



PERSONNEL  
POLICY MANUAL

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RICHLAND COUNTY  
BOARD OF COMMISSIONERS

## **TABLE OF CONTENTS**

<b><u>SECTION 1</u></b>	<b><u>PAGE</u></b>
1.1: DEFINITIONS	1
1.2: CLASSIFIED & UNCLASSIFIED EMPLOYMENT	2
1.3: EQUAL EMPLOYMENT OPPORTUNITY	3
1.4: MANAGEMENT RIGHTS	4
1.5: APPLICABILITY AND ADMINISTRATION	6
1.6: AMERICANS WITH DISABILITIES ACT	7
1.7: DISCRIMINATORY HARASSMENT POLICY	8
 <b><u>SECTION 2</u></b>	
2.1: PERSONNEL SELECTION POLICY	12
 <b><u>SECTION 3</u></b>	
3.1: EMPLOYEE STATUS	21
3.2: EMPLOYMENT OF RELATIVES – NEPOTISM	23
3.3: NOTIFICATION OF ADDRESS & PHONE NUMBER	24
3.4: NOTIFICATION OF MARITAL STATUS & CHANGE OF NAME	25
3.5: BIRTHDATE	26
3.6: CONTINUOUS SERVICE	27
 <b><u>SECTION 4</u></b>	
4.1: ETHICS & CONFLICTS OF INTEREST	28
4.2: ORC CHAPTER 102	30

4.3: ORC CHAPTER 2921- SELECTED STATUTES	52
4.4: AUDITOR OF STATE FRAUD REPORTING SYSTEM	58
4.5: PROBATIONARY PERIOD	59
4.6: TRAINING	60
4.7: PURCHASING POLICY & PROCEDURES	61
4.8: RECORDS MANAGEMENT POLICY	65

## **SECTION 5**

5.1: POSITIONS	81
5.2: COMPENSATION	82
5.3: PAY PERIOD	83
5.4: HOURS OF WORK	84
5.5: ON-CALL PAY	87
5.6: PAYROLL DEDUCTIONS	88
5.7: RETIREMENT	89
5.8: WORKERS' COMPENSATION	90
5.9: GARNISHMENTS	92
5.10: TRAVEL AND EXPENSE REIMBURSEMENT	93
5.11: INSURANCE COVERAGE(S)	95
5.12: WAGE CONTINUATION POLICY	96

## **SECTION 6**

6.1: HOLIDAYS	100
6.2: VACATIONS	101
6.3: SICK LEAVE	103

6.4: SICK LEAVE RETIREMENT PAY OUT	111
6.5: BEREAVEMENT LEAVE	112
6.6: MILITARY LEAVE	113
6.7: CIVIC DUTY LEAVE	115
6.8: PREGNANCY AND MATERNITY LEAVE	116
6.9: UNPAID LEAVE	117
6.10: FAMILY AND MEDICAL LEAVE OF ABSENCE	118
6.11: PERSONAL DAYS	132
6.12: SICK LEAVE DONATION POLICY	133

## **SECTION 7**

7.1: NOTIFICATION OF ABSENCE	141
7.2: UNEXCUSED ABSENCE, TARDINESS	142
7.3: BREAKS	144
7.4: LUNCH PERIOD	145
7.5: SAFETY AND HEALTH	146
7.6: ACCIDENTS	147
7.7: SUPPLIES, INSTRUMENTS, AND OTHER EQUIPMENT	148
7.8: LACTATION BREAKS	149
7.9: DRIVER ELIGIBILITY & VEHICLE OPERATIONS	150
7.10: RADIO OPERATING PROCEDURES	157
7.11: USE OF TELEPHONES	158
7.12: GAMBLING	159
7.13: OUTSIDE EMPLOYMENT	160
7.14: DRESS	163

7.15: SOLICITATION & SALES	164
7.16: POLITICAL ACTIVITY	165
7.17: DRUG AND ALCOHOL POLICY	167
7.18: SOCIAL MEDIA POLICY	174
7.19: DEADLY WEAPONS & DEADLY ORDINANCES	177

## **SECTION 8**

8.1: DISCIPLINARY PRINCIPLES	178
8.2: PROGRESSIVE DISCIPLINE POLICY	179
8.3: DISCIPLINARY ACTION FORMS	180
8.4: GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES	181
8.5: PRE-DISCIPLINARY HEARING	188

## **SECTION 9**

9.1: RESIGNATION	189
9.2: LAYOFF	190

## **SECTION 10**

10.1: PERSONNEL FILES	191
10.2: REFERENCE CHECKS	192
10.3: BULLETIN BOARDS	193
10.4: TOBACCO USE IN COUNTY BUILDINGS	194
10.5: MARIJUANA	195

## **SECTION 1.1: DEFINITIONS**

Unless otherwise indicated in this Personnel Policy Manual, the following definitions shall apply:

1. Appointing Authority: shall mean the Employer, or the designee of the Employer authorized by law to make appointments to positions.
2. Board: shall mean the Richland County Board of Commissioners.
3. Class: shall mean a group of positions that involve similar duties and responsibilities require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one position in some circumstances.
4. County: shall mean the County of Richland, State of Ohio.
5. Employer: shall mean the elected official, or the designee of the elected official authorized by law to make appointments to positions.
6. Position: shall mean a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
7. Supervisor: shall mean an individual who has been authorized by the Board to oversee and direct the work of lower-level employees on a daily basis.
8. Transfer: shall mean the movement of an employee from one position to another where there is no change in level of responsibility, classification or salary.
9. Department Head: shall mean an individual authorized by the Board to oversee and direct the work of Board-designated departments.
10. Personnel Policy Manual: shall mean all of the policies and forms contained in this document and any subsequent amendments thereto.

## **SECTION 1.2: CLASSIFIED & UNCLASSIFIED EMPLOYMENT**

The classified service shall be comprised of all Board employees not specifically included in the unclassified service. Following completion of the probationary period, no classified employee shall be reduced in pay or position, fined, suspended or removed or have the employee's longevity reduced or eliminated, except and for those reasons set forth in the civil service laws of the State of Ohio. Such reasons include: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of any policy or work rule of the Board, any other failure of good behavior, any other acts of misfeasance, malfeasance or nonfeasance in office, or conviction of a felony, except for just cause.

Unclassified Employees serve at the pleasure of the Board and may be terminated or otherwise separated from employment for any reason not inconsistent with law. An unclassified employee may not be rendered classified due to the provisions of this Manual.

### **SECTION 1.3: EQUAL EMPLOYMENT OPPORTUNITY**

Richland County is an equal opportunity Employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, disability, military status, genetic testing or other unlawful bias except when such a factor constitutes a bona fide occupational qualification (“BFOQ”). All personnel decision and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations shall be made without regard to the above listed categories. Richland County intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

Richland County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that the employees rights have been violated under this policy should submit a written complaint of discrimination pursuant to the Board’s Discriminatory Harassment Policy found in this Manual.



## **SECTION 1.4: MANAGEMENT RIGHTS**

The Board maintains the ultimate right to establish policies governing the workforce of the Board's departments. Such policies shall be consistent with the policies set forth in this manual and all applicable state and federal laws.

The Board maintains certain rights to operate the Board's departments. These rights shall be exercised in a manner consistent with applicable law and the policies contained herein. These rights include, but are not limited to the following:

1. To manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff, recall, reprimand, suspend, discharge, or discipline for cause, and to maintain discipline among employees;
2. To manage and determine the location, type and number of physical facilities, equipment, programs and the work to be performed within the restraints of an approved budget;
3. To determine the Department's goals, objectives, programs, and services, and to utilize personnel in a manner designed to effectively and efficiently meet these purposes;
4. To determine the size and composition of the work force, staffing patterns, and each department's organizational structure, including the right to lay off employees from duty due to lack of work, austerity programs, or other legitimate reasons;
5. To determine the hours of work, work schedules and to establish the additional work rules, policies and procedures for all employees consistent with the policies herein;
6. To determine when a job vacancy exists, the duties to be included in all job classifications and the standards of quality and performance to be maintained;
7. To determine the Department budget and uses thereof subject to applicable law;
8. To maintain the security of records and other pertinent information;
9. To determine and implement necessary actions in emergency situations;
10. To maintain the efficiency of governmental operations;

- 11.To exercise complete control and discretion over department organization and technology of performing work required; and,
- 12.To set standards of service and determine the procedures and standards of selection for employment.

## **SECTION 1.5: APPLICABILITY AND ADMINISTRATION**

The provisions of this Personnel Policy Manual are applicable to all Board employees except as specifically provided herein, except where inconsistent with a Collective Bargaining Agreement. The Personnel Policy Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Personnel Policy Manual is not a contract of employment or a guarantee of rights or benefits but is merely intended to be used to assist and guide employees in the day-to-day directions and performance of their duties. Any promises or statements made by any individual that conflicts with the Personnel Policy Manual is unauthorized, expressly disallowed and should not be relied upon.

The policies adopted in the Personnel Policy Manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. The Personnel Policy Manual is also intended to be construed in such a manner as to comply with all applicable federal, state and civil service laws and regulations. Employees are responsible as a condition of their employment to familiarize themselves with, and abide by, these policies and procedures.

The Board will endeavor to give employees advance notice of any changes to the Personnel Policy Manual. However, except where inconsistent with a Collective Bargaining Agreement, the Board may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. The Department Head or the Department Head's designee is responsible for documenting the employee's receipt of the Personnel Policy Manual and all subsequent amendments thereto.

If any section of the Personnel Policy Manual is held to be invalid by operation of law, the remainder of the Manual and amendments thereto shall remain in force and effect. Should a conflict arise between the Ohio Revised Code (O.R.C.) or applicable federal law and the Personnel Policy Manual, law shall prevail. Additionally, should a direct conflict exist between the Personnel Policy Manual and a Collective Bargaining Agreement, the Bargaining Agreement shall prevail.

These policies may be amended, revised or deleted by formal action of the Board.

## **SECTION 1.6: AMERICANS WITH DISABILITIES ACT**

The Board prohibits discrimination in hiring, promotions, transfers, or any other benefit or privilege of employment, of any qualified individual with a permanent disability. To be considered a qualified individual, the employee must satisfy the requisite skills, experience, education and other job-related requirements of the position held or desired and must be able to perform the essential functions of the position, with or without a reasonable accommodation.

The Board will provide a reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to the Department Head or the Director of Human Resources each of whom shall have the authority and responsibility to investigate and take appropriate action concerning the request. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The Employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Any employee who feels that the employee's rights have been violated under this policy should submit a written complaint as set forth in the Board's Discriminatory Harassment Policy.

## **SECTION 1.7: DISCRIMINATORY HARASSMENT POLICY**

1. **PURPOSE:** It is the policy of the Board to provide employees with an environment free from unlawful discrimination, including discriminatory harassment. Discrimination and discriminatory harassment in the workplace based upon an individual's race, color, religion, sex, national origin, age, ancestry, disability, genetic information or military status and all other categories protected by federal, state and local anti-discrimination law will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.
2. **DEFINITIONS:**
  - A. **Unlawful Discrimination:** Unlawful Discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An Employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises and other job opportunities, based on that individual's membership in that protected class.
  - B. **Harassment:** Harassment is a form of discrimination which may be generally defined as unwelcome conduct based upon a protected classification. Harassment becomes unlawful when:
    - 1) Enduring the offensive conduct becomes a condition of continued employment.
    - 2) The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive.
    - 3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
  - C. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct

that an employee perceives as being “welcome” by another employee may form the basis of a legitimate complaint.

D. Harassment on the basis of an employee’s membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.

E. Off Duty Conduct: Unlawful discrimination or harassment that affects an individual’s employment may extend beyond the confines of the workplace. Employee conduct that occurs off duty and off premises may also be subject to this policy.

3. REPORTING: Any employee who feels subjected to prohibited discrimination or discriminatory harassment by a fellow employee, supervisor, or other individual should report the incident immediately to any one of the following: their immediate supervisor or one of the County’s EEO Consultants. The consultants’ names, telephone number and address is listed on the employee bulletin board. Similarly, employees who feels that the employee has knowledge of or have witnessed prohibited discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, should immediately contact their immediate supervisor or one of the County’s EEO Consultants. All reports should be documented in writing.

A. Late reporting of complaints or failure to report complaints in writing will not, in and of itself, preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit a written report in an expedient manner following the harassing or discriminatory incident. All supervisors are required to follow up on all claims or concerns, whether written, verbal, or witnesses regarding unlawful discrimination or harassment and are required to forward all information to Human Resources immediately.

B. Although employees may confront the alleged harasser at their discretion, the employee is required to submit a written report of any incidents as set forth above. When the Employer is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any witnesses.

- C. All reports of alleged discrimination or harassment will be investigated immediately and objectively. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. All employees are required to cooperate fully in any investigation.
- D. If the investigation reveals the complaint is valid, prompt attention and action, which may include discipline, designed to stop the harassment and prevent its recurrence will be taken.
4. NON-RETALIATION: The County, its supervisors and employees shall not, in any way, retaliate against any employee for filing a complaint, reporting harassment or participating in an investigation, or engaging in any other protected activity. Any employee who feels that the employee has been subjected to retaliatory conduct as a result of actions taken under this policy or as a result of the employee's relationship with someone who took action under this policy, shall immediately report such conduct to their immediate supervisor or one of the County's EEO Consultants. Disciplinary action for filing a false complaint is not a retaliatory act.
5. FALSE COMPLAINTS: Although legitimate complaints made in good faith are strongly encouraged, false complaints, or complaints made in bad faith, will not be tolerated. False complaints are considered a violation of this policy and an employee who makes a false complaint will be subject to discipline. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. Disciplinary action for the filing of a false complaint shall not be considered a retaliatory act.
6. CORRECTIVE ACTION: Disciplinary action will follow a violation of this policy, in accordance with the Richland County's policy of progressive discipline, and will reflect the seriousness of the violation. If any employee is found in violation of this policy, the employee will be subject to disciplinary action up to and including termination. Offenders will be disciplined without regard to their position or job performance. Any employee exhibiting retaliatory behavior toward an employee who exercised a right under this policy will also be subject to discipline.
7. WORKPLACE ROMANCES: To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their Department Head if the employee currently are, or if intend to become, romantically involved with a co-worker. Such relationships

are not necessarily prohibited but must be appropriately addressed. Should the Board determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the Board will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both employees must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee the supervisor directly or indirectly supervise.



## **SECTION 2.1: PERSONNEL SELECTION POLICY**

The purpose of the policy and procedure outlined herein is to provide guidelines for filling vacant positions in departments under the Board. This policy and procedure may be modified on a case-by-case basis by the Board based on hiring needs and individual circumstances associated with each job posting.

### **1. AUTHORIZATION TO HIRE:**

- A. When a vacancy exists in a department under the authority of the Board, the Department Head or the Department Head's designee must submit a written request for authorization to fill the vacancy and the Board must take formal action approving the request on the record before the position can be advertised.
- B. When obtaining authorization to hire, the Department Head or the Department Head's designee shall also have the Board determine if the position will be advertised and, if so, for how long and where, how many days the position will be posted (if beyond five) and if the Board wishes to interview the recommended candidate(s).

### **2. ADVERTISING:**

- A. If a position requires a paid advertisement, the Department Head or the Department Head's designee shall submit a requisition for a purchase order to the Auditor's Office to cover the expense of the advertisement.
  - 1) The Department Head or the Department Head's designee must obtain a purchase order prior to purchasing a paid advertisement.
- B. The Department Head or the Department Head's designee shall prepare an advertisement which may include the position, department, rate of pay, brief description of the qualifications, requirements and duties or provide a link directing applicants to this information.
- C. This advertisement should be submitted to the appropriate outlet, if applicable.
- D. The Department Head or the Department Head's designee shall then approve and authorize the advertisement and notify the outlet of such approval, if applicable.

E. Payment for advertising shall be the responsibility of the department with the vacancy.

3. POSTING:

A. Internal Postings:

- 1) When applicable, all departments must comply with the internal posting requirements set forth in their Collective Bargaining Agreements.
- 2) If concurrent internal/external posting is permitted or if the department is not required to post internally, the external posting procedure may be initiated.
- 3) If a posting is not filled internally, the external posting procedure will be followed.

B. External postings:

- 1) All job postings shall contain the department, position title, rate of pay or range of pay (if required), posting deadline and an attached position description.
- 2) At a minimum, all job postings shall be sent to:
  - a) Richland County Job & Family Services / OhioMeansJobs.com
  - b) Richland County Board of Commissioners
  - c) Richland County IT / County Website
- 3) All vacancies shall be posted in the department with the opening, Richland County Job & Family Services, the Richland County Administration Building, and on the Richland County Website for a minimum of (5) business days.
- 4) Employment applications received after the posting deadline will NOT be considered.
- 5) Job postings shall be provided electronically to any organization that submits a written request for such postings, unless the organization does not have internet access.

4. SUBSEQUENT VACANCIES:

- A. If a department has a subsequent vacancy for the same position within eighteen (18) months following the initial posting date, the department may fill that vacant position by choosing from the original pool of qualified candidates.

5. EMPLOYMENT APPLICATIONS:

- A. Employment applications will be accepted in the office of the Board of Commissioners during regular working hours or through Richland County's website for only those positions under the Board where there exists an open posting. Any individual who wishes to apply for a position must complete an approved employment application. An applicant may submit a resume to accompany their employment application; however, the resume may not be substituted for any part of the employment application. Incomplete or missing information on the employment application may prevent an application from being processed.

6. SCREENING:

- A. Once the posting period has closed, the employment applications will then be forwarded from the Board to the Department Head or the Department Head's designee in the department with the vacancy.
- B. The Department Head and/or the Department Head's designee(s) shall review the employment applications and determine who meets the minimum qualifications and whom the Department Head and/or the Department Head's designee(s) wish to interview.
- C. Those applicants selected for interview shall then go through the screening process:
  - 1) Criminal Background Check:
    - a) The Department Head or the Department Head's designee(s) shall complete the criminal background check forms for the Mansfield Police Department and the Richland County Sheriff's Office at a minimum and forward to the respective agency.
    - b) The Department Head or the Department Head's designee(s) shall complete a criminal background check through BCI when required.

2) Motor Vehicle Record Check:

- a) The Department Head or the Department Head's designee(s) shall forward a copy of the Schedule C for the applicant to Risk Management so risk management can run a motor vehicle record check if the position requires that an employee drive their personal vehicle on County business and/or drive a County vehicle.

3) Employment Reference Check:

- a) The Department Head or the Department Head's designee(s) may complete and submit Reference Request Forms to former Employers, if necessary to supplement information not provided on the employment application.

4) Skills Testing (if applicable):

- a) Applicants may be tested for specific job-required skills.

5) Drug Testing (if applicable):

- a) Pursuant to current policy.

6) Medical Examination:

- a) The Board may require an applicant to submit to a medical examination after an offer of employment has been made and prior to the commencement of the employment duties of such applicant and may condition an offer of employment on the results of such examination if:

1. All entering employees are required to submit to such examination regardless of disability;
2. Information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in a separate medical file and is treated as a confidential medical record, except that:
  - a. Supervisors and managers may be informed regarding necessary restrictions of the work duties of the employee and necessary accommodations;

- b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and
  - c. Government officials investigating compliance with this section shall be provided relevant information on request.
- 3. The results of such examination are used only in accordance with this subchapter.

7) Legal Qualifications:

- a) Applicants must be legally entitled to work in the United States and must complete a Form I-9 if hired.
- b) Applicants must be 18 years of age.

7. INTERVIEW:

- A. Those applicants who meet minimum qualifications and who successfully pass all necessary screening criteria may be interviewed by the department head and/or the Department Head's designee(s).
- B. If required by the Board, the Department Head or the Department Head's designee(s) shall take the applicant(s) before the Board to be interviewed.

8. SELECTION & APPOINTMENT:

- A. The Board shall make the final hiring decision.
- B. If an applicant is selected, the applicant must be formally be appointed to the position by formal action of the Board.
  - 1) If an interview with the Board occurs, the Board may make an appointment after interviews have been concluded.
  - 2) If no interview with the Board occurs, the Department Head will send a letter to the Board requesting authorization to hire the recommended candidate. No offer of employment shall be made to a candidate until written authorization is received from the Board.

9. DISQUALIFICATION:

A. An applicant shall be eliminated from consideration if the applicant:

- 1) Does not possess the knowledge, skills, and abilities necessary to effectively perform the duties of the vacant position;
- 2) Has made a false statement of material fact on the employment application or supplements thereto or at any point during the interview or hiring process;
- 3) Has committed or attempted to commit a fraudulent act at any stage of the selection process; or
- 4) Is not legally permitted to work for any reason.

B. An applicant may be eliminated from consideration upon other reasonable and lawful grounds related to job requirements.

C. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee will be terminated for dishonesty, incompetence, nonfeasance, or malfeasance.

10. NOTIFICATION:

A. Once an appointment has been made to the position, the employment applications and all documents obtained during the hiring process for that vacancy will be retained by the department with the vacancy pursuant to the Record Retention Schedule for their department, but in no case will this be less than two years.

RICHLAND COUNTY

Date: \_\_\_\_\_

TO: Mansfield Police Department, Records Division  
Phone: 419.755-9770 Fax: 419.755-9737

FROM: Richland County  
Department: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Attention: \_\_\_\_\_

CRIMINAL BACKGROUND CHECK REQUEST

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Social Security # \_\_\_\_\_

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

Please fax any information you have regarding this individual. If this individual has no record, please check no and fax this form to the number listed above.

