

SECTION 8 EMPLOYEE CONDUCT

- 8.01 [CODE OF ETHICS](#)
- 8.02 [ATTENDANCE](#)
- 8.03 [OUTSIDE EMPLOYMENT AND VOLUNTEER WORK](#)
- 8.04 [DEPARTMENT EQUIPMENT AND PERSONAL PROPERTY](#)
- 8.05 [POLITICAL ACTIVITY](#)
- 8.06 [INAPPROPRIATE BEHAVIOR](#)
- 8.07 [FRAUD REPORTING SYSTEM \(ORC\)](#)
- 8.08 [DRUG FREE WORKPLACE](#)
- 8.09 [ON-THE-JOB INJURY](#)
- 8.10 [USE OF PHONES](#)
- 8.11 [GARNISHMENTS](#)
- 8.12 [DRESS STANDARDS](#)
- 8.13 [GAMBLING](#)
- 8.14 [SOLICITATION AND DISTRIBUTION](#)
- 8.15 [TOBACCO-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](#)

SECTION 8 EMPLOYEE CONDUCT

- 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](#)
- 8.27 [LIMITED ENGLISH PROFICIENCY \(LEP\) PLAN AND POLICY](#)
- 8.28 [TEXT MESSAGING POLICY](#)

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 5 | 12/14/22 | 12/14/22 |

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 official, during his/her term of office or for one (1) year after, shall occupy any position of profit in the prosecution of a public contract authorized by himself/herself or by a legislative body, commission, or board for which he/she was a member at the time of authorization, unless the contract was competitively bid to 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 either a paper copy or access to an electronic version 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

1. 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:

- a. An employee must always conscientiously perform all assigned job duties.
- b. An employee must be tactful, patient, and courteous in the conduct of County business.
- c. No employee may grant special consideration to any citizen or group of citizens.
- d. 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.
- e. No employee may use or permit the use of County vehicles, equipment, materials, or property for personal convenience or profit.
- f. 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.
- g. No employee may use the County name or tax-exempt status for his/her personal advantage on any purchases.
- h. 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.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 4 | 8/4/21 | 8/4/21 |

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 (see Leave Request form or Return to Work form in Appendices). 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. Late arrival/early departure consisting of five (5) or less minutes will not be treated as tardiness/early departure and will be paid in accordance with the employee's set schedule with no fault to the employee. Tardiness/early departure consisting of more than 5 minutes will be paid based on the employee's actual time worked. Eg. an employee with a start time of 8:00am and arriving at 8:05am will be paid beginning at 8:00am; whereas, an employee arriving at 8:06am will be paid beginning at 8:06am. 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, which may include any and all late arrivals/early departures under or over 5 minutes, 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 an Elected Official or Appointing Authority chooses to close their office(s) by way of a delayed opening, early closure, or entire day closure, due to a weather or non-weather-related emergency, their 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. If possible, the decision to close any County building will be broadcast on the following local radio station: WQKT 104.5. It is the responsibility of each employee to listen to the radio when severe weather is expected. Supervisors may notify their employees of a closure; however, it is not the responsibility of the County to do so.
3. Employees not scheduled to work because of scheduled vacation or continuing sick leave will be charged for the leave regardless of the declared emergency.
4. 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 or compensatory time. Inclement weather is not a valid use of sick leave.
5. If County offices are closed due to weather-related or some other emergency situation, certain personnel may be required to work despite the closing of the County offices. Each Appointing Authority will determine the personnel with whom this would apply.

Employees required to work on-site or remotely/telework 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. Remote/telework employees must continue to work as such until County offices are able to resume business or as directed by their Appointing Authority. Supervisors should be prepared, in advance, for such situations and should discuss with their employees preparatory measures for remote/telework (such as signing off computers instead of turning off, at the end of each day, as well as identifying home accommodation challenges).

6. 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.

7. **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-related or non-weather-related emergency situation. 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 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.

Original Adoption Date

7/31/96

Revision Number

6

Date

8/4/21

Approved

8/4/21

- A. Outside employment and/or volunteer work is allowed when the following provisions are met:
 - 1. The employee must notify his/her employer, in writing, of any outside employment and/or volunteer work, prior to commencement of work (see Appendices).
 - 2. The interests of the second employer/volunteer work do not conflict with those of the County;
 - 3. The second job/volunteer work 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 and/or volunteer work 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.

- C. Employees who wish to volunteer at a Wayne County agency must get approval from both agencies before commencing said volunteer work. Employees must also notify Wayne County HR (330-287-5409) in order to ensure there is not a conflict in hours, duties or pay status. The agency where the Employee is paid is the Employee’s primary responsibility and time conflicts are resolved in favor of this agency.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 4 | 8/4/21 | 8/4/21 |

- A. When tools, supplies, and equipment needed to perform job duties are provided by the Employer, including, but not limited to, computer hardware and software, office phones and cell phones (including voice mail and texts), email, internal mail system, fax machines, desks, lockers and any physical or electronic equipment or property, it is the responsibility of employees and supervisors to see that they are properly used and maintained. Employees shall have no expectation of privacy or confidentiality when using County-owned and/or provided equipment and/or property, as defined, but not limited to, that which is listed in this paragraph.
- B. Misuse, personal use, neglect, loss, theft or abuse of tools, supplies and equipment (as defined in A above), are prohibited. Improper use and/or accidents involving misuse, personal use, neglect, loss, theft or abuse of tools, supplies or equipment will be cause for disciplinary action. Employer has the right to examine any equipment or property as defined in A above (see Section 3.10 - Health & Safety).
1. 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, (as defined in A above), are subject to the prior approval of the Appointing Authority.
- D. Clothing items or property which depict County name and/or logos should only be worn/used during the workday and/or for a pre-approved event. If approved and while doing so, Employees recognize that they are representing themselves as a County representative. Employees with uniforms should consult their Appointing Authority to determine when the uniform should be worn and when the uniform should not be worn.
- E. 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.
- F. 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.
- G. 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.

Original Adoption Date

7/31/96

Revision Number

4

Date

8/4/21

Approved

8/4/21

- A. Pursuant to ORC 3517.092, Elected Officials or candidates for office are prohibited from soliciting contributions from employees.
- B. Pursuant to Ohio Administrative Code 123:1-46-02, classified employees are prohibited from participating in partisan political activities. Unclassified employees are not held to these rules, unless specifically precluded by federal or state constitutional or statutory provisions.
- C. **POLITICAL ACTIVITIES PERMITTED TO CLASSIFIED EMPLOYEES** - If participating in a permitted activity, employees shall not identify themselves as a representative of the County, and participation should be during non-scheduled hours. Examples of permissible activities for classified employees include, but are not limited to, the following:
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. Display of political materials in the employee's home or on the employee's property;
 8. Wearing political badges or buttons, or the display of political stickers on private vehicles;
 9. Serving as a precinct election official under RC 3501.22;
 10. Be a candidate in a non-partisan election.
- D. **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;
 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.
- E. An employee in the classified service who engages in any of the activities listed in paragraphs (D)(1) through (D)(12) of this policy manual may be subject to discipline up to and including termination from his or her position in the classified service. The Appointing Authority may initiate such removal action. The Appointing Authority may also institute an investigation or action in case of a violation.

Original Adoption Date

7/31/96

Revision Number

4

Date

8/4/21

Approved

8/4/21

A. PURPOSE AND SCOPE

1. The safety and security of **employees, volunteers, clients, consultants, contractors, and the general public** are of vital importance to Wayne County Appointing Authorities. Additionally, Wayne County Appointing Authorities believe that these individuals must 1) be treated with dignity and respect, 2) have a right to work in a professional atmosphere that prohibits any form of inappropriate behavior, 3) work in an environment that promotes equal employment opportunities and prohibits unlawful discriminatory practices. Therefore, Wayne County Appointing Authorities require that all conduct by, to, or with employees be respectful, business-like and free of explicit bias, prejudice and harassment; this includes both on- and off-duty, on or off County Property, in any work-related setting outside the workplace such as during business trips, business meetings and business-related social events, while teleworking, and/or in a vehicle for work-related purposes, and includes statements and/or actions through social media. For instances of off-duty misconduct, the Prosecuting Attorney or the Appointing Authority's legal advisor should be consulted and involved.
2. Inappropriate behavior identified in this section and defined in Section 1.02 of this Personnel Policy Manual, made by an employee against another person's life, health, well-being, family, or property will not, *in any instance*, be tolerated. Employees found to be displaying inappropriate behavior towards another will be subject to discipline, up to and including termination. **Employees found to be displaying inappropriate behavior towards another based on that person's race, color, sex, sexual orientation, gender identity, genetic information, national origin, age, religion, disability or protected activity may receive more severe discipline, up to and including termination.**
3. The purpose of this policy is to:
 - a. create a supportive organizational climate for the prevention and reduction of violations stated herein;
 - b. support a workplace education and training program to prevent violations stated herein;
 - c. provide guidance and procedures to employees and supervisors of the County should they encounter a situation that they believe is or could result in an infraction of this policy;
 - d. hold employees accountable, who use inappropriate behavior, which may result in assistive and supportive measures such as requiring counseling, but which may also include discipline, up to termination;
 - e. assure that an employee who uses inappropriate behavior will be prohibited from occupying positions that could undermine the ability to carry out a grant-funded project, or otherwise undermine Wayne County's mission, as

well as the missions of other grantees.

4. *Inappropriate Behavior consists of, but is not limited to, the following:*
 - a. *Bullying*
 - b. *Harassment (which includes, but is not limited to, Sexual Harassment, Age-Related Harassment, Religious Harassment, Discriminatory Harassment)*
 - c. *Workplace Violence*
 - d. *Discrimination (which includes, but is not limited to, Sex Discrimination, Age Discrimination, Religious Discrimination)*
 - e. *Retaliation*

B. BULLYING

1. See definition on *Bullying* in Section 1.02.
2. Individuals who feel they have experienced or witnessed bullying must report the incident(s) to their supervisor before the conduct becomes severe or pervasive. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to their supervisor, so appropriate action can be taken.

