipment.
12. Use or possession of another employee's working equipment without authorization.
14. Failure to observe department/agency rules.
15. Obligating the County or department/agency for any expense, service, or performance without authorization.
17. Disregarding job duties by neglect of work, e.g., reading for pleasure.
18. Unsatisfactory work or failure to maintain required standard of performance.
19. Unauthorized use of county equipment for other than business purposes. This includes, but is not limited to computers, telephones, fax machines, etc.
20. Excessive garnishments.
21. Smoking in non-designated areas and at non-designated times.
22. Changing work schedule without prior consent.
23. Failure to adhere to departmental/agency rules regarding personal grooming, appearance, dress codes, etc.
24. Unauthorized posting, removal, or changing of notices or signs from bulletin boards.
25. Failure to attend a mandatory meeting.

---

\* This may be a working suspension of record or a non-working suspension without pay.

**GROUNDS FOR DISCIPLINARY ACTION  
 (CONTINUED)**

26. Or other offenses of similar nature.

GROUP II OFFENSES

First Offense	Written warning or up to three (3) day suspension or fine*
Second Offense	Five (5) to fifteen (15) day suspension or fine*
Third Offense	Up to termination

1. Sleeping during working hours (may be a Group III Offense if the employee is in a safety sensitive position or if they are responsible for the care of others).
2. Reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders, if the employee is in a safety sensitive position or if they are responsible for the care of others).
3. Being in possession of, being under the influence of, or drinking alcoholic beverages during working time (may be a Group III Offense for CDL holders, if the employee is in a safety sensitive position or if they are responsible for the care of others).
4. Conduct violating morality or common decency (examples can be found in Section 8.01: Code of Ethics).
5. A serious misuse or abuse of department/agency property or equipment.
6. Performing non-work related activities on department/agency time, and/or County property.
7. Willful failure to sign in or out when required.
8. Willful failure to make required reports.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Solicitation on department/agency premises without authorization.
11. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the department/agency, the public, the County, or its operations.
12. Refusing to give testimony when accidents are being investigated.
13. Giving false testimony during a complaint or grievance investigation or hearing.
14. Gambling during working hours or illegal gambling on County property, including the Fairgrounds.
15. Distributing or posting written or printed matter of any description on department/agency premises unless authorized.
16. Unauthorized presence on department/agency property.
17. Willful disregard of department/agency rules.
18. Use of abusive or threatening language or inappropriate behavior toward supervisors, co-workers, or clients.
19. Removal of case files (records) without permission.

---

\* This may be a working suspension of record or a non-working suspension without pay.

**GROUND FORS DISCIPLINARY ACTION  
(CONTINUED)**

20. Lying to co-workers, supervisors or clients.
21. Revealing confidential information to families, friends, or other unauthorized persons.
22. Failure to report off work for any absence.
23. Unauthorized absence from work (except job abandonment, which will either be treated as a resignation or will constitute grounds for removal).
24. Refusal to work with or provide services to a disabled individual or an individual known or suspected to have a contagious disease.
25. Willful disregard of OSHA Safety and Health provisions.
26. Failure to remain on-duty when requested by Supervisor until sufficient staffing is met in resident care areas.
27. Willful failure to perform assigned duties.
28. Obligating the County for any expense or service without authorization.
29. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices.
30. Failure to report accidents, injury or equipment damage.
31. Or other offenses of similar nature.

**GROUP III OFFENSES**

First Offense                      Discipline—Up To and Including Termination

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any County or department/agency property or equipment, including cash and other assets. Abuse or deliberate destruction in any manner of County or department/agency property, tools, equipment, or the property of employees.
2. Signing or altering other employee's time cards, or unauthorized altering of own time card.
3. Falsifying testimony when accident or complaints are being investigated; falsifying or assisting in falsifying or destroying any department/agency records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentation in an attempt to obtain any Employer-provided benefit.
5. Stealing or similar conduct, including destroying, damaging, or concealment of any property of the department/agency or of other employees.
6. The illegal use, possession, or sale of narcotics and other controlled substances.
7. Fighting or attempting to injure other employees, supervisors, other persons, or the public.
8. Carrying or possession of firearms, explosives, or weapons on department/agency property at any time without proper authorization.
9. Knowingly concealing a communicable disease which may endanger other employees.
10. Misuse or removal of department/agency records or information without prior authorization.

**GROUNDS FOR DISCIPLINARY ACTION  
(CONTINUED)**

11. Reviewing, copying or removing public records for personal use without prior approval.
12. Instigating, leading, or participating in any walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the department's/agency's work stations.
13. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes, tool kits, or other property of the department/agency or other employees without authorization; inserting slugs in vending machines; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonest" or "dishonest action."
14. Giving false information or withholding pertinent information in an employment application or process; insubordination by refusing to perform assigned work to comply with written or verbal instruction of the supervisors and/or Appointing Authority.
15. Discriminatory harassment, including harassment of a sexual nature.
16. Sleeping on the job and such action creates a life threatening situation for a co-worker, resident and/or member of the general public.17. Being convicted of a felony within the meaning of RC 124.34, even if prior discipline has been issued for the underlying conduct.
18. Unauthorized political activity (see Section 8.05).
19. Verbal, mental, or physical abuse toward co-workers, residents and/or clients. Including, but not limited to: argumentative behavior toward a resident, resident neglect, and/or derogatory statements or actions toward a resident.
20. Leaving an area of continuous operations position prior to being relieved by an incoming staff member.
21. Jeopardizing the security of the facility and residents. (i.e.: by allowing unauthorized visitors into the facility after visiting hours.)
22. Absence from work for three (3) or more consecutive work days without calling off or reporting to work as scheduled.
24. Or other offenses of similar nature.

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

- A. An Appointing Authority may place an employee on administrative leave with pay in those circumstances where the health and safety of an employee or of any person or property entrusted to the employee's care could be adversely affected. The length of the leave should not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation, such leave might extend until the Appointing Authority completes the pre-disciplinary process and takes action or decides no action is warranted. Compensation for administrative leave shall be equal to the employee's base rate of pay.

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

When an Employee commits an offense that could result in a suspension, reduction or removal, the following procedure will be followed:

1. The Employee will be provided by his/her Supervisor with a written notice advising him/her of the charges and possible discipline.
2. The Employee will be given an opportunity to give his/her version of events leading to the inquiry at a pre-disciplinary conference. The Employee will be advised of the pre-disciplinary conference time at least 24 hours in advance of the conference. The Employee may bring representation to the conference.
3. Should the Appointing Authority decide that a disciplinary suspension, demotion or discharge is warranted, the Employee will be provided with a written statement affirming the charges and imposing discipline.
4. When an Employee's behavior requires immediate removal from the premises, the Employee may be suspended with pay until the close of business for the remainder of the work day. The Employee is to be accompanied by a Supervisor to his/her workstation to retrieve personal belongings. The Employee must report to work the next workday, or at a time established by the Appointing Authority, and the established disciplinary procedure will be followed.
5. For Classified Employees, if a suspension, demotion or discharge is warranted, the Appointing Authority shall prepare and date three (3) original copies of ADM Form 4055, which shall be distributed as follows: (1) to the Employee; (2) to the State Personnel Board of Review; and (3) to the Employee's file. The Employee must be served with a copy of the ADM 4055 prior to the effective date contained herein. See both Appendix T and <http://pbr.ohio.gov/resources.stm>.

<b>Original Adoption Date</b>	<b>Revision Number</b>	<b>Date</b>	<b>Approved</b>
<u>5/13/09</u>	<u>2</u>	<u>10/16/13</u>	<u>10/16/13</u>

**SECTION 11  
SEPARATION FROM EMPLOYMENT**

- 11.01 VOLUNTARY SEPARATION**  
Resignation  
Abandonment  
Retirement  
Voluntary Disability Separation
- 11.02 INVOLUNTARY TERMINATION**  
Probationary Discharge  
Disciplinary Discharge  
Layoff  
Involuntary Disability  
Separation
- 11.03 TERMINATION BENEFITS**  
Sick Leave Conversion  
Health Care Benefits  
Continuation (COBRA)  
Disability and Survivor Benefits  
(OPERS)  
Accrued Leave
- 11.04 EXIT INTERVIEW**

**Original Adoption Date**

7/31/96

**Revision Number**

2

**Date**

7/06/05

**Approved**

7/06/05

**A. RESIGNATION**

1. Resignation in good standing requires that an employee notify his/her immediate supervisor at least two (2) weeks in advance of the effective date of the resignation.
2. Resignation is to be in writing and submitted to the Appointing Authority for acceptance. A formal letter of resignation should include a statement of intention to resign, the date the notice is given, the effective date of resignation, and the reason for resignation. The employee's signature and current address should also be included.
3. An employee who does not resign in good standing is ineligible for reinstatement.
4. An employee should remove all personal items from the work area by the end of the last day of employment.
5. An employee must return all Department equipment including keys, credit cards, notary seals, parking permit, uniforms, and I.D. cards, plus current passwords to all employment-related accounts, upon resignation or any other separation from employment.

**B. ABANDONMENT**

1. An employee who is absent from duty without leave for three (3) or more consecutive work days may be subject to removal for neglect of duty.
2. If at any time within thirty (30) days of termination for abandonment (neglect of duty) a classified employee makes to the Appointing Authority satisfactory explanation of the cause of his/her absence, he/she may be reinstated.
3. Except for #2 above, an employee who has abandoned his/her position and been terminated for neglect of duty is not eligible for future employment with the County.

**C. RETIREMENT**

Retirement will be in accordance with the rules and regulations of the Ohio Public Employees' Retirement System (OPERS). Information regarding OPERS can be obtained through OPERS. See Section 5.01(B) for contact information.

**D. VOLUNTARY DISABILITY SEPARATION**

1. An employee, who is unable to perform the essential job duties of his/her position due to a disabling illness, injury, or condition, may request a voluntary disability separation. A voluntary disability separation occurs when the employee does not dispute his/her inability to perform the essential job duties of his/her position due to such disabling illness, injury, or condition.
2. The Appointing Authority may grant the employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Appointing Authority. If the examination supports the employee's request, the Appointing Authority will grant the employee's request for a voluntary disability separation. If the medical examination does not support the employee's request, the Appointing Authority will not approve the employee's request for voluntary disability separation.
3. An employee who is granted a voluntary disability separation will retain the right to be reinstated to his/her position for two (2) years from the date that the employee is no longer in active work status due to a disabling illness, injury, or condition. An employee may submit a written request for reinstatement from a voluntary disability separation in accordance with the rules of the DAS Director.
4. The Appointing Authority should send a written reminder to the employee at least two (2) weeks prior to the expiration of his/her disability separation. Any employee who fails to apply for reinstatement, formally resign, or take disability retirement, shall be separated from service at the end of the two (2) year period.

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

**A. PROBATIONARY DISCHARGE**

A newly-appointed probationary employee may be probationarily removed by the County at any time during the probationary period when, in the judgment of the Appointing Authority, the employee's fitness and/or quality of work do not merit continuation in the job. Probationary removals are not appealable and are not subject to the complaint or grievance procedure.

**B. DISCIPLINARY DISCHARGE**

1. Discharge is a serious disciplinary measure taken when less severe methods of discipline did not produce appropriate behavior, or when a serious infraction so warrants.
2. Discharges may be appealed by classified non-bargaining unit employees to the State Personnel Board of Review as outlined in the appeals procedure found in Section 9.02 - Complaint Procedure and 9.03 – Appeals-State Personnel Board of Review.

**C. LAYOFF**

1. A layoff of classified employees in an Appointing Authority's office may become necessary due to a lack of funds, lack of work, or the abolishment of position(s).
2. Employees will be notified at least two (2) weeks (fourteen [14] calendar days) before the effective date of a layoff.
3. Whenever it becomes necessary to lay off employees in a classification, they will be laid off in accordance with the "order of layoff" established by the Ohio Department of Administrative Services. Layoff procedures including, but not limited to, the use of retention points and the order of layoff and displacement (or "bumping") are in accordance with the Ohio Revised Code, the rules of the Administrative Code and as adopted by the Appointing Authority.
4. The order of layoff within each classification will be established on the basis of retention points, as follows:
  - Continuous service: Each full-time employee will be assigned a base of one hundred (100) retention points and will earn one (1) additional retention point for each completed, bi-weekly pay period of continuous full-time service.