Thank you.

Sincerely,

\_\_\_\_\_

Richland County

Title: \_\_\_\_\_

RICHLAND COUNTY

Date: \_\_\_\_\_

TO: Richland County Sheriff's Office, Records Division

Fax: 419.522-8153

FROM: Richland County

Department: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Attention: \_\_\_\_\_

Please find attached request(s) for criminal background checks. When completed, please fax to the number above.

Thank you.

Sincerely,

\_\_\_\_\_

Richland County

Title: \_\_\_\_\_



RICHLAND COUNTY  
Reference Request Form

To: \_\_\_\_\_

Re: \_\_\_\_\_ SS#: \_\_\_\_\_

The above-named individual has applied for a position with Richland County and indicates you as a previous Employer. The information requested below will assist us with evaluating this applicant. This individual has signed a release authorizing Richland County to inquire as to their work record, job qualifications and performance. A copy of this release/authorization is available upon request.

Please complete this form and return as soon as possible. Thank you for your cooperation.

Position Held: \_\_\_\_\_

Employed from: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

Attendance:           \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Productivity:           \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Quality of Work:           \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Promptness:           \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Willingness to Cooperate: \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Professionalism:           \_\_\_ Excellent       \_\_\_ Good       \_\_\_ Fair       \_\_\_ Poor

Would you rehire?       \_\_\_ Yes       \_\_\_ No

If no, please explain: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Please return by mail or fax as soon as possible to the address / fax number listed:

Department: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

### **SECTION 3.1: EMPLOYEE STATUS**

All employees of the Board shall be employed as full time, part time, temporary, seasonal, intermittent, student, or interim.

1. Full-Time Employee: An employee who works 35 hours per week or more on a regularly scheduled basis or a standard full-time work week as designated by the Board.
2. Part-Time Employee: An employee who works less than 35 hours per week, or less than full-time as designated by the Board, but on a regularly scheduled basis.
3. Temporary Employee: An employee who works in a position which is of a non-permanent nature (full-time or part-time), for a limited period of time not to exceed thirty (30) days.
4. Seasonal Employee: An employee who works for a certain regular season or period of the year performing some work or activity limited to that season or period of the year.
5. Intermittent Employee: An employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable.
6. Student Employee: A person employed to work in a non-professional position requiring little skill. The person must be a student at an educational institution; however, their assigned position need not be directly related to content or level of the person's education.
7. Interim Employee: An employee hired to fill a vacancy created by the sickness or disability of a regular employee for the period of sickness or disability.
  - A. Full-time employees shall be entitled to all benefits as provided by the Board. Part-time, seasonal, intermittent, student and interim employees shall not be entitled to any benefits unless otherwise specified in this manual, or required by law. All County employees regardless of status shall participate in the Public Employees Retirement System (PERS) as required by law.

- B. If a part-time or intermittent employee works 35 hours per week for more than sixty (60) days, the employee may apply to be changed to full-time status, at the discretion of the Board.

### **SECTION 3.2: EMPLOYMENT OF RELATIVES – NEPOTISM**

1. **HIRING:** The Board will accept employment applications from relatives of current employees; however, the following five (5) situations shall prevent the Board from hiring a relative of a current employee:
  - A. If the relative would work in the same work unit.
  - B. If one relative would have supervisory or disciplinary authority over another.
  - C. If one relative would audit the work for another.
  - D. If a conflict of interest exists between the relative and the employee or the relative and the Board / County.
  - E. If the hiring of the relative could result in a conflict of interest.
2. **EMPLOYMENT:**
  - A. An employee is not permitted to work in a position where employee supervisor or anyone within employee chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the Board must be identified. Termination of employment will be a last resort. If two employees marry, both employees will be subject to the same rules listed above for other relatives.
  - B. For purposes of this Section, the term “relative” shall include: spouse, children, grandchildren, parents, grandparents, siblings, aunt, uncle, niece, nephew, first cousin, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, stepparents, stepchildren, stepsiblings and a legal guardian or other person who stands in the place of a parent to the employee.
  - C. The provisions of O.R.C. 102.03 and 2921.42 render it unlawful for a public official to use employee influence to obtain a benefit, including a job for employee relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action.
  - D. This policy applies to all job categories.

See Section 4 of this Policy Manual.

### **SECTION 3.3: NOTIFICATION OF ADDRESS & PHONE NUMBER**

It is the employee's responsibility to notify the Department Head or the Department Head's designee of any change in address and telephone number.

Failure to report a change of address or telephone number may cause the employee to be subject to disciplinary action.

In those departments where employees are subject to emergency call-in, a telephone number must be furnished by the employee for all and any emergencies that may arise.

These employees are expected to maintain a telephone as a condition of employment.

### **SECTION 3.4:**

#### **NOTIFICATION OF MARITAL STATUS & CHANGE OF NAME**

Employees shall notify the Department Head or the Department Head's designee of changes in their marital status and any changes of name.

Employees should advise the Department Head or the Department Head's designee with regard to employee benefits which are affected by the employees' marital status.

### **SECTION 3.5: BIRTHDATE**

The employee shall furnish the employee's correct and legal birth date.

If a birth date is to be corrected, such correction, other than typographical errors, must be submitted by notarized affidavits.

Any deliberate falsification of name and/or birth date shall be subject to disciplinary action.

Submission of an incorrect birth date may also jeopardize certain Retirement System benefits.

Birth date (age) shall not be used in any discriminatory way or manner.

### **SECTION 3.6: CONTINUOUS SERVICE**

1. “Continuous Service” is defined as the uninterrupted service of an employee with the County.
  - A. An authorized leave of absence does not constitute a break in service and is to be considered continuous service time – providing the employee complies with the rules and regulations governing leaves of absence.
2. “Break in Service” shall be considered a separation from service which includes, but is not limited to resignations, removals, failures to return from authorized leaves of absence, or disability separations.
  - A. Any separation lasting thirty (30) days or less or an authorized leave of absence from which the employee returns, shall not constitute a break in service.
  - B. Any other separation lasting more than thirty (30) days or less or an authorized leave of absence from which the employee returns, shall not constitute a break in service.
  - C. An employee reinstated following a period of separation or a leave of absence will retain seniority and status for all purposes except that the time the employee was separated will not count toward the calculation of retention points for continuous service in the event of a layoff.



## **SECTION 4.1: ETHICS & CONFLICTS OF INTEREST**

The proper operation of democratic government requires that actions of public officials and employees be impartial, that government decisions and policy be made in the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code 102.03 and 2921.42 prohibit employees from using their influence to benefit themselves, their business associates, or their family members.

In recognition of the above-listed requirements, the following Code of Ethics is established for all employees (including the Board) of the Board:

1. No employee shall use the employee's official position for personal gain or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of the employee's official duties.
2. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County. Nor shall the employee use such information to advance the financial or other private interest of the employee or others.
3. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall employee accept any gift, favor or item of value that may tend to influence an employee in the discharge of employee duties or grant in the discharge of an employee duties any improper favor, service, or item of value.
4. Any employee offered a gift or favor who is not sure if its acceptance is a violation of the Code of Ethics should inform the employee's Department Head or the Department Head's designee of the gift offer. The Department Head or the Department Head's designee will make a decision or will refer the individual to the Prosecutor's Office.
5. No employee will accept from any contractor or supplier doing business with the County, any material or service for the private use of the employee.
6. No employee shall represent private interests in any action or proceedings against the interest of the County in any matter in which the County is a party.

7. State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies with minor exceptions. Employees who have any doubt concerning possible violation of these statutes are advised to consult employee's own attorney.
8. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of the employee's official duties or would tend to impair the employee's independent judgment or action in the performance of the employee's official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of the employee's assigned job duties.

Any employee having doubt as to the applicability of a provision of this code to a particular situation should consult the Board or legal counsel.

Violations of this code may constitute a cause for suspension, removal from office or employment, or other disciplinary action.

## **SECTION 4.2: ORC CHAPTER 102**

Section 102.01 | Public officers - ethics definitions.

Effective: April 7, 2023 Latest Legislation: House Bill 45 - 134th General

As used in this chapter:

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

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include any of the following:

(1) A person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention;

(2) A person who is a teacher, instructor, professor, or other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions;

(3) An officer, member, or director of an existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, or such a person's designee or proxy, when the person is not acting in that role with respect to a purpose for which the district is created.

(C)(1) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a County, city, village, or township, the five state retirement systems, or any other governmental entity.

(2) Notwithstanding any contrary provision of division (C)(3)(a) of this section, "public agency" includes a regional council of governments established under Chapter 167. of the Revised Code.

(3) "Public agency" does not include any of the following:

(a) A department, division, institution, board, commission, authority, or other instrumentality of the state or a County, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; that does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated;

(b) The nonprofit corporation formed under section 187.01 of the Revised Code;

(c) An existing qualified nonprofit corporation that creates a special improvement district under Chapter 1710. of the Revised Code, when the corporation is not acting with respect to a purpose for which the district is created.

(D) "Immediate family" means a spouse residing in the person's household and any dependent child.

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

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

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

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

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

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

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

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

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

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

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

Section 102.02 | Financial disclosure statement filed with ethics commission.

Effective: October 3, 2023 Latest Legislation: House Bill 33 - 135th General

(A)(1) Except as otherwise provided in division (H) of this section, all of the following shall file with the appropriate ethics commission the disclosure statement described in this division on a form prescribed by the appropriate commission: every person who is elected to or is a candidate for a state, County, or city office and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.011 of the Revised Code; the executive director and the members of the capitol square review and advisory board appointed or employed pursuant to section 105.41 of the Revised Code; all members of the Ohio casino control commission, the executive director of the commission, all professional employees of the commission, and all technical employees of the commission who perform an internal audit function; the individuals set forth in division (B)(2) of section 187.03 of the Revised Code; the chief executive officer and the members of the board of each state retirement system; each employee of a state retirement board who is a state retirement system investment officer licensed pursuant to section 1707.163 of the Revised Code; the members of the Ohio retirement study council appointed pursuant to division (C) of section 171.01 of the Revised Code; employees of the Ohio retirement study council, other than employees who perform purely administrative or clerical functions; the administrator of workers' compensation and each member of the bureau of workers' compensation board of directors; the bureau of workers' compensation director of investments; the chief investment officer of the bureau of workers' compensation; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing

board of an educational service center that has a total student count of twelve thousand or more as most recently determined by the department of education and workforce pursuant to section 3317.03 of the Revised Code; every person who is appointed to the board of education of a municipal school district pursuant to division (B) or (F) of section 3311.71 of the Revised Code; all members of the board of directors of a sanitary district that is established under Chapter 6115. of the Revised Code and organized wholly for the purpose of providing a water supply for domestic, municipal, and public use, and that includes two municipal corporations in two counties; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 of the Revised Code; all members appointed to the Ohio livestock care standards board under section 904.02 of the Revised Code; all entrepreneurs in residence assigned by the LeanOhio office in the department of administrative services under section 125.65 of the Revised Code and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section.

(2) The disclosure statement shall include all of the following:

(a) The name of the person filing the statement and each member of the person's immediate family and all names under which the person or members of the person's immediate family do business;

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

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

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional

services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose in the brief description of the nature of services required by division (A)(2)(b)(i) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(c) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(2)(c) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

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

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

(f) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(2)(c) of this section, who owe more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. Division (A)(2)(f) of this section shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

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

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

as defined in section 3345.011 of the Revised Code, pays membership dues, or any political subdivision or any office or agency of a political subdivision pays membership dues;

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

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

(3) A person may file a statement required by this section in person, by mail, or by electronic means.

(4) A person who is required to file a statement under this section shall file that statement according to the following deadlines, as applicable:

(a) Except as otherwise provided in divisions (A)(4)(b), (c), and (d) of this section, the person shall file the statement not later than the fifteenth day of May of each year.

(b) A person who is a candidate for elective office shall file the statement no later than the thirtieth day before the primary, special, or general election at which the candidacy is to be voted on, whichever election occurs soonest, except that a person who is a write-in candidate shall file the statement no later than the twentieth day before the earliest election at which the person's candidacy is to be voted on.

(c) A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file the statement within fifteen days after the person qualifies for office.

(d) A person who is appointed or employed after the fifteenth day of May, other than a person described in division (A)(4)(c) of this section, shall file an annual statement within ninety days after appointment or employment.

(5) No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

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

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

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a County or city, or the execution of other public trusts, to file an annual statement under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement not less than thirty days before the applicable filing deadline unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this division.

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

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

(E)(1) Except as provided in divisions (E)(2) and (3) of this section, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of sixty dollars.

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

For state office, except member of the state board of education \$95

For office of member of general assembly \$40

For County office \$60

For city office \$35

For office of member of the state board of education \$35

For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board \$30

For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center \$30

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

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

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee of ten dollars for



each day the statement is not filed, except that the total amount of the late filing fee shall not exceed two hundred fifty dollars.

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

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

(3) The joint legislative ethics committee shall deposit all receipts it receives from the payment of financial disclosure statement filing fees under divisions (E) and (F) of this section into the joint legislative ethics committee investigative and financial disclosure fund.

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

Section 102.021 | Former state officials to report certain financial information.

Effective: October 17, 2019 Latest Legislation: House Bill 166 - 133rd General

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

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

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

(a) An executive agency lobbyist or a legislative agent;

(b) The Employer of an executive agency lobbyist or legislative agent, except that this division does not apply if the Employer is any state agency or political subdivision of the state;

(c) Any entity, association, or business that, at any time during the two immediately preceding calendar years, was awarded one or more contracts by one or more state agencies that in the aggregate had a value of one hundred thousand

dollars or more, or bid on one or more contracts to be awarded by one or more state agencies that in the aggregate had a value of one hundred thousand dollars or more.

(3) If the former state elected officer or staff member received no income as described in division (A)(2) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(4) If the former state elected officer or staff member directly or indirectly made, either separately or in combination with another, any expenditure or gift for transportation, lodging, or food or beverages to, at the request of, for the benefit of, or on behalf of any public officer or employee, and if the former state elected officer or staff member would be required to report the expenditure or gift in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made, the statement referred to in division (A)(1) of this section shall include all information relative to that gift or expenditure that would be required in a statement under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code if the former state elected officer or staff member was a legislative agent or executive agency lobbyist at the time the expenditure or gift was made.

(5) If the former state elected officer or staff member made no expenditure or gift as described in division (A)(4) of this section, the statement referred to in division (A)(1) of this section shall indicate that fact.

(B) If, at any time during the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, a former state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code becomes a legislative agent or an executive agency lobbyist, the former state elected officer or staff member shall comply with all registration and filing requirements set forth in sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code, whichever is applicable, and, the former state elected officer or staff member also shall file a statement under division (A)(1) of this section except that the statement filed under division (A)(1) of this section does not need to include information regarding any income source, expenditure, or gift to the extent that that information was included in any registration or statement filed under sections 101.70 to 101.79 or sections 121.60 to 121.69 of the Revised Code.

(C) Except as otherwise provided in this division, division (A)(2) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in this division to disclose in the brief description of the nature of services required by division (A)(2) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. (D)(1) Each state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall file an initial statement under division (A)(1) of this section not later than the day on which the former state elected officer or staff member leaves public service or public employment. The initial statement shall specify whether the person will, or will not, receive any income from a source described in division (A)(2)(a), (b), or (c) of this section.

If a person files an initial statement under this division that states that the person will receive income from a source described in division (A)(2)(a), (b), or (c) of this section, the person is required to file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, except as otherwise provided in this division, the person is not required to file statements under division (A)(2), (4), or (5) of this section or to file subsequent statements under division (A)(3) of this section. If a person files an initial statement under this division that states that the person will not receive income from a source described in division (A)(2)(a), (b), or (c) of this section, and, subsequent to the filing of that initial statement, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division, and the person thereafter shall file statements under division (A)(2), (3), (4), or (5) of this section at the times specified in division (D)(2) of this section.

(2) After the filing of the initial statement under division (D)(1) of this section, each person required to file a statement under division (A)(2), (3), (4), or (5) of this section shall file it on or before the last calendar day of January, May, and September. The statements described in divisions (A)(2), (3), and (5) of this section shall relate to the sources of income the person received in the immediately preceding filing period from each source of income in each of the categories listed in division (A)(2) of this section. The statement described in division (A)(4) of this section shall include any information required to be reported regarding expenditures and gifts of the type described in division (A)(4) of this section occurring since the filing of the immediately preceding statement.

If, pursuant to this division, a person files a statement under division (A)(2) of this section, the person is required to file statements under division (A)(4) of this section, and subsequent statements under division (A)(2), (3), or (5) of this section, at the times specified in this division. In addition, if, subsequent to the filing of the statement under division (A)(2) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section that was not listed on the statement filed under division (A)(2) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source.

If, pursuant to this division, a person files a statement under division (A)(3) of this section, except as otherwise provided in this division, the person thereafter is not required to file statements under division (A)(2), (4), or (5) of this section, or to file subsequent statements under division (A)(3) of this section. If, subsequent to the filing of the statement under division (A)(3) of this section, the person receives any income from a source described in division (A)(2)(a), (b), or (c) of this section, the person within ten days shall file a statement under division (A)(2) of this section that contains the information described in that division regarding the new income source, and the person thereafter shall file statements under division (A)(4) of this section, and subsequent statements under division (A)(2) or (3) of this section, at the times specified in this division.

(3) No fee shall be required for filing a statement under this section, except that the joint legislative ethics committee may charge late fees in the same manner as specified in division (G) of section 101.72 of the Revised Code.

(E) Any state elected officer or staff member who filed or was required to file a disclosure statement under section 102.02 of the Revised Code and who leaves public service or public employment shall provide a forwarding address to the officer's or staff member's last Employer, and the Employer shall provide the person's name and address to the joint legislative ethics committee. The former elected state officer or staff member shall provide updated forwarding addresses as necessary to the joint legislative ethics committee during the twenty-four-month period during which division (A)(1) of this section applies. The public agency or appointing authority that was the last Employer of a person required to file a statement under division (A)(2) of this section shall furnish to the person a copy of the form needed to complete the initial statement required under division (D)(1) of this section.

(F) During the twenty-four-month period immediately following the end of the former state elected officer's or staff member's service or public employment, no person required to file a statement under this section shall receive from a source described in division (A)(2)(a), (b), or (c) of this section, and no source described in division (A)(2)(a), (b), or (c) of this section shall pay to that person, any compensation that is contingent in any way upon the introduction, modification, passage, or defeat of any legislation or the outcome of any executive agency decision.

(G) As used in this section "state elected officer or staff member" means any elected officer of this state, any staff, as defined in section 101.70 of the Revised Code, or any staff, as defined in section 121.60 of the Revised Code.

Section 102.022 | Certain financial information substituted in statements of local officials and college and university trustees.

Effective: September 29, 2017 Latest Legislation: House Bill 49 - 132nd General

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code; each member of the board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code; and each individual set forth in division (B)(2) of section 187.03 of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2)(b), (g), (h), and (i) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code or patients of persons licensed under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.

(B) The source of each gift of over five hundred dollars received by the person in the officer's or employee's own name or by any other person for the officer's or employee's use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

Section 102.03 | Representation by present or former public official or employee prohibited.

Effective: April 4, 2023 Latest Legislation: Senate Bill 288 - 134th General

(A)(1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an

applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(8) Division (A) of this section does not prohibit a nonelected public official or employee of a state agency, as defined in section 1.60 of the Revised Code, from becoming a public official or employee of another state agency. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new state agency on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former state agency. However, no public official or employee of a state agency shall, during public employment or for twelve months thereafter, represent or act in a representative capacity for the official's or employee's new state agency on any audit or investigation pertaining to the official's or employee's new state agency in which the public official or employee personally participated at the official's or employee's former state agency through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(9) Division (A) of this section does not prohibit a nonelected public official or employee of a political subdivision from becoming a public official or employee of a different department, division, agency, office, or unit of the same political subdivision. Division (A) of this section does not prohibit such an official or employee from representing or acting in a representative capacity for the official's or employee's new department, division, agency, office, or unit on any matter in which the public official or employee personally participated as a public official or employee at the official's or employee's former department, division, agency, office, or unit of the same political subdivision. As used in this division, "political subdivision" means a County, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

(10) No present or former Ohio casino control commission official shall, during public service or for two years thereafter, represent a client, be employed or compensated by a person regulated by the commission, or act in a representative capacity for any person on any matter before or concerning the commission.

No present or former commission employee shall, during public employment or for two years thereafter, represent a client or act in a representative capacity on any matter in which the employee personally participated as a commission employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official's or employee's immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency's proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, political action committee, or political contributing entity on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," "political action committee," and "political contributing entity" have the same meanings as in section 3517.01 of the Revised Code.