C. HARASSMENT

1. See definition on *Harassment* which includes, but is not limited to, *Sexual Harassment (including, but not limited to, sexual misconduct, domestic violence, and dating violence as defined in 34 USC Section 12291), Age-Related Harassment, Religious Harassment, and Discriminatory Harassment*, in Section 1.02.
2. Harassment is strictly prohibited, whether or not it is on the basis of a protected characteristic (i.e. race, color, sex, sexual orientation, gender identity, genetic information, national origin, age, religion, disability, protected activity, or any other characteristic protected by law).
3. Individuals who feel they have experienced and/or witnessed Harassment of any kind, must follow the guidelines as described at the latter part of this Policy, titled *Employee Responsibility, Supervisor Responsibility, Complaint/Reporting Procedures*.

D. WORKPLACE VIOLENCE

1. See definition on *Workplace Violence* in Section 1.02.
2. Any person behaving or acting in a manner consistent with Workplace Violence as defined in Section 1.02, shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation.

3. 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 with utmost confidentiality and autonomy, except where there is a legitimate need to know and/or allowed by law. When information must be disclosed to protect the safety of individuals, the breadth and content of such disclosure shall be limited to information reasonably necessary to protect the safety of the disclosing individuals and others, and to comply with the law. Advance notice will be given to the individual who disclosed information, to the extent possible, if disclosure must be shared with other parties. In such cases, said individual shall be provided the name and title of the person whom is being given information, as well as the information being given, as well as the reason and purpose to provide said information. Even without an actual threat, employees must 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.
4. All incidences of suspected or potential violence must 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.
5. All employees who apply for, obtain, or are the subject of a protection or restraining order, or a named defendant in a criminal action as a result of a threat or act of violence as defined in this Policy, which may or may not list department locations as being protected areas, must immediately 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. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment; in the case of a contractual relationship, the severance of that relationship.
6. Use or possession of a weapon on County property, on an Employer-controlled site, or an area that is associated with County employment, is also prohibited, unless with prior approval of the Appointing Authority. (This provision does not apply to those permitted to carry weapons pursuant to Section 8.16 Concealed Weapons.)
7. Individuals who feel they have experienced and/or witnessed Workplace Violence, must follow the guidelines as described at the latter part of this Policy, titled *Employee Responsibility, Supervisor Responsibility, Complaint/Reporting Procedures*.

E. **DISCRIMINATION**

1. See definition on *Discrimination*, which includes, but is not limited to, *Sex Discrimination, Age Discrimination, and Religious Discrimination*, in Section 1.02.

2. It is the policy of the Wayne County Appointing Authorities to ensure equal employment opportunity without discrimination on the basis of race, color, sex, sexual orientation, gender identity, genetic information, national origin, age, religion, disability, protected activity, or any other characteristic protected by law. In order to maintain this environment, whether committed by or against employees, supervisors, clients or members of the public, whether on- or off-duty and whether on or off County property, any act that violates this rule is strictly prohibited.
3. Individuals who feel they have experienced and/or witnessed Discrimination of any kind, must follow the guidelines as described at the latter part of this Policy, titled *Employee Responsibility, Supervisor Responsibility, Complaint/Reporting Procedures*.

F. **EMPLOYEE RESPONSIBILITY**

1. It is the responsibility of all employees to aid the employer in maintaining a work environment free from all instances of inappropriate behavior, as defined in this section and in Section 1.02 Definitions. Therefore, it is the responsibility of each employee, including supervisors and management, to immediately report any instances of inappropriate behavior, before it becomes severe or pervasive, to the proper authority (see reporting procedure below). This includes if the employee is the subject of, or the witness to, said inappropriate behavior.
2. If an employee feels that they cannot report the incident to someone in their office, including their Appointing Authority, the employee should report the incident to the County Prosecutor. If the County Prosecutor is the subject of the complaint, the employee should report the incident to the County Administrator, the HR Manager, or the Board of County Commissioners. Regardless of whomever the employee chooses to report the incident to, it *must* be reported.
3. Any employee, who observes or becomes aware of any conduct that may constitute inappropriate behavior, but fails to report the conduct, may be subject to disciplinary action. Failure to report Harassment and/or Discrimination is a Group 3 Offense (see Section 10.03 of this Policy Manual).

G. **SUPERVISOR RESPONSIBILITY**

1. Any supervisor who receives, observes, or becomes aware of a complaint alleging conduct which may constitute inappropriate behavior, but fails to report same, shall be subject to disciplinary action. Failure to report Harassment and/or Discrimination is a Group 3 Offense (see Section 10.03 of this Policy Manual).
2. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor, including new hires during orientation, are aware of the policy against inappropriate behavior, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in

inappropriate behavior. This is in an effort to maintain an environment free from inappropriate behavior.

3. It is further the responsibility of supervisors to maintain an environment free from inappropriate behavior. Appointing Authorities shall ensure that its supervisors are sufficiently trained in recognizing the various types of inappropriate behavior, as well as the complaint and reporting procedures, the proper methods of investigating complaints, and the disciplinary procedure regarding inappropriate behavior.
4. **RETALIATION:** Supervisors will not tolerate Retaliation against any individual who reports inappropriate behavior or provides information regarding inappropriate behavior. Employees found to have displayed or acted in retaliation may be disciplined, up to and including termination.
5. Supervisors shall use their best efforts to protect the confidentiality and autonomy of any complaint or information. However, in order to investigate, it may not be possible to maintain confidentiality.

H. COMPLAINT/REPORTING PROCEDURES

1. Once a complaint of inappropriate behavior has been received or an instance of inappropriate behavior has been reported, the complaint shall be promptly forwarded to the proper member of management for investigation (see reporting procedure below). The proper member of management shall then promptly 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.
 - a. If, after a thorough and prompt investigation, it is determined that inappropriate behavior has occurred, the employee who committed the infraction may promptly be disciplined in accordance with the severity of the violation and disciplinary procedure at the end of this policy and also in Section 10 of this Personnel Policy Manual. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
 - b. If, after the investigation, it is determined that no inappropriate behavior occurred, or that there is insufficient evidence to determine whether or not inappropriate behavior occurred, the complaining employee and/or reporting employee will be informed of same.
2. Any employee who believes that he/she has been the subject of inappropriate behavior and/or any employee who has witnessed an incident, or incidents, of inappropriate behavior, must report the matter to the proper authority immediately as follows:
 - a. Any employee who believes that he/she has been the subject of or witness to inappropriate behavior must immediately report the alleged act(s) to his/her immediate supervisor, department head, or Appointing Authority.

- b. 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 Board of County Commissioners, the County Administrator or the County HR Manager. Regardless of whomever the employee chooses to report the incident to, it *must* be reported.
3. When inappropriate behavior has been reported, Incident Reports (see Appendices) should be filled out by the complainant, alleged offender, and any third-party witnesses, if identified.
 - a. Any and all involved or uninvolved parties who have been asked to complete an Incident Report must do so upon request, so that the process may continue; those unwilling to cooperate may be disciplined; additionally, if an Appointing Authority finds that false information was intentionally submitted, or pertinent information was intentionally withheld, with intent to impede and/or interfere with an investigation, that employee may be subject to disciplinary action, up to and including termination; in the case of a contractual relationship, up to and including the severance of that relationship.
4. After the Incident Form has been completed, the complaint will promptly be investigated by the proper member of management. This should be completed by the Employer as soon as possible, and no later than two (2) working days after the date the alleged inappropriate behavior occurred. A copy of the documentation must promptly be forwarded to the County Administrator, if it involves discrimination. If it is alleged that the County Administrator is the subject of the complaint, the documentation must promptly be sent to the County Prosecutor.
5. If the investigation reveals that the complaint is valid, prompt action will be taken to end the inappropriate behavior immediately.
6. Any employee who is found, after appropriate investigation, to have engaged in inappropriate behavior of another employee or a member of the public, shall be subject to disciplinary action up to and including termination.

I. DISCIPLINARY PROCEDURES

1. When it is determined that there is cause for believing that inappropriate behavior has occurred, the following steps will be followed:
 - a. If applicable and if not already done, the charged party will immediately be placed on administrative leave with pay or temporarily transferred pending the final resolution of the complaint. Anyone who is unsure of this should contact the County Prosecutor or County Administrator.

- b. If the charged party requests it, a meeting will be held during which the charged party will be given the opportunity to respond to the charge.
- c. Subsequent to any meeting described in #2 above, a final determination will be made. If it is determined that inappropriate behavior has been reasonably proven, the charged employee will be subject to discipline up to and including termination; in the case of a contractual relationship, up to and including the severance of that relationship. An employee found to have committed inappropriate behavior may, depending upon the severity of the infraction, be given the option of being immediately suspended without pay until such time as the employee completes an appropriate program determined by the Appointing Authority and 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, established by the Appointing Authority. 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 inappropriate behavior by the employee may result in immediate termination without recourse to this option, or resignation.
- d. Appointing Authorities who become aware of an individual listed in (A) of this policy, who has engaged in inappropriate behavior, shall determine whether continued employment, contractual, or volunteer relationship with the individual would undermine the Appointing Authority's ability to carry out Office on Violence Against Women (OVW) grant-funded projects. If the Appointing Authority determines that continued employment, contractual, or volunteer relationship with the individual would undermine the ability to carry out OVW grant-funded projects, the Appointing Authority shall remove the individual from any position that may undermine the ability to carry out OVW grant-funded projects.
- e. An exception may be granted that allows an individual who was previously adjudicated of having used inappropriate behavior by any jurisdiction or previous employer or contractee to occupy a position that could otherwise undermine the ability to carry out the OVW funded project, so long as the Appointing Authority can establish that the individual has met the following qualifications:
 - i. No survivor of violence used by the individual, nor any family member or friend of a survivor of violence used by the individual, will encounter the individual in any employer-controlled capacity;
 - ii. The individual evidences accountability, restoration, and rehabilitation; and

- iii. All terminations of employment or contractual relationship with the individual pursuant to this provision, as well as any exception granted pursuant to this provision (including the standards which Employer relied upon in granting an exception), must be reported to OVW.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 4 | 8/4/21 | 8/4/21 |

- A. 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



AUTHENTICATED,
OHIO LEGISLATIVE SERVICE
COMMISSION
DOCUMENT #229154

Ohio Revised Code

Section 117.103 Auditor of state's system for reporting fraud.