**INVOLUNTARY TERMINATION  
(CONTINUED)**

**SECTION 11.02  
PAGE 2 OF 3**

5. An employee who has been laid off from his/her current classification may displace an employee with fewer retention points in a lower classification in the same classification series or in the classification the employee held immediately prior to holding the classification from which he/she was laid off. However, an employee may not displace another employee in a classification if he/she does not meet the minimum qualifications of the classification, or if the employee last held the classification more than three (3) years prior to the date on which he/she was laid off.
6. A recall list containing the names of all employees who have been laid off will be established and remain in effect for one (1) year.
7. An employee on the recall list will be recalled to a vacancy within his/her current classification or any lower classification within the same classification series in reverse order of lay off (that is, the employee most recently laid off will be recalled first).
8. Appeal of a layoff may be made to the State Personnel Board of Review within ten (10) days of an employee's receipt of notice.

**D. INVOLUNTARY DISABILITY SEPARATION**

1. When an Appointing Authority has reason to believe that an employee is incapable of performing the essential functions of the employee's position due to disabling illness, injury, or condition, the Appointing Authority may require the employee to submit to a medical or psychological examination conducted by one or more licensed practitioners selected by the Appointing Authority. It is not, however, necessary for the Appointing Authority to require the employee to submit to such examination prior to involuntary disability separation if: (1) the employee is hospitalized at the time such action is to be taken, and (2) the employee has exhausted any leave to which he/she is entitled under the FMLA.
2. When the Appointing Authority has received the results of a medical or psychological examination and initially determines that the employee is incapable of performing the essential functions of the employee's position due to a disabling illness, injury, or condition, the Appointing Authority will institute pre-separation proceedings. Under the proceedings, a hearing will be scheduled and advance written notice of at least seventy-two (72) hours will be provided to the employee. At the hearing, the employee will have a right to examine the Appointing Authority's evidence of disability, to rebut the

**INVOLUNTARY TERMINATION  
(CONTINUED)**

evidence, and to present testimony and evidence on the employee's own behalf. The employee should also be permitted to waive his/her right to a hearing.

3. If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, that the employee is unable to perform the essential functions of his/her position, the Appointing Authority will issue an involuntary disability separation order.
4. The effective date of separation, for the purpose of reinstatement, will be based on the date the employee was no longer in active work status due to the disabling illness, injury, or condition. The total continuous time of absence due to the disabling illness, injury, or condition will not exceed two (2) years for purposes of reinstatement rights.
5. An employee who is involuntarily disability separated will have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the date the order is served on the employee. Section 9.03
6. The Appointing Authority will also notify the employee, at the time the involuntary disability separation order is provided to the employee, of the required procedures to apply for reinstatement.

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

**A. SICK LEAVE CONVERSION**

1. At the time of retirement from active service with the County, an employee with ten (10) or more years service with the state or any political subdivision of the State of Ohio may choose to be paid in cash for one-fourth (1/4) the value of his/her earned but unused sick leave credit. The maximum payment may not exceed two hundred forty (240) hours, or thirty (30) days.
2. Payment is based upon the employee's base rate of pay at the time of retirement.
3. Payment may be made only once and will eliminate all sick leave credit accrued by the employee.
4. An eligible employee who dies is considered to have terminated his/her employment as of the date of death. Sick leave conversion will be paid according to RC 2113.04, or paid to the employee's estate.
5. Eligible employees, retiring from active service, shall complete a "Sick Leave Retirement Conversion Form" to initiate the payment process. This is the only time the employee will have the opportunity to exercise the retirement cash conversion option. If the employee fails to exercise the option at the time of his/her retirement, such opportunity shall be lost.

**B. HEALTH CARE BENEFITS CONTINUATION (COBRA)**

In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates. The Health Care Benefits Continuation Program will be administered in accordance with all applicable rules and regulations. Information regarding this program can be obtained through the Wayne County Commissioners Office.

**C. OHIO PUBLIC EMPLOYEES' RETIREMENT SYSTEM (OPERS) DISABILITY AND SURVIVOR BENEFITS**

1. Public employees and their survivors may be entitled to disability or survivor benefits in accordance with the rules and regulations of OPERS.
2. Information regarding disability and survivor benefits can be obtained through OPERS. See contact information at Section 5.01 (B)(1).

**TERMINATION BENEFITS  
(CONTINUED)**

**D. ACCRUED LEAVE**

At the time of separation, an employee will be paid at his/her current hourly rate of pay for all vacation and compensatory time credit. To be eligible to receive the vacation time, the employee must have at least one (1) year of service with the County or any political subdivision of the state.

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

- A. Upon separation from employment, an employee must meet with his/her supervisor or with the Appointing Authority to process paperwork and return County property.
  
- B. The Appointing Authority or his/her designee will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents, and obtain necessary signatures. (It is the responsibility of the employee to notify the Employer of a change of address for the purpose of mailing the employee his/her W-2 form.)
  
- C. The employee will relinquish all identification cards, equipment, keys and passwords.
  
- D. If a separation is voluntary, the employee will be asked to complete an exit interview questionnaire and discuss his/her answers during the exit interview. Information gathered in exit interviews is used to evaluate County practices and identify areas requiring action to make the County a more attractive employer. Exit interview questionnaires will not be place in the employee's personnel file. (See Appendix V)

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

## SECTION 12 APPENDICES

<u>Appendix</u>	<u>Section Reference</u>	<u>Form</u>
Appendix A	1.07	ADA Complaint Form
Appendix B	2.03	Application for Employment
Appendix C	3.10, 5.01, 8.09	Accident/Injury & Illness Report
Appendix D	5.01	Healthcare: Notice of Privacy Practices (HIPAA)
Appendix E	5.01, 8.09	Workers' Compensation Notification Requirement
Appendix F	5.02	Request to Carry Over Vacation
Appendix G	5.08	Request for Family and Medical Leave
Appendix H	5.08	Family and Medical Leave Act: <ul style="list-style-type: none"> <li>• <i>Notice of Eligibility and Rights &amp; Responsibilities</i></li> <li>• <i>Designation Notice</i></li> <li>• <i>Certification of Health Care Provider for Employee's Serious Health Condition</i></li> <li>• <i>Certification of Health Care Provider for Family Member's Serious Health Condition</i></li> <li>• <i>Certification of Qualifying Exigency for Military Family Leave</i></li> <li>• <i>Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave</i></li> </ul>
Appendix I	5.08, 8.02	Employee Return to Work Information
Appendix J	5.11, 11.03	Leave Conversion Request Form
Appendix K	8.01, 1.03	Ohio Ethics Law and Related Statutes
Appendix L	8.06	Discriminatory Harassment Complaint Form
Appendix M	8.06, 8.07	Witness Statement
Appendix N	8.08	Drug Testing Technology
Appendix O	8.10	Personal Use of County Cellular Phone Monthly Report
Appendix P	8.26	Identity Theft Prevention Program of the Wayne County Commissioners
Appendix Q	10.02, 10.03, 1.02	Record of Instruction & Cautioning
Appendix R	10.03, 1.02	Record of Written Warning
Appendix S	10.04	Notice of Pre-Disciplinary Conference
Appendix T	10.04, 10.06	Order of Removal, Reduction, Suspension, Fine, Involuntary Disability Separation
Appendix U	11.03, 5.01	Healthcare: Continuation Coverage Rights under COBRA
Appendix V	11.04	Exit Interview Form
Appendix W	n/a	Auditor of State Fraud-Reporting System Information

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

ADA COMPLAINT FORM

**Complainant must fill out this portion and give to the County Administrator within fourteen (14) days of the alleged incident.**

Name of Complainant \_\_\_\_\_

Classification \_\_\_\_\_

Address (if non-employee) \_\_\_\_\_

Reason for Claiming  
Discrimination Based  
on Disability (continue  
on back if necessary) \_\_\_\_\_

Date of Incident \_\_\_\_\_

Nature of Disability \_\_\_\_\_

Resolution You Requested \_\_\_\_\_

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

**Person responding to complainant (answer within fourteen [14] days)**

Resolution or  
Disposition \_\_\_\_\_

**Note: Keep on file for three (3) years; six (6) years for employee complaints.**

APPLICATION FOR EMPLOYMENT

APPLICATION FOR EMPLOYMENT
WAYNE COUNTY, OHIO

An Equal Opportunity Employer

\*\*\*\*\*

Please type or print responses to all of the questions contained on the entire application form.

\*\*\*\*\*

DATE OF APPLICATION: \_\_\_\_\_

POSITION(S) APPLIED FOR: \_\_\_\_\_

STATUS OF POSITION APPLIED FOR: \_\_\_\_\_ FULL-TIME \_\_\_\_\_ PART-TIME \_\_\_\_\_ OTHER

REFERRAL SOURCE: \_\_\_\_\_ ADVERTISEMENT \_\_\_\_\_ FRIEND
\_\_\_\_\_ RELATIVE \_\_\_\_\_ EMPLOYMENT AGENCY
\_\_\_\_\_ OTHER

\*\*\*\*\*

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ M.I. \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_

ARE YOU AN ADULT, LEGALLY EMANCIPATED OR OTHERWISE LEGALLY ELIGIBLE TO WORK IN THE STATE OF OHIO?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

ARE YOU LEGALLY PERMITTED TO WORK IN THE UNITED STATES?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

HAVE YOU FILED AN APPLICATION WITH WAYNE COUNTY BEFORE?

YES: \_\_\_\_\_ NO: \_\_\_\_\_ DATES: \_\_\_\_\_

**HAVE YOU BEEN EMPLOYED BY WAYNE COUNTY BEFORE?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_ **DATES:** \_\_\_\_\_

**ARE YOU PRESENTLY ON LAYOFF AND SUBJECT TO RECALL?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**DO ANY OF YOUR FRIENDS OR RELATIVES WORK FOR WAYNE COUNTY?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**If yes, list name(s):** \_\_\_\_\_

**HAVE YOU EVER BEEN CONVICTED OF A FELONY?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**If yes, please explain:** \_\_\_\_\_

**(The Employer will only consider specific crimes related to qualifications for position applied for.)**

**DO YOU HAVE ANY COMMITMENTS (I.E., SECOND JOB, SCHOOL, ETC.) WHICH MIGHT INTERFERE WITH, OR ADVERSELY AFFECT, YOUR EMPLOYMENT SHOULD WE SELECT YOU FOR A POSITION?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**If yes, please explain:** \_\_\_\_\_

\*\*\*\*\*

**EMPLOYMENT HISTORY AND WORK EXPERIENCE**

**In this section, list all employment history and work experience in date order, including military experience. Begin with your current employer. Use additional paper if necessary. Failure to include all employment may be grounds for disqualification.**

\*\*\*\*\*

**CURRENT EMPLOYER:** \_\_\_\_\_  
(Enter "none" if unemployed)

**MAY WE CONTACT YOUR CURRENT EMPLOYER PRIOR TO EMPLOYMENT?**

**YES:** \_\_\_\_\_ **NO:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**DATES EMPLOYED:** \_\_\_\_\_ **TO** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**SUPERVISOR'S NAME:** \_\_\_\_\_

**BEGINNING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_ **ENDING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_

**DESCRIBE YOUR DUTIES, RESPONSIBILITIES, EQUIPMENT OPERATED, PROMOTIONS, ETC.:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHY DO YOU WANT TO LEAVE?** \_\_\_\_\_

\*\*\*\*\*

**PREVIOUS EMPLOYER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**DATES EMPLOYED:** \_\_\_\_\_ **TO** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**SUPERVISOR'S NAME:** \_\_\_\_\_

**BEGINNING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_ **ENDING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_

**DESCRIBE YOUR DUTIES, RESPONSIBILITIES, EQUIPMENT OPERATED, PROMOTIONS, ETC.:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHY DID YOU LEAVE?** \_\_\_\_\_

\*\*\*\*\*

\*\*\*\*\*

**PREVIOUS EMPLOYER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**DATES EMPLOYED:** \_\_\_\_\_ **TO** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**SUPERVISOR'S NAME:** \_\_\_\_\_

**BEGINNING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_ **ENDING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_

**DESCRIBE YOUR DUTIES, RESPONSIBILITIES, EQUIPMENT OPERATED, PROMOTIONS, ETC.:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHY DID YOU LEAVE?** \_\_\_\_\_

\*\*\*\*\*

**PREVIOUS EMPLOYER:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**PHONE NUMBER:** \_\_\_\_\_

**DATES EMPLOYED:** \_\_\_\_\_ **TO** \_\_\_\_\_

**JOB TITLE:** \_\_\_\_\_

**SUPERVISOR'S NAME:** \_\_\_\_\_

**BEGINNING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_ **ENDING SALARY:** \_\_\_\_\_ **PER** \_\_\_\_\_

**DESCRIBE YOUR DUTIES, RESPONSIBILITIES, EQUIPMENT OPERATED, PROMOTIONS, ETC.:**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHY DID YOU LEAVE?** \_\_\_\_\_

**If you need to list any additional previous employers, please use a blank sheet of paper to do so.**

\*\*\*\*\*

\*\*\*\*\*

### EDUCATION AND TRAINING

This section is intended to give the Employer information about the education and training that the applicant has completed, and to demonstrate the skills, knowledge, and abilities of the applicant to perform the job duties of the position.