(H)(1) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.011 of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. Except as provided in division (H)(2) of this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which any state agency, including, but not limited to, any state legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues. Except as provided in division (H)(2) of

this section, this division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(2) No person who is a member of the board of a state retirement system, a state retirement system investment officer, or an employee of a state retirement system whose position involves substantial and material exercise of discretion in the investment of retirement system funds shall solicit or accept, and no person shall give to that board member, officer, or employee, payment of actual travel expenses, including expenses incurred with the travel for lodging, meals, food, and beverages.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence on the public official or employee with respect to that person's duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), (4), (8), (10), or (19) of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use the public official's or employee's official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person's personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(L) No present public official or employee with a casino gaming regulatory function shall indirectly invest, by way of an entity the public official or employee has an ownership interest or control in, or directly invest in a casino operator,

management company, holding company, casino facility, or gaming-related vendor. No present public official or employee with a casino gaming regulatory function shall directly or indirectly have a financial interest in, have an ownership interest in, be the creditor or hold a debt instrument issued by, or have an interest in a contractual or service relationship with a casino operator, management company, holding company, casino facility, or gaming-related vendor. This section does not prohibit or limit permitted passive investing by the public official or employee.

As used in this division, "passive investing" means investment by the public official or employee by means of a mutual fund in which the public official or employee has no control of the investments or investment decisions. "Casino operator," "holding company," "management company," "casino facility," and "gaming-related vendor" have the same meanings as in section 3772.01 of the Revised Code.

(M) A member of the Ohio casino control commission, the executive director of the commission, or an employee of the commission shall not:

- (1) Accept anything of value, including but not limited to a gift, gratuity, emolument, or employment from a casino operator, management company, or other person subject to the jurisdiction of the commission, or from an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission;
- (2) Solicit, suggest, request, or recommend, directly or indirectly, to a casino operator, management company, or other person subject to the jurisdiction of the commission, or to an officer, attorney, agent, or employee of a casino operator, management company, or other person subject to the jurisdiction of the commission, the appointment of a person to an office, place, position, or employment;
- (3) Participate in casino gaming or any other amusement or activity at a casino facility in this state or at an affiliate gaming facility of a licensed casino operator, wherever located.

Section 102.031 | Conflicts of interest of member of general assembly.

Effective: May 18, 2005 Latest Legislation: House Bill 181 - 125th General

(A) As used in this section:

- (1) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.
- (2) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.
- (3) "Employee" does not include a member of the general assembly whose nonlegislative position of employment does not involve the performance of or the authority to perform administrative or supervisory functions; or whose nonlegislative position of employment, if the member is a public employee, does not involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a County or city, or execution of other public trusts.

(B) No member of the general assembly shall vote on any legislation that the member knows is then being actively advocated if the member is one of the following with respect to a legislative agent or Employer that is then actively advocating on that legislation:

- (1) An employee;
- (2) A business associate;
- (3) A person, other than an employee, who is hired under contract to perform certain services, and that position involves a substantial and material exercise of administrative discretion in the formulation of public policy.



(C) No member of the general assembly shall knowingly accept any of the following from a legislative agent or a person required to file a statement described in division (A)(2) of section 102.021 of the Revised Code:

(1) The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

(2) More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which any state agency, including, but not limited to, any legislative agency or state institution of higher education as defined in section 3345.011 of the Revised Code, pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

(3) A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by a member of the general assembly and that is incurred in connection with the member's official duties.

(D) It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

(E) The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

Section 102.04 | No compensation to elected or appointed state official other than from agency served.

Effective: October 20, 1980 Latest Legislation: Senate Bill 425 - 113th General

(A) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(B) Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

(C) Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a County, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

(D) A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.

The required statement shall contain the official's or employee's name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official's or employee's declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

(E) No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

(F) This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

Section 102.05 | Ohio ethics commission created.

Effective: March 2, 1994 Latest Legislation: House Bill 285 - 120th General

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and

shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

#### Section 102.06 | Powers and duties of ethics commission.

Effective: September 10, 2007 Latest Legislation: House Bill 100 - 127th General

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to this chapter concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The appropriate ethics commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 or 102.021 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential, except that the commission, in its discretion, may share information gathered in the course of any investigation with, or disclose the information to, the inspector general, any appropriate prosecuting authority, any law enforcement agency, or any other appropriate ethics commission. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, or is a member of the bureau of workers' compensation board of directors, the appropriate ethics commission, in its discretion, also may share information gathered in the course of an investigation with, or disclose the information to, the attorney general and the auditor of state. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the County of the person's residence, the person's place of employment, or Franklin County. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing. If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed

shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved and shall be given the opportunity to be represented by counsel, to have counsel appointed for the person if the person is unable to afford counsel without undue hardship, to examine the evidence against the person, to produce evidence and to call and subpoena witnesses in the person's defense, to confront the person's accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C)(1)(a) If, upon the basis of the hearing, the appropriate ethics commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused. If the accused person is a member of the public employees retirement board, state teachers retirement board, school employees retirement board, board of trustees of the Ohio police and fire pension fund, or state highway patrol retirement board, the commission also shall report its findings to the Ohio retirement study council.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission's report of them, the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.021, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and the record available for public inspection.

(D) The appropriate ethics commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin County under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or requested by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate ethics commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G)(1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in the commission's or prosecuting authority's office and, in the commission's or prosecuting authority's discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in the commission's or prosecuting authority's discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the settlement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.

Section 102.07 | No divulging of information in disclosure statements.

Effective: May 12, 1994 Latest Legislation: House Bill 285, House Bill 492 - 120th General

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.

Section 102.08 | Recommending legislation - advisory opinions.

Effective: May 12, 1994 Latest Legislation: House Bill 285, House Bill 492 - 120th General

(A)(1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) When the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code.

(C)(1) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The joint legislative ethics committee shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(2) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C)(1) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the joint legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under division (C)(2) of this section may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C)(1) of this section and is a public record available under section 149.43 of the Revised Code.

(3) The joint legislative ethics committee shall issue an advisory opinion under division (C)(1) of this section or a written opinion under division (C)(2) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(D) The board of commissioners on grievances and discipline of the supreme court and the joint legislative ethics committee shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

(E) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or

2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

The Legislative Service Commission presents the text of this section as a composite of the section as amended by multiple acts of the General Assembly. This presentation recognizes the principle stated in R.C. 1.52(B) that amendments are to be harmonized if reasonably capable of simultaneous operation.

#### Section 102.09 | Furnishing financial disclosure form to candidates.

Effective: March 9, 1999 Latest Legislation: House Bill 649 - 122nd General

(A) The secretary of state and the County board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the County board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of being notified by the appointing authority, of the name and position of the public official and the date of appointment. The person shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) Within fifteen days after any public official or employee begins the performance of official duties, the public agency with which the official or employee serves or the appointing authority shall furnish the official or employee a copy of Chapter 102. and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

#### Section 102.99 | Penalty.

Effective: April 4, 2023 Latest Legislation: Senate Bill 288 - 134th General

(A) Whoever violates division (C) of section 102.02 or division (C) of section 102.031 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.021, 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) In addition to the penalty provided in division (B) of this section, whoever violates division (M)(1), (2), or (3) of section 102.03 of the Revised Code forfeits the individual's office or employment.

(D) In addition to the penalty provided in division (B) of this section, any person who violates division (F) of section 102.03 of the Revised Code is subject to the following:

(1) The court may prohibit the person from participating in a public contract with any public agency in this state for a period of two years if recommended by the agency by whom the offending public official or employee was employed.

(2) The court may order the person to pay an additional fine equal to the amount of anything of value given in violation of division (F) of section 102.03 of the Revised Code.

(E) Upon application of the Ohio ethics commission, the court shall order a person who is convicted of a violation of section 102.021, 102.03, or 102.04 of the Revised Code to pay the costs incurred to investigate and prosecute the case. The amount ordered under this division shall not exceed the amount a person unlawfully secured, solicited, or accepted; the amount a person received as improper compensation, as an unlawful honorarium, or from the unlawful sale of goods or services; or the amount otherwise applicable under section 102.021, 102.03, or 102.04 of the Revised Code. These costs are in addition to any other cost or penalty provided in the Revised Code or any other provision of law.



## **SECTION 4.3: ORC CHAPTER 2921 – SELECTED STATUTES**

### Section 2921.01 Definitions

(A) No public official shall knowingly do any of the following:

(1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Section 2921.42 Having an unlawful interest in a public contract. Effective:

September 29, 2007 Legislation:

House Bill 119 - 127th General Assembly

(A) No public official shall knowingly do any of the following: (1) Authorize, or employ the authority or influence of the public official's office to secure authorization of any public contract in which the public official, a member of the public official's family, or any of the public official's business associates has an interest;

(2) Authorize, or employ the authority or influence of the public official's office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which the public official, a member of the public official's family, or any of the public official's business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During the public official's term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by the public official or by a legislative body, commission, or board of which the public official was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which the public official is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of a public official's family, or any of a public official's business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply: Page 2

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving that person's exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of a public official's family, or one of a public official's business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official's becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm's length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of the public official's family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract. Page 3

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of the public employee's office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 and 2921.421 of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 and 2921.421 of the Revised Code.

(G) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee's family, or one of the township trustee's business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year;

(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the Page 4 township trustee, member of the township trustee's family, or the township trustee's business associate.

(H) Any public contract in which a public official, a member of the public official's family, or any of the public official's business associates has an interest in violation of this section is void and unenforceable. Any contract securing the investment of public funds in which a public official, a member of the public official's family, or any of the public official's business associates has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees and that was entered into in violation of this section is void and unenforceable.

(I) As used in this section: (1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

Section 2921.421 Prosecuting attorney, elected chief legal officer, or township law director appointment of assistants or employees.

Effective: September 20, 1999

Legislation: House Bill 187 - 123rd General Assembly

(A) As used in this section:

(1) "Chief legal officer" has the same meaning as in section 733.621 of the Revised Code.

(2) "Political subdivision" means a county, a municipal corporation, or a township that adopts a limited home rule government under Chapter 504 of the Revised Code.

(B) A prosecuting attorney may appoint assistants and employees, except a member of the family of the prosecuting attorney, in accordance with division (B) of section 309.06 of the Revised Code, a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation may appoint assistants and employees, except a member of the family of the chief legal officer or official designated as prosecutor, in accordance with section 733.621 of the Revised Code, and a township law director appointed under section 504.15 of the Revised Code may appoint assistants and employees, except a member of the family of the township law director, in accordance with section 504.151 of the Revised Code, if all of the following apply:

(1) The services to be furnished by the appointee or employee are necessary services for the political subdivision or are authorized by the legislative authority, governing board, or other contracting authority of the political subdivision.

(2) The treatment accorded the political subdivision is either preferential to or the same as that accorded other clients or customers of the appointee or employee in similar transactions, or the legislative authority, governing board, or other contracting authority of the political subdivision, in its sole discretion, determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision.

(3) The appointment or employment is made after prior written disclosure to the legislative authority, governing board, or other contracting authority of the political subdivision of the business relationship between the prosecuting attorney, the chief legal officer or official designated as prosecutor in a municipal corporation, or the township law director and the appointee or employee thereof. In the case of a municipal corporation, the disclosure may be made or evidenced in an ordinance, resolution, or other document that does either or both of the following:

(a) Authorizes the furnishing of services as required under division (B)(1) of this section;

(b) Determines that the compensation and other terms of appointment or employment of the appointee or employee are fair and reasonable to the political subdivision as required under division (B)(2) of this section.

(4) The prosecuting attorney, the elected chief legal officer, or the township law director does not receive any distributive share or other portion, in whole or in part, of the earnings of the business associate, partner, or employee paid by the political subdivision to the business associate, partner, or employee for services rendered for the political subdivision.

(C) It is not a violation of this section or of section 102.03 or 2921.42 of the Revised Code for the legislative authority, the governing board, or other contracting authority of a political subdivision to engage the services of any firm that practices the profession of law upon the terms approved by the legislative authority, the governing board, or the contracting authority, or to designate any partner, officer, or employee of that firm as a nonelected public official or employee of the political subdivision, whether the public office or position of employment is created by statute, charter, ordinance, resolution, or other legislative or administrative action.

Ohio Revised Code

Section 2921.43 Soliciting or accepting improper compensation.

Effective: April 26, 2005

Legislation: Senate Bill 115 - 126th General Assembly

(A) No public servant shall knowingly solicit or accept, and no person shall knowingly promise or give to a public servant, either of the following:

(1) Any compensation, other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or other provisions of law, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to the public servant's public compensation;

(2) Additional or greater fees or costs than are allowed by law to perform the public servant's official duties.

(B) No public servant for the public servant's own personal or business use, and no person for the person's own personal or business use or for the personal or business use of a public servant or party official, shall solicit or accept anything of value in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(C) No person for the benefit of a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity shall coerce any contribution in consideration of either of the following:

(1) Appointing or securing, maintaining, or renewing the appointment of any person to any public office, employment, or agency;

(2) Preferring, or maintaining the status of, any public employee with respect to compensation, duties, placement, location, promotion, or other material aspects of employment.

(D) Whoever violates this section is guilty of soliciting improper compensation, a misdemeanor of the first degree.

(E) A public servant who is convicted of a violation of this section is disqualified from holding any public office, employment, or position of trust in this state for a period of seven years from the date of conviction.

(F) Divisions (A), (B), and (C) of this section do not prohibit a person from making voluntary contributions to a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity or prohibit a political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity from accepting voluntary contributions.

#### **SECTION 4.4: AUDITOR OF STATE FRAUD REPORTING SYSTEM**

The Ohio Auditor of State's Office maintains a system for reporting fraud, including the misuse of public money for any official or office. The system allows all Ohio citizens, including public employees the opportunity to make anonymous complaints through a toll-free number, the Auditor of State's website, or United States mail.

Contact information is as follows:

US Mail:

Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad St.

P.O. Box 1140

Columbus, OH 43215

Telephone: 1-866-FRAUDOH or 1-866-372-8364

Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)

#### **SECTION 4.5: PROBATIONARY PERIOD**

Newly hired or newly promoted employees shall be required to successfully complete a one-year probationary period. The probationary period allows the Board to closely observe and evaluate the employee's fitness and suitability for the position. Only those employees who demonstrate an acceptable standard of conduct and performance shall be retained in their position.

If at any time during the probationary period, a newly hired employee's service is determined to be such that it does not merit further employment, the employee's employment may be terminated without appeal rights. Time spent in inactive pay status or non-paid leave of absence shall not be counted toward the completion of the probationary period.

Employees working irregular schedules and intermittent employees shall have their one-year probationary period based upon the completion of one thousand forty (1,040) hours in active pay status.

The failure of a promoted employee to complete a probationary period due to unsatisfactory performance shall result in the employee being returned to the same or similar position the employee held at the time of the employee's promotion.



## **SECTION 4.6: TRAINING**

1. Training Program Evaluation: The Board shall periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.
2. On the Job Training: On-the-job training prepares an employee to effectively perform the responsibilities required of the employee's position. It allows the employee to learn the employee's job duties, correct procedures and expected performance levels under the immediate direction of an experienced worker. The content of such training is the responsibility of supervisors under the ultimate direction of the Board.
3. Training Expenses: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If such training is required by the Board, the expense incurred shall be paid by the Board. Advance approval must be obtained from the Board for training expenses. See the Travel and Expense Reimbursement policy contained in this policy manual.

## **SECTION 4.7: PURCHASING POLICY & PROCEDURES**

### **1. General Guidelines:**

- A. All purchases made by any County office must be in accordance with applicable sections of the Ohio Revised Code (ORC).
- B. All County expenditures must be drawn against an appropriate fund from a budget that is currently lawfully appropriated by the Board. Submitting offices must verify that the purchase is a proper public purchase in compliance with Ohio Auditor of State Bulletin 2003-005.
- C. All officers, employees and agents of the County must comply with the requirements of Ohio law pertaining to ethics and offences against justice and public administration, including, but not limited to, ORC Sections 102.03, 102.04, 2921.41, 2921.42, and 2921.43.
- D. Goods or services purchased with grant funds must follow the more restrictive federal, state or County requirements and/or policies. Offices that are obligated by state or federal law must follow those policies in addition to this policy.

### **2. Certificate of Funds Availability:**

#### **A. Requirements for expenditure of County funds:**

- 1) Funds must be properly appropriated for that proper purpose. [ORC Section 5705.41(B)]
- 2) Proper warrant must be drawn against an appropriate fund. [ORC Section 5705.41(C)]
- 3) Certificate of the fiscal officer (County Auditor) must be attached before a contract can be signed, or any order made. The certificate states the amount required to meet the obligation in the fiscal year in which the contract is made has been lawfully appropriated for such purpose and the funds are in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrance. [ORC Section 5705.41(D)]

- 4) Any contract entered without an Auditor's certificate is void. No warrant shall be issued in payment of any amount due thereon. [ORC Section 5705.41(D)]

3. Contracting:

- A. A contract is a written agreement between a County contracting authority and a third party to purchase goods, services, or property. This includes agreements and grant documents between the County and federal, state, or local government. As pertains to this policy, a contract does not include an employment contract with the County or a contract entered into as settlement of litigation.
- B. No contract, agreement, license, purchase order, memorandum of understanding, lease or any potentially binding document shall be signed by unauthorized County officials or employees. In order to protect the interest of the contracting authority, a contract must be reviewed by the County Prosecutor or County Administrator before a contract is entered into.
- C. All contracts to which a County contracting authority is a party must be in writing. Any modifications or amendments to the terms of executed contracts must be in writing.
- D. All contracts for which the Board of Commissioners is the contracting authority must be approved at a regular or special session of the Board of Commissioners and entered in the minutes (ORC Section 305.25). A contract must be executed before compensation can be provided.
- E. The requisition must be made out to the vendor. No various vendor requisitions will be approved for the contract. No payments shall be made until the materials, supplies, equipment or services have been delivered and accepted according to the terms of the contract to the full satisfaction of the County contracting authority.
- F. It is violation of this section to knowingly allow a contractor to continue working on a contract that is no longer valid.

4. Contract Amendments:

A. Reasons for contract amendment include changes to the scope and extensions of time. A contract amendment must be submitted for approval before the expiration date of the existing contract.

5. Formal Procurement:

A. For those goods or services estimated to exceed \$75,000, a formal procurement process shall be completed as required in ORC Sections 307.86 – 307.92 unless the purchase is exempt from formal procurement. The \$75,000 bid threshold will increase by 3% on January 1, 2025, and annually thereafter, as determined and published by the Director of Commerce (ORC Section 9.17).

B. No purchase, lease, project, or other transaction subject to ORC Section 307.86 shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of formal procurement.

6. Exceptions to Formal Procurement:

A. There are various statutory exceptions to the standard formal procurement requirements. The following bases comprise a non-exhaustive list of common exceptions to formal procurement:

1) Sole Source or Proprietary [ORC Section 307.86(B)]

2) GSA or Cooperative Purchasing [ORC Section 9.48]

3) State Purchasing [ORC Section 125.04]

4) Emergency Purchasing [ORC Section 307.86(B)]

5) Services of an accountant, architect, attorney at law, physician, professional engineer, construction project manager, consultant, surveyor, or appraiser [ORC Section 307.86]

6) Purchasing from other governmental contracting authorities [ORC Section 307.86(C)]

B. Documents supporting the exception from formal procurement must be included with the contract documents.

7. Procurement of professional design or design build services:

- A. If there is a plan to contract for professional design or design-build services, the contracting authority shall proceed pursuant to all the requirements set forth in ORC Section 153.65-153.73, and allowing for any statutory exceptions.

8. Disposal of unneeded, obsolete, or unfit County property:

- A. ORC Section 307.12 permits the County to dispose of unneeded, obsolete or unfit personal property using a variety of methods. Approval by the board must be granted before disposal.

## **SECTION 4.8: RECORDS MANAGEMENT POLICY**

### **1. Purpose:**

The Richland County Board of Commissioners, Offices and Departments, Richland County, Ohio, hereafter referred to as the County, acknowledges that it maintains many records that are used in the administration and operation of the County. In accordance with state law and the Richland County Records Commission, the County has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of the County and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County. The records maintained by the County and the ability to access them are a means to provide trust between the public and the County.

### **2. Scope:**

Each office, department or function that maintains records has a designated employee who serves as the custodian of all records maintained by the office, department or function.

The period of time for which the County stores or maintains records was determined by assessing the administrative, legal, fiscal, and/or historical value of the records to the County, efficient business practices, and by reviewing the suggested retention periods developed by the Local Government Records Program for the Ohio Historical Society.

### **3. Definitions:**

A. Records: (As used in Section 149.011(G) of the Ohio Revised Code): Includes any document, device, or item, regardless of physical form or characteristic, created or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

B. Public Record: (As used in Section 149.43(A)(1) of the Ohio Revised Code): Records kept by any public office, including, but not limited to, state, county, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school

in Ohio kept by a nonprofit or for-profit entity operating such alternative school pursuant to Section 3313.533 [3313.53.3] of the Revised Code. For definition of what a "Public record" does not mean please refer to ADDENDUM A.

C. Definitions as used in Section 1347.01 of the Ohio Revised Code:

- 1) Maintains: means state or local agency ownership of, control over, responsibility for, or accountability for systems and includes, but is not limited to, state or local agency depositing or information with a data processing center for storage, processing, or dissemination. An agency "maintains" all systems of records that are required by law to be kept by the agency.
- 2) Personal Information: means any information that describes anything about a person, or that indicates actions done by or to a person, or that indicates that a person possesses certain personal characteristics, and that contains, and can be retrieved from a system by, a name, identifying number, symbol, or other identifier assigned to a person.