Effective: November 2, 2018

Legislation: House Bill 312 - 132nd General Assembly

(A)(1) 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.

(2)(a) Subject to division (A)(2)(b) of this section, 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) The auditor shall not log a complaint regarding an ongoing criminal investigation, but shall log the complaint not later than thirty days after the investigation is complete.

(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 May 4, 2012, 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.

Ohio Revised Code

Section 124.341 Violation or misuse - whistleblower protection.

Effective: September 29, 2013

Legislation: House Bill 59 - 130th General Assembly

(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 audit 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 audit, 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.

- 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, including, but not limited to, employment related misconduct or failure to properly perform essential job functions, even if used as properly prescribed.
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 or controlled 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. Please also read Medical Marijuana (see M. of this section).
 - 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). Please also read Medical Marijuana (see M. of this section).
 - 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 Drug Testing Technology (*see Appendices*) of this policy, which also includes employment related misconduct or failure to properly perform essential job functions on work time.
 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 periodically thereafter.
5. Employees will have substance awareness training available to them, 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 Drug Testing Technology (*see Appendices*) 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 Drug Testing Technology (*see Appendices*) as the standard for all Employees.

C. PROGRAM DESCRIPTION

1. Every Employee will be required to review materials on substance abuse awareness (available on the Wayne County web site, Employee Portal), which will explain why and how substance use is a workplace problem, the effects, signs, and symptoms of use, and how to get help. Each Employee will be expected to sign an acknowledgement of this requirement and also that they have access to the Drug Free Workplace Policy [also see Drug Testing Technology in Appendices, in addition to this policy]. Such acknowledgement will constitute proof that the Employee is "on notice" of this program.

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.**
 - a. Safety-sensitive positions will be subject to additional testing as follows:
 - i. Random testing
 - ii. Suspicion-less post-accident testing
 - b. Safety-sensitive positions shall be defined as “any job position or work-related function or job task designated as such by the employer, which through the nature of the activity could be dangerous to the physical well-being of or jeopardize the security of the employee, co-workers, customers or the general public through a lapse in attention or judgment.” This shall include certified peace officers and CDL drivers who fall within the policy, unless subject to other

requirements by virtue of a collective bargaining agreement.

- c. All drug testing for safety-sensitive positions will include testing for marijuana regardless of whether the employee's use is of medical marijuana in a form authorized by R.C. 3796.06 that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose by an individual holding a valid registry identification card and that has been recommended by a physician. Marijuana still constitutes a Schedule I drug under Federal Law and is a prohibited behavior under Section A.2 above and will be subject to testing and discipline under the Employer's policies.

E. **PRESCRIPTION MEDICATIONS**

1. The possession, use, or being under the influence of alcoholic beverages, illegal or unauthorized drugs (for example, prescription drugs not prescribed to the employee or not as prescribed to the employee), or the improper use of legal prescriptions and/or over the counter drugs, shall not be permitted at the Employer's work sites and/or while an employee is on duty, nor does the use of drugs, even as prescribed, excuse the employee from employment related misconduct or failure to properly perform essential job functions.

F. **NOTIFICATION OF PRESCRIPTION MEDICATIONS/NARCOTICS AND ELEVATED TESTING**

1. An employee in a safety sensitive position shall notify the Employer's Human Resources Officer ("HRO") when taking any prescription medication listed as a Schedule I or Schedule II substance pursuant to the federal Controlled Substance Act, as amended from time to time. Medical marijuana is among the substances that must be reported. Failure to report use of medical marijuana or prescription medication to the Employer may result in discipline. The HRO will notify the MRO (Medical Review Officer), who will notify the HRO or another person designated by the HRO whether the employee may resume working and of limitations on the employee's ability to work, such as driving restrictions, lifting restrictions or restrictions on carrying a firearm. The HRO or other designated person will then notify the employee's supervisor whether he or she may resume working. The employee shall not work until the supervisor gives that authorization, except that he or she may be assigned non-safety sensitive tasks while being cleared.

G. **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 the Drug Testing Technology (see Appendices).
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.

H. REPORTING AND RECORDKEEPING

1. 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.
2. 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.

I. TESTING NONCOMPLIANCE

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

J. NOTICE UPON HIRING

1. Prior to start date, 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 Drug Free Workplace policy and statement;
 - b. Information concerning the dangers of drug abuse in the workplace;

- c. Information concerning any available drug counseling, rehabilitation, and the employee assistance program;
 - d. Information concerning the penalties that will be imposed for the breach of the Employer's Drug Free Workplace policy; and
 - e. 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 access to and have 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.

K. CURRENT EMPLOYEES IN DEPARTMENTS RECEIVING FEDERAL MONEY

1. All current Employees in departments receiving federal money will have access to 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.
4. If an employee, referred to in #3 above, reports to the County that he/she has been convicted of a federal or state criminal drug statute violation, the County will provide notice of the convicted employee, including position title and identification number(s) of each affected grant, to every grant officer on whose grant the convicted employee was working. The County must do this within ten (10) calendar days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

L. DRUG AND ALCOHOL TREATMENT AGENCIES:

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

2. **Local Agencies** - The following agencies are examples of where Employees may look for treatment of alcohol or drug dependency:
 - a. One Eighty
104 Spink Street
Wooster, OH 44691
Phone: 330-264-8498
 - b. Anazao Community Partners
2587 Back Orrville Road
Wooster, Ohio 44691
Phone: 330-264-9597
 - c. Wayne County EAP (Employee Assistance Program)
For more information, call Wayne County HR Manager
330-287-5409

3. **Out-of-County Agencies** - Primarily for In-Patient & Residential Treatment Services
 - a. Summa Health System
444 North Main Street
Akron, OH 44310
Phone: 330-379-5257
 - b. Interval Brotherhood Home
3445 South Main Street
Akron, OH 44319
Phone: 330-644-4095
 - c. Edwin Shaw Hospital
405 Tallmadge Road
Cuyahoga Falls, OH 44221
Phone: 330-436-0910

M. **NOTICE OF POLICY CLARIFICATION**

TO: All Employees
FROM: Wayne County Commissioners
DATE: September 8, 2016
SUBJECT: Medical Marijuana and the Drug-Free Workplace Policy

On June 8, 2016, Ohio Sub HB 523 was enacted, which authorizes certain health providers to prescribe limited types of medicinal marijuana to qualifying patients. Ohio's medical marijuana law takes effect on September 8, 2016. Wayne County has established and maintains a Drug-Free Workplace Policy that is unaffected by Ohio Sub HB 523 or Ohio's medical marijuana law taking effect.

Wayne County has a zero-tolerance policy for employees who are under the influence of illegal drugs or alcohol while at work. Employees who are using marijuana with a valid prescription or authorized by Ohio law are not exempt from this policy in any way. The use

of marijuana, with or without a valid prescription or as authorized by law, will be treated the same as the use of all other illegal drugs or the abuse of legal drugs. Employees using illegal drugs, including marijuana, for any purpose including medicinal, are still subject to all provisions of this policy and may be terminated for such use.

Employees are advised of the following:

1. Wayne County does not permit or accommodate an employee's use, possession or distribution of medical marijuana;
2. Wayne County may refuse to hire or may discharge, discipline or take other action against an individual because of that person's use, possession or distribution of medical marijuana;
3. An employee who tests positive for or refuses to submit to a drug test may be disqualified for compensation and benefits under the Ohio Workers' Compensation Act;
4. Because use, possession or distribution of marijuana is a violation of the Drug-Free Workplace Policy, employees who are discharged for those reasons will be considered to have been discharged for just cause for purpose of unemployment compensation or other post-termination pay or benefits.

The Drug-Free Workplace Policy continues to apply, regardless of whether the employee's use, possession, or distribution of marijuana was obtained and/or conducted in Ohio or other states.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 5 | 8/4/21 | 8/4/21 |

- 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 (see *Accident/Injury & Illness Report* in Appendices) 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 and also *Workers' Compensation Notification Requirement* in Appendices.
- 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.

Original Adoption Date

7/31/96

Revision Number

4

Date

8/4/21

Approved

8/4/21

- A. Personal use of all County phones, including cell and other phones, is discouraged. Employer reserves the right to monitor and log all activity including phone, voice mail and text logs, with or without notice. Users shall have no expectation of privacy or confidentiality when using these resources. Personal toll calls should be limited and must be reimbursed by the employee.
- B. Excessive use of phones 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. 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.
- E. Personal cell phones and devices are the private property of County employees. Personal calls, voice messages, data, and text messages not related to County business are not public records, and do not need to be retained on a personally-owned cell phone or device. However, personal calls, voice messages, data, and text messages using a personal cell phone or device that pertain to County business are public records and employees shall have no expectation of privacy for such County-related business, even when using a personal phone or device. Employees who do not wish to use their personal phone or device for County business should speak with their supervisor.
- F. In addition to this policy, Employees can find further information regarding the use of personal phones and devices in Section 8.17 Public Records and Section 8.28 Text Messaging. Employees using personal phones and devices for County business may be required to produce, transcribe, or note in another document, the information relating to County business. County employees are also required to cooperate with the County and provide their fullest assistance in fulfilling the County's duties and obligations under the Public Records Act.

Original Adoption Date

7/31/96

Revision Number

6

Eff. Date

12/14/22

Approved

12/14/22

- 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.