\*\*\*\*\*

**HIGH SCHOOL ATTENDED:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DID YOU GRADUATE:** \_\_\_\_\_ **HIGH SCHOOL EQUIVALENT?** \_\_\_\_\_

**COURSES PERTAINING TO JOB APPLIED FOR:** \_\_\_\_\_

**ACTIVITIES, AWARDS, ACHIEVEMENTS, ETC., RELATED TO THE POSITION APPLIED FOR:**

**COLLEGE OR TRADE SCHOOL ATTENDED:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DATES OF ATTENDANCE:** \_\_\_\_\_ **TO** \_\_\_\_\_

**DID YOU GRADUATE?** \_\_\_\_\_ **DEGREE:** \_\_\_\_\_

**COURSES PERTAINING TO JOB APPLIED FOR:** \_\_\_\_\_

**ACTIVITIES, AWARDS, ACHIEVEMENTS, ETC., RELATED TO THE POSITION APPLIED FOR:**

**GRADUATE SCHOOL(S) ATTENDED:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

**DATES OF ATTENDANCE:** \_\_\_\_\_ **TO** \_\_\_\_\_

**DID YOU GRADUATE?** \_\_\_\_\_ **DEGREE:** \_\_\_\_\_

**COURSES PERTAINING TO JOB APPLIED FOR:** \_\_\_\_\_

**ACTIVITIES, AWARDS, ACHIEVEMENTS, ETC., RELATED TO THE POSITION APPLIED FOR:**

\*\*\*\*\*

Please use the following space to provide any further information on training, education, skills, abilities, hobbies, volunteer work, etc., that you possess or have experienced that may be helpful in the evaluation of your application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*\*\*\*

PLEASE LIST THREE REFERENCES WHO ARE NOT RELATED TO YOU THAT YOU HAVE KNOWN AT LEAST ONE YEAR:

NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

NAME: \_\_\_\_\_  
PHONE: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

\*\*\*\*\*

Please answer the following questions if they are applicable to the position(s) for which you are applying.

DO YOU POSSESS A VALID STATE OF OHIO DRIVER'S LICENSE?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

IF NO, CAN YOU OBTAIN ONE PRIOR TO EMPLOYMENT?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

DO YOU POSSESS A VALID STATE OF OHIO COMMERCIAL DRIVER'S LICENSE?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

IF YES, WHAT CLASS OF LICENSE? \_\_\_\_\_

WHAT CDL ENDORSEMENTS? \_\_\_\_\_

IF NO, CAN YOU OBTAIN THE PROPER CLASS OF COMMERCIAL DRIVER'S LICENSE AND ENDORSEMENTS, FOR THE POSITION YOU ARE APPLYING FOR, PRIOR TO EMPLOYMENT?

YES: \_\_\_\_\_ NO: \_\_\_\_\_

\*\*\*\*\*

**Please read each of the following paragraphs carefully. Indicate your understanding of, and consent to, the contents and conditions of each by placing your initials at the end of each paragraph. If you have any questions regarding one or more paragraphs, contact the Employer before initialing.**

\*\*\*\*\*

**1. I understand and accept that, if I am selected for employment, my employment may be conditioned upon my passing any medical/psychological examination that the Employer deems necessary to determine whether I can perform the essential functions of the position, with reasonable accommodation when necessary. I understand and accept that this may include drug, alcohol, or substance abuse testing.**

**Initials:** \_\_\_\_\_

**2. I understand and accept that given the duties and responsibilities of the Employer, I may be required to work weekends, evening hours, or at other times as determined by the Employer, including overtime hours.**

**Initials:** \_\_\_\_\_

**3. I understand and accept that it may be necessary for me to sign waivers to allow the Employer to obtain information from my current and former employers, schools, and personal references.**

**Initials:** \_\_\_\_\_

**4. I understand and accept that if any information required in this application is found to be falsified or intentionally excluded, my application may be disqualified from further consideration. I further understand and accept that, if I am employed by the Employer, I may be subject to disciplinary action, including termination, if any information required by this application has been falsified or intentionally excluded.**

**Initials:** \_\_\_\_\_

**I SOLEMNLY SWEAR THAT ALL OF THE INFORMATION FURNISHED IN THIS EMPLOYMENT APPLICATION IS TRUE, ACCURATE, AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I AUTHORIZE INVESTIGATION OF ALL STATEMENTS CONTAINED IN THIS APPLICATION. I RECOGNIZE THAT MY FUTURE EMPLOYMENT WITH THE EMPLOYER WILL BE JEOPARDIZED IF I ENGAGE IN SUBSTANCE ABUSE, ILLEGAL DRUG USE, OR ALCOHOL ABUSE. I FURTHER UNDERSTAND THAT IF HIRED BY THE COUNTY, I MUST ABIDE BY ALL WAYNE COUNTY RULES AND REGULATIONS.**

\_\_\_\_\_  
**Applicants Signature**

\_\_\_\_\_  
**Date**

\*\*\*\*\*

**FOR PERSONNEL DEPARTMENT USE ONLY**

**Arrange Interview** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**Remarks** \_\_\_\_\_

**Interviewer** \_\_\_\_\_

**Date** \_\_\_\_\_

**Employed** \_\_\_\_\_ **Yes** \_\_\_\_\_ **No** \_\_\_\_\_ **Date of Employment** \_\_\_\_\_

**Job Title** \_\_\_\_\_ **Hourly Rate/Salary** \_\_\_\_\_

**Department** \_\_\_\_\_

**By:** \_\_\_\_\_

**Name/Title**

**Date**

\*\*\*\*\*



Wayne County Accident /  
Injury & Illness ReportDepartment \_\_\_\_\_  
Department # \_\_\_\_\_*Injured/Ill Employee Information (Supervisor, Employee)*

Name: _____	Social Security #: _____
Address: _____	Date of Birth: _____
Job Title: _____	Wage: _____
Telephone: _____	Date of Hire: _____

*Injury/Illness Information (Supervisor, Employee)*

Date of Injury: _____	Reported To: _____		
Nature of Injury/Illness: _____			
How Did It Occur? _____			
Lost Time: _____	Restrictive Duty: _____	Return To Work: _____	Date: _____

*Corrective Action (Supervisor / Safety – Loss Control)*

Recommendations to Prevent Reoccurrence: _____
Action Taken: _____
Date: _____ By: _____

*Return To Work Information (Safety – Loss Control)*

Lost Time: From _____ To _____ Total Days: _____
Restrictive Duty: From _____ To _____ Total Days: _____

Fax To: Dave Hodgson at 330-287-5458 within 24 hours or  
Telephone: 330-287-5449 within 24 hours

**HEALTH CARE:  
NOTICE OF PRIVACY PRACTICES (HIPAA)**

**NOTICE OF PRIVACY PRACTICES  
FOR WAYNE COUNTY EMPLOYEE BENEFIT PLANS  
&  
WAYNE COUNTY HEALTH & WELLNESS CLINIC  
Wayne County, Ohio**

**THIS NOTICE DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU MAY HAVE ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY. THIS NOTICE APPLIES TO ALL THE RECORDS OF YOUR CARE GENERATED BY THE PRACTICE, WHETHER MADE BY THE PRACTICE OR A BUSINESS ASSOCIATE.**

We are required to abide by the terms of this Notice of Privacy Practices. We may change the terms of our notice, at any time. Upon your request, we will provide you with any revised Notice of Privacy Practices by calling the office and asking for one at the time of your next appointment or by requesting that a revised copy be sent to you in the mail.

This Notice to you will also be deemed Notice to anyone else covered as your dependent under the Wayne County Employee Benefit Plan

- I. How We May Use and Disclose Medical Information About You:** Your protected health information may be used and disclosed by your physician, Wayne County Health & Wellness Nurse and Wayne County Medical Director, our office staff and others outside of our office that are involved in your care and treatment for the purpose of providing health care services to you. Your protected health information may also be used and disclosed to collect payment for your health care bills and to support the operation of the Wayne County Employee Benefit Plan. Following are examples of the types of uses and disclosures of your protected health care information that is permitted:

**Treatment:** We will use and disclose such portions of your protected health information to provide, coordinate, or manage your health care and any related services. This may include the coordination or management of your health care with a third party, including your pharmacist. For example, we would disclose your protected health information, as necessary, to a home health agency or a managed care or assessment group. We will also disclose protected health information to other physicians who may be treating you. In addition, we may disclose your protected health information from time-to-time to another physician or health care provider (e.g., a specialist, managed care group, or laboratory) who, at the request of your physician or us, becomes involved in your care by providing assistance with your health care diagnosis or treatment.

**Payment:** Your protected health information will be used, as needed, to obtain payment for your health care services. This may include certain activities that your health insurance plan may undertake before it approves or pays for the health care services for you and may include, but are not limited to, the following: making a determination of eligibility or coverage for insurance benefits; reviewing services provided to you for medical necessity; undertaking utilization review activities. For example, obtaining approval for a hospital stay may require that your relevant protected health information be disclosed to the health plan to obtain approval for the hospital admission.

**Healthcare Operations:** We may use or disclose, as needed, your protected health information in order to support the business activities of the Wayne County Employees Benefit Plan. These activities include, but are not limited to, the following: quality assessment activities; employee review activities; health care or financial audits; soliciting proposals for insurance programs, training of medical students; licensing, marketing activities; and conducting or arranging for other business activities. In addition, we may obtain information over the phone for intake and assessment purposes. We may use or disclose your protected health information, as necessary, to contact you to discuss your treatment.

We will share your protected health information with third party "business associates" that perform various activities for the Wayne County Employee Benefit Plan. We may use or disclose your protected health information, as necessary, to provide you with information about treatment alternatives or other health-related benefits and services that may be of interest to you. We may also send you information about health-related products or services that we believe may be beneficial to you. You may contact our Privacy Officer, mentioned later herein, to request that these materials not be sent to you.

2. **Uses and Disclosures of Protected Health Information Based upon Your Written Authorization:** Other uses and disclosures of your protected health information will be made only with your written authorization, unless otherwise permitted or required by law as described below. You may revoke this authorization, at any time, in writing, except to the extent that your physician or the physician's practice has taken an action in reliance on the use or disclosure indicated in the authorization. You understand that once treatment or diagnosis is provided to you, our actions in seeking payment in connection with the treatment or diagnosis provided to you are in reliance upon your written authorization.
3. **Other Permitted and Required Uses and Disclosures That May Be Made Without Your Authorization:** We may use and disclose your protected health information in the following instances. You have the opportunity to agree or object to the use or disclosure of all or part of your protected health information. If you are not present or able to agree or object to the use or disclosure of the protected health information, then your physician may, using professional judgment, determine whether the disclosure is in your best interest. In this case, only the protected health information that is relevant to your health care will be disclosed.

**Others Involved In Your Healthcare:** Unless you object, we may disclose to a member of your family, a relative, a close friend or any other person you identify, your protected health information that directly related to that person's involvement in your health care. If you are unable to agree or object to such a disclosure, we may disclose such information as necessary if we determine that is in your best interest based on our professional judgment. We may use or disclose protected health information to notify or assist in notifying a family member, personal representative or any other person that is responsible for your care of your location, general condition or death. Finally, we may use or disclose your protected health information to an authorized public or private entity to assist in disaster relief efforts and to coordinate uses and disclosures to family or other individuals involved in your health care.