4. Fees:

A. The County, in accordance with Section 149.43 of the Revised Code; has established the following fees for providing copies or reproductions of public records maintained by the County:

- 1) For photocopies of either letter or legal-size documents there shall be no fee for the first 10 pages. For request for photocopies that exceed 10 pages the fees shall be five (5) cents per photocopy calculated from the first photocopy. Advance payment is required for all requests that exceed 10 pages before any copies are prepared. Two sided photocopies shall be charged at a rate of five (5) cents per sheet.
- 2) For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. Reproduction costs may only be charged if a commercial or professional service is contracted to provide the copy. If the County creates the copy, a reproduction fee may not be charged.
- 3) Bulk Commercial Requests and Special Extraction Costs will follow Ohio Revised Code Section 149.43 (E) (2) (b).

- 4) Established costs \ fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.
  - B. Cost and fees established under this policy represent the actual cost. The actual cost means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.
5. Availability:
- A. All public records maintained by the County shall be promptly prepared and made available for inspection to any person during regular business hours as well as a copy of the County's current records retention schedule(s). Departmental, office or functional records are the property of the County. No record shall be removed, changed, modified or destroyed except by a County employee in the performance of their official duties and as authorized under Ohio law.
  - B. Individuals requesting access to inspect public records and/or receive copies of public records will be asked to voluntarily complete a written request (Form RC100) explaining or identifying the records they wish to inspect and/or receive copies of. In no event shall an individual be denied access to inspect and/or obtain copies of public records based on their refusal to complete a written request.
  - C. With the exception of Personnel Records for current and past employees of the County, requests for the inspection and/or copies of public records shall be directed to the office, department or function that maintains the record.
  - D. The regular business hours for the offices, departments and functions for County are 8:00am to 4:00pm, Monday through Friday except holidays.
  - E. Each Office, Department and / or function has designated an employee within every department, office or function under their direction to act as the custodian of records for their assigned unit.
  - F. Mailed Requests for Public Records:



- 1) Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the County shall promptly respond to the request.
    - a) An authorized employee of the County shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records via the United States Mail System, and in addition, the fee shall also include the cost of postage and the envelope.
    - b) When practical, the County may forward copied records by any other means reasonably acceptable to the requestor.
  - 2) In accordance with section 149.43(B)(7) of the Ohio Revised Code, the County limits the number of requested public records, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
    - a) “Commercial purposes” shall 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.
  - 3) Authorized County employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
    - a) County employees shall promptly process requests.
    - b) Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- G. Requests for inspection and/or copies of public records, which are not maintained or are prohibited from release pursuant to applicable state or federal law, shall be processed in the following manner:
- 1) If the County receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor

shall be so notified in writing utilizing County Form RC101 that one of the following applies:

- a) Their request involves records that have never been maintained by the County, or
- b) Their request involves records that are no longer maintained or have been disposed of or transferred to applicable County Schedules of Record Retention and Disposition (RC-2). Or
- c) Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1).
- d) If the record that is requested is prohibited from release due to applicable state or federal law the responsible County employee shall complete County Form RC101 and mark the appropriate box indicating the applicable state or federal law.
- e) If the record that is requested is not a record used or maintained by the County an authorized employee of the County shall complete County Form 101 notifying the requestor that in accordance with Ohio Revised Code Section 149.40, that the County is under no obligation to create records to meet public record requests.

H. Ambiguous or Overly Broad Request for Public Records:

- 1) If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under section 149.43 of the Ohio Revised Code such that the public office or the County employee responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or County employee responsible for the requested public record may deny the request, but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or County employees duties.

I. Denial:

- 1) If a request is ultimately denied, in part or whole, the responsible County employee shall provide the requestor with an explanation, including legal authority, setting forth why the request was denied.
- 2) If the initial request was provided in writing, then the explanation shall also be provided in writing;
- 3) The explanation shall not preclude the County from relying upon additional reasons or legal authority in defending an action commenced under law.
- 4) The County is not required to permit a person that is incarcerated pursuant to a criminal conviction or a juvenile adjudication to inspect or to obtain a copy of any public record concerning what would be a criminal investigation or prosecution 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.

J. Written Requests for Public Records:

- 1) For the purpose of enhancing the ability of the County to identify, locate or deliver the public record(s) sought by the requestor, the County shall provide to the requestor County Form RC100 for the requestor to complete.
- 2) Although the County ask the requestor to make the request in writing, ask for the requestor's identity, and may inquire about the intended use of the information requested, the requestor shall be advised that a written request is not mandatory, and that the requestor may decline to reveal the requestor's identity or the public records intended use.
- 3) The requestor's refusal to complete County Form RC100 does not impair the requestor right to inspect and/or receive copies of the public record.

K. Media Types/Distribution of Records:

- 1) If a person requests a copy of a public record, the County shall permit the requestor to choose to have the public record duplicated on paper or upon the same medium upon which the County maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral part of the normal operations of the public office, or the responsible County employee for the public record. The request shall be acted upon and a copy of the public record prepared within a reasonable period of time. Fees shall apply in accordance with section of this policy labeled fees.
- 2) Persons seeking copies of public records are not permitted to make their own copies or utilize their copying or reproduction equipment.

L. Grievances:

- 1) If a person allegedly is aggrieved, due to the inability to inspect a public record or due to the inability to receive a copy of the public record; the person shall be advised that they may:
  - a) Contact the County Prosecutors Office. If the person is not satisfied with the results, they shall be advised that Ohio Revised Code section 149.43 provides a legal means for addressing their complaint in these disputes.

6. Personnel and Personal Information:

- A. The Board of County Commissioners and the Elected Office holders manage the personnel management function for the County.
- B. To better facilitate requests for inspection or information and/or copies of records involving current or past employees of the County inquiries shall be directed to the employing department or office.
  - 1) To better facilitate, manage and administer this process the County has adopted a Schedule of Records Retention and Disposition (RC-2) for Personnel Records and implemented a Personnel Record Management policy that has been approved by the Richland County Records Commission.

- 2) To the extent practical, current and past employees should be notified in the event that a request has been made to inspect or obtain a copy of their employment related records. Current and past employees shall have the right to be present during the inspection and if they so request, receive a duplicate copy of any record requested at no charge.

7. Exempted and/or Restricted Information:

- A. In accordance with the Federal Privacy Act, 5 U.S.C., 552a, no public record shall be released which contains a Federal Social Security number. Public records containing Federal Social Security numbers will have that information redacted prior to their release.
- B. In the event a request is made to inspect and/or obtain a copy of a record maintained by the County whose release may be prohibited or exempted by either State or Federal Law, the request may be forwarded to legal counsel for the County for research and/or review. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the County.
- C. Records, whose release is prohibited or exempted by either State or Federal Law, shall NOT be subject to public inspection. The following represents a partial list of records maintained by the County, that may not be inspected or copied:
  - 1) Confidential Law Enforcement Records.
  - 2) Information pertaining to medical treatment.
  - 3) Trial Preparation Records.
  - 4) Taxpayer Records.
  - 5) Expunged Records.
  - 6) Peace Officer, Firefighter, EMT, Parole Officer, Prosecuting Attorney, Assistant Prosecuting Attorney, Correctional Employee, and Youth Services Employee's residential and familial information.
  - 7) Victim impact statements.
  - 8) Infrastructure and Security records including Security & Data Codes.

9) Records pertaining to the recreational activities of a person under the age of eighteen.

D. Residential and familial information is exempted from release under the provisions of Ohio Revised Code section 149.43(A)(1)(p) except as specifically provided in Revised Code section 149.43(B)(9).

1) In accordance with Ohio Revised Code section 149.43 (A)(7), the following employee classifications: Peace officer, firefighter, EMT, Prosecuting Attorney, or Assistant Prosecuting Attorney residential and familial information means the following:

a) Any of specified employee's information maintained that discloses any of the following:

1. The address of the actual personal residence except for the state or political subdivision in which specified employees reside;
2. Information compiled from referral to or participation in an employee assistance program of specified employee;
3. The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information that pertains to the specified employees;
4. The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to the specified employees;
5. The identity and amount of any charitable or employment benefit deduction made by the specified employees unless the amount of the deduction is required by state or federal law;
6. The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of the specified employees.

- b) Any record that identifies a person's occupation of the specified employees other than statements required to include the disclosure of that fact under the campaign finance law.
  - 2) Upon written request made and signed by a journalist, on or after December 16, 1999, the County employee responsible for the public record, having custody of the records shall disclose to the journalist the address of the actual personal residence of specified employee, and if specified employee's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the specified employee. The request shall include the journalist's name and title and the name and the address of the journalist's employer and shall state the disclosure of the information sought would be in the public interest.
- E. "Information pertaining to the recreational activities of a person under the age of eighteen" is exempted from release and means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:
- 1) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;
  - 2) The social security number, birth date, or photographic image of a person under the age of eighteen;
  - 3) Any medical record, history, or information pertaining to a person under the age of eighteen;
  - 4) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.
- F. Infrastructure and Security Records are exempted from release under the provisions of Ohio Revised Code section 149.433.
- 1) "Infrastructure record" means any record that discloses the configuration of a public office's critical systems including, but not

limited to, communication, computer, electrical, mechanical, ventilation, water, and plumbing systems, security codes, or the infrastructure or structural configuration of the building in which a public office is located. "Infrastructure record" does not mean a simple floor plan that discloses only the spatial relationship of components of a public office or the building in which a public office is located.

2) "Security Record" means either of the following:

- a) Any record that contains information directly used for protecting or maintaining the security of a public office against attack, interference, or sabotage;
- b) Any record assembled, prepared, or maintained by a public office or public body to prevent, mitigate, or respond to acts of terrorism, including any of the following:
  - 1. Those portions of records containing specific and unique vulnerability assessments or specific and unique response plans either of which is intended to prevent or mitigate acts of terrorism, and communication codes or deployment plans of law enforcement or emergency response personnel;
  - 2. Specific intelligence information and specific investigative records shared by federal and international law enforcement agencies with state and local law enforcement and public safety agencies;
  - 3. National security records classified under federal executive order and not subject to public disclosure under federal law that are shared by federal agencies, and other records related to national security briefings to assist state and local government with domestic preparedness for acts of terrorism.

G. A record kept by a public office that is a security record or an infrastructure record is not a public record under Ohio Revised Code section 149.43 and is not subject to mandatory release or disclosure under that section.

- 1) Notwithstanding any other section of the Ohio Revised Code, a public office's or a public employee's disclosure of a security record or infrastructure record that is necessary for construction, renovation, or



remodeling work on any public building or project does not constitute public disclosure for purposes of waiving division (B) of this Section and does not result in that record becoming a public record for purposes of Ohio Revised Code Section 149.43.

H. Information related to/and maintained in accordance with the Americans with Disability Act (ADA), the Family and Medical Leave Act (FMLA) and the Health Insurance Portability and Accountability Act (HIPAA) requires that qualifying personal medical information be kept separate from regular personnel information and maintained in a secured area. Such information may only be released to:

- 1) Supervisors and managers in order to provide information regarding work restrictions.
- 2) First aid or safety personnel if the disability would require treatment or procedures related to the disability.
- 3) Government officials investigating compliance with ADA, FMLA and HIPAA provisions.
- 4) With respect to Bureau of Workers' Compensation second injury funds or in compliance with workers' compensation laws.
- 5) To insurance companies which require medical exams to provide health or life insurance for the employee.

8. Redacting Exempted Records/Procedure:

- A. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code.
- B. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the responsible County employee for the public record shall make available all of the information within the public record that is not exempt.
- C. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public

- record shall notify the requester of any redaction or make the redaction plainly visible.
- D. Redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.
  - E. If a request is ultimately denied in part or in whole, the public office or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.
  - F. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
  - G. The first reproduction page, with the original redactions made by the employee, is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.
9. American with Disabilities Act (ADA) Compliance:
- A. The County and its employees shall facilitate all requests made by persons, regardless of handicap or disabilities. Employees authorized to release public records shall take all reasonable steps to ensure that no one is denied access to public information based on a handicap or disability.
  - B. The County and its employees shall follow all standards and guidelines established by local, state and federal laws or mandates, as it pertains to the Americans with Disabilities Act and other applicable laws.
10. Training and Educations:
- A. In accordance with section 149.43 (E)(1) the County provides continuing education reference the County's obligations pursuant to Chapter 149 of the Ohio Revised Code and all other appropriate local, state, and federal laws.

### **ADDENDUM A**

“Public record” does not mean any of the following:

- 1) Medical records;
- 2) Records pertaining to probation and parole proceedings or to proceedings related to the imposition of community control sanctions and post-release control sanctions;
- 3) Records pertaining to actions under Section 2151.85 and division (C) of Section 2919.121 of the Ohio Revised Code and to appeals of actions arising under those sections;
- 4) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Ohio Revised Code;
- 5) Information in a record contained in the putative father registry established by section 3107.062 of the Ohio Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to Section 3111.69 of the Ohio Revised Code, the office of child support in the department or a child support enforcement agency;
- 6) Records listed in division (A) of section 3107.42 of the Ohio Revised Code or specified in division (A) of section 3107.52 of the Ohio Revised Code;
- 7) Trial preparation records;
- 8) Confidential law enforcement investigatory records;
- 9) Records containing information that is confidential under section 2710.03 or 4112.05 of the Ohio Revised Code;
- 10) DNA records stored in the DNA database pursuant to section 109.573 of the Ohio Revised Code;
- 11) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Ohio Revised Code;
- 12) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Ohio Revised Code;

- 13) Intellectual property records;
- 14) Donor profile records;
- 15) Records maintained by the department of job and family services pursuant to Section 3121.894 of the Ohio Revised Code;
- 16) Peace officer, firefighter, or EMT residential and familial information;
- 17) In the case of a county hospital operated pursuant to Chapter 339. of the Ohio Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Ohio Revised Code, information that contains a trade secret, as defined in section 1333.61 of the Ohio Revised Code;
- 18) Information pertaining to recreational activities of a person under the age of eighteen;
- 19) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Ohio Revised Code, other than the report prepared pursuant to section 307.626 of the Ohio Revised Code;
- 20) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Ohio Revised Code other than the information released under that section;
- 21) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of examiners of nursing home administrators administers under section 4751.04 of the Ohio Revised Code or contracts under that section with a private or government entity to administer;
- 22) Records the release of which is prohibited by state or federal law;
- 23) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Ohio Revised Code;
- 24) Information reported and evaluations conducted pursuant to section 3701.072 of the Ohio Revised Code;

25) Financial statements and data any person submit for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance to the agency.

## **SECTION 5.1: POSITIONS**

Positions in the service of the Board are classified in accordance with titles established by the Board.

Position descriptions are based on an analysis of the position's duties and responsibilities. Position descriptions include a position title, nature of work, examples of duties, minimum qualifications and content-related worker characteristics.

The Board maintains a copy of the Compensation Plan applicable to its departments and any amendments thereto. Position titles are used in all personnel and payroll matters.

The duties and responsibilities of positions are reviewed periodically and necessary adjustments or revisions are made to the classification plan with the approval of the Board.

## **SECTION 5.2: COMPENSATION**

The Board establishes the rate of compensation which will be paid to its employees subject to overall budgetary limits.

The County Auditor shall be notified of each employee's wage rate. All salary increases and wage assignments shall be determined by the Board pursuant to the Board's Compensation Plan Structure and Administration.

A new employee to County service shall be compensated pursuant to the Board's Compensation Plan Structure and Administration.

### **SECTION 5.3: PAY PERIOD**

There are normally twenty-six (26) pay periods per year. All employees are to be paid every two weeks for the two weeks' pay period immediately preceding pay day.

Supervisors are to receive any questions regarding an employee's pay and are responsible for making the necessary explanations or inquiries to resolve the matter.

Pay advances of any kind are not permitted.

The Board shall establish a time and procedure for issuing paychecks in its departments. No paychecks will be issued to anyone other than the employee unless prior arrangements are made by the employee and authorized by the Board. These arrangements should be received in writing and kept in the employee's personnel file.

Any individual authorized to obtain an employee's payroll check must be able to show proof of identification and acknowledge in writing their receipt thereof.



## **SECTION 5.4: HOURS OF WORK**

The Board will establish the hours of work for the Board's employees. Employees may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the Board may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the Board will notify employees and give at least two (2) weeks advance notice for significant shift and schedule changes, when possible.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") are prohibited from signing in or beginning work before the employee's scheduled starting time, or signing out/stopping work past the employee scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations.

Non-exempt employees should not remain at their desks or computers, without notice and approval of their supervisor. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but will be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, working overtime without approval or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one week, regardless of the employee's regularly scheduled work day.

Sick leave, vacation leave, personal days, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for the purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay only for actual overtime worked.

The Board may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the Board may authorize or

require employees to work a flexible schedule in a work week. For overtime eligible employees, a flexible schedule must occur within a single forty-hour work week.

1. Overtime Exempt Employees:

A. Employees who are exempt from the overtime provisions of the FLSA are not eligible for overtime payment. The Board shall determine if an employee is exempt from overtime requirements for the purposes of the FLSA. Such exemptions may include employees whose job duties are executive, administrative or professional in nature. At the discretion of the Board, exempt employees may be required to keep track of and report their hours without destroying their exempt status.

2. Department Head Hours:

A. The “Normal Hours” component on position descriptions for Department Heads shall read “Varies”. This recognizes that many of the Board’s Department Head schedules may have slight variation from one another depending on the hours of the department and periodic demands outside of those hours.

- 1) The Board expects all Department Heads to work, or have approved leave, totaling at least forty (40) hours each week.
- 2) It is also expected that all Department Heads’ daily schedules will usually coincide with or fall within the hours of the office, if applicable.
- 3) All Department Heads are afforded a lunch period in the middle of the work day if the Department Head’s schedule allows. For Department Heads that are subject to call-out, up to an hour of lunch period will be counted toward hours worked as long as the Department Head remains available for call out throughout the lunch period.

3. Compensatory Time – Non-Exempt Employees Only:

A. Non-exempt employees: At the discretion of the Board, certain non-exempt employees may be permitted to take compensatory time off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of one and one-half times the hours actually worked and applies only to hours actually worked in excess of forty (40) in any one work week. For

employees of Job & Family Services, compensatory time must be used within one hundred eighty (180) days of its accrual. For all other Board employees, compensatory time must be used within three hundred sixty-five (365) days of its accrual. Compensatory time will be used on a first-in, first-out basis. Compensatory time not used within the requisite time period will be paid out.

- B. Non-safety force employees may not exceed the maximum accrual cap of two hundred forty (240) hours.
- C. The Board may, at its sole discretion, require an employee to use employee compensatory time prior to the employee reaching the one hundred eighty (180) or three hundred sixty-five (365) day accrual limit. Additionally, the Board may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment

4. Earned Time Off (ETO):

- A. Employees who are exempt from the overtime provisions of the FLSA shall not receive compensatory time. However, if approved by the Board, a bona fide executive, administrative or professional employee may receive earned time off. Earned time off may not be given on a time and one-half basis but may be given as an hour for hour trade for hours worked on a particular project. Earned time off shall not be paid out and shall either be used or lost.

### **SECTION 5.5: ON-CALL PAY**

When an employee is called out to work at times other than and not contiguous to the employee's regular work schedule, the employee shall be guaranteed two (2) hours pay at the appropriate rate of pay.

This minimum does not apply to work performed prior to the start of the regular shift which continues into the regular shift.

This minimum also does not apply to work performed immediately following the regular shift thereby not necessitating additional travel to and from work.

The appropriate rate of pay will be the employee's base hourly rate of pay unless the employee has accumulated a sufficient number of hours in active pay status, in accordance with the "Hours of Work" Section, to qualify for overtime.

## **SECTION 5.6: PAYROLL DEDUCTIONS**

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

1. Retirement Systems - Board employees, unless specifically exempted by the Ohio Revised Code, are required to participate in the Ohio Public Employees Retirement System. State law requires that the employee's contribution to these retirement systems be withheld from each paycheck.
2. Income Taxes - The federal and state governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County by the Treasury Department and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Department Head of any dependency change whenever such change occurs.
3. Miscellaneous - Examples include garnishments, insurance, deferred compensation, child support, etc. The Employer may refuse to make deductions not required by law which are below certain prescribed minimum amounts, or at irregular intervals, or for other cause which the employee deems not in the best interest of the County

## **SECTION 5.7: RETIREMENT**

All employees of the Board are required by law to participate in the Ohio Public Employees Retirement System. (OPERS). Employees are required to contribute a state mandated percentage of their gross pay, which is deducted each pay period. This amount is more than matched by a contribution by the County.

This plan is entirely independent of the Federal Social Security System. Information on this retirement plan may be obtained by contacting the payroll clerk. If employees should have any further questions regarding the benefits available under this plan the employees may contact the following:

Ohio Public Employees Retirement

277 East Town St.

Columbus, OH 43215-4642

(614) 466-2085

1-800-222-7377

OPERS is an independent retirement plan for public employees and Employers do not have access to individual employee's files. Therefore, employees must contact OPERS to obtain specific information concerning their retirement status or eligibility.

## **SECTION 5.8: WORKERS' COMPENSATION**

Workers' Compensation is a mandatory type of insurance that compensates employees for accidents that result in medical costs and/or loss in earnings because of injuries that occur while on the job. Under the law, no consideration is given to the responsibility for the injury.

Workers' Compensation benefits are payable to all employees who are injured "in the course of and arising out of employment." Certain occupational diseases are also compensable.