Original Adoption Date

7/31/96

Revision Number

2

Date

7/6/05

Approved

7/6/05

- A. Employees are expected to dress in an acceptable, professional manner. Clothing must be clean, neat, in good repair and without holes, and appropriate for the assigned duties. Each Appointing Authority may determine the proper dress standards for their departments, taking employee job duties, work location, and customer base into consideration, as well as any obstacles or distractions to the office or public.
1. Employees are required to dress in accordance with their job tasks and work environment.
 2. Clothing shall be conducive to the safe and effective performance of required job duties.
 3. Examples of inappropriate dress may include: athletic tennis shoes (outside of "Jeans Day"), beach/rubber flip flops, stretch pants/leggings (unless accompanied with a top that extends to the fist), athletic/gym wear, tank/halter dresses/tops with straps under 1 inch in width, any top or bottom exposing lingerie straps or undergarments, plunging necklines, clothing with graphics/slogans, hair color or style that is not appropriate for the work environment.
 4. JEANS DAY - Appointing Authorities may declare certain days to be "Jeans Day", which provide employees an opportunity to dress more casually at the office; however, if tied to a nominal donation or cost, said donation or cost must be voluntary. Employees are expected to use good judgment to ensure that their attire on this day is appropriate for all activities (including meetings and public and/or customer contact) that they will be involved in that day. Clothes must continue to meet the requirements of this policy.
 5. VISIBLE TATTOOS, BODY PIERCINGS, BRANDINGS, BODY ART, BODY MODIFICATIONS – An individual's freedom of expression will be balanced against the need to project a professional appearance in their assignment, recognizing that they represent Wayne County first and foremost, not any other agency, organization or cause.
 - a. Visible tattoos, brandings, and body art should be disclosed during the hiring process; however, are not a bar to employment. Furthermore, they must project a professional appearance and be non-biased. If employer determines a tattoo, branding, and/or body art is not appropriate for the work environment, it must be covered. It is suggested that employees considering tattoos, branding, and/or body art, have a discussion with their supervisor and/or Appointing Authority before doing so.
 - b. Visible body piercings (other than earrings) shall not be displayed.
 - c. Body modifications and/or alterations must not be visible. Intentional body modifications include, but are not limited to, tongue-splitting or bifurcation, ear gauging, abnormal shaping of the ears, eyes, nose or teeth, branding or scarification.

6. Request for exception to this policy for religious or cultural beliefs or questions regarding accommodations should be directed to the Appointing Authority.
7. Failure to follow these guidelines may result in progressive disciplinary action.

Original Adoption Date

7/31/96

Revision Number

6

Date

8/17/22

Approved

8/17/22

- A. 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.

Original Adoption Date

7/31/96

Revision Number

2

Date

7/6/05

Approved

7/6/05

- A. 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.

Original Adoption Date

7/31/96

Revision Number

2

Date

7/6/05

Approved

7/6/05

- A. Wayne County is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. As such, employees are encouraged to seek cessation programs. In addition, and pursuant to ORC 3794, the following policy has been adopted and applies to all Wayne County employees, visitors and vendors as follows:
- B. It is the policy of Wayne County to prohibit smoking and vaping on all County-owned or leased buildings/premises (including hallways, restrooms and garages), areas of ingress and/or egress, exterior walkways and stairways, and any County-owned or leased vehicles, regardless of the time of day or presence of other individuals, with the exception of designated outdoor smoking areas. This is to ensure that smoke does not enter into or through entrances, windows, ventilation systems or other means, and to ensure that non-smokers are not forced to pass through smoke in order to access or enter any County-owned or leased building or vehicle.
- C. For purposes of this policy, the term “smoke” or “smoking” shall include, but not be limited to any and all forms of tobacco, prepared in such manner as to be suitable for chewing and/or smoking, such as but not limited to the act of chewing, lighting, burning, smoking or carrying, and/or inhaling or exhaling, any form of tobacco, lighted or smoldering cigar, cigarette, clove cigarette, cigarillo, blunt, pipe, hookah, or any smoking product, stick, electronic cigarette or personal vaporizer, in any form, to chew or burn tobacco or any other plant. Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as, but not limited to, e-cigarettes, e-pipes, e-hookahs and e-cigars.
- D. Employees who violate this policy will be subject to disciplinary action.

Original Adoption Date

7/31/96

Revision Number

6

Date

8/4/21

Approved

8/4/21

- A. 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, dangerous ordinance or ammunition into any County-owned building or County-owned vehicle.
- B. CCW (Carrying a Concealed Weapon) holders and active military personnel with a valid military ID may, however, leave their weapons in their personal vehicles, as long as said weapon and/or ammunition is locked in the trunk, glove box or other enclosed compartment within or on the vehicle.
- C. Employees who are pre-authorized to use their personal vehicles for County use may also leave their weapons and/or ammunition in their personal vehicles, as long as said weapon and/or ammunition is locked in the glove box, trunk or other enclosed, secured and locked box/container, for the duration which they are working.
- D. Individuals storing weapons and/or ammunition must be in compliance with any and all CCW laws and/or other local regulations.
- E. A violation of this may be subject to discipline up to and also including termination.
- F. Wayne County is not liable in a civil action for harm arising out of another's actions involving a weapon and/or ammunition transported or stored pursuant to this policy.

Original Adoption Date

7/31/96

Revision Number

5

Date

8/4/21

Approved

8/4/21

A. PUBLIC RECORDS POLICY

1. 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.
2. Ohio's Public Records Act imposes two primary obligations upon public offices:
 - a. Provide prompt inspection of public records (R.C. 149.43(B)(1)); and
 - b. Provide copies of public records within a reasonable period of time (R.C. 149.43(B)(2)).
3. 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.

B. PUBLIC RECORDS

1. 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).
2. In accordance with the Ohio Revised Code and court rulings, "records" are defined as those items that meet all of the following:
 - a. 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);
 - b. that is created or received by, or coming under the jurisdiction of a public office; and
 - c. that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. (R.C. § 149.011(G)).
3. 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.

4. 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.
5. 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)).
 - a. Copies will be made available upon request within a reasonable period of time. (R.C. 149.43(B)(1)).
 - b. A current record retention schedule will be readily available to the public upon request. (R.C. 149.43(B)(2))
 - c. Offices shall keep a log of all public record requests. This log should include:
 - i. Date of request;
 - ii. Name of person and/or entity making the request (if provided);
 - iii. Type of record(s) requested;
 - iv. Date of release;
 - v. Legal authority for any redactions/withholdings; and
 - vi. Name of person fulfilling the request.
 - d. This log may be in any form, i.e. a log book, spreadsheet or files maintained together, and may be in paper or electronic format. This rule is not a legal requirement and is not intended to create additional work for offices, but simply to avoid the risk of litigation and ultimately, liability lessened.
6. 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.
 - a. Examples of records, the release of which is *prohibited* by state or federal law, include, but are not limited to, the following:
 - i. Attorney-client privileged information;
 - ii. Records of a Certified Public Accountant or public accountant in the performance of an audit of a public office (R.C. 4701.19(B));

- iii. Federal tax returns (26 U.S.C. 6103(a));
 - iv. Criminal background information and other law enforcement information on the LEADS/CCH/NCIC computer database (42 U.S.C. 3789g);
 - v. Records that have been sealed pursuant to a statutorily authorized court order (*i.e.* R.C. 2953.52);
 - vi. 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
 - vii. 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)).
- b. 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:
- i. Peace Officer, firefighter, EMT, prosecutor, assistant prosecutor, children's services worker, or corrections officer, residential and familial information (R.C. 149.43(A)(7));
 - ii. 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));
 - iii. 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
 - iv. 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)).
- c. 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.

C. **RECORD REQUESTS** - Each request for public records will be evaluated for a response using the following guidelines:

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)).
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)).
 - a. 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)).
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.
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.

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)).

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).

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)).

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)).

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

complete.

D. 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.

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

E. FAILURE TO RESPOND TO A PUBLIC RECORDS REQUEST

1. 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.

F. 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.

G. **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.

H. **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.

I. **RECORDING DEVICES PROHIBITED** - No employee may record any meeting, conversation, or telephone call (with the exception of voice mail messages), in the workplace or at any work-related function, or in connection with any client or project, unless he/she has received advanced written permission from the Appointing Authority.

J. **TEXT MESSAGING POLICY** - Please see Section 8.28 Text Messaging Policy for Public Record rules regarding employee text messages.

K. **PENALTY FOR BREACH OF THIS POLICY** - Any employee who is discovered to have violated any of the above-enumerated provisions may be disciplined, up to and possibly including termination. Any former employee who is discovered to have violated this policy by producing unauthorized documents or 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.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 6 | 8/4/21 | 8/4/21 |

- A. 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.
- B. County users will comply with all of the following local, network, and Internet acceptable use policies and guidelines.
- C. 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.
- D. The Appointing Authority reserves the right to remove files, limit or deny access, and refer the user for other disciplinary actions.
- E. 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.
- F. 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.
- G. 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.
- H. 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 and/or excessive use for non-county-related communication and/or reasons, including social media that is not a work-related function;
 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;
 - a. making any personal purchases using any County network connections.
 - b. failure to comply with training required by supervisor and/or Appointing Authority;
- I. 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.
- J. 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.
- K. 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.
- L. 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.
- M. 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.

- N. Bring Your Own Device (BYOD): Use of personal devices must be individually approved by the department manager for the employee, prior to use. Furthermore, personal devices (thumb drives and external data devices) must be scanned by IT staff after approval and prior to use on County devices. Personal devices will be the sole responsibility of the owner and the County will not be responsible for items which are lost, stolen, damaged, or subjected to a virus attack, data breach and/or privacy issue.
- O. Appointing Authorities may require their employees to participate in periodic phishing training in an effort to broaden employee knowledge so as to avoid ransom and virus attacks. If requested, employees must comply with said training.
- P. Employees shall have no expectation of privacy or confidentiality when using County-owned and/or provided equipment/property, including but not limited to, computers, email systems, internet, network.
- Q. Employee must agree with this Computer Network Usage Policy in full. Employee understands and is aware that he will be responsible for his actions and use or misuse of the network equipment. Employee releases the County, its operators, and administration from any and all claims of any nature arising from the use of network resources.
- R. 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.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 7/31/96 | 4 | 8/4/21 | 8/4/21 |

- 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.