**Emergencies:** We may use or disclose your protected health information in an emergency treatment situation. If this happens, your physician shall try to obtain your acknowledgment of receipt of the Practice's Notice of Privacy Practices as soon as reasonably practicable after the delivery of treatment.

**4. Other Permitted and Required Uses and Disclosures That May Be Made Without Your Consent, Authorization or Opportunity to Object:** We may use or disclose your protected health information in the following situations without your consent or authorization. These situations include the following:

- |                             |  |
|-----------------------------|--|
| *Required By Law            | *Coroners, Funeral Directors, & Organ Donation |
| *Public Health              | *Research                                      |
| *Communicable Diseases      | *Criminal Activity                             |
| *Health Oversight           | *Military Activity and National Security       |
| *Abuse or Neglect           | *Workers' Compensation                         |
| *Food & Drug Administration | *Inmates                                       |
| *Legal Proceedings          | *Required Uses and Disclosures                 |
| *Law Enforcement            |  |

Contact our Privacy Officer if you have questions about any of these circumstances.

**5. Your Rights:** The following is a statement of your rights with respect to your protected health information and a brief description of how you may exercise these rights:

**You have the right to inspect and copy your protected health information:** This means you may inspect and obtain a copy of protected health information about you that is contained in a designated record set for as long as we maintain the protected health information. A "designated record set" contains medical and billing records and any other records that your physician and the practice use for making decisions about you. You will be charged a reasonable fee if you are requesting copies. Under federal law, however, you may not inspect or copy the following records: psychotherapy notes; information compiled in reasonable anticipation of, or use in, a civil, criminal, or administrative action or proceeding; and protected health information that is subject to law that prohibits access to protected health information. Depending on the circumstances, a decision to deny access may be reviewable. In some circumstances, you may have a right to have the decision reviewed. Please contact our Privacy Officer if you have questions about access to your medical records.

**You may have the right to have your physician amend your protected health information:** This means you may request an amendment of protected health information about you in a designated record set for as long as we maintain this information. In certain cases, we may deny your request for an amendment. If we deny your request for amendment, you have the right to file a statement of disagreement with us and we may prepare a rebuttal to your statement and will provide you with a copy of any such rebuttal. Please contact our Privacy Officer if you have questions about amending your medical record.

**You have the right to receive an accounting of certain disclosures we have made, if any, of your protected health information:** This right applies to disclosures for purposes other than treatment, payment or healthcare operations as described in this Notice of Privacy Practices. It excludes disclosures we may have made to you, for a facility directory, to family members or friends involved in your care, or for notification purposes. You have the right to receive specific information regarding these disclosures that occurred after April 14, 2003. The right to receive this information is subject to certain exceptions, restrictions and limitations.

**6. Situations Not Covered By This Notice:** These provisions do not apply to health information we receive as your employer for other purposes. Examples of these situations include: workers' compensation proceedings; medical information related to your work such as return to work letters from your doctor; request for paid sick days, or requests for family medical leave.

7. **Complaints:** You may file a complaint with us or with the Secretary of Health and Human Services if you believe your privacy rights have been violated by us. You may file a complaint with us by notifying our Privacy Officer. We will not retaliate against you for filing a complaint. You may contact our Privacy Officer for further information about the complaint process.

This notice was published and becomes effective as of **April 14, 2003** — revised on **Sept 23, 2008**.

**If you have any questions about this Notice please contact the Privacy Officer: Dolores J. Wagner, Benefits Administrator, 428 West Liberty Street, Wooster, Ohio 44691 (330-287-5409) or email [djwagner@wayneohio.org](mailto:djwagner@wayneohio.org); or Misty White, Health & Wellness Nurse (330-287-5487) or email [wellnessnurse@wayneohio.org](mailto:wellnessnurse@wayneohio.org)**

**WORKERS' COMPENSATION  
NOTIFICATION REQUIREMENT****Bureau of Workers'  
Compensation**30 W. Spring St.  
Columbus, OH 43215

## Notice to Employees

Section 4123.84 of the Ohio Revised Code (workers' compensation) reads as follows:

- (A) In all cases of injury or death, claims for compensation or benefits for the specific part or parts of the body injured shall be forever barred unless, within two years after the injury or death:
- (1) Written notice of the specific part or parts of the body claimed to have been injured has been made to the Industrial Commission or the Bureau of Workers' Compensation;
  - (2) The Employer, with knowledge of a claimed compensable injury or occupational disease, has paid wages in lieu of compensation for total disability;
  - (3) In the event the employer has elected to pay compensation or benefits directly, one of the following has occurred:
    - (a) Written notice of the specific part or parts of the body claimed to have been injured has been given to the commission or bureau, or the employer has furnished treatment by a licensed physician in the employ of an employer; providing, however, that the furnishing of such treatment shall not constitute a recognition of a claim as compensable, but shall do no more than satisfy the requirements of this section;
    - (b) Compensation or benefits have been paid or furnished equal to or greater than is provided for in Sections 4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised Code.
  - (4) Written notice of death has been given to the commission or bureau.

As used in division (A) (3) (b) of this section, "benefits" means payment by a self-insuring employer to, or on behalf of, an employee for:

- (1) A hospital bill;
- (2) A medical bill to a licensed physician or hospital;
- (3) An orthopedic or prosthetic device.

Section 4121.65 of the Ohio Revised Code grants authority to self-insuring employers to furnish rehabilitation services as long as the quality and content is equal to or greater than that provided by the bureau of workers' compensation, and prior approval has been given by the bureau.

**Note:** This notice is to be posted and maintained at all times in one or more conspicuous places in workshops or places of employment by all self-insuring employers.

# Your workers' compensation rights and responsibilities

*If you suffer a work-related injury in Ohio, you deserve to be treated fairly and to promptly receive the benefits to which you are entitled.*

*You work for a self-insuring employer, which means the Bureau of Workers' Compensation (BWC) has granted your employer the right to manage its own workers' compensation program. Your medical bills and compensation benefits are paid directly by your employer and BWC monitors the self-insuring program.*

*Here is some information we hope will be helpful.*



## How to file a claim

You should file a claim *as soon as possible* after an injury. Early filing lessens the impact of the injury, and the sooner medical treatment begins the faster you'll recover. To file a claim, you should:

- Seek medical help;
- Report the accident immediately to your employer;
- Complete a *First Report of Injury (FROI)*;
- Provide your medical bills and doctor's treatment plan to your employer.

## How to file a complaint

Sometimes there are disagreements about workers' compensation claims. If you disagree with your employer about your claim, first discuss the matter with your employer. If you are still not satisfied, you may:

- Contact BWC's self-insuring unit at **1-800-OHIOBWC** and press 23; or
- Complete *Filing of Complaint Against Self-Insuring Employer* (also known as the SI-28 form).



## We're here to help!

For more information about BWC's self-insurance program or to file a complaint, just call **1-800-OHIOBWC** (1-800-644-6292) and press 23 or check out our Web site at [www.ohiobwc.com](http://www.ohiobwc.com).

## Pledge of Service

*The Injured Worker Pledge of Service is our pledge to our most important customers, the injured workers of Ohio.*

*Any employee of a self-insuring employer who suffers an on-the-job injury in Ohio deserves to be treated fairly by his or her employer, and to promptly receive the benefits to which he or she is entitled.*

**As an injured worker of a self-insuring employer, you have the right:**

- To workers' compensation benefits if you sustain a work-related injury or contract an occupational disease.
- To quick access to high-quality health care, first from your self-insuring employer's Qualified Health Plan provider and then from any BWC-certified health-care provider that you choose. If your self-insuring employer does not have a Qualified Health Plan, you may choose any health-care provider.
- To have your approved medical bills paid and not to be billed an additional amount.
- To expect prompt, professional and courteous customer service from all BWC employees.
- To have access to your records within 48 hours of your written request.
- To receive timely payments for the allowed conditions in your claim.
- To be considered for all benefits and rehabilitation services for which you may be eligible.
- To a quality independent medical examination when required in your claim.
- To appeal a decision made in your claim to BWC, your employer's Qualified Health Plan or the Industrial Commission.
- To represent yourself or hire a lawyer at your own expense.

REQUEST TO CARRY OVER VACATION

Name

\_\_\_\_\_  
Last

\_\_\_\_\_  
First

\_\_\_\_\_  
MI

\_\_\_\_\_  
Date of Employment

\_\_\_\_\_  
Date of Request

As of my next anniversary date of employment, I will have more than the maximum allowable accumulated vacation time for one (1) service year. I therefore request that the Appointing Authority approve the carry over of \_\_\_\_\_ hours of accumulated vacation to the next service year. I hereby, also, represent that the above amount of accumulated vacation is not over three (3) years worth of accumulation.

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

**Administrative Action**

\_\_\_\_\_ Recommended

\_\_\_\_\_ Approved

\_\_\_\_\_ Not Recommended

\_\_\_\_\_ Disapproved

\_\_\_\_\_  
Appointing Authority

\_\_\_\_\_  
Supervisor or Department Head

REQUEST FOR FAMILY AND MEDICAL LEAVE

Employee Name: \_\_\_\_\_ Date: \_\_\_\_\_

Leave Requested (Check One):

- \_\_\_\_\_ (1) Due to birth of child of employee;
- \_\_\_\_\_ (2) Due to placement of child with the employee for adoption/foster care;  
In order to care for your \_\_\_\_\_ spouse, \_\_\_\_\_ child, \_\_\_\_\_ parent due
- \_\_\_\_\_ (3) to his or her serious health condition;
- \_\_\_\_\_ (4) Because of your own serious health condition;
- \_\_\_\_\_ (5) Because of a qualifying exigency arising out of the fact that your \_\_\_\_\_  
spouse, \_\_\_\_\_ son or daughter, \_\_\_\_\_ parent is a covered military  
member on active duty (or has been notified of an impending call or  
order to active duty (in support of a contingency operation);
- \_\_\_\_\_ (6) Because you are the \_\_\_\_\_ spouse, \_\_\_\_\_ son or daughter, \_\_\_\_\_ parent, \_\_\_\_\_  
next of kin of a covered service member with a serious injury or illness.

Beginning date/time of requested leave: \_\_\_\_\_

Ending date/time of requested leave: \_\_\_\_\_

Total amount of leave requested: \_\_\_\_\_

Do you have a spouse employed by this employer? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, what is her or her name? \_\_\_\_\_

I hereby authorize a health care provider or other appropriate person representing my employer to contact my physician to verify the reason for my requested family and medical leave. I understand and agree that a failure to return to work at the end of my leave period will be treated as a resignation unless an extension has been agreed upon and approved in writing by my employer.

I certify all statements provided on this form are complete and factual. I also understand that falsification of information is cause for disciplinary action.

\_\_\_\_\_  
Date

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

**FAMILY AND MEDICAL LEAVE ACT  
NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES  
DESIGNATION NOTICE  
CERTIFICATION FORMS**

**FMLA Notice of Eligibility and Rights & Responsibilities –**

<http://www.dol.gov/whd/forms/WH-381.pdf>

**FMLA Designation Notice –**

<http://webapps.dol.gov/libraryforms/go-us-dol-form.asp?FormNumber=425>

**FMLA Certification of Health Care Provider for Employee’s Serious Health Condition**

<http://webapps.dol.gov/libraryforms/go-us-dol-form.asp?FormNumber=411>

**FMLA Certification of Health Care Provider for Family Member’s Serious Health Condition**

<http://webapps.dol.gov/libraryforms/go-us-dol-form.asp?FormNumber=412>

**FMLA Certification of Qualifying Exigency for Military Family Leave**

<http://webapps.dol.gov/libraryforms/go-us-dol-form.asp?FormNumber=413>

**FMLA Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

<http://webapps.dol.gov/libraryforms/go-us-dol-form.asp?FormNumber=414>

**Employee Return to Work Information**

*To be completed weekly or until employee returns to work full duty*

Supervisor: \_\_\_\_\_ Dept. \_\_\_\_\_

Employee: \_\_\_\_\_ Report Date: \_\_\_\_\_

**This person is / has (check all that apply):**

Has not returned to work; needs monitoring.      **Total Lost Time** \_\_\_\_\_

Performing their full duties with no restrictions.      Date: \_\_\_\_\_

Performing their duties with restrictions.      Date: \_\_\_\_\_

Has returned in a transitional work effort.      Date: \_\_\_\_\_

Is working a partial day for \_\_\_\_\_ hours per day from \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm.

Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\*\*\*Please Fax to Dave Hodgson 330-287-5458\*\*\***



See following pages

# Ohio Ethics Law and Related Statutes



## The Ohio Ethics Commission

Ben Rose, Chair  
Shirley Mays, Vice Chair  
Merom Brachman  
Betty Davis  
Steve Dettelbach  
Ann Marie Tracey

David E. Freel, Executive Director

January 2009

## TABLE OF CONTENTS

### **The Ohio Ethics Law: Revised Code Chapter 102.**

R.C. 102.01	Definitions .....	1
R.C. 102.02	Financial Disclosure .....	2
R.C. 102.021	Post-Employment Disclosure .....	6
R.C. 102.022	Financial Disclosure - Limited .....	8
R.C. 102.03	Post-Employment, Conflicts of Interest .....	9
R.C. 102.031	Gifts - Members of the General Assembly .....	11
R.C. 102.04	Representation, Sales of Goods and Services .....	12
R.C. 102.05	Ethics Commission, Creation and Duties .....	13
R.C. 102.06	Ethics Commission, Investigative Authority .....	14
R.C. 102.07	Ethics Commission, Confidentiality .....	16
R.C. 102.08	Opinions, Immunity, Education [H.B. 285] .....	16
R.C. 102.08*	Opinions, Immunity, Education [H.B. 492] .....	17
R.C. 102.09	Responsibilities - Forms and Law .....	18
R.C. 102.99	Penalties.....	18

### **RELATED STATUTES:**

R.C. 2921.01	Definitions .....	18
R.C. 2921.42	Public Contract Restrictions .....	19
R.C. 2921.421	Legal Business Associate Exemption .....	21
R.C. 2921.43	Supplemental Compensation .....	21

## THE OHIO ETHICS LAW: CHAPTER 102. OF THE REVISED CODE

**Section 102.01** As used in this chapter:

(A) “Compensation” means money, thing of value, or financial benefit. “Compensation” does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) “Public official or employee” means any person who is elected or appointed to an office or is an employee of any public agency. “Public official or employee” does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. “Public official or employee” does not include a person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) “Public agency” means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, or township, the five state retirement systems, or any other governmental entity. “Public agency” does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.

(D) “Immediate family” means a spouse residing in the person’s household and any dependent child.

(E) “Income” includes gross income as defined and used in the “Internal Revenue Code of 1986,” 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, “appropriate ethics commission” means:

(1) For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;

(2) For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;

(3) For matters relating to all other persons, the Ohio ethics commission.

(G) “Anything of value” has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined in section 3517.01 of the Revised Code.

(H) “Honorarium” means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. “Honorarium” does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to the public official’s or employee’s office or position of employment.

(I) “Employer” means any person who, directly or indirectly, engages an executive agency lobbyist or legislative agent.

(J) “Executive agency decision,” “executive agency lobbyist,” and “executive agency lobbying activity” have the same meanings as in section 121.60 of the Revised Code.

(K) “Legislation,” “legislative agent,” “financial transaction,” and “actively advocate” have the same meanings as in section 101.70 of the Revised Code.

(L) “Expenditure” has the same meaning as in section 101.70 of the Revised Code when used in relation to activities of a legislative agent, and the same meaning as in section 121.60 of the Revised Code when used in relation to activities of an executive agency lobbyist.

## **Section 102.02**

(A) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, county, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers’ compensation and each voting member of the workers’ compensation oversight commission; the chief investment officer of the bureau of workers’ compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; members of the board of trustees and the executive director of the tobacco use prevention and control foundation; members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

The disclosure statement shall include all of the following:

- (1) The name of the person filing the statement and each member of the person’s immediate family and all names under which the person or members of the person’s immediate family do business;
- (2)(a) Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in the person’s own name or by any other person for the person’s use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred

thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person's residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. Division (A)(5) of this section shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(6) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in the person's own name or by any other person for the person's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in the person's own name or by any other person for the person's use or benefit and that is incurred in connection with the person's official duties, except for expenses for travel to meetings or conventions of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person's official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary,

special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on. A person who holds elective office shall file the statement on or before the fifteenth day of April of each year unless the person is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section.

The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Except for disclosure statements filed by members of the board of trustees and the executive director of the tobacco use prevention and control foundation and members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline established under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by

division (A) or (B) of this section shall be accompanied by a filing fee of forty dollars.

(2) The statement required by division (A) of this section shall be accompanied by the following filing fee to be paid by the person who is elected or appointed to, or is a candidate for, any of the following offices:

For state office, except member of the state board of education .....	\$65
For office of member of general assembly .....	\$40
For county office .....	\$40
For city office .....	\$25
For office of member of the state board of education .....	\$25
For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board .....	\$20
For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center .....	\$20

(3) No judge of a court of record or candidate for judge of a court of record, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2) or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all receipts, including, but not limited to, fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code, into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation and statutory functions of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

## **Sec. 102.021**

(A)(1) For the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, except as provided in division (B) or (D) of this section, each former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code shall file, on or before the deadlines specified in division (D) of this section, with the joint legislative ethics committee a statement that shall include the information described in divisions (A)(2), (3), (4), and (5) of this section, as applicable. The statement shall be filed on a form and in the manner specified by the joint legislative ethics committee. This division does not apply to a state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code, who leaves service or public employment,

and who takes another position as a state elected officer or staff member who files or is required to file a disclosure statement under that section.

No person shall fail to file, on or before the deadlines specified in division (D) of this section, a statement that is required by this division.

(2) The statement referred to in division (A)(1) of this section shall describe the source of all income received, in the former state elected officer's or staff member's own name or by any other person for the person's use or benefit, and briefly describe the nature of the services for which the income was received if the source of the income was any of the following:

(a) An executive agency lobbyist or a legislative agent;

(b) The employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which

legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements

under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing an initial statement under division (D)(1) of this section. The person filing a statement under division (D)(2) of this section that is required to be filed on or before the last calendar day of January, May, and September shall pay a ten dollar filing fee with each such statement not to exceed thirty dollars in any calendar year. The joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last employer, and the employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

## **Sec. 102.022**

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code, and each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

### Section 102.03

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in

division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c) (3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

### **Sec. 102.031**

(A) As used in this section:

(1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(3) "Employee" does not include a member of the general assembly whose non-legislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose non-legislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a

county or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

#### **Section 102.04**

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau,

commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

## **Section 102.05**

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time

and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

#### **Section 102.06**

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a voting member of the workers' compensation oversight commission the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of the person's residence, the person's place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the

commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved, and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission shall also report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each

complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

### **Section 102.07**

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

### **Section 102.08\***

\* *See also following version of this section and explanation after that version.*

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the

appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, “appropriate ethics commission” does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 285, effective 03-02-94.]

#### **Section 102.08\***

\* *See also preceding version of this section and explanation below.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102., section 2921.42, or section 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102., section 2921.42, or section 2921.43 of the Revised Code.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonable rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. [Am. Sub. H.B. 492, effective 05-12-94.]

*\* R.C. 102.08 was amended by Am. Sub. H.B. 285 (eff. 03-02-94) and Am. Sub. H.B. 492 (eff. 05-12-94). Harmonization pursuant to R.C. 1.52 is in question. Both versions are presented here.*

## **Section 102.09**

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

## **Section 102.99**

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

## **CHAPTER 2921.**

**Section 2921.01** As used in sections 2921.01 to 2921.45 of the Revised Code:

(A) “Public official” means any elected or appointed officer, or employee, or agent of the state or any political subdivision, whether in a temporary or permanent capacity, and includes, but is not limited to, legislators, judges, and law enforcement officers.

(B) “Public servant” means any of the following:

(1) Any public official;

(2) Any person performing ad hoc a governmental function, including, but not limited to, a juror, member of a temporary commission, master, arbitrator, advisor, or consultant;

(3) A person who is a candidate for public office, whether or not the person is elected or appointed to the office for which the person is a candidate. A person is a candidate for purposes of this division if the person has been nominated according to law for election or appointment to public office, or if the person has filed a petition or petitions as required by law to have the person’s name placed on the ballot in a primary, general, or special election, or if the person campaigns as a write-in candidate in any primary, general, or special election.

(C) “Party official” means any person who holds an elective or appointive post in a political party in the United States or this state, by virtue of which the person directs, conducts, or participates in directing or conducting party affairs at any level of responsibility.

(D) “Official proceeding” means any proceeding before a legislative, judicial, administrative, or other governmental agency or official authorized to take evidence under oath and includes any proceeding before a referee, hearing examiner, commissioner, notary, or other person taking testimony or a deposition in connection with an official proceeding.

(E) “Detention” means arrest; confinement in any vehicle subsequent to an arrest; confinement in any public or private facility for custody of persons charged with or convicted of crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States; hospitalization, institutionalization, or confinement in any public or private facility that is ordered pursuant to or under the authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code; confinement in any vehicle for transportation to or from any facility of any of those natures; detention for extradition or deportation; except as provided in this division, supervision by any employee of any facility of any of those natures that is incidental to hospitalization, institutionalization, or confinement in the facility but that occurs outside the facility; supervision by an employee of the department of rehabilitation and correction of a person on any type of release from a state correctional institution; or confinement in any vehicle, airplane, or place while being returned from outside of this state by a private person or entity, pursuant to a contract entered into under division (E) of section 311.29 of the Revised Code or division (B) of section 5149.03 of the Revised Code. For a person confined in a county jail who participates in a county jail industry program pursuant to section 5147.30 of the Revised Code, “detention” includes time spent at an assigned work site and going to and from the work site.

(F) “Detention facility” means any public or private place used for the confinement of a person charged with or convicted of any crime in this state or another state or under the laws of the United States or alleged or found to be a delinquent child or unruly child in this state or another state or under the laws of the United States.

(G) “Valuable thing or valuable benefit” includes, but is not limited to, a contribution. This inclusion does not indicate or imply that a contribution was not included in those terms before September

17, 1986.

(H) “Campaign committee,” “contribution,” “political action committee,” “legislative campaign fund,” “political party,” and “political contributing entity” have the same meanings as in section 3517.01 of the Revised Code.

(I) “Provider agreement” and “medical assistance program” have the same meanings as in section 2913.40 of the Revised Code.

**Sec. 2921.42.**

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official’s office to secure authorization of any public contract in which the public official, a member of the public official’s family, or any of the public official’s business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official’s office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official’s family, or any of the public official’s business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official’s term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official’s family, or any of a public official’s business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person’s exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official’s family, or one of a public official’s business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official’s becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm’s length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official’s family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with

respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

## **Sec. 2921.421**

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504. of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and

a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

### **Section 2921.43**

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of

either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity, from accepting voluntary contributions.

**FOR MORE INFORMATION, OR ADDITIONAL MATERIALS ON THE OHIO ETHICS LAW,  
PLEASE CONTACT:**

**OHIO ETHICS COMMISSION  
8 East Long Street  
10th Floor  
Columbus, Ohio 43215-2940  
Phone: (614) 466-7090  
Fax: (614) 466-8368  
[www.ethics.ohio.gov](http://www.ethics.ohio.gov)**

[Rev. 10/07]

**DISCRIMINATORY HARASSMENT COMPLAINT FORM**

If claiming discriminatory harassment, please provide the following information:

a. The name of the subject of the complaint: \_\_\_\_\_

b. Is the above named person a County employee? \_\_\_\_\_

c. Describe the acts complained of (use reverse side or attached additional pages, if necessary) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

d. List the date(s) of the alleged act(s): \_\_\_\_\_  
\_\_\_\_\_

e. List any known or suspected witnesses to the alleged act(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

f. What remedy or resolution do you request? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Submission of EEOC Complaint Form**

Any employee who believes that he/she has been the subject of or witness to discrimination, including sexual harassment, should immediately submit this report to his/her immediate supervisor, department head, or Appointing Authority.

If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the Appointing Authority is the subject of the complaint), the employee should submit his/her report to the County Prosecutor. If the County Prosecutor is the subject of the complaint, the employee should submit this report to the County Coroner or the Board of County Commissioners.