Proper and timely handling of workers' compensation claims is essential. Outlined below is the proper procedure for handling a workers' compensation claim.

Procedure for handling a workers' compensation claim:

### **1. Employee responsibility:**

A. When an employee sustains a work-related injury or illness, employee should:

- 1) In an emergency, seek care immediately.
- 2) Report the injury to your supervisor who will supply an incident report, which will provide the paperwork you will need to process a claim.

B. Please note that it is highly recommended that you seek initial treatment from a preferred occupational health provider.

### **2. Supervisor Responsibility:**

A. When a supervisor is notified that an employee has sustained a work-related injury or illness, the supervisor shall:

- 1) Provide the employee with an incident report.
- 2) Complete the Supervisor/Witness statement as follows:
  - a) Investigation Report.
  - b) Verify witnesses and have the witness complete a Statement of Witness Report.
- 3) The employee and witness(es) must return the incident report to the supervisor immediately.

- 4) All documentation shall be forwarded to Risk Management immediately.
- 5) Each Supervisor should be provided with blank incident reports which can be obtained from Risk Management at extension 6318.
- 6) The disposition of the injured/ill worker shall be reported to Risk Management within 24 hours of the injury or illness.
- 7) Immediately report any employee loss of an eye, tooth, amputation or death to Risk Management and/or Human Resources.

Per state law, such incidents may be reportable to the Public Employer Risk Reduction Program (PERRP) by certain deadlines. If the incident occurs outside of normal business hours and/or you are unable to establish communication with Risk Management or Human Resources, a Commissioner shall be notified immediately.



### **SECTION 5.9: GARNISHMENTS**

A court-ordered legal claim against the wages of a County employee by a creditor for non-payment of debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the County Auditor.

Repeated garnishments on the wages of an employee may result in disciplinary action, in accordance with the disciplinary procedures outlined herein.

Repeated garnishments shall be considered to occur only in the case of garnishments arising from multiple judgment creditors or multiple indebtedness in any twelve (12) month period.

## **SECTION 5.10: TRAVEL AND EXPENSE REIMBURSEMENT**

Employees under the Board are to receive reimbursement for reasonable and necessary expenses incurred while traveling on official County business.

Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Department Head and approval has been received from the Board. A copy of this written authorization must accompany all invoices submitted to the Finance Department in the County Auditor's office in order for the employee to receive reimbursement.

Expenses shall be documented by receipts and shall be reimbursed in the following manner:

### **1. Mileage, Parking, Tolls:**

- A. Employees shall be reimbursed for actual miles, while on official County business, when using the employees' personal vehicles.
  - 1) Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.)
  - 2) Mileage reimbursement is payable to only one of two or more employees on the same trip, in the same vehicle.
- B. Charges incurred for parking at the destination and any necessary highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.
- C. No expense reimbursements are paid for travel between the employee's home and the employee's report-in station as determined by the Board.
- D. When possible, employees should use a County-owned vehicle when traveling for business.

### **2. Meals and Tips:**

- A. Expenses for meals while on official, overnight, business will be reimbursed at \$50 per day.
- B. An employee is eligible for such reimbursement only when travel takes the employee outside the County, has been authorized in writing by the Board and extends overnight.

- C. Meals costs within the County will only be reimbursed when the meal cost is included in the cost of a seminar/conference and is considered an integral part of the event. This must be approved in writing by the Board.
  - D. Tips will be reimbursed at 18% of the actual cost of the meal. Receipts are required.
  - E. IRS Regulations R.C. 162 (a)(2) states that reimbursement for meals can be treated as non-taxable income only when the employee is traveling away from home and the travel requires an overnight stay.
  - F. Original receipts must accompany invoices submitted to the Finance Department in the County Auditor's Office.
3. Overnight Expenses:
- A. Expenses covering the actual cost of a standard hotel room will be reimbursed in full when an employee travels out of the County on official business and such travel requires an overnight stay, only with proper written authorization of the Department Head and approval by the Board.

## **SECTION 5.11: INSURANCE COVERAGE(S)**

### **1. General:**

- A. The Board provides a comprehensive Hospitalization/Medical insurance plan for all full-time employees who work thirty (30) hours per week or more.
- B. The terms and conditions of such insurance coverage(s) are detailed in the Summary Plan Document.
- C. Employees should either contact Central Services or the Department Head for copies and/or answers to questions regarding employee benefits.

### **2. Employees in Inactive Pay Status:** By adopting this policy, the resolution to establish health insurance policy for Richland County employees in inactive pay status amended September 14, 2021 is rescinded.

- a. If an employee is in an inactive pay status, the Department Head or the Department Head's designee must notify Central Services and the Auditor's Office.
- b. Employees in inactive pay status will remain on the County's health insurance until the end of the month covered by the last employee contribution deducted from their regular pay. After this, employees will be offered COBRA coverage in compliance with law.

## **SECTION 5.12: WAGE CONTINUATION POLICY**

### **1. Purpose:**

- A. To define Richland County's policy and procedure with regard to wage continuation for injured workers. This program may be discontinued or changed at any time at the Board's discretion.

### **2. General:**

- A. When an employee suffers a job-related injury, occupational disease or illness, the employee is normally eligible for Workers' Compensation. Under the Wage Continuation program, the injured employee may receive full, regular pay for up to four (4) weeks.
- B. Participation in this program is voluntary on the part of the employee and at the discretion of the Board. Employees may be eligible for wage continuation in lieu of receiving temporary total compensation from the Bureau of Workers' Compensation (BWC) when the employee has a certified claim and meet all requirements set forth by the BWC that would qualify the employee for these benefits.
- C. It is anticipated that this workers' compensation program will benefit both the employee and the departments covered under Risk # 37000001-0. Failure to participate by a department outside the appointing authority of the Board of Commissioners may incur equalizing charges beyond experience rating.
- D. Any employee deemed eligible by the Board, who suffers a compensable industrial injury or illness can, subject to the below mentioned items, receive regular wages instead of workers' compensation lost time benefits. Payment for related medical benefits is the responsibility of the Employer's Managed Care Organization (MCO).
- E. Richland County only pays wage continuation for wages that would be earned while working for the County and does not include any secondary employment.

### **3. Qualifications:**

- A. The injury or illness must be determined to be compensable by Richland County, or in the case of dispute, the Ohio Industrial Commission. In no

event will compensation commence before all initial paperwork is completed and filed with the Bureau of Workers' Compensation and the injured worker's department.

- B. Competent medical proof of disability must be provided via a MEDCO-14 or a similar form which provides the approved minimum requirements set forth by the BWC. If an emergency department provider or initial treating provider does not provide the employee with this information, the employee must follow up with an occupational health facility at the first opportunity, at which time a completed MEDCO-14 will be provided.
  - C. The employee must complete a FROI-I (First Report of Injury).
  - D. Richland County reserves the right to have the employee examined by a physician of its choice at their expense to confirm the medical diagnosis and / or the period of disability. Failure to submit to examination will result in termination of wage continuation benefits.
  - E. Wage continuation benefits will be paid only for those periods of lost time that otherwise would qualify the employee for receipt of workers' compensation lost time benefits, subject to the limitations outlined below.
  - F. Employees who refuse to accept a light duty assignment will not be eligible for wage continuation.
  - G. Wage continuation will only take into consideration wages earned through the employee's primary employment with Richland County and not any type of secondary employment.
  - H. Wage continuation will not be paid for the purposes of attending medical appointments or hearings related to a BWC claim.
4. Termination Conditions of Wage Continuation:
- A. Wage Continuation payments will cease upon any of the following conditions:
    - 1) Attending Physician releases employee to return to work.
    - 2) Employee returns to work for another Employer.

- 3) Employee fails to return to a transitional “limited duty” assignment consistent with the employee’s medical restrictions as approved by the injured workers’ treating physician.
- 4) Employee fails to appear for Employer-sponsored medical examination.
- 5) Employee has reached maximum medical improvement (MMI) and/or condition has become permanent.
- 6) The claim is found to be fraudulent after payment has commenced.
- 7) The injured worker attempts to collect both wage continuation and temporary total compensation.
- 8) Termination of employment.
- 9) Violation of any company policy or guideline.
- 10) Regardless of the above conditions of termination, wage continuation benefits may be terminated at any time if disability exceeds four (4) weeks.
- 11) The wage continuation program and all benefits can be terminated at any time.
- 12) Employees shall not be paid wage continuation for the purpose of attending appointments or hearings related to their BWC claims during their shifts. Employees must use their own accrued sick leave, vacation time or compensatory time to attend to those matters. If possible, appointments should be scheduled outside of the employee’s normal working hours, at the beginning or end of their shift or close to a lunch break to minimize time away from work. The employee may also flex their work schedule within the same week if approved by the Department Head or the Department Head’s designee.
- 13) If an employee refuses to complete paperwork required by the Employer or the Employer’s representative.

5. Benefits and Retirement:

- A. While participating in the Wage Continuation program, health insurance benefits will continue as though the participant is actively working.

- B. Sick leave and vacation will continue to accrue pursuant to the employee's Collective Bargaining Agreement or policy.
- C. Time spent participating in the Wage Continuation program will count toward OPERS service credit.



## **SECTION 6.1: HOLIDAYS**

All employees under the Board are entitled to the following holidays:

New Year's Day	First day of January
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday of May
Juneteenth	Nineteenth day of June
Independence Day	Fourth day of July
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	Eleventh day of November
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Eve (1/2 Day)	Twenty-fourth day of December
Christmas Day	Twenty-fifth day of December
New Year's Eve (1/2 Day)	Thirty-first day of December

The Board may designate such other holidays as it deems appropriate.

If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on a Saturday, it will be observed on the preceding Friday.

In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work. Full-time employees shall receive straight time holiday pay for each authorized holiday. Part-time employees, however, shall be granted straight time holiday pay only for those hours the employees normally would have worked on the day the holiday happens to fall.

If a holiday occurs while an employee is on vacation, such vacation day will not be charged against the employee's vacation leave.

If a holiday occurs while an employee is on vacation, such vacation day will not be charged against the employee's vacation leave.

## **SECTION 6.2: VACATIONS**

Full-time employees are entitled to vacation with pay after one (1) year of continuous service with the County. The amount of vacation leave for which an employee is eligible, is based upon length of service, as follows:

<u>Length of Service</u>	<u>Vacation Eligible to Earn</u>
Less than 1 year	None
1 year but less than 8 years	80 Hours
8 years but less than 15 years	120 Hours
15 years but less than 25 years	160 Hours
25 years or more	200 Hours

Part-time, seasonal and intermittent employees shall not be entitled to paid vacation leave.

Any employee who believes the employee is entitled to prior service credit, should submit documentation from the fiscal officer from the employee's previous public employer with the employee's prior dates of service and the balance of accrued time upon the employee's separation from service from that public employer to the Board.

Vacation is credited each bi-weekly pay period at the following rates:

<u>Annual Vacation Entitled to</u>	<u>Credited Per Pay Period</u>
80 Hours	3.1 Hours
120 Hours	4.6 Hours
160 Hours	6.2 Hours
200 Hours	7.7 Hours

Additional vacation leave is not accrued through the accumulation of paid overtime. No vacation is earned while an employee is in inactive pay status.

Vacations are scheduled in accordance with the workload requirement of each work unit. Vacation requests must be submitted in writing to the Board or the Board's designee for approval, prior to the employee taking the time off. Employees may be denied payment for any absence not approved by the Board. The Department Head

or the Department Head's Designee may establish procedures for scheduling vacations in each department(s).

Generally, vacation leave shall be taken by an employee within the twelve (12) month period following the employee's anniversary date. The Board may, in special circumstances, permit an employee to accumulate vacation from year to year. This accumulation of vacation time must be approved by the Board in advance and must be in response to special circumstances. No vacation leave shall be carried over for more than three years. Employees shall forfeit the employees' right to take or to be paid for any vacation leave to the employees' credit which is in excess of the accrual for three years.

Upon separation from the County's payroll an employee shall be entitled to compensation at the employee's current rate of pay for all lawfully accrued but unused vacation leave for the current year to employee credit at the time of separation. The Board may also allow credit for unused vacation for three years immediately preceding the last anniversary date of employment when the carryover of vacation had been previously approved. In the case of death of an employee such unused vacation leave shall be paid to the employee's survivors or the employees estate.

If an employee, while on vacation, contracts an illness or injury which warrants paid sick leave had the employee been at work, the employee shall be allowed, upon showing proper evidence, to charge such absence to sick leave. Proper evidence shall be deemed to mean a doctor's certificate in the case of illness or injury or an official obituary notice in the case of death.

## **SECTION 6.3: SICK LEAVE**

### **1. Crediting of Sick Leave:**

- A. Sick leave credit shall be earned at the rate of 4.6 hours for each eighty (80) hours of service in active pay status, but not during a leave of absence or layoff.
- B. Part-time, seasonal and intermittent workers shall be credited with sick leave at the same rate.
- C. Unused sick leave shall accumulate without limit.
- D. There is no provision for advance sick leave.

### **2. Retention of Sick Leave:**

- A. An employee who transfers from another public agency to Richland County or who has prior service with a public agency, as defined in Section 124.38 of the Ohio Revised Code, shall retain credit for any sick leave earned in accordance with that Section, so long as the employee is employed by Richland County except that deduction shall be made for any payment or credit given by the previously accumulated sick leave of an employee who has been separated from the public service shall be placed to the employee's credit upon reemployment with Richland County provided that such reemployment takes place within ten (10) years of the date on which the employee was last terminated from public service.
- B. The term "public agency" as used herein shall include State agencies, Counties, Municipalities, Boards of Education, libraries and Townships within the State of Ohio.

### **3. Expiration of Sick Leave:**

- A. If illness or disability continues past the time covered by earned sick leave, the employee shall be granted either a personal leave of absence or disability leave in accordance with the appropriate policies herein.
- B. If a personal leave of absence is granted and illness disability continues past expiration of the leave, a disability leave shall then be granted.
- C. It is the responsibility of the employee to request, in writing, either of the above leaves and such leave is subject to the approval of the Board.

D. There is no provision providing for light duty assignments.

4. Charging of Sick Leave:

A. Sick leave shall be charged in minimum units of one quarter (1/4) hour.

B. An employee shall be charged for sick leave only for days upon which employee would otherwise have been scheduled to work.

C. Sick leave payment shall not exceed the normal scheduled work day or work week earnings.

5. Uses of Sick Leave:

A. Sick leave shall be granted to an employee only upon approval of the Board subject to the conditions contained herein and for the following reasons:

1) Illness or injury of the employee or a member of the employee's immediate family;

2) Medical, dental, or optical examination or treatment of employee or a member of the employee's immediate family which requires the employee, and which cannot be scheduled during non-working hours.

3) If a member of the immediate family is afflicted with a contagious disease or reasonably requires the care and attendance of the employee or when, through exposure to a contagious disease, the presence of the employee at the employee's job would jeopardize the health of others; and

4) Pregnancy and/or childbirth and other conditions related thereto.

B. Employees eligible under this section who file a workers' compensation claim must use any available paid sick leave for the period of time the employees are unable to work between the occurrence of the workplace accident or injury and the date the claim is allowed or denied. In lieu of using paid sick leave for this period, employees may request to take an unpaid leave of absence pursuant to Section 6.9 (Unpaid Leave). The election of unpaid leave must be made in writing immediately following the workplace accident or injury.

C. For purposes of this section of policy, "immediate family" is defined as only: mother, father, brother, sister, child, spouse, grandparent, grandchild,

mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian or another person who stands in the place of a parent.

6. Evidence required for Sick Leave Usage:

- A. There is no legal requirement for mandatory payment of sick leave used.
- B. Employees shall be required to complete and submit a “Request for Leave” form immediately upon return to work.
- C. This written statement shall contain sufficient facts to satisfy the Board or the Board’s designee that the use of sick leave is justified. If medical attention is required, a certificate stating the nature of the illness from a licensed physician shall be required to justify the use of sick leave.
- D. Where sick leave is requested to care for a member of the immediate family and medical attention is required, the Board or the Board’s designee may require a physician’s certificate to the effect that the presence of the employee is necessary to care for the ill person.
- E. Falsification of either a signed written statement or a physician’s certificate shall be grounds for disciplinary action.
- F. Sick leave requests shall not be considered granted until the above statement has been submitted by the employee and approved by the Board or the Board’s designee.

7. Notification by Employee:

- A. When an employee is unable to report to work, the employee shall notify the employee’s immediate supervisor or other designated person, within one-half (1/2) hour after the time the employee is scheduled to report to work on each day of absence, unless emergency conditions make it impossible or other arrangements have been previously made with the supervisor.
- B. When notifying the employee’s supervisor, the employee shall indicate the nature of the illness, whether the employee plans to seek medical attention and shall leave an address and telephone number where the employee may be contacted.

C. If such notification is not made, the absence will be charged as being absent without leave (A.W.O.L.)

D. No payment will be made for such absence.

E. Exhaustion of sick leave is no excuse for failure to notify.

8. Notification of Extended Sick Leave:

A. In the case of a condition exceeding three (3) consecutive calendar days, a physician's statement specifying the employee's inability to report to work and the probable date of recovery shall be required and the following shall apply.

1) Institution or Hospitalization: When institutionalization or hospitalization is required, the employee shall be responsible for notifying the employee's immediate supervisor or other designated individual upon admission to and discharge from such institution or hospital, unless emergency conditions prevent such notification.

2) Convalescence: When convalescence at home is required, the employee shall be responsible for notifying the employee's immediate supervisor or other designated individual at the start, the expected length, and the termination of such period of convalescence.

9. Abuse of Sick Leave:

A. Employees failing to comply with sick leave rules and regulations shall be subject to the disciplinary procedure.

B. The Board maintains the right to investigate any employee's absence.

C. The employee may be required to submit to a medical examination, or other inquiry which the Board or the Board's designee deems necessary to investigate abuse of sick leave

D. Examples of sick leave abuse include but are not limited to the following:

1) Failure to notify the Employer of an absence.

2) Failure to provide medical documentation to support the use of sick leave when required.

3) Failure to apply for FMLA leave when eligible.

- 4) Failure to report the use of FMLA leave to the County's third-party administrator (TPA) pursuant to Section 6.10 (Family and Medical Leave of Absence).
- 5) Reaching a zero (0) sick leave balance – not having enough sick leave to cover an absence.
- 6) Pattern of sick leave abuse (see below).
- 7) Excessive absenteeism (see below).
- 8) Fraudulent documentation associated with the use of sick leave (Group III Violation).
- 9) Misuse of sick leave – using sick leave for purposes other than intended (Group III Violation).
- 10) Unless noted otherwise, the examples of sick leave abuse listed above will be considered Group I Violations under this policy.

E. Pattern of Sick Leave Abuse:

- 1) A pattern of sick leave abuse is defined as three (3) or more like occasions in a twelve (12) consecutive month period.
  - a) Before or after holidays, vacations, or other scheduled time off.
  - b) Before and/or after weekends or regular days off.
  - c) Any same day of the week.
  - d) Absence following overtime worked.
  - e) Continued pattern of maintaining a zero (0) sick leave balance.
  - f) Any other sick leave related pattern.
- 2) Absences covered by FMLA leave are not included when identifying a pattern.
- 3) A doctor's excuse does not preclude an absence from being included when identifying a pattern.

10. Excessive Absenteeism:

A. For the purpose of this section:



- 1) Sick leave means the use of paid leave, any paid leave approved in lieu of sick leave or the use of unpaid leave due to the exhaustion of sick leave.
- 2) Occasion means the utilization of sick leave as defined in this section from the beginning to the end of an employee's absence from work and excluding any return to work of less than one full day.
- 3) Excused occasion means the use of sick leave as defined in this section because of:
  - a) A documented appointment with a physician (M.D. or D.O.) or Dentist; or
  - b) Documented inpatient treatment at a medical facility.
- 4) Employees will not be charged with an occasion for absences covered by FMLA leave.
- 5) Occasions of unexcused sick leave used in excess of three (3) in a consecutive twelve (12) month period shall invoke the provisions of this policy:
  - a) Upon return to work from the fourth (4th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will receive a verbal warning.
  - b) Upon return to work from the fifth (5th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will receive a written reprimand.
  - c) Upon return to work from the sixth (6th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will receive a one-day suspension without pay.
  - d) Upon return to work from the seventh (7th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will receive a three-day suspension without pay.
  - e) Upon return to work from the eighth (8th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will receive a ten-day suspension without pay.

f) Upon return to work from the ninth (9th) unexcused occasion of sick leave use in a twelve (12) month period, the employee will be terminated.

B. After an employee has been disciplined for sick leave abuse, the employee is required to provide a doctor's excuse for all subsequent absences as long as the employee has active discipline related to sick leave abuse in their personnel file.

11. Medical Examination:

A. The Board may require an employee to submit to a medical examination conducted by a licensed medical practitioner selected by the Board to determine the employee's physical or mental capacity to perform the essential functions of the job, with or without a reasonable accommodation. This examination shall be at the Board's expense.

1) If the employee disagrees with the determination made by the Board's chosen license medical practitioner, the employee may request to be examined by a second licensed medical practitioner of the employee's choice and expense. If the reports of the medical practitioners' conflict, a third opinion shall be rendered by a neutral licensed medical practitioner chosen and paid for by the Board. The third opinion shall be controlling.