Original Adoption Date

7/31/96

Revision Number

2

Date

7/6/05

Approved

7/6/05

- 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

7/6/05

Approved

7/6/05

- 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.

Original Adoption Date

7/31/96

Revision Number

2

Date

7/6/05

Approved

7/6/05

- 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.

Original Adoption Date

7/31/96

Revision Number

3

Date

10/16/13

Approved

10/16/13

- A. 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.
- B. 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.
- C. **PROCEDURE**
 - 1. 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:
 - a. Active – verbal, mental or physical
 - b. Passive – through negligence or withholding services
 - 2. When an allegation of a violation is reported or suspected, the following procedures shall be implemented:
 - a. The Supervisor shall immediately inform the Administrator of the allegation.
 - b. The Administrator shall determine the immediate appropriate action to be taken.
 - c. The Administrator or designee will send home the accused employee until the completion of the investigation (administrative leave with pay).
 - 3. 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.
 - 4. The Administrator must also report any case of abuse to the Ohio Department of Health and the County Prosecuting Attorney for possible criminal action.

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

- 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 3rd 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.”

Original Adoption Date

7/31/96

Revision Number

3

Date

10/16/13

Approved

10/16/13

A. Please see Appendices.

Original Adoption Date

5/13/09

Revision Number

3

Date

8/4/21

Approved

8/4/21

A. Purpose and Scope

1. Wayne County intends to use social media as additional communication channels to help promote its programs, events, and services, and represent itself appropriately and consistently on the internet. Social media technology allows news of an event to spread quickly and is a good forum to facilitate public discussion.
2. A social media presence is yet another way government can communicate to the broadest possible audience of those it serves, allowing its residents to communicate with their government. Social media platforms provide new ways to engage with citizens and customers to build stronger relationships, civic engagement, and “connectedness.” Wayne County’s intent is to increase transparency, immediacy, and feedback to the community, as well as address the fast-changing landscape of the internet which residents are able to communicate and obtain information online.
3. The best and most appropriate uses of social media tools fall into three categories for Wayne County:
 - a. Channels to supplement information from other County communication sources, such as official websites, drawing more eyes back to those communication sources and broadcasting the County’s messages to the widest possible audience;
 - b. Channels for disseminating time-sensitive information as quickly as possible (e.g. emergency information);
 - c. Two-way communication, promoting transparency and social engagement in government.

B. General Guidelines

1. Wayne County’s Appointing Authorities (referred to as AA) may maintain multiple social media accounts (Facebook, Twitter, Instagram, LinkedIn, Nextdoor, YouTube, etc.) to represent their individual offices. However, it is recommended that all official Wayne County social media accounts adhere to the guidelines below.
 - a. Maintain social media “pages,” not “groups”. For example, Facebook pages offer distinct advantages, including greater visibility, customization, and measurability.
 - b. Be categorized as “government”, unless there is a business purpose for the account, in which case the account may be categorized as “business”.
 - c. Include appropriate logos and other pertinent information.
 - d. Use proper grammar, avoiding jargon and abbreviations. Social media may be more casual than most other communication tools, but it still represents

the County at all times.

- e. Always serve a business purpose, add to the user experience, and come from a trusted source.
- f. While no County information shall be posted exclusively to social media, simple “reminders” and “shares” are appropriate and encouraged. Content posted to social media accounts shall contain links directing users back to the appropriate AA’s official website for in-depth information, forms, documents, or online services necessary to conduct business with Wayne County.

C. **Accuracy and Timeliness**

1. Wayne County will make every effort to ensure the accuracy of the information provided on its social media pages. However, several factors that are beyond the County’s control (including unauthorized modification of electronic data, transmission errors, browser incompatibilities, information that has been cached on the local computer or storage device, or other aspects of electronic communication in an evolving and time-sensitive environment) can affect the quality of the information displayed on the site. For that reason, the County does not guarantee the accuracy of the information provided on its social media pages and is not liable for reliance on this information.
2. The County’s timeliness about posts and responses to comments may also vary based on staff availability. Therefore, a disclaimer shall be a part of this policy and be posted on all social media accounts, stating:
 - a. *This social media page is intended to provide information to a wide number of people quickly, not as an in-depth or complete source of information, but as an evolving supplement, not replacement, to Wayne County official websites, press releases, and in-person communications. For these reasons, staff may not respond to every comment or question posted on the County’s social media accounts. Any responses to comments will be posted within available office hours and within the varying parameters of staff availability; information conveyed after hours will not be received until the next business day. Please also note that opinions and comments expressed on this site do not necessarily reflect the opinions and/or position of the entity, its elected officials or its employees. **NOTE! If you have an emergency to report, do not use this method of communication but rather, call 911 (if 911 is not applicable, please contact the appropriate office).***
3. All responses to comments by County staff shall be accompanied by those staff members’ initials, to reinforce the social aspects of the site, and to let residents know they are communicating with a specific employee within the County and not the County as an entity.

D. **Public Record Guidelines**

1. Any content maintained in a social media format that is related to County business, including a list of subscribers and posted communication, is a public record. The department maintaining the site is responsible for responding completely and accurately, to the best of their ability, to any public records request for public records on social media. Content related to County business shall be maintained in an accessible format so that it can be produced in response to a request.
2. These guidelines must be displayed to users or made available by hyperlink. Any content removed, based on the guidelines contained herein, must be retained, including the time, date, and identity of the poster, if available, as well as the County's reason for removing the content.
3. Content posted to social media accounts will be transitory in nature, in order to adhere to the County's records retention policy.

E. Content Guidelines

1. To facilitate two-way communication and broaden the ways residents may connect with the County, comments to the County's posts will be turned on and are allowed, as long as they are within the guidelines set forth in this policy. The following disclaimer shall be a part of this policy and be posted on all social media pages allowing comments:
 - a. *Please note that comments not authorized by Wayne County or its AA, which are expressed on the County's social media accounts, may not reflect the opinions or positions of Wayne County, its employees, or its elected officials. Postings should be factual, respectful, on-point, and reasonably avoid being thought of as spam, off-topic, or offensive. Wayne County reserves the right to remove any comments, questions, or postings containing:*
 - i. *profane or defamatory language or content*
 - ii. *personal attacks, harassments, or threats against any individual or organization*
 - iii. *content that promotes, fosters or perpetuates discrimination on the basis of race, color, sex, sexual orientation, gender identity, genetic information, national origin, age, religion, disability or protected activity*
 - iv. *content not topically related to the particular social medium article being commented upon*
 - v. *support for or against any political campaign or ballot measures*
 - vi. *advocacy for or against any religion or non-religion*

- vii. *copyright infringements or other legal violations*
- viii. *solicitations of commerce*
- ix. *sexual content or links to sexual content*
- x. *conduct or encouragement of illegal activity*
- xi. *information that may tend to compromise the safety or security of the public or public systems*
- xii. *content that violates a legal ownership interest of any other party*

2. The County reserves the right to restrict or remove any content deemed in violation of this social media policy or any applicable law. All removed comments will be saved by the Administrator for public record retention purposes. When a comment is removed, a note will be posted in its place explaining the violation.

F. Administrator Account Guidelines

1. Successful social media accounts require monitoring. Social Media Administrators or Public Communications Specialists (*HRTA Admin*) shall be appointed by the Appointing Authority and work under the direction of the AA or designated alternate. Said *Admin* has a responsibility to help communicate accurate and timely information to the public in a professional manner. *Admin* designated to police, monitor, or participate in social media are expected to follow these guidelines:
- a. A list of official accounts shall be maintained by each *Admin*, but owned by and shared with Wayne County. Login and password information shall also be owned by and shared with the AA or designated alternate, so that the AA or designated alternate can immediately access, edit or remove content.
 - b. Social media work (policing, monitoring, posting, etc.) shall be done on a County-provided computer or laptop.
 - c. Social media account set-up should consist of authorized Wayne County contact information, including work email addresses and direct or department telephone numbers, which are owned and designated by Wayne County. Personal email addresses and personal telephone numbers are not permitted.
 - d. If a social media account requires an indirect “personal account” to be accessed, (e.g. Facebook), this “personal account” will be set up and provided by the AA or designated alternate.
 - e. Because social media is freely available to anyone, branding official social media accounts is required. Include the following text statement on all official accounts (for example): “This is the official Wayne County, Ohio

Commissioners' Facebook page".

G. Administrator Content Guidelines

1. Posts and monitoring shall be done during established office hours, with the exception of emergency situations, and all comments or questions shall be responded to in a timely manner within those parameters.
2. AFTER HOURS: In the event of an emergency need for an after-hours posting, *Admin* shall be contacted to post information on the County's website followed by social media.
3. *Admin* may set up automatic email notification when someone posts a comment to a social media site.
4. Read all information in the original and any other relevant post, tweet, or link thoroughly before interacting to ensure that it enhances community knowledge about County activities, issues, policies, and priorities. If the content does not specifically address the County, it should be of interest to the particular audience.
5. Interact with information that is consistent with the County's goals and clearly identify the external source of the information (post, tweet, link, etc.). *Admin* are encouraged to interact with other social media accounts operated by the County, other government agencies, or businesses that are promoting the County's projects or goals.
6. Posts may be approved by the Appointing Authority or a designated alternate; when in doubt, ask! If the AA or designated alternate gives direction to add or remove a post or content, this must be done as requested and in the timeline requested.
7. Ensure information communicated is accurate and complete. If a mistake is made, it should be disclosed and promptly corrected.
8. Be judicious. What you publish is widely accessible and will be around for a long time, so consider the content carefully. A social media post could be used in a legal action against the County or its employee.
9. Postings should be related to that department's specific function and subject matter expertise.
10. All official social media accounts shall link back to the County's official websites for forms, online services and other information necessary to conduct business with the County.
11. Interacting with other social media accounts can be a useful tool to inform residents about County activities, policies and issues. However, use sound judgment when interacting with other social media accounts because those interactions may easily be misinterpreted. 'Interacting', as used here, includes, but is not limited to,

“like(s),” “post(s),” “tweet(s),” or “following” on social media platforms. For example, “liking” or “re-posting” on Facebook and “following” or “re-tweeting” on Twitter can be perceived as an endorsement of that person, account, message, or thing. Similarly, “unliking” or “un-following” can be perceived as a rejection of that person, account, message, or thing.