---

Signature of Complainant

---

Date

---

**Administrative Use Only**

---

Signature of Recipient

---

Date

---



## DRUG TESTING TECHNOLOGY

The presence of drugs of abuse will be tested by urine testing. All testing will be performed by a Department of Health and Human Services approved laboratory. Urine will initially be screened for the presence of drugs using an EMIT test. Should the screen demonstrate the presence of drug metabolite above the screen level listed below, then a confirmatory test will be performed using a GC/MS test. Should the GC/MS test confirm presence at or above the level listed below, the laboratory will report a positive result to the Medical Review Officer.

<b>Drugs of Abuse</b>	<b>Screening Cutoff Levels</b>	<b>Confirmation Cutoff Level</b>
Amphetamines	500 ng/ml*	250 ng/ml
Barbiturates	300 ng/ml	300 ng/ml
Benzodiazepines	300 ng/ml	300 ng/ml
Cocaine	150 ng/ml*	75 ng/ml
Opiates	300 ng/ml	300 ng/ml
Phencyclidine	25 ng/ml	25 ng/ml
Cannabinoids	15 ng/ml*	10 ng/ml
Methadone	300 ng/ml	300 ng/ml
Propoxyphene	300 ng/ml	300 ng/ml
LSD	25 ng/ml	

### Alcohol Testing

Alcohol testing will be performed by evidentiary breath testing by trained breath alcohol technicians utilizing testing equipment approved by the Department of Health and Human Services.

If the initial test demonstrates a blood alcohol concentration of .04% or higher, then a confirmatory test will be performed following a 15 minute wait period. If the confirmatory test shows a blood alcohol concentration of .04% or higher, the result will be immediately reported to the Program Administrator or other authorized employer representative.

---

\*per R.C. 4511.19

**WAYNE COUNTY**

**APPENDIX O**

**PERSONAL USE OF COUNTY CELLULAR PHONE  
MONTHLY REPORT**

See following page



**IDENTITY THEFT PREVENTION PROGRAM  
OF THE WAYNE COUNTY COMMISSIONERS****Purpose**

To establish an Identity Theft Prevention Program (“Program”) designed to detect, prevent and mitigate identity theft in connection with a covered account, whether new or existing, and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACTA) of 2003.

**Definitions**

**Identify theft** means fraud attempted or committed, using the identifying information of another person, without authority. The Federal Trade Commission (FTC) defines the term “**identifying information**” to mean, “any name or number that may be used, alone or in conjunction with any other information, to identify a specific person, including any of the following:

1. Name, Social Security Number (SSN), date of birth, official State or government issued driver’s license or identification number, alien registration number, government passport number, employer or taxpayer identification number;
2. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
3. Unique electronic identification number, address or routing code; or
4. Telecommunication identifying information or access device.”

A **covered account** means:

1. An account that a creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions. Covered accounts include credit card accounts, mortgage loans, automobile loans, margin accounts, cell phone accounts, utility accounts, checking accounts and savings accounts; and
2. Any other account that a creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the creditor from identity theft, including financial, operational, compliance, reputation or litigation risks.

A **red flag** means a pattern, practice, or specific activity that indicates the possible existence of identity theft.

A **service recipient** is a person or entity who receives services from the Wayne County Commissioners for whom the Wayne County Commissioners creates or uses an account of any kind, such as utility provision, medical/emergency services, et cetera.

**The Program**

The Wayne County Commissioners hereby establishes this Identity Theft Prevention Program to detect, prevent and mitigate identity theft. The Program includes reasonable policies and procedures to:

1. Identify relevant patterns, practices, and specific forms of activity that are “red flags,” signaling possible identity theft, and incorporate those red flags into the Program (under section “Identification of Relevant Red Flags”);
2. Detect red flags that have been incorporated into the Program (under the section “Detection of Red Flags);
3. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
4. Ensure the Program is updated periodically to reflect changes in risks to customers and to the safety and soundness of the creditor from identity theft.

This Program incorporates, as appropriate, existing policies and procedures that control reasonably foreseeable risks.

### **Administration of Program**

The Wayne County Commissioners is responsible for the development, implementation, oversight, and continued administration of this Program. This Program shall be used to train staff, as necessary, to effectively implement the Program. This Program shall also be used to exercise appropriate and effective oversight of service provider arrangements.

### **Identification of Relevant Red Flags**

This Program includes relevant red flag identification via the following categories as appropriate:

1. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
2. The presentation of suspicious documents;
3. The presentation of suspicious personal identifying information;
4. The unusual use of, or other suspicious activity related to, a covered account; and
5. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.

The Program considers the following risk factors to identify relevant red flags for covered accounts as appropriate:

1. The types of covered accounts offered or maintained;
2. The methods provided to open covered accounts;
3. The methods provided to access covered accounts; and
4. Previous experience with identity theft.

The Program incorporates relevant red flags from sources such as:

1. Incidents of identity theft previously experienced;
2. Methods of identity theft that reflect changes in risk;
3. Credit reporting agencies or other reliable regulatory agencies; and
4. Applicable supervisory guidance.

### **Detection of Red Flags**

In the course of providing services for citizens, the Wayne County Commissioners may encounter suspicious or inconsistent documents, information, or activity that may signal identity theft. This Program addresses the detection of red flags in connection with the opening of covered accounts and existing covered accounts, such as by:

1. Obtaining identifying information about, and verifying the identity of, a person opening a covered account;
2. Authenticating service recipients, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts;
3. In the case of provision of medical/emergency services, if records showing services provided are inconsistent with a physical exam or medical history;
4. A notice or inquiry from an insurance fraud investigator, landlord, lienholder, or property owner who has proof of ownership of any subject property; a law enforcement agency, including but not limited to Medicaid or Medicare fraud agents; or any other person/entity who has a legal interest in property, insurance, or other legitimate rights to inquire about a covered account;
5. A complaint or question from a service recipient about information added to a credit report relative to services provided by the Wayne County Commissioners; and
6. A dispute of a bill by a service recipient who claims to be the victim of any type of identity theft.

### **Response**

This Program provides for appropriate responses to detect red flags to prevent and mitigate identity theft.

The response shall be commensurate with the degree of risk posed. Appropriate responses may include:

1. Monitor a covered account for evidence of identity theft;
2. Require identification of the service recipient, such as a driver's license or other state id, current health insurance card, or other identifying information prior to provision of services;
3. Contact the service recipient to verify services were actually received by that individual;
4. Change any passwords, security codes or other security devices that permit access to a covered account;
5. Reopen a covered account with a new account number;
6. Not open a new covered account;
7. Close an existing covered account;
8. Notify law enforcement; or
9. Determine if no response is warranted under the particular circumstances.

### **Updating the Program**

This Program shall be updated periodically to reflect changes in risks from identity theft to customers, or to the safety and soundness of the Wayne County Commissioners, based on factors such as:

1. The experiences of the Wayne County Commissioners with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent and mitigate identity theft;
4. Changes in the types of accounts that the Wayne County Commissioners offers or maintains;
5. Changes in the business arrangements of the Wayne County Commissioners, including alliances, joint ventures, and contractual arrangements.

### **Oversight of the Program**

Oversight of the Program shall include:

1. Assignment of specific responsibility for implementation and maintenance of the Program. It is the policy of the Wayne County Commissioners that (title of person who would implement/maintain) \_\_\_\_\_ is assigned such responsibility.
2. Review of reports prepared by staff regarding compliance; and
3. Approval of material changes to this Program as necessary, to address changing risks of identity theft.

Reports shall be prepared as follows:

1. Staff responsible for development, implementation, and administration of the Program shall report to the Wayne County Commissioners at least annually on compliance with the Program.
2. The report shall address material matters related to the Program and evaluate issues such as:
  - a. The effectiveness of the policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
  - b. Contractual or other agreements;
  - c. Significant incidents involving identity theft and the Wayne County Commissioners' response; and
  - d. Recommendations for material changes to the Program.

### **Oversight of Contractual or Other Agreements**

The Wayne County Commissioners shall take steps to ensure that the activity of a contractor is conducted in accordance with reasonable policies and procedures designed to detect, prevent and mitigate the risk of identity theft, whenever the Wayne County Commissioners engages a contractor to perform an activity in connection with one or more covered accounts. An example would be a bill collection agency, a financial transaction device processor, or other party that may have access to covered accounts in any way.

### **Duties Regarding Address Discrepancies**

The Wayne County Commissioners shall develop policies and procedures designed to enable it to form a reasonable belief that a credit report relating to a service recipient's address is accurate. Occasionally, the Wayne County Commissioners may request a credit report for a service recipient. If the Wayne County Commissioners receives a notice of address discrepancy from a nationwide consumer reporting agency, indicating the address given by the consumer differs from the address contained in the consumer report, the

Wayne County Commissioners shall attempt to confirm an accurate address.

The Wayne County Commissioners may reasonably confirm that an address is accurate by any of the following means:

1. Verification of the address with the consumer;
2. Review of the Wayne County Commissioners' records;
3. Verification of the address through third-party sources; or
4. Other reasonable means.

If an accurate address is confirmed, the Wayne County Commissioners shall furnish the service recipient's address to the nationwide consumer reporting agency from which it received the notice of address discrepancy if:

1. The Wayne County Commissioners establishes a continuing relationship with the service recipient; and
2. The Wayne County Commissioners, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.

This Program was adopted on May 13, 2009, by the Wayne County Commissioners. This Program is effective as of August 1, 2009, regardless of when it is adopted.

RECORD OF INSTRUCTION AND CAUTIONING

Employee's Name \_\_\_\_\_

Employee's Classification \_\_\_\_\_

Date Instruction And Cautioning Was Issued \_\_\_\_\_

**VIOLATION**

Date Violation Occurred \_\_\_\_\_

Location Where Violation Occurred \_\_\_\_\_

Description of Violation \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Additional Sheet If Necessary)

This instruction and cautioning is issued as a corrective measure in an effort to help you improve your conduct.

\_\_\_\_\_  
Signature Of Person Issuing  
Instruction And Cautioning

\_\_\_\_\_  
Title

I hereby acknowledge that a copy of the Record Of Instruction And Cautioning has been given to me this day.

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

\_\_\_\_\_  
Date

cc: Employee/Employee Personnel File

**RECORD OF WRITTEN WARNING**

Employee's Name \_\_\_\_\_

Employee's Classification \_\_\_\_\_

Date Warning Was Issued \_\_\_\_\_

**VIOLATION**

Date Violation Occurred \_\_\_\_\_

Location Where Violation Occurred \_\_\_\_\_

Description of Violation \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach Additional Sheet If Necessary)

This written warning is issued as a corrective measure in an effort to help you improve your conduct.

\_\_\_\_\_  
Signature Of Person Issuing Warning

\_\_\_\_\_  
Title

\_\_\_\_\_  
I hereby acknowledge that a copy of the Record Of Written Warning has been given to me this day.

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

\_\_\_\_\_  
Date

cc: Employee/Employee Personnel File

**NOTICE OF PREDISCIPLINARY CONFERENCE**

**DATE OF PREDISCIPLINARY CONFERENCE:** \_\_\_\_\_

Employee's Name \_\_\_\_\_

Employee's Classification \_\_\_\_\_

Date Notice of Disciplinary Conference Was Issued \_\_\_\_\_

**ALLEGED MISCONDUCT**

Date Misconduct Occurred \_\_\_\_\_

Location Where Misconduct Occurred \_\_\_\_\_

Description of Misconduct \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Additional Sheet If Necessary)

This notice is to notify you of the disciplinary conference which has been set to give you an opportunity to offer an explanation of the above-mentioned misconduct.

\_\_\_\_\_  
Signature Of Person Issuing Notice

\_\_\_\_\_  
Title

I hereby acknowledge that a copy of the Notice of Disciplinary Conference has been given to me this day.

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

\_\_\_\_\_  
Date

cc: Employee/Employee Personnel File

ORDER OF REMOVAL, REDUCTION, SUSPENSION,  
FINE, INVOLUNTARY DISABILITY SEPARATION

Online Link: [www.pbr.ohio.gov](http://www.pbr.ohio.gov),  
click on Resources, then Forms & Publications, then R.C. 124.34 Order (ADM 4055)

State of Ohio  
Department of Administrative Services

Order of Removal, Reduction, Suspension,  
Fine, Involuntary Disability Separation

M \_\_\_\_\_

This will notify you that you are:  removed;  suspended;  suspended (working);  fined;  
 involuntary disability separated;  reduced in pay, from your position of

\_\_\_\_\_ and/or reduced to new position of \_\_\_\_\_  
effective \_\_\_\_\_ (date) \_\_\_\_\_ (if applicable)

The reason for this action is that you have been guilty of (List relevant R.C. 124.34 disciplinary offense(s)).  
(Section not applicable for involuntary disability separation.)