2) If an employee, after examination is found to be unable to perform the essential functions of the position with or without reasonable accommodation, the employee may request use of accumulated unused, paid and unpaid leave benefits, if applicable.

B. An employee's refusal to submit to an examination, to release the findings of an examination or to otherwise cooperate in the examination process will be considered insubordination.

C. The Board shall not require a medical examination and shall not made inquiries of an employee as to whether such employee is an individual with a disability or as to the nature or severity of the disability, unless such examination or inquiry is shown to be job-related and consistent with business necessity.

- D. The Board may request voluntary medical examinations and voluntary medical histories, which are part of a voluntary well ness program available to County employees.

12. Disability Separation:

- A. If a classified employee remains unable to perform the essential functions of the position after exhausting available leaves, the employee may request a voluntary disability separation.
- B. If, after exhausting available leave, an employee refuses to request a voluntary disability separation, the Board may place an employee on involuntary disability separation if the Board has substantial, credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential duties required of the employees position. Such involuntary disability separation may be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30

#### **SECTION 6.4: SICK LEAVE RETIREMENT PAY OUT**

Any Board employee who retires from active service with the County through a disability or service retirement under the Ohio Public Employees Retirement System (OPERS) who has five (5) or more years of service, shall be eligible to receive payment for 25% of employee accrued but unused sick leave up to a maximum payment of thirty (30) days. Such payment shall be based on the employee's rate of pay at the time of retirement.

Payment for sick leave in the above manner eliminates all sick leave accrued by the employee at the time. Such payment shall be made only once to any employee.

Once an employee is paid for a portion of their sick leave upon retirement under any state or municipal retirement system, the employee may not transfer any remaining sick leave balance should the employee reenter public employment with Richland County.

## **SECTION 6.5: BEREAVEMENT LEAVE**

1. In the event of a death in the immediate family of a Board non-bargaining unit employee, the employee shall request Funeral Leave with pay as follows:
  - a. Up to five (5) days to attend the funeral arrangements and carry out other responsibilities relative to the funeral for the following family members: spouse, child, stepchild, mother, father, stepmother, step father, grandchild, step grandchild, foster child currently in custody of the employee and for a person who stands in place of a parent.
  - b. Up to three (3) days to attend the funeral, make funeral arrangements and carry out other responsibilities relative to the funeral for the following family members: sister, brother, stepsister, stepbrother, half-sister, half-brother, grandparent, step grandparent, legal guardian.
  - c. Up to two (2) days to attend the funeral, make funeral arrangements and carry out other responsibilities relative to the funeral for the following family members: mother-in-law, father-in-law, son in law, daughter in law, aunt, uncle, niece, nephew.
  - d. Up to one (1) day to attend the funeral, make funeral arrangements and carry out other responsibilities relative to the funeral for the following family members: sister-in-law, brother-in-law, grandparent in law.
2. Additional time may be approved on a case-by-case basis at the sole discretion of the Board which shall be chargeable to any available accrued leave.
3. The board reserves the right to request documentation to support the request for funeral leave.

## **SECTION 6.6: MILITARY LEAVE**

Military leave is governed by ORC Chapters 5903, 5906, and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

### **1. Paid Military Leave:**

- A. Board employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to their Department Head or the Department Head's designee as soon as the employee becomes aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.
- B. Pursuant to ORC 5923.05, employees are authorized up to twenty-two (22) eight (8) hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or one hundred seventy-six (176) hours in a year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the less of (1) the difference between the employee's gross monthly wage and employee gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.
- C. Employees who are on military leave in excess of twenty-two (22) days or more than one hundred seventy-six (176) hours in a year may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.
- D. For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours in a calendar year, employees shall continue to be entitled to

health insurance benefits as if the employee is working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the twenty-two (22) days or one hundred seventy-six (176) hours and do not elect to utilize paid leave are not entitled to health insurance benefits on the same basis as if the employee is working. In these circumstances, employees will be provided notice of their rights to continue this coverage at their cost in accordance with applicable law. See the Family and Medical Leave Act Policy.

## **SECTION 6.7: CIVIC DUTY LEAVE**

### **1. Jury Duty:**

- a. Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, the employee must return to work for the remainder of the workday. The Board will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours the employee was scheduled on that day. The employee must give the Department Head or the Department Head's Designee prior notice of jury duty, and pay the employee's jury duty fee to the County in order to receive the employee's regular pay.

### **2. Work Related Proceedings:**

- a. Employees who are required by the Board to appear in court or other proceeding on behalf of the County, will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their Department Head or the Department Head's designee before appearing in court or administrative proceedings on behalf of the County. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their supervisor, who may then contact the Prosecutor's Office.

### **3. Personal Matters:**

- a. Employees who are required to appear in court on personal matters, or on matters unrelated to the employees' employment with the County, must seek approved vacation leave, personal day or unpaid leave of absence.



## **SECTION 6.8: PREGNANCY AND MATERNITY LEAVE**

1. Upon written request to the Board, a pregnant employee shall be granted a leave of absence without pay subject to the following:
  - a. Length of leave: leaves of absence shall be limited to the period of time that the pregnant employee is unable to perform the substantial and material duties of the employee's position. This period may include reasonable pre-delivery, delivery, and recovery time, as certified by a physician, not to exceed twelve (12) weeks.
    - 1) If the employee is unable to return to active work status within twelve (12) weeks, the employee shall be given disability separation according to the terms of Section 6.3.
  - b. Physician's certificate: a pregnant employee requesting a leave of absence without pay must present, at the time the request is made, a physician's certificate stating the probable period for which the employee will be unable to perform the substantial and material duties of the employee's position due to pregnancy, childbirth, or related medical conditions.
  - c. Sick leave usage: upon request and in accordance with Section 6.3 herein, a pregnant employee shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time, as certified by the physician's certificate, that the employee is unable to work as a result of pregnancy, childbirth, or related medical conditions. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period as defined in Paragraph (1) of this policy.
  - d. Vacation leave usage: subject to the provisions contained in Section 6.2 herein, a pregnant employee, upon request, will be permitted to use any or all of the employee's accumulated vacation leave at any reasonable time prior to or following childbirth. Such vacation leave may precede, be part of, or follow the period as defined in Paragraph (1) of this policy.
  - e. Request for leave: requests for leave of absence, sick leave, personal leave or vacation leave made pursuant to this policy are subject to the approval of the Board.

## **SECTION 6.9: UNPAID LEAVE**

1. Employees may request an unpaid leave of absence for professional, educational or other personal reasons.
2. Written requests for unpaid leave shall be submitted to the Board and must include the reason the leave is being requested and documentation to support the need. Unpaid leave must be requested and approved prior to being used.
3. Employees who do not report to work and who do not have approved leave to cover the absence will be considered “no show” pursuant to Section 7.2 (Unexcused Absence / Tardiness) and will be subject to disciplinary action in accordance with policy.
4. An unpaid leave of absence may be granted for one day to six months for reasons the Board deems appropriate.
5. The Board has the sole discretion to grant or deny unpaid leave.
6. While on unpaid leave, employees shall not accumulate paid leave or holiday pay. An employee on unpaid leave of absence will be given COBRA notification regarding the employee’s health insurance benefits.
7. Employees will be put on inactive pay status during any period employees are on approved unpaid leave.
8. Upon completion of approved unpaid leave, the employee will be returned to the employee’s former position or to a similar position within the same classification.
9. The Board may revoke an unpaid leave of absence at the Board’s sole discretion upon one week’s written notice to the employee that he must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be ordered to return to work immediately.
10. This section does not apply to approved FMLA leave. FMLA leave without compensation is addressed in the “Family and Medical Leave of Absence” section.

## **SECTION 6.10: FAMILY AND MEDICAL LEAVE OF ABSENCE**

1. Statement of Policy: Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.
  - A. The County utilizes a third-party administrator to administer FMLA leave for our employees. The third-party administrator has the authority to act on behalf of the Employer in the administration of the FMLA.
  - B. Employees are expected to follow the guidelines contained in this policy. Failure to comply may result in a delay or denial of coverage and will result in disciplinary action in accordance with policy.
2. Definitions: as used in this policy, the following terms and phrases shall be defined as follows:
  - A. “Family and/or Medical Leave of Absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
    - 1) Upon the birth of an employee’s child and in order to care for the child.
    - 2) Upon the placement of a child with an employee for adoption or foster care.
    - 3) When an employee is needed to care for a family member who has a serious health condition.
    - 4) When an employee is unable to perform the functions of employee position because of the employee’s own serious health condition.
    - 5) Qualifying service member leave.
  - B. “Service Member Leave”: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty.” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or

illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

- C. “Per Year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the Employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four weeks beginning June 1, 2009, and four weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.
- D. “Serious Health Condition”: Any illness, injury, impairment, or physical or mental condition that involves:
- 1) Inpatient care.
  - 2) Any period of incapacity of more than three consecutive calendar days that also involves:
    - a) Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
    - b) Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
  - 3) Any period of incapacity due to pregnancy or for prenatal care.
  - 4) A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.

- 5) Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.).
  - 6) Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
- E. "Licensed Health Care Provider": A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- F. "Family Member": Spouse, child, parent, or a person who stands "in loco parentis" to the employee.
- G. "Covered Service Member": Means either:
- 1) A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
  - 2) A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
    - a) Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five-year period for covered veteran status.
- H. "Outpatient status": The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.

- I. “Next of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
- J. “Serious Injury or Illness”: For purposes for the twenty-six (26)-week military caregiver leave means either:
- 1) In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating;
  - 2) In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
    - a) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
    - b) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
    - c) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
    - d) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans

Affairs Program of Comprehensive Assistance for Family Caregivers.

K. “Covered Active Duty” or “call to covered active duty”:

- 1) In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active-duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country).
- 2) In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR 825.126.

L. “Deployment to a Foreign Country”: Means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

M. “Qualifying Exigency”: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

- 1) Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days’ notice.
- 2) Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active-duty status of a covered military member.
- 3) Qualifying childcare and school activities arising from the active duty or call to active-duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if

necessary due to circumstances arising from the active duty or call to active duty of the covered military member.

- 4) Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- 5) Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active-duty status of the covered military member.
- 6) Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- 7) Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- 8) Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.

3. Leave Entitlement: To be eligible for leave under this policy, an employee must meet all of the following conditions.

- A. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.



- B. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
  - C. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius. County health districts and the County are not considered a single Employer for purposes of FMLA leave entitlement.
  - D. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
  - E. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.
4. Use of Leave: The provisions of this policy shall apply to all family and medical leaves of absence as follows:
- A. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with/concurrent to their use of accumulated unused unpaid FMLA leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
    - 1) If an employee exhausts all of their paid leave and remains on FMLA leave, the remaining FMLA leave shall be taken without compensation.
  - B. Birth of an Employee's Child: An employee who takes leave for the birth of the employee's child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum

- recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. (Note: See sub section entitled “FMLA and Disability/Workers’ Compensation: for information on disability leaves.)
- C. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
  - D. Employee’s Serious Health Condition or Family Member’s Serious Health Condition: An employee who takes leave because of the employee’s serious health condition or the serious health condition of an employee’s family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
5. FMLA and Disability/Workers’ Compensation: An employee who is eligible for FMLA leave because of the employee’s own serious health condition may also be eligible for workers’ compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using workers’ compensation benefits, the employee must use FMLA leave and count it against the employee’s twelve-week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the workers’ compensation program, the employee is not eligible to use paid leave of any type.
6. Procedures for Requesting FMLA Leave:
- A. Requests for FMLA leave must be submitted to the County’s third-party administrator at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days’ notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the Employer receives notice.
  - B. The employee must follow the regular reporting procedures for each absence.

- C. The third-party administrator will determine whether the leave qualifies as FMLA leave.
- D. In instances where employees are eligible for FMLA leave and fail to follow required procedures, the Employer shall designate any such leave against the employee's twelve (12) week entitlement and the third-party administrator will notify the employee that the leave has been so designated.
- E. Employees are responsible for submitting all required documentation, including but not limited to, medical forms completed by a healthcare provider, to the County's third-party administrator by the specified deadline.
- F. When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

7. Certification of Need for FMLA Leave for Serious Health Condition:

- A. An employee requesting FMLA leave due to employee family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable.
- B. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.
- C. The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.
- D. The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own

expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

- E. Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the Employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

8. Certification for Leave Taken Because of a Qualifying Exigency:

- A. The Employer may request that an employee provide a copy of the military member's active-duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

9. Intermittent/Reduced Schedule Leave:

- A. When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition.

- B. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Employer.
- C. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable. To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Employer to discuss the intermittent or reduced schedule leave.
- D. An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule.
- E. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

10. Employee Benefits:

- A. Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave.
- B. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid

FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

- C. The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for employee portion of the premium is late by more than thirty (30) days.
- D. Employees participating in the Employer's medical, dental and life insurance programs who are in an inactive pay status are responsible for paying their employee premium for medical, dental and voluntary life insurance by the 5<sup>th</sup> of each month while in inactive pay status by forwarding a check made payable to the Richland County Treasurer and forwarded to Central Services. If payment is not paid by the last check date of the month, the employee will receive COBRA notification.
- E. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.
- F. If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave.
- G. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.
- H. FMLA leave, whether paid or unpaid, will not constitute a break in service.
- I. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, employees will not accrue sick leave, vacation, personal leave or holidays during any period of unpaid FMLA leave.

11. Reinstatement:

- A. An employee on FMLA leave must give the Employer at least two business days' notice of employee intent to return to work, regardless of the employee's anticipated date of return.
- B. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave.
- C. The determination as to whether a position is an "equivalent position" will be made by the Employer.
- D. An employee will not be laid off as a result of exercising the employee's right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested.
- E. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the employee's FMLA leave.
- F. Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of employee position, with or without reasonable accommodation.

12. Records:

- A. All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file.
- B. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

C. Records and documents created for purposes of FMLA leave containing FMLA leave history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.



### **SECTION 6.11: PERSONAL DAYS**

1. Each full-time non-bargaining unit employee of the Board, except newly hired probationary employees, may take up to three (3) personal days off with pay per calendar year at a time mutually agreeable to the employee and employee supervisor or department head.
2. This time may be taken in one (1) hour increments.
3. Any personal days not used by December 31<sup>st</sup> of each year will be forfeited.
4. Newly hired probationary employees shall become eligible for usage of personal days on January 1<sup>st</sup> following the completion of their probationary period.
5. Personal days are intended to be used as time off and not as a paid benefit.
6. Employees who do not use their personal days by December 31<sup>st</sup> of each year will not be paid for this time.
7. Employees who separate from employment with the Board will not be paid for any unused personal days upon separation.

## **SECTION 6.12: SICK LEAVE DONATION POLICY**

This policy, pursuant to Ohio Revised Code Section 124.391, has been adopted by the Richland County Board of Commissioners, for all agencies and Appointing Authorities.

1. Each Appointing Authority may elect to participate in this program; however, this program may only be administered pursuant to the specific guidelines outlined herein under the exclusive authority of the Board of Commissioners. Modifications and exceptions are prohibited.
  - A. The donation plan for each employee must be in writing using the attached forms.
  - B. The donation cannot exceed a term greater than 240 hours.
  - C. The employee in critical need must be paid the employee's hourly rate from the donated hours.
  - D. The County's benefit administrator must be notified when an employee participates in this plan.
  - E. The employee may participate in this program once per year, defined as a rolling twelve (12) month period measured backward from the date an employee initiates a request to receive a donation of sick leave.
  - F. To qualify as having a "Critical Need" for the purposes of this policy, an employee must meet the following criteria:
    - 1) The employee must have a serious illness, injury, or impairment, that involves either inpatient care or continuing treatment by a health care provider.
    - 2) This serious illness or injury must be documented by a physician using the attached form.
    - 3) The illness or injury cannot be work related.
    - 4) The employee cannot be eligible for any other paid leave or other employee pay benefit program.
    - 5) The employee must have been employed by the County for at least one (1) year prior to making a request to receive a sick leave donation.

- 6) The employee must have had a minimum sick leave balance of at least 100 hours within six (6) months prior to their request to receive a sick leave donation for serious illness or injury.
- G. The employee must have properly completed and submitted the necessary paperwork to the Appointing Authority and the Director of Human Resources.
- 1) Request to Receive Donation of Sick Leave.
  - 2) Authorization for Voluntary Donation of Leave.
  - 3) Physician's Certification.
  - 4) Supporting documentation of the above (such as pay stub showing leave balances, etc.)
- H. The above-mentioned paperwork has been verified and approved in writing by the Director of Human Resources.
- I. Employees who have been disciplined for any type of sick leave abuse or related violation within five (5) years prior to the date of the request will not be eligible to receive donated sick leave.
- J. The employee wishing to donate leave shall:
- 1) Complete the "Authorization for Voluntary Donation of Leave" form.
  - 2) Certify that the employee will have a minimum combined leave balance of at least 240 hours following the donation of leave; and
  - 3) Understand that the leave is donated voluntarily and will not be returned.
- K. This program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which the employee would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall be considered sick leave but shall never be converted into a cash benefit.
- L. Falsification of any documentation required for participation in this program shall be grounds for disciplinary action.

- M. This program shall not be interpreted as an amendment to any existing Collective Bargaining Agreement. Whether the program is incorporated into an agreement so as to become a collectively bargained benefit shall be determined solely by the parties of each agreement. Nevertheless, any negotiated plan cannot be inconsistent with the terms and conditions set forth in this policy.
- N. The adoption of this policy to implement the sick leave donation program shall not be interpreted to be and is not a Plan Amendment to the Richland County Health Insurance Plan.
- O. This Sick Leave Donation Program shall be and is limited to solely the employees within each respective agency or Appointing Authority that has elected to adopt the policy and shall not be expanded, transferred to or be combined with any other agency and/or Appointing Authority regardless of whether it has also implemented a leave donation plan.
- P. Appointing Authorities shall ensure that no employees are forced to donate leave. The Appointing Authorities shall also respect the employee's right to privacy, however, the Appointing Authorities may, with the permission of the employee who is in need, inform employees of their co-worker's critical need for leave. Appointing Authorities shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

For any questions regarding this policy, please contact the Director of Human Resources at (419) 774-5492.

## **RICHLAND COUNTY SICK LEAVE DONATION PROGRAM**

### Request Form

Date: \_\_\_\_\_

Employee Name (making request): \_\_\_\_\_

Department: \_\_\_\_\_ Phone: \_\_\_\_\_

### CERTIFICATION

I, \_\_\_\_\_, do hereby certify that I meet or have complied with each of the following terms of the Richland County Sick Leave Donation Program:

1. I have a serious illness or injury and intend to use the donated time for that specific illness or injury only.
2. The illness or injury is not work related.
3. I have had a minimum sick leave balance of 100 hours within six (6) months prior to making this request. (Supporting documentation is attached)
4. I am not eligible for any other paid leave or other employee pay benefit program. (Supporting documentation is attached.)
5. I have certified eligibility to the County's benefit administrator that I meet and have complied with the terms of Richland County's Sick Leave Donation Program.

Pursuant to the Richland County Commissioners' sick leave donation policy, I agree to accept a donation of sick leave for a time period not to exceed 240 hours. I understand that falsification of any documentation required for participation in this program will be grounds for disciplinary action.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### AUTHORIZATION:

\_\_\_\_\_  
Department Head / Appointing Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
Date

## **RICHLAND COUNTY SICK LEAVE DONATION PROGRAM**

### **Donation Form**

Date: \_\_\_\_\_

Employee Name (making donation): \_\_\_\_\_

Department: \_\_\_\_\_ Phone: \_\_\_\_\_

### **CERTIFICATION**

I, \_\_\_\_\_, do hereby certify that I meet and have complied with each of the following terms of the Richland County Sick Leave Donation Program:

- I wish to donate a portion of my accrued paid leave to:  
Name: \_\_\_\_\_ Department: \_\_\_\_\_
- I would like to donate \_\_\_\_\_ hours of my \_\_\_\_\_ time (Not to exceed 240 hours).
- Upon the donation of this time, I certify that I will have a minimum combined leave balance of at least 240 hours (Please provide documentation.) and;
- I am voluntarily donating this leave and I understand that it will not be returned to me.

Pursuant to the Richland County Commissioners' sick leave donation policy, I agree to accept the terms of this policy.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

### **AUTHORIZATION:**

\_\_\_\_\_  
Department Head / Appointing Authority

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director of Human Resources

\_\_\_\_\_  
Date

**Physician Certification for Sick Leave Donation Eligibility**

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Department: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Status: \_\_\_\_\_ Full-Time      \_\_\_\_\_ Part-Time      \_\_\_\_\_ Temporary

---

\*\*To be completed by Appointing Authority or Department Head's designee\*\*

The above-named employee, an employee of Richland County, is requesting to receive a donation of sick leave.

It is our understanding that you are currently treating: \_\_\_\_\_

The employee is requesting full day leave from: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

The employee is requesting intermittent or a reduced leave schedule for the following \_\_\_\_\_ dates:

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

**To be completed by the physician:**

Please assist us by clarifying the facts about the requested leave by completing the information below:

1. As a duly authorized medical care provider, I certify that I am currently treating: \_\_\_\_\_.
2. The patient has been diagnosed and is receiving treatment for the following serious illness or injury: \_\_\_\_\_.
3. The relevant medical facts regarding the patient's serious illness or injury include the following: \_\_\_\_\_.
4. The serious illness / injury began on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_
5. In my opinion, the serious illness / injury will last until (provide date if possible): \_\_\_\_\_.
6. As a result of this serious illness / injury, it is my opinion that:

\_\_\_\_\_ The employee is currently unable to perform employee employment functions.