12. Replies to individual constituent inquiries received via social media accounts must be retained per the County’s record retention schedule.
13. Actively protect any information considered private or protected under Data Privacy and HIPAA Compliance laws.
14. Be mindful of information reported by a member of the public which could result in harm to someone or something. If a member of the public posts a comment about a dangerous situation, the government has notice and must act on it.
15. Do not post personal information, except for names of elected officials and/or employees whose job duties include being available for contact by the public or as specifically designated by the AA or designated alternate.
16. Do not express personal views or concerns through postings.
17. Do not post comments, photographs or videos that could discredit or embarrass the County.
18. Do not reveal private, confidential, or non-public information as defined by any County policy or local, state, or federal law.
19. County social media accounts or equipment may not be used by *Admin* as a platform to share personal opinions or for political purposes, private business or charitable activities, commercial or personal transactions, or for any other purpose prohibited by law.
20. *Admin* shall not use the County’s social media accounts to copy or transmit any documents, images, software, or other information protected by a copyright owned by someone or an entity other than Wayne County without proper authorization from the copyright owner. Copyright protection applies to any document, image, software, or information unless it is specifically marked as public, not copyrighted, or freeware. In the absence of any specific copyright markings, material or information should be assumed to be copyright-protected. It is the *Admin*’s responsibility to obtain proper authorization from the copyright owner before using the electronic communications system to copy or transmit copyrighted material.
21. Decisions to remove posts or comments that violate the County’s social media policy shall be made by *Admin* and in accordance with the department’s Records Retention Policy; additionally, the time, date and identity of the poster shall be noted, if that information is available. *Admin* monitoring County social media pages must bring questionable posts/comments to the attention of their supervisor or AA

immediately.

22. Individuals should not be blocked and content on official accounts shall not be deleted simply because they are critical of the County, its officials or employees or because the agency or *Admin* otherwise dislikes what the content says or represents. Content may be deleted only when it violates this policy.

H. Employee Guidelines

1. While every individual has a right to speak out on the issues facing the community, state, and nation, employees must take great care to make it clear that their personal opinions are their own and do not represent the official position of the County. It is important for employees to remember that their personal communications may reflect on the County, especially if they are commenting on County business, supervisors, or policies. For this reason, County employees must follow all applicable policies outlined in this policy, as well as in the Wayne County Personnel Policy Manual. Employees should be aware of his or her privacy rights and prohibited conduct with respect to his or her actions and its impact on the County when using social media accounts on and off duty. Employees should remember that they are paid by public funds and the public holds them to a high standard of professionalism. This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It allows Wayne County to ensure that the County's rules are followed and all employees are treated fairly and consistently.
2. Employees are expected to serve as positive ambassadors and to remember they are role models to the citizens of this community and, therefore, should be thoughtful, truthful, courteous, respectful, and professional in all communications (by word, image or other means) toward supervisors, coworkers, citizens, customers, and other persons associated with the County. Employees should not use obscene, profane, or vulgar language on any social media platform. Do not engage in name-calling or personal attacks.
3. All employees will be subject to and held accountable for any conduct outlined in this Social Media Policy as well as the Personnel Policy Manual. These policies work in conjunction with other related personnel policies and procedures (e.g. harassment). This policy is not intended to interfere with and should not be construed as impeding an employee's ability to speak as a citizen, especially on matters of public concern. However, because readers of social media accounts may view the employee as a representative of Wayne County, employees are required to observe certain rules.
4. **On-Duty Conduct:** While at work, an employee may only access personal social media, blogs and/or other internet forums of communication during their lunch or breaks (i.e., unpaid non-working time); this includes access from a personal device (computers, phones, tablets, etc.) during an employee's compensated hours of work. Employees accessing personal social media during lunch or breaks must use their

own personal devices and not County property (including computers, phones, tablets, etc.) Employees are not permitted to access personal social media while on working time unless such access is within the scope of their job duties and done with general or explicit permission of their supervisor (e.g., law enforcement officials conducting investigation into a suspect's social media account or *Admin* designated to maintain an official social media account).

5. Off-Duty Conduct: An employee shall have no expectation of privacy to information posted into cyberspace even while off duty. This includes anything posted to social media, blog, or other similar internet forum of communication. Although information may be posted to a "private" webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use common sense when posting comments, photos, opinions, or any other information related to his or her employment. Any social media activity which portrays the County should be done in a positive light and not be disruptive to the County. **The County is in no way trying to impede an employee's first amend rights to address matters of public concern as long as they are not disruptive to the County's workplace efficiency. When referencing Wayne County or otherwise speaking as a private citizen, the best practice is to exercise caution as to the content and language being spoken; furthermore, an employee should be clear that they are speaking as a private citizen/individual and not as a representative of Wayne County and/or their position with the County.** The following are examples of conduct that may lead to discipline and/or termination which include, but are not limited, to:
 - a. Posting one's photograph while wearing the County's uniform, without including a statement that the employee is not acting as a representative of the County or their position with the County; this includes other similar attire, such as logos, patches, badges or other identifying symbol of the County, which could be misidentified as the official uniform, in addition to posting any of these in itself and outside of apparel;
 - b. Post information, images, or icons obtained in their official capacity with the County on their personal social media pages and/or accounts without prior approval from their AA;
 - c. Post pictures, videos, or comments that are insubordinate with respect to the employee's employment, including, but not limited to, pictures, videos or comments of another Wayne County Elected Official or employee without that individual's consent with the direct or indirect intent to disrupt the workplace, deteriorate the inter-personal working relationships with other employees, harass, or embarrass individuals, negatively impact an employee's ability to perform their responsibilities, and/or matters not of public concern;
 - d. Post pictures, videos, or comments that constitute or could be construed as unlawful behavior and would reasonably lead a viewer/reader to believe the

- content was authorized, approved, supported, permitted, or otherwise allowed by Wayne County or in context of the employee's position;
- e. Knowingly or recklessly post false information about the County or its supervisors, coworkers, elected officials, or those who have a relationship with the County. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above;
 - f. Post, transmit, or disseminate any pictures or videos of official training, activities, work-related assignments or non-public images of Wayne County premises and property, including floor plans and structures, without the express permission of the AA;
 - g. Post pictures, videos, or comments that are sexual, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the County or individual's employment;
 - h. Use the employee's title or reference Wayne County, in an official capacity as representation without authorization, in any correspondence to include emails, postings, blogs, discussion forums, or social media unless the communication is of an official nature and is serving the mission of the County. This includes signature lines in personal email accounts. Employee should seek approval for such use from their AA;
 - i. Use employee's Wayne County email address or phone number as a means of identification in social media without prior approval from their AA;
 - j. Violate anything referenced under *Content Guidelines* in this policy.
6. Employees shall not disclose any work-related confidential or proprietary information on any social media, blog or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
 7. Employees shall refrain from making comments about the workplace, policies, or supervisors, or discussing internal employment issues on social media. Wayne County has an overriding interest and expectation in deciding what is "spoken" on behalf of the County.
 8. Employees are encouraged to follow the internal complaint procedures and not take to the internet to voice work-related complaints.
 9. Employees shall not comment on social media or publish something related to County business without identifying themselves and using a disclaimer such as, "I am an employee of Wayne County. However, these are my own opinions and do not represent those of Wayne County."
 10. Employees may not act as a spokesperson for Wayne County, post comments as a

representative of Wayne County, or imply they are speaking on behalf of the County unless authorized to do so. If employees wish to write an opinion based upon their work experience, they shall not make reference to the County if they are not discussing County business. For example, write, “As a sheriff’s deputy...” rather than, “As a Wayne County sheriff’s deputy ...” or “As a public employee...” rather than “As a Wayne County employee...”

11. County resources, working time, or official County positions must not be used for personal profit or business interests, or to participate in personal political activity. For example, an employee must not use any County logo, email, or working time to promote his/her side business or for personal gain.
12. Keep in mind that if your conduct on social media platforms adversely affects your job performance or the performance of your co-workers, or is detrimental to the mission and function of the County, or otherwise adversely affects members of the public served by the County, people who work on behalf of the County, or the County’s legitimate business interests, the County may take disciplinary action against you, up to and including termination.
13. Disclaimers contained in this policy aids in protecting Wayne County employee’s lawful rights. However, the use of this disclaimer does not shield against discipline for violations of this policy. Wayne County reserves the right to regulate what is spoken or expressed on its behalf.
14. Employees who are asked by organizations to post information on official County social media accounts shall refer the request to their supervisor or AA.
15. Under no circumstances shall any Wayne county employee comment to reporters regarding matters of County policy, opinion, or interpretation, without express prior approval.
16. Employees shall take note of the following: DELETE DOES NOT MEAN DELETE. Once something is posted into cyberspace, it remains there.
17. This policy is not meant to infringe on one’s right to free speech or rights under R.C. 411, or any other protected activity.
18. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
19. Any deviation from this policy shall be approved by the AA in writing. Any questions regarding this policy should be directed to the employee’s immediate supervisor.