Specifically:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notice of pre-disciplinary/separation hearing given to employee: \_\_\_\_\_ (date)

Pre-disciplinary/separation hearing held or waived: \_\_\_\_\_ (date)

Employee allowed to meet with employer:  Yes  No

Order hand-delivered to employee: \_\_\_\_\_ (date, if hand-delivered)

If employee is suspended, list dates of suspension: \_\_\_\_\_

Signed at \_\_\_\_\_ Ohio, \_\_\_\_\_ (city) (date)

Counter signature, if applicable

Signature of Appointing Authority

Counter signature, if applicable

Type Name and Title of Appointing Authority

Counter signature, if applicable

Type Department, Agency, or Institution

## **IMPORTANT INSTRUCTIONS TO THE APPOINTING AUTHORITY**

(1) Actual signature means that each Order served on the employee must contain the actual signature of the Appointing Authority. Appointing Authority means the actual appointing officer of the department or agency as well as any approving officer or board required by law. If the appointment of an employee requires the approval of a board or commission, then a certified copy of the resolution of such board or commission approving the action must accompany this Order unless the actual signatures of the members of the board or commission appear on the front of the Order served on the employee.

(2) The Appointing Authority must set forth in detail the particular acts and circumstances constituting the offense(s) charged. Evidence presented on appeal must be limited to that which relates to the charge(s) made; hence the Appointing Authority must set forth the charges(s) broadly enough to encompass all the evidence the Appointing Authority intends to offer. It is equally important that the Appointing Authority fully state the ground(s) for the action.

(3) The Appointing Authority **MUST** provide an original of the Order to the employee on or before the effective date. The date on which the Order is served is the date the Order is delivered to the employee by hand or to the employee's last known mailing address by certified United States mail, whichever occurs first.

## **IMPORTANT INSTRUCTIONS TO THE EMPLOYEE**

If you wish to appeal this action, then you must file your written appeal with the State Personnel Board of Review (SPBR) at 65 East State Street, 12<sup>th</sup> Floor, Columbus, Ohio 43215-4213. **Your appeal must actually be received and time-stamped by SPBR by the tenth calendar day from the date this Order was served.** For the purposes of your appeal, the date on which this Order is served is the date the Order is delivered to you by hand or to your last known mailing address, as maintained by your Appointing Authority, by certified United States mail, whichever occurs first. You may obtain SPBR's Administrative Rules by writing the above office or by telephoning SPBR at (614) 466-7046. You may also obtain the rules at SPBR's website at <http://pbr.ohio.gov>.

### ***Example of deadline to file appeal:***

An employee is given a 40-hour suspension. The suspension is to begin on October 11 and run five working days through October 15. The employee is served with the forthcoming suspension Order on October 8. The employee has until October 18 to file a written appeal (ten days from the date the employee was served with the Order).

**Reminder:** If you are employed by a municipality or township that has a civil service commission, your appeal lies with that commission and not SPBR.

You may contact SPBR at (614) 466-7046 regarding the above information or regarding SPBR's jurisdiction or you may visit our website at <http://pbr.ohio.gov>.

**HEALTH CARE:  
CONTINUATION COVERAGE RIGHTS UNDER COBRA**

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

May 13, 2009

Dear Sample Employee, the covered employee,  
and/or any covered spouse and/or dependents

**\*\*CONTINUATION COVERAGE RIGHTS UNDER COBRA\*\***

**Introduction**

You are receiving this notice because you have recently become covered under Sample Company (the Plan). This notice contains important information about your right to COBRA continuation coverage, which is a temporary extension of coverage under the Plan. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.**

The right to COBRA continuation coverage was created by a federal law, Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you and to other members of your family who are covered under the Plan when you would otherwise lose your group health coverage. **This notice generally explains COBRA continuation coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it.** This notice gives only a summary of your COBRA continuation coverage rights. For more information about your rights and obligations under the Plan and under federal law, you should either review the Plan's Summary Plan Description or get a copy of the Plan Document from the Plan Administrator.

The Plan Administrator is

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

**What is COBRA Continuation Coverage?**

COBRA continuation coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed later in the notice. COBRA continuation coverage must be offered to each person who is a "qualified beneficiary." A qualified beneficiary is someone who will lose coverage under the Plan because of a qualifying event. Depending on the type of qualifying event, employees, spouses of employees, and dependent children of employees may be qualified beneficiaries. Under the Plan, qualified beneficiaries who elect COBRA continuation coverage must pay for COBRA continuation coverage.

If you are an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because either one of the following qualifying events happens:

- (1) Your hours of employment are reduced, or
- (2) Your employment ends for any reason other than your gross misconduct.

If you are the spouse of an employee, you will become a qualified beneficiary if you will lose your coverage under the Plan because any of the following qualifying events happens:

- (1) Your spouse dies;
- (2) Your spouse's hours of employment are reduced;
- (3) Your spouse's employment ends for any reason other than his or her gross misconduct;
- (4) Your spouse becomes enrolled in Medicare (Part A, Part B, or both); or
- (5) You become divorced or legally separated from your spouse.

Your dependent children will become qualified beneficiaries if they will lose coverage under the Plan because any of the following qualifying events happens:

- (1) The parent-employee dies;
- (2) The parent-employee's hours of employment are reduced;
- (3) The parent-employee's employment ends for any reason other than his or her gross misconduct;
- (4) The parent-employee becomes enrolled in Medicare (Part A, Part B, or both);
- (5) The parents become divorced or legally separated; or
- (6) The child stops being eligible for coverage under the plan as a "dependent child."

### **When is COBRA Coverage Available?**

The plan will offer COBRA continuation to qualified beneficiaries only after the Plan Administrator has been notified that a qualifying event has occurred. When the qualifying event is the end of employment or reduction of hours of employment, death of the employee, or enrollment of the employee in Medicare (Part A, Part B, or both), the employer must notify the Plan Administrator of the qualifying event. In addition, if the Plan provides retiree health coverage, then commencement of a proceeding in a bankruptcy with respect to the employer is also a qualifying event where the employer must notify the Plan Administrator of the qualifying event.

### **You Must Give Notice of Some Qualifying Events**

**For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), you must notify the Plan Administrator. The Plan requires you to notify the Plan Administrator within 60 days after the qualifying event occurs. You must send this notice to:**

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

## **How is COBRA Coverage Provided?**

Once the Plan Administrator receives notice that a qualifying event has occurred, COBRA continuation coverage will be offered to each of the qualified beneficiaries. For each qualified beneficiary who elects COBRA continuation coverage, COBRA continuation coverage will begin either (1) on the date of the qualifying event or (2) on the date that Plan coverage would otherwise have been lost, depending on the nature of the Plan.

COBRA continuation coverage is a temporary continuation of coverage. When the qualifying event is the death of the employee, your divorce or legal separation, or a dependent child losing eligibility as a dependent child, COBRA continuation coverage lasts for up to 36 months.

When the qualifying event is the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA continuation coverage for qualified beneficiaries other than the employee lasts until 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare 8 months before the date on which his employment terminates, COBRA continuation coverage for his spouse and children can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus 8 months). Otherwise, when the qualifying event is the end of employment or reduction of the employee's hours of employment, COBRA continuation coverage generally lasts for only up to a total of 18 months. There are two ways in which this 18-month period of COBRA continuation coverage can be extended.

### **Disability extension of 18-month period of continuation coverage**

If you or anyone in your family covered under the Plan is determined by the Social Security Administration to be disabled and you notify the Plan Administrator in a timely fashion, you and your entire family may be entitled to receive up to an additional 11 months of COBRA continuation coverage, for a total maximum of 29 months. The disability would have to have started at some time before the 60th day of COBRA continuation coverage and must last at least until the end of the 18-month period of continuation coverage. This notice should be sent to:

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

### **Second qualifying event extension of 18-month period of continuation coverage**

If your family experiences another qualifying event while receiving COBRA continuation coverage, the spouse and dependent children in your family can get additional months of COBRA continuation coverage, up to a maximum of 36 months. This extension is available to the spouse and dependent children if the former employee dies, or gets divorced or legally separated. The extension is also available to a dependent child when that child stops being eligible under the Plan as a dependent child. **In all of these cases, you must make sure that the Plan Administrator is notified of the second qualifying event within 60 days of the second qualifying event. This notice must be sent to:**

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

### **Trade Act of 2002**

If you qualify for Trade Adjustment Assistance (TAA) as defined by the Trade Act of 2002, then you will be provided with an additional 60-day enrollment period, with continuation coverage beginning on the date of such TAA approval.

### **If You Have Questions**

If you have questions about your COBRA continuation coverage, you should contact Benefit Compliance Inc.

or you may contact the nearest Regional or District Office of the U.S Department of Labor's Employee Benefits Security Administration (EBSA). Addresses and phone numbers of Regional and District EBSA Offices are available through EBSA's website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

**Keep Your Plan Informed of Address Changes**

**In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the addresses of family members.** You should also keep a copy, for your records, of any notices you send to the Plan Administrator.

**Plan Contact Information**

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

Sincerely,  
Benefit Compliance Inc.  
800-630-2398

# **IMPORTANT INFORMATION ABOUT YOUR COBRA CONTINUATION COVERAGE RIGHTS**

---

## **What is continuation coverage?**

Federal law requires that most group health plans (including this Plan) give employees and their families the opportunity to continue their health care coverage when there is a “qualifying event” that would result in a loss of coverage under an employer's plan. Depending on the type of qualifying event, “qualified beneficiaries” can include the employee covered under the group health plan, a covered employee's spouse, and dependent children of the covered employee.

Continuation coverage is the same coverage that the Plan gives to other participants or beneficiaries under the Plan who are not receiving continuation coverage. Each qualified beneficiary who elects continuation coverage will have the same rights under the Plan as other participants or beneficiaries covered under the Plan. The persons listed on page one of this notice have been identified by the Plan as qualified beneficiaries entitled to elect continuation coverage. Specific information describing continuation coverage can be found in the Plan's summary plan description (SPD), which can be obtained from

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

## **How long will continuation coverage last?**

In the case of a loss of coverage due to end of employment or reduction in hours of employment, coverage generally may be continued for up to 18 months. In the case of losses of coverage due to an employee's death, divorce or legal separation, the employee's becoming entitled to Medicare benefits or a dependent child ceasing to be a dependent under the terms of the plan, coverage may be continued for up to 36 months. Page one of this notice shows the maximum period of continuation coverage available to the listed qualified beneficiaries.

Continuation coverage will be terminated before the end of the maximum period if any required premium is not paid on time, if a qualified beneficiary becomes covered under another group health plan that does not impose any pre-existing condition exclusion for a pre-existing condition of the qualified beneficiary, if a covered employee enrolls in Medicare, or if the employer ceases to provide any group health plan for its employees. Continuation coverage may also be terminated for any reason the Plan would terminate coverage of a participant or beneficiary not receiving continuation coverage (such as fraud).

## **How can you extend the length of continuation coverage?**

If you elect continuation coverage, an extension of the maximum period of 18 months of coverage may be available if a qualified beneficiary is disabled or a second qualifying event occurs. You must notify Sample Company of a disability or a second qualifying event in order to extend the period of continuation coverage. Failure to provide notice of a disability or second qualifying event may affect the right to extend the period of continuation coverage.

### *Disability*

An 11-month extension of coverage may be available if any of the qualified beneficiaries is disabled. The Social Security Administration (SSA) must determine that the qualified beneficiary was disabled at some time during the first 60 days of continuation coverage, and you must notify Sample Company of that fact within 60 days of the SSA's determination and before the end of the first 18 months of continuation coverage. All of the qualified beneficiaries listed on page one of this notice who have elected continuation coverage will be entitled to the 11-month disability extension if one of them qualifies. If the qualified

beneficiary is determined by SSA to no longer be disabled, you must notify Sample Company of that fact within 30 days of SSA's determination.