\_\_\_\_\_ Intermittent leave is medically necessary for the employee.

\_\_\_\_\_ None of the above.

7. In my opinion, the Employee will not be able to return to work until (provide Date if possible): \_\_\_\_\_.



8. If the employee requires treatment of the serious illness or injury, that necessitates intermittent leave, please describe the treatments to be administered: \_\_\_\_\_  
\_\_\_\_\_

9. The date of these treatments will be: \_\_\_\_\_

10. In my opinion, the treatments will last until: \_\_\_\_\_

11. As a result of the employee's serious illness / injury and/or necessary treatments, it is my opinion that the employee will be unable to perform employee employment functions and therefore, unable to work during the following intermittent periods:

From: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_      From: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

From: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_      From: \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_

Physician's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Physician's Printed Name: \_\_\_\_\_

Office Mailing Address: \_\_\_\_\_

Office Phone #: \_\_\_\_\_ Office Fax #: \_\_\_\_\_

## **SECTION 7.1: NOTIFICATION OF ABSENCE**

1. Employees are expected to promptly report to work and return from breaks and their lunch period as scheduled. Failure to comply with this policy will result in disciplinary action in accordance with the appropriate policy herein.
2. All absences from work must be reported to the employee's immediate supervisor or designee, at least one (1) hour prior to the employee's scheduled starting time. Only absences logged by the immediate supervisor or designee will be considered for approval. No absence is approved until the proper form has been submitted and the absence has been reviewed and approved by the Department Head or the Department Head's designee.
3. When an employee returns to work following an absence, such employee must immediately report to the employee's immediate supervisor or the immediate supervisor's designee. The employee shall be issued a form to complete which allows the employee to explain the reason for the employee's absence, unless such form was required to be completed prior to the absence (i.e. vacation, leave of absence). Any written documents which substantiate the employee's reason shall also be submitted at this time. This form and other written documentation will be reviewed by the Department Head or the Department Head's designee to determine whether the absence will be approved.
4. Employees working in departments which operate on twenty-four (24) hours a day basis must report off two (2) hours prior to the start of their scheduled shift.

## **SECTION 7.2: UNEXCUSED ABSENCE, TARDINESS**

1. Employees are expected to be at their established reporting location and be ready to begin work by the scheduled starting time.
  - A. An employee shall be considered tardy if the employee fails to arrive for work or returns from breaks or lunch periods by the employee's scheduled starting time and shall continue to be considered tardy up to one hundred and twenty (120) minutes until the employee reaches the assigned work location.
  - B. Employees more than one hundred and twenty (120) minutes late will be considered "Absent Without Leave" (AWOL) and subject to disciplinary action in accordance with the applicable policy herein.
  - C. Employees who fail to report for an entire shift will be considered "no show" and subject to disciplinary action in accordance with the applicable policy herein.
2. Supervisors will log the time of employees arriving late and will be responsible for initiating the appropriate disciplinary action with Human Resources for unexcused absence or unexcused tardiness.
3. Whenever an employee is late, that employee shall be subject to a reduction in pay corresponding to the amount of time the employee arrived late. Such deductions will be figured to the nearest tenth of an hour, unless otherwise established by a Collective Bargaining Agreement.
4. Disciplinary action pursuant to this policy shall be based on the number of points accumulated in the previous twelve (12) months from the date of the most recent infraction. Infractions are given the following number of points.
  - A. Unexcused tardy – 1 point each day.
  - B. A.W.O.L. – 2 points each day

C. No Show – 3 points each day

5. Discipline shall be as follows:

<b>POINTS</b>	<b>PENALTY</b>
<b>One (1) Point</b>	<b>Verbal Warning</b>
<b>Two (2) Points</b>	<b>Written Reprimand</b>
<b>Three (3) Points</b>	<b>1 Day Suspension</b>
<b>Four (4) Points</b>	<b>3 Day Suspension</b>
<b>Five (5) Points</b>	<b>5 Day Suspension</b>
<b>Six (6) Points</b>	<b>10 Day Suspension</b>
<b>Seven (7) Points</b>	<b>Termination</b>

6. Leaving work before the scheduled quitting time may be considered a similar violation or may be considered as neglect of duty depending on circumstances associated with the violation.

### **SECTION 7.3: BREAKS**

The Board or the Board's designee shall establish daily work schedules.

The Board or the Board's designee may establish two rest periods each full work day not to exceed fifteen (15) minutes each, as authorized by the employee's immediate supervisor. Rest periods shall be considered a privilege and shall never interfere with the proper performance of the work responsibilities of the department. Such rest periods shall be considered as part of the employee's normal work time and employees shall be subject to being recalled to work at any time during their rest period.

#### **SECTION 7.4: LUNCH PERIOD**

1. All Board employees are entitled to a lunch period.
2. The Board shall determine whether the lunch period is paid or unpaid.
3. Lunch period scheduling is subject to approval by the employee's immediate supervisor.

## **SECTION 7.5: SAFETY AND HEALTH**

Workplace safety and health are of primary concern to the County. The safe performance of all work assignments is the responsibility of all supervisory and non-supervisory personnel. It is the responsibility of each to ensure that all safety equipment is used and all safety procedures and practices observed.

1. Any employee found to be not willfully negligent in the performance of the employee's duties, resulting either in damage to equipment or injury to another individual, shall be disciplined according to the discipline policy outlined herein.
2. Any employee found to be willfully negligent in the performance of their duty, resulting either in damage to equipment or injury to another individual, shall be subject to disciplinary action pursuant to policy.
3. All employees are charged with the responsibility for reporting the existence of any hazardous conditions or practices in the workplace utilizing the forms prescribed by Risk Management. The original form goes to the next higher level of authority with a copy provided to the employee and Risk Management for reference and follow up.
4. Supervisors found to be negligent in requiring the use of prescribed safety equipment and the observance of established safety procedures and practices will be subject to disciplinary action up to and including termination.
5. Any accident occurring during working hours shall be reported to the Department Head and Risk Management immediately.

## **SECTION 7.6: ACCIDENTS**

1. Any County employee involved in an on-the-job accident resulting in personal injury or property damage, no matter what the degree of injury or damage, shall immediately report such accident to the employee's supervisor and complete the prescribed form(s) required by Risk Management. Copies of the forms shall immediately be forwarded to Risk Management.
2. Failure to report an accident, notify the proper legal authorities, or to complete the prescribed form(s) required by Risk Management shall subject that employee to disciplinary action pursuant to policy unless the injury is so substantial so as to prevent the employee from reasonably complying with this section.



## **SECTION 7.7: SUPPLIES, INSTRUMENTS, AND OTHER EQUIPMENT**

1. When supplies, instruments and equipment needed to perform job duties are provided by the Employer, it becomes the responsibility of supervisors to see that employees properly use and maintain such items.
2. Misuse, neglect, theft, and abuse of supplies, instruments and equipment is prohibited. Accidents involving misuse of the above may be cause for disciplinary action. Loss of supplies and equipment may require payment by the employee for those items lost.
3. All supplies, instruments and/or equipment utilized by the employee in the performance of the employee's job is subject to the proper approval of the Board.
4. Employees will operate only the specific equipment assigned to the employee or for which employees have received approval to operate.

## **SECTION 7.8: LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from other employees, teleworking video systems, and members of the public.

Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

Employees who request reasonable accommodation for known limitations related to pregnancy, childbirth, or related medical conditions will be provided accommodations that do not cause undue hardship to the Employer.

## **SECTION 7.9: DRIVER ELIGIBILITY & VEHICLE OPERATIONS**

1. Driver Eligibility: the following policy applies to all County employees who drive County-owned/leased vehicles and/or their personal vehicles on County business.

### **A. General Provisions:**

- 1) Employees, unless otherwise authorized by the Employer, are required to provide their own means of transportation to and from their reporting site.
- 2) If an employee is authorized to take a County vehicle home, it shall only be used for transportation to and from their reporting site and for specifically authorized work related to their employment.
- 3) The Employer may revoke the privilege of driving a County vehicle home at any time unless otherwise stated in a Collective Bargaining Agreement.
- 4) Employees who operate motor vehicles on County business must be at least eighteen (18) years of age and are required to obtain and maintain a valid Ohio Motor Vehicle and/or a Commercial Driver's License (as applicable) as a condition of employment.
- 5) Employees are required to report in writing to the employees' Appointing Authority or the Appointing Authority's designee no later than the next working day any Motor Vehicle Law moving violation.
- 6) Employees are required to adhere to safe and courteous driving practices while on County business. County employees must obey all traffic laws, as well as County policy and departmental work rules for public safety at all times.
- 7) Individuals found to be in violation of this policy will be subject to discipline in accordance with the County's progressive disciplinary policy.

B. Guidelines: the guidelines for use of County-owned or leased vehicles/equipment shall be as follows:

- 1) County employees shall not operate vehicles on County business without the specific approval of their Appointing Authority or the Appointing Authority's designee.
- 2) Persons other than County employees may be passengers in County-owned or leased vehicles in the following circumstances, and only with the knowledge and consent of the Appointing Authority or the Appointing Authority's designee responsible for such vehicles:
  - a) When such persons are official guests of the County or guests of the employee responsible for the vehicle, and the vehicle is being used for purposes relating to County business.
  - b) When required for conducting official County business.
  - c) In any other case when specific approval is granted by the Appointing Authority or Department Head.
- 3) County-owned vehicles shall be used only for purposes related to County business.
- 4) County vehicles are to be kept on County property (i.e. treatment plants, County-owned parking areas, etc.) overnight and on non-workdays except when otherwise approved by the Appointing Authority. County-owned vehicles authorized by the Appointing Authority to be driven to the employee's residence are to be parked in a safe and secure place such as a garage or private driveway. County-owned vehicles shall remain on County property when the employee (with the assigned vehicle) is on vacation, sick leave, injury leave, etc. or if the employee has been assigned light duty or transitional work that would preclude the employee from being called in to work outside of the employee's assigned shift.

- 5) Any County fuel card shall be used for County business only. Any use of a County fuel card for other use will result in disciplinary action up to and including termination in accordance with the County's progressive disciplinary policy.
- 6) For a personal vehicle to be used for County business, proof of insurance must be furnished prior to use. Richland County's insurance will act as secondary insurance coverage in excess of the employee's personal insurance when a personal vehicle is being used for County business. The employee is required to carry personal insurance with limits of insurance of at least \$100,000 for bodily injury per person; \$300,000 for bodily injury per occurrence; and \$100,000 for property damage per occurrence; or a combined single limit of \$300,000.
- 7) Only those individuals with no points on their driving record will be permitted to drive as a volunteer on the County's behalf. Individuals already driving as volunteers on the County's behalf are required to report, in writing, to the Appointing Authority / Department Head immediately any Motor Vehicle Law violation. Those individuals who drive as volunteers on behalf of the County will lose the privilege to continue driving as volunteers if the volunteer receives a Motor Vehicle Law violation which results in points on their driving record.
- 8) All employees and volunteers must receive a copy of this policy and complete and sign a Schedule C acknowledging such.

C. Defensive Driver Training:

- 1) Defensive driver training will be required as a way to ensure that effective and safe operation is to be maintained.
- 2) Newly hired employees shall successfully complete Defensive Driver Training prior to driving on County business. Additionally, all employees who drive any vehicle, including their own personal vehicle, on County business are required to successfully complete Defensive

Driver Training at regular intervals throughout their employment. In no case shall the intervals exceed five years.

- 3) If a driver has two moving violations or four points within a three-year period, the driver will be required to attend a driver education course on the avoidance of accidents.
- 4) Acceptable courses include in-person defensive driving courses sponsored by CORSA or CORSA University online courses or any other course specifically approved by the County.

D. Violations:

- 1) County employees' driving records as maintained by the State of Ohio Bureau of Motor Vehicles (BMV) will be reviewed on a continual basis. Driving suspensions will occur when an employee has accumulated six points or three moving violations on their driving record. Driving suspensions will remain in effect until subsequent reviews determine that the offenses have been removed from the abstract record.
- 2) In any case where the Appointing Authority has suspended the employee's driving eligibility and driving is an essential function of the employee's job, the Appointing Authority may take appropriate disciplinary action, up to and including termination as permitted by department policy, laws and regulations of the State of Ohio, and any applicable Collective Bargaining Agreement.
- 3) Employees must immediately notify their Appointing Authority or Department Head in any case where their license has expired or is suspended or revoked. Additionally, the employee must report any and all accidents, arrests, violations, and citations issued to the employee the next working day scheduled to work. Failure to do so will result in disciplinary action pursuant to the County's progressive disciplinary policy.

- 4) Employees are personally responsible for the cost of any and all traffic (moving and non-moving) citations incurred as a result of their operation of a vehicle.

## 2. Vehicle Operations:

### A. Vehicle Operations:

- 1) County vehicles shall be operated without abuse to assure the full life expectancy of the vehicle. Vehicles shall include any automobile owned or leased by the County.
- 2) No employee shall modify a County vehicle without express permission from the Appointing Authority. This includes but is not limited to affixing signs, stickers, antennas, bike racks, ski racks, etc.
- 3) County vehicles shall be used in a manner that minimizes fuel consumption.
- 4) Employees and all passengers shall comply with the state statute on seatbelt usage.
- 5) Smoking is prohibited in all County owned or leased vehicles.
- 6) Employees are strictly prohibited from text messaging while driving and subject to all of the additional prohibitions relative to the handling of electronic wireless communications devices while driving as set forth in Ohio Revised Code Section 4511.204.
- 7) If a vehicle breaks down or has a flat tire, the employee must immediately contact the employee's supervisor and arrangement should be made to have a towing company either fix / exchange the tire or transport the vehicle to a repair shop or seek repairs from the State Highway Patrol. Unless the employee has been specifically trained for flat tire repairs, the employee shall not attempt to complete the work.

An employee, upon authorization of employee's Appointing Authority, may replace a flat tire with a spare tire.

- 8) Any motor vehicle accident occurring while the employee is engaged in County business shall be immediately reported to the employee's supervisor. Additionally, the following procedure must be followed:
  - a) No matter how minor the accident, the driver of a County vehicle should stop.
  - b) Seek medical assistance, if necessary.
  - c) Call law enforcement or 911 and report the accident.
  - d) Employee shall make no statements as to responsibility and shall not advise the other parties involved that the County will pay for damages resulting from said accident.
  - e) Complete an incident report.

**B. Vehicle Maintenance and Inspections:**

- 1) All County-owned vehicles must be maintained according to the manufacturer's recommendations.
- 2) Vehicles must be inspected annually and given an inspection sticker from the Ohio State Highway Patrol. This may be done through Risk Management at a scheduled fleet inspection.
- 3) All work performed on County-owned vehicles must be completed by a qualified mechanic. Prior to taking a vehicle in for service, the following items should be checked to make sure items are in working order so items can be serviced at the same time if need be:
  - a) Brakes, including emergency brakes.



- b) Headlights.
  - c) Taillights.
  - d) License plate light.
  - e) Turn signals.
  - f) Windshield wipers.
  - g) Horn.
  - h) Also, tire tread must have a minimum of 1/16 inch depth and must be free of major bumps, bulges, breaks or treat damage. Rims may not be badly twisted or bent.
- 4) Any defects or deficiencies must be reported to a supervisor immediately.
  - 5) If any of the above-mentioned items are not in working order, the vehicle should not be driven until it has been repaired.
  - 6) Routine, preventative and other vehicle maintenance must be recorded in a paper or electronic vehicle history file in chronological order. Included shall be dates, repair details and descriptions and mileage.
  - 7) Inspection logs must be placed in the individual vehicle history folder at least annually.

## **SECTION 7.10: RADIO OPERATING PROCEDURES**

The operation of two-way radio communications is subject to regulations established by the Federal Communications Commission. Therefore, the following guidelines have been established to avoid violation of F. C. C. regulations:

1. Radios are to be used only for official County business, including any personal emergency messages;
2. Foul or abusive language shall not be used over the radio at any time;
3. Radios shall not be used for heckling, kidding, or teasing fellow employees or for transmitting non-business-related messages; and
4. Correct sign-on and sign-off procedures shall be followed when using the radio.

### **SECTION 7.11: USE OF TELEPHONES**

1. Use of County telephones for other than business purposes without prior approval of the employee's immediate supervisor is prohibited.
2. Department Heads may implement rules regulating the use of personal cell phones during working hours.

### **SECTION 7.12: GAMBLING**

The Board does not permit gambling in any form by Board employees during the work day. For the purpose of this policy, the work day includes working hours, paid lunch periods, clean-up time, and breaks. Violation of this policy will be cause for disciplinary action.

### **SECTION 7.13: OUTSIDE EMPLOYMENT**

1. Under no circumstances shall a County employee have other employment which conflicts with the policies, objectives and operations of their position with the County.
  - A. In addition, an employee shall not become indebted to a second Employer whose interests might be in conflict with those of the County office in which the employee is employed.
2. Employment “conflicts” as set forth in this policy, is when a second job impairs the employee’s ability to perform the duties of the employee’s position with the County.
3. Outside employment must be approved in advance by the Board.
4. Full-time employment by Richland County shall be considered the employee’s primary occupation, taking precedence over all other occupations.
5. Employees with approved outside employment, are not permitted to work their secondary job while on paid sick leave or during a period where the employee is on approved FMLA leave.
6. “Outside” employment shall be a concern of the Board only if it adversely affects the employee’s performance on the employee’s County job.
  - A. Two common employment conflicts which may arise are:
    - 1) Time Conflict: Defined as when the working hours required of a “secondary job” directly conflict with the scheduled working or overtime hours of an employee’s job with the County; or when the demands of a “secondary job” prohibit adequate rest, thereby adversely affecting the quality of an employee’s job performance with the County.

- 2) Interest Conflict: Defined as when an employee engages in “outside employment” which tends to compromise an employee’s judgment, actions and/or job performance with the County.
7. Employees requesting authorization for outside employment, must disclose any potential conflict of interest at the time employees submit their request.
8. Should a Department Head determine that an employee’s outside employment is adversely affecting the employee’s job performance with the County, the Board may require that the employee refrain from such activity.
- A. Any policy infraction, or other specific offense, which is the direct or indirect result of an employee’s participation in outside employment shall be disciplined in a manner consistent with the policy set forth in this manual.
9. Failure to disclose and/or have outside employment approved will result in disciplinary action pursuant to policy.
10. Employees are prohibited from performing duties from their secondary jobs while being paid by the County.

**RICHLAND COUNTY BOARD OF COMMISSIONERS**  
**REQUEST FOR OUTSIDE EMPLOYMENT**

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

Department: \_\_\_\_\_ Position: \_\_\_\_\_

Please accept this as my request for outside employment pursuant to Richland County Board of Commissioners Policy 7.13.

Employer Name: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Supervisor: \_\_\_\_\_

Weekly Schedule: \_\_\_\_\_ # of Hours/Week: \_\_\_\_\_

Type of Work Performed: \_\_\_\_\_

By making this request for authorization to work outside employment, I understand the following:

1. I am not to work outside employment until I have received written approval of my request;
2. If approved, this request may be rescinded at any time pursuant to Policy 7.13;
3. I am not considered a representative of Richland County while working outside employment;
4. I represent that no conflict of interest exists between my primary occupation with the County and the requested outside employment.

\_\_\_\_\_

Employee Signature

\_\_\_\_\_

Date

**TO BE COMPLETED BY EMPLOYER**

DEPARTMENT HEAD:

BOARD OF COMMISSIONERS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

### **SECTION 7.14: DRESS**

1. The Board or the Board's designee reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interest of County service.
2. The Board requires that an employee's clothing and overall appearance be clean, appropriate, in good taste, and present a professional public image.
3. Clothing shall be conducive to the safe, practical and effective performance of required job duties.
4. All employees required to wear a uniform or other prescribed clothing shall wear such uniform or prescribed clothing when on duty and in the manner prescribed by the Board.



### **SECTION 7.15: SOLICITATION AND SALES**

Solicitations, sales, and/or collections of any nature are not permitted on County property on County time, i.e., during working hours, without the written approval of the Board.

## **SECTION 7.16: POLITICAL ACTIVITY**

This policy lists the specific political activities legally permitted and prohibited to all classified County employees, including classified employees on authorized leave of absence from their positions.

1. Activities permitted to classified employees:

- A. Registration and voting.
- B. Expressing opinions, either orally or in writing.
- C. Voluntary financial contributions to political candidates or organizations.
- D. Circulating petitions on legislation relating to their employment.
- E. Attendance at political rallies. Employees may attend political rallies that are open to the general public.
- F. Nominating petitions. Employees may sign nominating petitions in support of individuals.
- G. Political pictures. Employees may place political stickers on their private automobiles or wear badges or button while not on duty.

2. Activities prohibited to classified employees:

- A. Participating in a partisan election as a candidate for office.
- B. Declaring candidacy for an elected office which is filled by partisan election.
- C. Circulating official nominating petitions for any candidate.
- D. Holding an elected or appointed office in any political organization.