I. Elected Official Recommendations

1. It is encouraged and recommended that Elected Officials and Appointing Authorities comply with the following guidelines. *When using Official Wayne County social media accounts:*
 - a. Elected officials should add value to any social media discussion by staying focused on the issue.
 - b. Elected officials should reveal that they are elected officials for the County if/when making a post and be honest, straightforward, and respectful.
 - c. Elected officials should be sure that efforts to be honest do not result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information.
 - d. To help prevent errors, elected officials should not post official information about the County as it could create liability issues.
 - e. If an elected official makes a mistake, it should be corrected as soon as the official is made aware of the error. Corrections should be upfront and as timely as possible. If you modify an earlier post, make it clear the posting has been corrected. Consider designating corrections with “Fixed link” or “Fact correction” prior to the correction.
 - f. Elected officials should not use official County social media accounts for campaigning purposes. Elected officials should not post comments or links to any content that endorses or opposes political candidates or ballot propositions, including links to an elected official’s campaign site. All comments posted during an election season by anyone who has filed for office should be removed. Elected Officials who use the same social media platform for communicating with constituents as they do to campaign, risk violating the law against using government resources for political purposes.
 - g. Elected officials should not use social media as a mechanism for conducting official County business other than to informally communicate with the public.
 - h. Elected officials should be aware of the risks of electronic communication in relation to the Open Meeting Law; two-way communication between elected officials should be strictly avoided.
 - i. Top 3 Violations to be aware of are 1) campaigning; 2) Open Meetings laws; 3) Public Record laws.
2. *When using personal social media accounts:*
 - a. Informal communication with constituents is generally acceptable, but discussion of public business is risky, especially if it involves other elected

officials. The dynamic nature of social media and the sheer volume of posts may make it difficult to track who is involved in the discussion and detect when the Open Meetings line has been crossed. Be aware of the risks of electronic communication in relation to the Open Meeting Law; two-way communication between elected officials should be strictly avoided.

- b. Be aware that your social media account could be considered to be an official account based on how it is used. Ask yourself:
 - i. Is there more personal information or County information being posted?
 - ii. Have I listed my County email address and phone number, or my personal email address and phone number?
 - iii. Do I identify myself as an elected official on this account?
 - iv. Have I linked any official Wayne County websites to this account?
 - v. Do I ask for comments on matters concerning the public?
- c. Be aware that deleted posts could be considered a public record, so be careful! If you have any questions on what can and can't be deleted, please consult your legal advisor. There should be no expectation of privacy for any person, elected official or other, when it comes to social media platforms.

J. Definitions

- 1. **Social Media** – Defined as, but not limited to, Facebook, Twitter, LinkedIn, SnapChat, Instagram. For purposes of this policy, blogs and other internet forums of communication shall also be covered. Nothing in this policy is meant to prohibit access to any social media or blog which may be work-related.

K. OFFICIAL ACCOUNTS THAT VIOLATE ANY PART OF THIS POLICY, IN PART OR IN WHOLE, MAY BE REMOVED OR CLOSED WITHOUT NOTICE, AT THE SOLE DISCRETION AND AUTHORITY OF THE AA OR DESIGNATED ALTERNATE.

L. Identity Theft Prevention Program

- 1. **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.
- 2. **Definitions:**

- a. 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:
 - i. 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;
 - ii. Unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation;
 - iii. Unique electronic identification number, address or routing code; or
 - iv. Telecommunication identifying information or access device.”
 - b. A covered account means:
 - i. 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
 - ii. 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.
 - c. A red flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
 - d. 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.
3. **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:
- a. 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”);

- b. Detect red flags that have been incorporated into the Program (under the section “Detection of Red Flags);
- c. Respond appropriately to any red flags that are detected to prevent and mitigate identity theft; and
- d. 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.

- 4. **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.

5. **Identification of Relevant Red Flags:**

- a. This Program includes relevant red flag identification via the following categories as appropriate:
 - i. Alerts, notifications, or other warnings received from consumer reporting agencies or service providers, such as fraud detection services;
 - ii. The presentation of suspicious documents;
 - iii. The presentation of suspicious personal identifying information;
 - iv. The unusual use of, or other suspicious activity related to, a covered account; and
 - v. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts.
- b. The Program considers the following risk factors to identify relevant red flags for covered accounts as appropriate:
 - i. The types of covered accounts offered or maintained;
 - ii. The methods provided to open covered accounts;
 - iii. The methods provided to access covered accounts; and
 - iv. Previous experience with identity theft.

- c. The Program incorporates relevant red flags from sources such as:
 - i. Incidents of identity theft previously experienced;
 - ii. Methods of identity theft that reflect changes in risk;
 - iii. Credit reporting agencies or other reliable regulatory agencies; and
 - iv. Applicable supervisory guidance.
6. **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:
 - a. Obtaining identifying information about, and verifying the identity of, a person opening a covered account;
 - b. Authenticating service recipients, monitoring transactions, and verifying the validity of change of address requests in the case of existing covered accounts;
 - c. In the case of provision of medical/emergency services, if records showing services provided are inconsistent with a physical exam or medical history;
 - d. 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;
 - e. 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
 - f. A dispute of a bill by a service recipient who claims to be the victim of any type of identity theft.
7. **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:
 - a. Monitor a covered account for evidence of identity theft;

- b. 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;
 - c. Contact the service recipient to verify services were actually received by that individual;
 - d. Change any passwords, security codes or other security devices that permit access to a covered account;
 - e. Reopen a covered account with a new account number;
 - f. Not open a new covered account;
 - g. Close an existing covered account;
 - h. Notify law enforcement; or
 - i. Determine if no response is warranted under the particular circumstances.
8. **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:
- a. The experiences of the Wayne County Commissioners with identity theft;
 - b. Changes in methods of identity theft;
 - c. Changes in methods to detect, prevent and mitigate identity theft;
 - d. Changes in the types of accounts that the Wayne County Commissioners offers or maintains;
 - e. Changes in the business arrangements of the Wayne County Commissioners, including alliances, joint ventures, and contractual arrangements.
9. **Oversight of the Program**
- a. Oversight of the Program shall include:
 - i. 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.
 - ii. Review of reports prepared by staff regarding compliance; and

- iii. Approval of material changes to this Program as necessary, to address changing risks of identity theft.
 - b. Reports shall be prepared as follows:
 - i. 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.
 - ii. 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.
10. **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.
11. **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.
- a. The Wayne County Commissioners may reasonably confirm that an address is accurate by any of the following means:
 - i. Verification of the address with the consumer;
 - ii. Review of the Wayne County Commissioners' records;

- iii. Verification of the address through third-party sources; or
 - iv. Other reasonable means.
- b. 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:
- i. The Wayne County Commissioners establishes a continuing relationship with the service recipient; and
 - ii. The Wayne County Commissioners, regularly and in the ordinary course of business, furnishes information to the consumer reporting agency.
12. 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.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 10/16/13 | 2 | 8/4/21 | 8/4/21 |

- A. Employees are to provide meaningful access to all individuals utilizing our services or visiting Wayne County offices. Meaningful access includes promoting effective communication to LEP individuals seeking information or participating in a County program.
- B. At no cost to the LEP individual, Wayne County offices will provide interpreter services to all LEP individuals or families who need assistance. This can be accomplished in the following manner:
 - 1. Employees will use the Language Identifier (see Appendices) to try to identify what language the individual speaks. Once that is determined, employees can call a Language Line Vendor (866-874-3972, Code 512164 and then choose the option *Commissioners*). This will connect the employee to an interpreter who can help with the translation via telephone.
 - 2. If the language cannot be determined, Employees should call the above number and, via a three-person phone call, the interpreter will try to identify the language. Note: Three-way telephone calls can be obtained by pushing the *Transfer* button, then dialing the number of the second call and once the person answers, pushing the *Conference* button.
 - 3. For individuals needing sign language, please dial 888-225-6065.
- C. Wayne County will keep apprised of LEP needs within the County and will address them as the County becomes aware.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 8/4/21 | 1 | 8/4/21 | 8/4/21 |

- A. Every employee is expected to adhere to the professional standards throughout this Policy Manual, but as a reminder, are expected to treat members of the public, co-workers and supervisors in a courteous, respectful manner. Text communications should be written with the same consideration given to the other, more formal type of communication. Furthermore, employees using either a County-issued cell phone or a personal cell phone afterhours should do so under the express approval of their supervisor and/or Appointing Authority.
- B. Employees are prohibited from sending jokes, rumors, gossip, or non-work-related messages via text from a County-issued device. Employees are also prohibited from sending abusive, harassing, threatening, menacing, discriminatory, pornographic, disrespectful, or otherwise offensive text messages from a County-issued device. Employees may never share or send messages of a confidential nature but rather, should use a pre-approved secure process for confidential information. Employees should note that policies throughout the policy manual that apply to cell phones and/or use of are enforceable and not limited to this section.
- C. Employees using personally-owned cell phones should limit their use of text messaging for official business. Doing so is completely voluntary and is done at the employee's discretion. The County will not reimburse employees for text messages sent or received on a personal cell phone. Additionally, all employees using personal cell phones to text message for official business are expected to adhere to the policies contained herein and retain non-transient text messages in accordance with the employee's record retention guidelines.
- D. Employees engaging in activities that are not in accordance with this policy may be subject to investigation and disciplinary action, up to and including removal from their position.
- E. **TEXTS REGARDING COUNTY BUSINESS ARE PUBLIC RECORDS**
1. Some text messages, those that regard County business, constitute a public record and must be retained by Wayne County employees/offices, per the appropriate record retention schedule. Further, any text messages that relate to County business, that are retained or that exists at the time a public records request is submitted or received are subject to disclosure requirements of the Public Records Act found in R.C. 149.43(A)(1). This applies whether text messages regarding County business are sent or received on a County-owned or personally-owned cell phone or device.
 2. **The purpose of this policy is to address the use of text messaging for County business and the retention requirements of text messages relating to County business that are received or transmitted on County-owned or personally-owned cell phones and devices.** This policy is intended to assure the County's compliance with records retention and disclosure requirements. The failure to follow this policy may expose the County to damages and attorney's fees under Ohio's Public Records Act, and therefore, the failure to follow this policy may subject the employee to appropriate discipline. **Employees are required to adhere to this entire policy and are encouraged to present any questions or concerns with this policy to their supervisor or Appointing Authority.**