### *Second Qualifying Event*

An 18-month extension of coverage will be available to spouses and dependent children who elect continuation coverage if a second qualifying event occurs during the first 18 months of continuation coverage. The maximum amount of continuation coverage available when a second qualifying event occurs is 36 months. Such second qualifying events include the death of a covered employee, divorce or separation from the covered employee or a dependent child's ceasing to be eligible for coverage as a dependent under the Plan. You must notify Sample Company within 60 days after a second qualifying event occurs.

### **How can you elect continuation coverage?**

Each qualified beneficiary listed on page one of this notice has an independent right to elect continuation coverage. For example, both the employee and the employee's spouse may elect continuation coverage, or only one of them. Parents may elect to continue coverage on behalf of their dependent children only. A qualified beneficiary must elect coverage by the date specified on the Election Form. Failure to do so will result in loss of the right to elect continuation coverage under the Plan. A qualified beneficiary may change a prior rejection of continuation coverage any time until that date.

In considering whether to elect continuation coverage, you should take into account that a failure to continue your group health coverage will affect your future rights under federal law. First, you can lose the right to avoid having pre-existing condition exclusions applied to you by other group health plans if you have more than a 63-day gap in health coverage, and election of continuation coverage may help you not have such a gap. Second, you will lose the guaranteed right to purchase individual health insurance policies that do not impose such pre-existing condition exclusions if you do not get continuation coverage for the maximum time available to you. Finally, you should take into account that you have special enrollment rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) within 30 days after your group health coverage ends because of the qualifying event listed above. You will also have the same special enrollment right at the end of the continuation coverage if you get continuation coverage for the maximum time available to you.

### **How much does COBRA continuation coverage cost?**

Generally, each qualified beneficiary may be required to pay the entire cost of continuation coverage. The amount a qualified beneficiary may be required to pay may not exceed 102 percent (or, in the case of an extension of continuation coverage due to a disability, 150 percent) of the cost to the group health plan (including both employer and employee contributions) for coverage of a similarly situated plan participant or beneficiary who is not receiving continuation coverage. The required payment for each continuation coverage period for each option is described in this notice.

### **What if I am eligible for trade adjustment assistance?**

The Trade Act of 2002 created a new tax credit for certain individuals who become eligible for trade adjustment assistance and for certain retired employees who are receiving pension payments from the Pension Benefit Guaranty Corporation (PBGC) (eligible individuals). Under the new tax provisions, eligible individuals can either take a tax credit or get advance payment of 65% of premiums paid for qualified health insurance, including continuation coverage. If you have questions about these new tax provisions, you may call the Health Care Tax Credit Customer Contact Center toll free at 1-866-628-4282.

TTD/TTY callers may call toll free at 1-866-626-4282. More information about the Trade Act is also available at [www.doleta.gov/tradeact/2002act\\_index.asp](http://www.doleta.gov/tradeact/2002act_index.asp).

### **When and how must payment for continuation coverage be made?**

### *First payment for continuation coverage*

If you elect continuation coverage, you do not have to send any payment for continuation coverage with the Election Form. However, you must make your first payment for continuation coverage within 45 days after the date of your election. (This is the date the Election Notice is post-marked, if mailed.) If you do not make your first payment for continuation coverage in full not later than 45 days after the date of your election, you will lose all continuation coverage rights under the Plan.

Your first payment must cover the cost of the continuation coverage from the time your coverage under the Plan would have otherwise terminated up to the time you make the first payment. You are responsible for making sure that the amount of your first payment is enough to cover this entire period. You may contact Sample Company to confirm the correct amount of your first payment.

Your first payment for continuation coverage should be sent to:

Benefit Compliance Inc.  
P.O. Box 625  
Dandridge, TN 37725

### *Periodic payments for continuation coverage*

After you make your first payment for continuation coverage, you will be required to make periodic payments for each subsequent coverage period. Under the Plan, these periodic payments for continuation coverage are due on the first day of each month. If you make a periodic payment on or before the first day of the coverage period to which it applies, your coverage under the Plan will continue for that coverage period without any break. The Plan will send periodic notices of payments due for these coverage periods.

### *Grace periods for periodic payments*

Although periodic payments are due on the dates shown above, you will be given a grace period of 30 days after the first day of the coverage period to make each periodic payment. Your continuation coverage will be provided for each coverage period as long as payment for that coverage period is made before the end of the grace period for that payment. However, if you pay a periodic payment later than its due date but during its grace period, your coverage under the Plan may be suspended as of the due date and then retroactively reinstated (going back to the due date) when the periodic payment is made. This means that any claim you submit for benefits while your coverage is suspended may be denied and may have to be resubmitted once your coverage is reinstated.

If you fail to make a periodic payment before the end of the grace period for that payment, you will lose all rights to continuation coverage under the Plan.

Your first payment and all periodic payments for continuation coverage should be sent to:

Benefit Compliance Inc.  
P.O. Box 625  
Dandridge, TN 37725

### **For more information**

This notice does not fully describe continuation coverage or other rights under the Plan. More information about continuation coverage and your rights under the Plan is available in your summary plan description or from the Plan Administrator. You can get a copy of your summary plan description from:

Wayne County  
Wayne County Administration Building  
428 West Liberty Street  
Wooster, Ohio 44691

For more information about your rights under ERISA, including COBRA, the Health Insurance Portability and Accountability Act (HIPAA), and other laws affecting group health plans, contact the U.S. Department of Labor's Employee Benefits Security Administration (EBSA) in your area or visit the EBSA website at [www.dol.gov/ebsa](http://www.dol.gov/ebsa).

**Keep Your Plan Informed of Address Changes**

In order to protect your family's rights, you should keep the Plan Administrator informed of any changes in the address of family members. You should also keep a copy, for your records, of any notices you sent to the Plan Administrator.

**EXIT INTERVIEW**

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

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

Hire Date: \_\_\_\_\_ Termination Date: \_\_\_\_\_

Please explain your reasons for leaving: \_\_\_\_\_

<b>EMPLOYEE'S EVALUATION OF THE JOB</b>	<b>+</b>	<b>=</b>	<b>-</b>
The job held my interest			
Actual work was adequately outlined in position description			
My performance was evaluated regularly and fairly			
Good performance was recognized			
Orientation for the job was satisfactory			
There were opportunities for training for professional growth			
There were opportunities for advancement			
I was treated fairly by my supervisors			
There is good communication between management and employees			
The morale here is high			
There is good rapport among the employees			
Our salaries compare well with other similar employers			
Our benefits compare well with other similar employers:			
Health Insurance	_____	_____	_____
Dental Coverage	_____	_____	_____
Prescription Medication	_____	_____	_____
Vacations	_____	_____	_____
Tuition Reimbursement	_____	_____	_____
Personal Days	_____	_____	_____
<b>TO BE SIGNED BY EMPLOYEE:</b>			

**NOTE: This exit interview information WILL NOT become a part of your personnel file. It is for the benefit of County administration only.**

**QUESTIONS TO BE DISCUSSED BY INTERVIEWER:**

What suggestions do you have for improved quality of employment here? \_\_\_\_\_

\_\_\_\_\_

What things could management have done to make your employment experience better?

\_\_\_\_\_

If you had the authority, which things would you change? \_\_\_\_\_

\_\_\_\_\_

What could the County have done to keep you as an employee? \_\_\_\_\_

\_\_\_\_\_

Would you be available for employment by the County in the future? Under what circumstances?

\_\_\_\_\_

Miscellaneous comments by employee:

\_\_\_\_\_

Comments of interviewer:

\_\_\_\_\_

Employee has returned all County property. \_\_\_\_\_ Yes \_\_\_\_\_ No

\_\_\_\_\_  
Interviewer's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Appointing Authority's Signature

\_\_\_\_\_  
Date

**AUDITOR OF STATE  
FRAUD-REPORTING SYSTEM INFORMATION**

Ohio Revised Code 117.103(B)(1) and (B)(2) mandates each public office to provide information about the Ohio fraud-reporting system and the means of reporting fraud to each current and newly hired employee with the public office. New employees have thirty days after beginning employment to confirm receipt of this information.

Employees are encouraged to read Ohio Revised Code sections 117.103 and 124.341 (following this page) as they describe the protections you are provided as a classified or unclassified employee if you use this fraud reporting system. To report a fraud, please contact the Ohio Auditor of State by one of the below methods:

**Auditor of State's Fraud Contact Information:**

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

US Mail: Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

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

## **117.103 Auditor of state's system for reporting fraud.**

(A) The auditor of state shall establish and maintain a system for the reporting of fraud, including misuse and misappropriation of public money, by any public office or public official. The system shall allow Ohio residents and the employees of any public office to make anonymous complaints through a toll-free telephone number, the auditor of state's web site, or the United States mail to the auditor of state's office. The auditor of state shall review all complaints in a timely manner.

The auditor of state shall keep a log of all complaints filed under this section, which is a public record under section 149.43 of the Revised Code. The log shall include the date the complaint was received, a general description of the nature of the complaint, the name of the public office or agency with regard to which the complaint is directed, and a general description of the status of the review by the auditor of state. If section 149.43 of the Revised Code or another statute provides for an applicable exemption from the definition of public record for the information recorded on the log, that information may be redacted.

(B)(1) A public office shall provide information about the Ohio fraud-reporting system and the means of reporting fraud to each new employee upon employment with the public office. Each new employee shall confirm receipt of this information within thirty days after beginning employment. The auditor of state shall provide a model form on the auditor of state's web site to be printed and used by new public employees to sign and verify their receipt of information as required by this section. The auditor of state shall confirm, when conducting an audit under section 117.11 of the Revised Code, that new employees have been provided information as required by this division.

(2) On the effective date of this section, each public office shall make all its employees aware of the fraud-reporting system required by this section.

(3) Divisions (B)(1) and (2) of this section are satisfied if a public office provides information about the fraud-reporting system and the means of reporting fraud in the employee handbook or manual for the public office. An employee shall sign and verify the employee's receipt of such a handbook or manual.

Added by 129th General Assembly File No. 73, HB 66, § 1, eff. 5/4/2012.

## **124.341 Violation or misuse - whistleblower protection.**

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

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

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

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

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

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

(E) As used in this section:

- (1) "Purposely," "knowingly," and "recklessly" have the same meanings as in section 2901.22 of the Revised Code.
- (2) "Appropriate ethics commission" has the same meaning as in section 102.01 of the Revised Code.
- (3) "Inspector general" means the inspector general appointed under section 121.48 of the Revised Code.

Amended by 129th General Assembly File No. 73, HB 66, § 1, eff. 5/4/2012.

Effective Date: 10-31-1990; 07-01-2007; 2007 HB166 02-14-2008

**INDEX FOR TOPICS THAT APPEAR IN  
MORE THAN ONE POLICY**

<b>Classified Employee</b>	1.08 2.06 (A)
<b>Disability</b>	1.07 3.08 11.01 (D) 11.02 (D)
<b>Equal Employment Opportunity</b>	1.07 (A) 2.04 3.04 (C)
<b>Family and Medical Leave</b>	5.01 (C) (6) 5.07 (A) 5.08
<b>Health Insurance</b>	5.01 (A) 5.07 (A) (6) 5.08 (J) 11.03 (B)
<b>Holidays and/or Holiday Pay</b>	3.02 (E) 4.04 (A) (9) 5.03
<b>Intermittent Employee</b>	3.02 5.03 (F)
<b>Medical Examination</b>	3.05 5.04 (H)
<b>Medical Records</b>	3.04 (B) 3.08 (E)
<b>Military Leave</b>	5.06 5.07 (B)

**INDEX FOR TOPICS THAT APPEAR IN  
MORE THAN ONE POLICY (CONTINUED)**

<b>OPERS</b>	4.03 (A) 5.01 (B) 5.09 11.03 (C)
<b>Probationary Period</b>	2.06 (A) 6.02 (D) 11.02 (A)
<b>Seasonal Employee</b>	3.02 5.03 (F)
<b>Sick Leave</b>	2.06 (C) (5) 3.02 (E) 5.01 (C) (6) 5.04 5.08 (B) (4) 5.09 (B) 11.03 (A)
<b>Temporary Employee</b>	3.02 5.03 (F)
<b>Unclassified Employee</b>	1.08 2.06 (B)
<b>Vacation</b>	3.02 (E) 5.01 (C) (6) 5.02 5.08 (B) (4) 5.09 (B)