- E. Accepting appointment to any office normally filled by election.
- F. Campaigning by writing for publications, by distributing political materials or by making speeches on behalf of a candidate for elective office.
- G. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate.
- H. Soliciting the sale of or selling political party tickets, materials, or other political matter.
- I. Engaging in activities at the political polls, such as soliciting votes, assisting voters to mark ballots, or transporting voters on election day.
- J. Acting as recorder, checker, watcher, or challenger for any party or faction.
- K. Engaging in political caucuses.

Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity.

An employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their Department Head prior to engaging in such conduct.

## **SECTION 7.17: DRUG AND ALCOHOL POLICY**

### **1. Drug-Free Workplace:**

- A. The Board has a zero-tolerance policy for employees who are under the influence of drugs or alcohol while at work. The Board maintains a drug and alcohol-free workplace in order to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public.
- B. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs, or other dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting County business.
- C. This prohibition does not apply to drugs or controlled substances that are approved for medicinal use by the United States Food and Drug Administration, prescribed by a doctor, and used consistent with the prescription as more thoroughly addressed in Article F of this Section.
- D. For the purposes of Section 7.17, “Cannabis” means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or any part of a plant of that type.
- E. Regardless of prescription or recommendation, the manufacture, distribution, dispensing, possession, use, or being under the influence of cannabis is strictly prohibited during working hours at any location where employees are conducting County Business; this strict prohibition on cannabis applies for both medicinal and recreational purposes, except as provided in paragraph c.
- F. Employees who believe that the employees may have an alcohol or drug addiction problem are encouraged to seek professional treatment or assistance. The Board will reasonably accommodate a recovering

employee's alcohol or drug addiction in accordance with federal and state law; however, treatment will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action.

- G. The Board may take disciplinary action for any violations of work rules regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.
- H. Employees who are under the influence of drugs and/or alcohol may forfeit their right to obtain workers' compensation benefits. The law establishes a rebuttable presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing.

## 2. Drug Policy:

- A. Controlled Substance: Means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
- B. Conviction: Means any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- C. Criminal Drug Statute: Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. 3719.01 *et. Seq.*

- D. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by an employee which takes place in whole or in part in the Employer's work place is strictly prohibited and will result in criminal prosecution.
- E. Any employee arrested or convicted of any Federal or State criminal drug statute must notify the Employer of that fact immediately, but in no event longer than twenty-four (24) hours following the arrest or conviction. Any employee who fails to timely report an arrest or conviction may be terminated from employment and/or be held civilly liable for any damage caused, including a loss of state or federal funds resulting from the misconduct.
- F. Any employee who reports for duty in an altered or impaired condition which is the result of illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal.

3. Testing for CDL Holders:

- A. Employees who are required to hold a commercial driver's license (CDL) will be required to submit to drug and alcohol testing as required by federal law which includes: pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing.
- B. Policies and procedures for such testing will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.
- C. Employees holding a CDL and applicants for positions requiring a CDL are subject to the reporting guidelines of the FMCSA Clearinghouse. The FMCSA Drug and Alcohol Clearinghouse guidelines are addressed under Section G of this policy.

4. Discipline:

- A. The Board may discipline an employee for any violation of this policy. Nothing herein shall be construed as a guarantee that the Board will offer an opportunity for rehabilitation.
- B. Failure to successfully complete or participate in a prescribed rehabilitation program as part of a Performance Improvement Plan or Last Chance Agreement shall result in the employee's discharge (including a refusal to test or a positive test result on a return to duty or follow-up test).
- C. No employee shall be provided more than one opportunity at rehabilitation.
- D. The Board's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's violation of this policy and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.), the employee's work record, and other factors appropriately considered pursuant to Section 8 of this policy manual.

5. Refusal to Test:

- A. Employees who refuse to submit to required testing shall be subject to disciplinary action up to and including discharge.
- B. A refusal to test for the purposes of this policy shall include:
  - 1) Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
  - 2) Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, delay in providing a sample, adulterating, substituting or attempting to adulterate or substitute a specimen during the testing process, regardless of whether such attempt results in a negative or positive diluted sample.

3) Failure to execute or release forms required as part of the testing process.

6. Prescription/Over the Counter (OTC) Medications:

- A. Employees must inform their immediate supervisor if the employees' are taking any medication that may impair the employee's ability to perform their job functions.
- B. Employees on such medications must provide a written release from the employees' treating licensed medical practitioner indicating that the employee is capable of performing the essential job functions, with or without reasonable accommodation.
- C. Employees are prohibited from performing any job function or duty while taking legal drugs that adversely affect the employees' ability to safely perform any such function or duty.
- D. Employees' use of prescription or over-the-counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, approved for medicinal use by the United States Food and Drug Administration, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the County or its employees, or result in criminal behavior.

7. Drivers with CDL's and the FMSCA Drug and Alcohol Clearinghouse:

- A. The County is committed to complying with the Federal Motor Carrier Safety Administration's (FMCSA) Drug and Alcohol Clearinghouse. The County will report failed and refused drug and alcohol tests by CDL drivers.



- B. Additionally, the County will conduct the required queries of the FMSCA Clearinghouse annually and during the pre-employment process in order to ensure driver eligibility to perform safety-sensitive functions, including driving a commercial vehicle. In order for the County to conduct the necessary queries, employees and applicants are required to complete the required written consent.
- C. Consistent with the FMCSA Clearinghouse requirements, the County shall conduct a full query of the Clearinghouse of each pre-employment driver during the background investigation process.
- D. The County will conduct limited queries, at least annually, for all employees required to possess and maintain a CDL.
- E. The County will report all drug and alcohol program violations to the FMSCA Clearinghouse, including negative return-to-duty test results, as well as, the date of the successful completion of a follow-up testing plan for any driver with unresolved drug and alcohol program violations.
- F. The County will report the following to the FMSCA Clearinghouse:
  - 1) Alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
  - 2) A negative return to duty test result;
  - 3) A refusal to submit to a drug or alcohol test;
  - 4) A refusal to test determination made in accordance with 49 CFR 40.191;
  - 5) A report that the driver has successfully completed all follow-up tests;
  - 6) Verified positive, adulterated, or substituted drug test result;
  - 7) Pre-duty or on-duty alcohol use;

- 8) Drug use as defined in the regulations;
  - 9) The County's report of completion of follow-up testing;
  - 10) Other results required by law.
- G. The County will not report drug and alcohol testing results outside of DOT required tests.
- H. In the event a driver refuses consent during the pre-employment screening process, the County shall not hire the driver.
- I. In the event a current employee refuses to give consent, the employee shall be disciplined up to and including termination.
- J. A current employee who refuses to give consent may be found incapable of performing their essential job duties as the employee will not be permitted to drive.
- K. A driver cannot drive until the query is conducted.
- L. If a query of a current employee returns notice that a drug or alcohol violation exists, a full query will be conducted upon the receipt of specific consent by the employee.
- M. CDL drivers may petition to correct FMCSA Clearinghouse.

## **SECTION 7.18: SOCIAL MEDIA POLICY**

The purpose of this policy is to educate employees and explain the employees' privacy rights as well as any prohibited conduct with respect to an employee's use of social networking media. Moreover, this policy is intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. It will also allow the Board to ensure that Employer rules are followed, and all employees are treated fairly and consistently.

Social Networking refers to the use of internet blogging, chat room discussions, email, text messages or other forms of electronic communication.

On Duty Conduct – While at work an employee may only access social networking websites, blogs and/or other internet forums of communication on their personal devices during nonworking time (e.g. breaks and lunch)

On/Off Duty Conduct – an employee has no expectation of privacy to information posted into cyberspace as it relates to their employment even while off duty. This includes anything posted to a social networking website, 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 should use common sense when posting comments, photos, opinions, or any other information related to the employee's employment. It should be noted that this policy is not meant to infringe on an individual's First Amendment Rights. However, certain behavior which negatively impacts the Employer may warrant discipline up to and including termination.

The following uses of social media are strictly prohibited whether on duty or off duty:

1. Comments or displays about coworkers, supervisors or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of County's workplace policies. (Sexual Harassment, Discriminatory Harassment, Hostile Workplace, HIPAA, etc.).

A. Examples include but are not limited to:

- 1) Postings which rise to the level of unlawful harassment and create a hostile work environment.
  - 2) Postings which intimidate, coerce, or bully employees or others.
  - 3) Posting confidential information about the County/Employer. Confidential information includes any information that would otherwise not be available pursuant to a public records request.
  - 4) Posting inappropriate material about the County or the County's employees. Inappropriate material includes but is not limited to false, derogatory or defamatory material, or the misuse of the County/Employer's authority, insignia or equipment.
  - 5) Engaging in conduct which reflects negatively on the Employer/County or impacts the employees' ability to perform their job duties.
  - 6) Implying or claiming that the employee is communicating on behalf of the Employer or County when the employee is not authorized in writing to do so.
2. Statements or uses of the County's/Department's logo which are slanderous or detrimental, including evidence of the misuse of the County's authority, information, insignia or equipment.
  3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal action against the County.
  4. Comments or displays which impact employees' abilities to perform their job duties of the County's ability to maintain an efficient workplace.
  5. The use of a County e-mail address to register for social media sites.
  6. Any activity that could be deemed a violation of State or Federal Law.

Social media sites may be inspected by the County for cause to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to their supervisor. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action.

This policy does not apply to communications protected by the U. S. or Ohio Constitutions.

In the event a Board department operates and maintains a social media site, the Board or its designee shall designate the employee(s) who is permitted to post, maintain and monitor the postings on behalf of the department. Absent prior approval, an employee shall not add or remove any information or posting from the department's social media site.

## **SECTION 7.19: DEADLY WEAPONS & DEADLY ORDNANCES**

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or dangerous ordnance onto the property of the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

Richland County employees are prohibited from carrying firearms any time the employees are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a Richland County identification badge, uniform, or other County issued paraphernalia that employees are required to wear relative to their employment and working in resident's homes or other sites off County premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a County owned vehicle.

This policy does not prohibit employees from legally transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. County Parking Lot). However, the employees must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are the employees permitted to bring a concealed firearm or ammunition into a County owned building. The employees' firearms and ammunition must be stored in their locked personal vehicle in accordance with the storage provisions of Ohio law.

Employees shall immediately contact a supervisor if the employees suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on County premises. Employees are required to immediately contact a supervisor if the employees suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while the employees are working for the County, acting within the course and scope of employment, or acting as a representative of the County.

## **SECTION 8.1: DISCIPLINARY PRINCIPLES**

The Board believes that a clearly written disciplinary policy will serve to promote fairness and equality in the workplace and that the basic principles, set forth below, must be consistently applied in order to effectively correct unsatisfactory job performance.

1. Employees shall be advised of expected job performance, the types of conduct the Board has determined to be unacceptable, and the penalties for such unacceptable behavior.
2. Immediate attention shall be given to policy infractions.
3. Discipline shall be applied uniformly and consistently and any deviations from standard procedure must be justified and documented.
4. Discipline shall be progressive as outlined herein.

The Department Head or the Department Head's designee shall report all policy violations using an Employee Discipline Incident Report and administer discipline as determined by Human Resources and, when required, approved by the Board pursuant to Section 8.2.

## **SECTION 8.2: PROGRESSIVE DISCIPLINE POLICY**

1. Richland County is committed to an established system of progressive discipline for correcting job-related infractions.
2. The Board has adopted the disciplinary policies herein as a guide for the uniform administration of discipline among departments. These policies are not, however, to be construed as a delegation of, or a limitation upon the statutory right of the Board as set forth in the Ohio Revised Code. Each Department Head is required to follow these disciplinary guidelines and inform their employees of the existence of these policies.
3. These disciplinary policies provide standard penalties for specific offenses. However, the examples of specific offenses given in any grouping are not all-inclusive and serve merely as a guide.
4. The standard penalties provided in these policies do not preclude the application of more or less severe penalties for given infractions when special or extenuating circumstances exist. In those cases where the penalty deviates from the recommended standard penalty, the reasons for such deviation must be noted in writing.
5. Verbal warnings shall be removed from the employee's personnel file twelve (12) months after the effective date of such warning. Written reprimands and/or suspensions will be removed from the employee's personnel file eighteen (18) months after the effective date of the disciplinary action. Disciplinary measures that have been removed under the terms of this Section shall not be used in determining subsequent disciplinary action.
6. The disciplinary policies contained herein shall be applicable to all classified employees of the Board.



### **SECTION 8.3: DISCIPLINARY ACTION FORMS**

The appropriate forms to document each step of the progressive discipline procedure can be obtained from the Board's Department of Human Resources.

## **SECTION 8.4: GROUNDS FOR DISCIPLINARY ACTION AND PENALTIES**

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

### 1. Group I Offenses:

A. Group I offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight, yet noticeable, decrease in organizational productivity, efficiency and/or morale. Group I offenses, if left undisciplined by the Board, will usually cause only a temporary and minor adverse impact against the organization, unless such acts are compounded over time. Group I offenses often occur unintentionally.

### B. Disciplinary action:

First Offense ..... Verbal Warning

Second Offense ..... Written Reprimand

Third Offense ..... One (1) day suspension without pay

Fourth Offense ..... Three (3) day suspension without pay

Fifth Offense ..... Five (5) to fifteen (15) day suspension without pay.

Sixth Offense ..... Termination

C. Including but not limited to the following examples:

- 1) Failure to attend scheduled meetings or training.
- 2) Stopping work before specified time.
- 3) Loitering and loafing during working hours.
- 4) Leaving the department or assigned working areas during working hours without permission of a supervisor, except for use of restroom.
- 5) Creating or contributing to unsanitary or unsafe working conditions.
- 6) Neglect or carelessness in documenting time worked.
- 7) Distracting the attention of others, unnecessary shouting loudness or other similar disruptions on the job.
- 8) Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
- 9) Interfering with other employees in the performance of their work.
- 10) Failure to cooperate with other employees as required by job duties.
- 11) Failure to exercise reasonable care in the use of the County property or equipment.
- 12) Use or possession of another employee's working equipment without authorization.
- 13) Negligent failure to observe any rule, regulation, policy or directive of the County.

- 14) Obligor the County for any expense, service or performance without authorization.
- 15) Failure to report accidents, injury or equipment damage or disrepair.
- 16) Disregarding job duties by neglect or work, pleasure, reading etc., during working hours.
- 17) Unsatisfactory work or failure to maintain required standard performance.
- 18) Unauthorized use of telephone or for other than business purposes.
- 19) Unsatisfactory work performance including demonstrating a lack of knowledge of the application of federal, state and County laws or regulations to be enforced, an unwillingness or inability to perform a reasonable assigned task, failure to conform to established work standards, failure to take appropriate action on the occasion of a crime, failure to enforce applicable policies and procedures, or other acts demonstrating incompetence.
- 20) Solicitation on County premises without authorization.
- 21) Unauthorized posting or removal of notices or signs from bulletin boards.
- 22) Distributing or posting written or printed matter, of any description, on County premises without authorization.
- 23) Garnishment of employee's wages by a creditor for non-payment of a debt.
- 24) Discourteous treatment of the public.
- 25) Sick leave abuse - Violations of Section 6.3, I, #1-#7.

## 2. Group II Offenses:

A. Group II offenses may be defined as those infractions which are of a more serious nature than the Group I offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II offenses, if left undisciplined by the proper authority, can cause a serious and longer lasting adverse impact against the organization than Group I offenses. Group II offenses are normally committed knowingly by the employee but without malice.

### B. Disciplinary Actions:

First Offense ..... One (1) to three (3) day suspension without pay.

Second Offense ..... Five (5) to fifteen (15) day suspension without pay.

Third Offense ..... Termination

### C. Including but not limited to the following examples:

- 1) Sleeping during working hours.
- 2) Violation of safety rules.
- 3) Unauthorized use of County property or equipment.
- 4) Performing private work on County time.
- 5) Failure to report for overtime work, without just cause after being scheduled to work according to overtime policy.

- 6) The making or publishing of false, vicious, malicious or intentionally misleading statements concerning employees, supervisors, the County or its operation.
- 7) Willful disregard of any rule, regulation, policy or directive of the County.
- 8) Use of abusive or threatening language toward non-supervisory employees.
- 9) Unauthorized political activity.

3. Group III Offenses:

A. Group III offenses may be defined as those infractions which are of a very serious or possible criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III offenses, if left undisciplined by the proper authority, may cause long lasting and critically serious adverse impact against the organization. Group III offenses normally occur knowingly, deliberately and often with malice or harm intended.

B. Disciplinary action:

First Offense ..... Up to and including termination

C. Including but not limited to the following examples:

- 1) Insubordination
- 2) Making or using falsified records, time cards, payroll, etc.
- 3) Making false claims or misrepresentation in an attempt to obtain any County benefit.
- 4) Gross neglect of duty.

- 5) Willful or grossly negligent destruction of County property.
- 6) Refusing to provide testimony during any personnel investigation or providing any false testimony or information at any time during and in application for County employment.
- 7) Gambling during working hours.
- 8) Theft or any property.
- 9) The use of any alcoholic beverage or non-prescribed narcotic or the possession or sale during working hours while on County property or while using County property.
- 10) Reporting for work under the influence of any alcoholic beverage or illegal narcotic.
- 11) Threats, coercion, fighting or attempting to inflict injury upon fellow employees, supervisors or other persons.
- 12) Violation of Section 7.19 – Deadly Weapons & Dangerous Ordnances.
- 13) Improperly discussing, disclosing, viewing or removing any County record or information without prior authorization.
- 14) Refusal to accept any reasonable work assignment.
- 15) Conduct violating the Board's Discriminatory Harassment Policy.
- 16) Conviction of any crime or felony which reflects upon the employee's honest and integrity as a County employee.
- 17) Failure to disclose the loss of driving privileges or loss of operator's license when driving is a qualification of the employee's job.

- 18) Mental or physical abuse of any resident or inmate of a County facility.
- 19) Unethical conduct.
- 20) Use of abusive or threatening language toward supervisory employees.
- 21) Fraudulent documentation associated with the use of sick leave (Section 6.3, 9, h).
- 22) Misuse of sick leave – using sick leave for purposes other than intended (Section 6.3, 9, d).
- 23) Dishonesty.



## **SECTION 8.5: PRE-DISCIPLINARY HEARING**

When a classified employee is facing discipline which might result in a suspension without pay, reduction or removal, a pre-disciplinary conference shall be scheduled.

The hearing will be conducted by the Director of Human Resources or the Director of Human Resources' designee. The employee shall receive written notice of the hearing, which shall contain the disciplinary charge(s), not less than twenty-four (24) hours prior to the starting time of the hearing. Proof of service of the notice on the employee shall be made by the Department Head or the Department Head's designee.

At the conclusion of the hearing the Board shall determine what discipline, if any, is appropriate.

## **SECTION 9.1: RESIGNATION**

1. Employees who plan to voluntarily resign shall notify their immediate supervisor at least two weeks in advance of the effective date of termination.
2. Any employee who resigns is encouraged to give the employee's reasons for resigning and discuss with the employee's supervisory any working conditions which the employee feels are unsatisfactory.
3. A formal letter of resignation shall be requested by the County.
4. Failure to give proper notification shall result in ineligibility for reinstatement.
5. Any employee who resigns or takes any leave longer than thirty (30) days shall return all County property and keys in the employee's possession prior to receiving final compensation or leave compensation.

## **SECTION 9.2: LAYOFF**

Whenever it becomes necessary for the Board to reduce its work force or reorganize a Department, the Board shall lay off or abolish their positions in accordance with sections 124.321 to 124.327 of the Revised Code.

## **SECTION 10.1: PERSONNEL FILES**

1. Each Department Head shall maintain official personnel files on all of the Department employees. Such files shall include, but are not limited to, individual employment data, payroll information, schedules, records of additions or deductions paid; application forms, records pertaining to hiring, promotion, demotion, transfer, layoff and termination, etc. Unless otherwise provided by law, personnel files and information are public record and are open to public inspection. Medical records shall not be maintained as part of an employee's personnel file.
2. Should a Department Head have any question about releasing information from a personnel file, the Department Head should contact department's legal representative.
3. An employee shall have a right of reasonable inspection of the employee's official personnel file in accordance with the procedures established by the Board.
4. Employees must advise the Department Head of any change in: name, address, marital status, telephone number, social security number, number of exemptions claimed for tax purposes.

## **SECTION 10.2: REFERENCE CHECKS**

The Board may be contacted by other Employers requesting reference checks on the Board's current or former employees. Although employee files are public records the Board shall not voluntarily disclose any information in the employee's file or comment on its content. The only information that shall be given in a reference check shall be (1) the position(s) held by the current or former employee, (2) the dates of public employment and (3) salary.

### **SECTION 10.3: BULLETIN BOARDS**

Bulletin boards may only be used for the posting of notices or written material which has been authorized for posting by the Board or the Board's designee.

#### **SECTION 10.4: TOBACCO USE IN COUNTY BUILDINGS**

The Richland County Board of Commissioners prohibits the use of tobacco in County buildings, County vehicles and while performing duties related to County employment whether on or off site.

For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial /faux cigarette, cigars, cigarillos, pipes and oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. This definition is intended to include all products that deliver nicotine for purposes other than cessation.

### **SECTION 10.5: MARIJUANA**

The Richland County Board of Commissioners prohibits the manufacture, distribution, dispensing, possession, use, or being under the influence of marijuana at all times by all persons while on County property. Additionally, the Board has a zero-tolerance policy for marijuana and cannabis for all employees pursuant to Section 7.17 of the Personnel Policy Manual.