F. **Definitions** - the following terms shall have the meaning provided:

1. The term “County-owned cell phone or device” means a cell phone or other device capable of sending or receiving text messages that is provided to the employee or reimbursed by Wayne County for the purposes of performing his or her job duties.
2. The term “County business” in relation to text messages means a text message sent or received by a County employee relating to the work of the employee or the business of the County. County business text messages include, but are not limited to:
 - a. Texts between employees discussing the employees’ work or the business of the County. Examples include a text acknowledging an employee will be late for work; a text asking another employee to call to discuss County business; a text by a supervisor asking another employee to respond to a specific location; a text notifying a coworker that someone would like to talk; a text notifying a coworker of a workplace injury; etc.
 - b. Texts between an employee and a non-employee discussing a matter related to the employee’s work or the business of the County. Examples include a text with a vendor asking it to increase an order of supplies; a text to a service provider advising it that its assistance is needed to fix a copy machine; a text between an employee and outside attorney discussing an issue of county business; a text to a citizen or vendor setting a meeting; etc.
3. The term “County employee” means an employee of Wayne County and also means, for purposes of this policy only, an elected official, volunteer, intern, or appointee of Wayne County, a person hired by Wayne County through a temporary placement agency to perform work that otherwise would be performed by the employee.
4. The term “personal text message” means a text message sent or received by a Wayne County employee that does not discuss a matter of county business. Examples include, but are not limited to, texts between employees, friends or family agreeing to meet for lunch, inviting another to an after-work party, or thanking another for a gift; etc.
5. The term “personally-owned cell phone or device” means a cell phone or other device that is used by the employee in part to send or receive text messages related to County business, but is not owned, paid for, or reimbursed by the County.
6. The term “text” or “text message” is a brief message that is composed and sent between two mobile phones or portable devices such as a computer or tablet.

7. The term “transitory text” means a text message that only documents information of temporary, short-term value, and that is not needed as evidence of a business transaction. Examples of transitory texts include, but are not limited to:
 - a. Texts that set work meetings or request job-related phone calls.
 - b. Texts that are similar to voice mail messages.
 - c. Texts that contain information that is later included in another County record. Examples include, but are not limited to:
 - i. A County facilities supervisor receives a text from a coworker informing him/her of a broken water line in the IT facility. The Supervisor later prepares a work report noting the broken water line, and that he/she sent a crew to fix and clean up the area affected. Once the work report is prepared, the text becomes transitory.
 - ii. A Deputy Sheriff receives a text from another Deputy Sheriff explaining that he/she talked with a witness in an investigation, and asking the Deputy to follow up and take a statement from the witness. Once the statement is taken, the text becomes transitory.

G. COUNTY OWNED CELL PHONE OR DEVICE

1. Cell phones or devices which are county-owned, paid for and/or reimbursed, shall be used for County business and in the event of emergencies, but not predominantly for personal text messages. Moreover, employees have no right to privacy on County-owned cell phones or devices. After receipt of a public records request, and upon request of the County, an employee may be required to provide his or her County-owned cell phone or device to the County for inspection, and all information on the cell phone or device is subject to County review.
2. Personal text messages not related to County business are not a public record, and need not be retained on a County-owned cell phone or device. However, the fact that personal texts are sent or received on a County-owned cell phone or device is a matter of public record. If personal text messages exist on a County-owned cell phone or device at the time the County receives a public records request, those messages must be retained until the County responds to the request. The content of those personal text messages may be reviewed by County staff in making a disclosure decision. Additionally, generic information that does not identify the content, subject matter, or sender/recipient of the personal text message may be released, including date, time, size, and indication of an attachment, etc.

H. PERSONALLY-OWNED CELL PHONE OR DEVICE

1. Personal cell phones and devices are the private property of County employees. Personal text messages not related to County business are not public records, and do not need to be retained on a personally-owned cell phone or device. However, text messages sent using a personal cell phone or device that pertain to County business are public records.
2. While the County may not be permitted to inspect an employee's personal cell phone or device without the employee's consent, an employee who uses his or her personal cell phone or device to send or receive text messages related to County business is required to follow this policy and shall be required to produce, transcribe, or note in another document, texts relating to County business in accordance with this policy. County employees are also required to cooperate with the County and provide their fullest assistance in fulfilling the County's duties and obligations under the Public Records Act.

I. TRANSITORY TEXTS V. NON-TRANSITORY TEXTS

1. Text messages regarding County business are of two types: (1) transitory texts; and (2) non-transitory texts. In accordance with this policy, transitory texts may be deleted by the user once the texts have served their purpose. **On the other hand, non-transitory texts may not be deleted from a cell phone or device until they have been produced, transcribed, or retained in some other manner, based on the content of the communication and according to the appropriate retention schedule.**
2. Texting Should be Limited to Transitory Texts. An employee should limit his or her texting regarding County business to transitory texts that can be deleted once the message serves its purpose. In the event communications, that are more than transitory, are necessary, such communications should occur in person, by telephone, by email, or by memorandum, but not by text. Using this approach will avoid complications with archiving and producing texts for the purposes of responding to public records requests.
3. Transitory Text
 - a. Delete Once No Longer Needed, Unless Public Records Request Received.
 - b. Transitory texts are designated non-archival and non-essential and therefore, need not be retained once they are no longer needed for County business. As a result, a transitory text may be deleted once it serves its purpose. In many cases, a transitory text may be deleted once it is sent or read by the receiver. Example: An employee texts his co-worker to confirm the time of a meeting. This text is transitory and serves its purpose once read by the sender and receiver and may be deleted at that time.
 - c. In other cases, the transitory text may not be deleted immediately, but it

may be deleted at a later time when it becomes transitory. Example: An employee sends a text to a supervisor advising the supervisor that she saw another employee at a local restaurant when the employee was supposed to be working. Assuming the supervisor would be investigating the incident, both individuals would only be permitted to delete the text once the text was produced, transcribed, or noted in another document or report; at that time, the text message becomes transitory and may be deleted from the cell phone or device.

- d. Transitory Texts May Not Be Deleted if there is a Public Records Request.
- e. In the event a records request is submitted that may include, within its scope, text messages transmitted on either a County-owned or a personally-owned cell phone or device, the employee, once put on notice of the request, shall not delete any text messages from the cell phone or device, even if such text is transitory or personal. In this case, the employee must work with legal counsel for Wayne County to produce the requested public records or other necessary response.
- f. In the event a records request is submitted that may include, within its scope, text messages transmitted on a personally-owned cell phone or device, the employee shall cause the text messages related to County business to be produced in accordance with this policy, if the employee has not already done so. It is highly recommended that the employee cooperate and work with Wayne County supervisors or legal counsel, etc., before deleting any texts. Additionally, the employee must describe the following to the legal counsel for Wayne County:
 - i. A detailed description of the search method used to search the personally-owned cell phone or device for responsive public records.
 - ii. An indication of whether any responsive records were located.
 - iii. If no responsive records were found, an explanation of why (e.g., you only have text messages that post-date the time period requested because the texts were deleted before you received notice of the request, no text messages were sent to or received from the person identified in the request, no text messages exist on the cell phone or device that discuss the topic identified in the request, etc.)
 - iv. If records were found on the cell phone or device that are within the scope of the request but are personal to the employee and not related to County business, the employee must provide specific and detailed facts that support the personal nature of those texts

(e.g., the texts are to or from the person identified in the request, but the texts pertain to personal medical appointments, private family matters, etc. and do not discuss County business).

- (a) The employee should identify each text generically, including date, time, size, and indication of an attachment, etc.
 - (b) If the text is to or from a County employee, a public official, or a County contractor, the employee shall identify the text message's sender or recipient by name. However, employee need not identify family members, personal friends, or other by name.
 - (c) If requested by the County Prosecutor's Office, the employee may be required to provide additional information to support the personal nature of any text message.
- v. If responsive public records are found during the employee's search of his or her personal cell phone or device, the employee shall produce those public records as this policy provides.
- g. The employee may choose to comply with this policy by providing his or her personal cell phone to an authorized County Official to conduct the necessary search. Nothing in this policy requires the employee to allow such an inspection, and no adverse action may be taken against an employee if he or she chooses not to produce his or her personal cell phone and instead complies as otherwise provided for within this policy. Example: An employee texts his supervisor, on the supervisor's personal cell phone, with a transitory message. This text serves its purpose once read by the supervisor. Assume the supervisor did not delete the text from her phone, and one week later, receives notice that a person has requested all emails and text messages that discuss or mention that same topic of the text. In this case, even though transitory, since the record exists at the time the public records request is submitted, the supervisor may not delete the text. Rather, the supervisor must produce the text in accordance with this policy.

4. Non-Transitory Texts

- a. **As noted above, employees should not send non-transitory texts relating to County business through a cell phone or device. Rather, an employee should limit his or her texting regarding County business to transitory texts that can be deleted once the message serves its purpose. In the event a person sends or receives a non-transitory text, it shall be produced in accordance with this policy; as stated above,**

non-transitory texts may not be deleted from a cell phone or device until they have been produced, transcribed, or retained in some other manner, based on the content of the communication and according to the appropriate retention schedule.

J. REPRODUCING TEXT MESSAGES

1. **When is the Employee Required to Produce a Text?** There are three instances in which an employee is required to produce a text message:
 - a. When the text message is non-transitory and must be retained;
 - b. When a supervisor orders the employee to produce the text message; or
 - c. When the text message is maintained on a cell phone or device and the employee is notified of the existence of a public records request for the text message.

2. **How is a Text Message Produced?** When any of the three requirements is met, the employee shall produce the text message by either of the following means:
 - a. Forwarding the text to a proper County email address; or
 - b. Taking screen shots of the text and emailing the screen shots to an appropriate County email address; or
 - c. Utilizing a pre-approved application on a cell phone or device that stores or disseminates the message to County-owned servers or networks.

| <u>Original Adoption Date</u> | <u>Revision Number</u> | <u>Date</u> | <u>Approved</u> |
|-------------------------------|------------------------|-------------|-----------------|
| 8/4/21 | 1 | 8/4/21 | 8/4/21 |