MADISON COUNTY BOARD OF MR/DD

POLICY MANUAL

CHAPTER 5

PERSONNEL POLICIES

Board Adopted April 16, 1998

**Revised (addendum): April 24, 2003**

**DISCLAIMER**

This personnel policy manual is not an employment contract. It is presented as a matter of information only. The Madison County Board of Mental Retardation & Developmental Disabilities reserves the right to modify, revoke, suspend, terminate or change these policies and procedures with or without prior notice. Any statements in conflict with these policies made by anyone else are unauthorized, expressly disallowed, and should not be relied upon by anyone.

**EMPLOYEE RECEIPT OF MANUAL**

I hereby acknowledge that I have received a copy of the personnel policies of the Madison County Board of Mental Retardation & Developmental Disabilities and understand that it is my responsibility to read them and that if I have any questions about these policies it is my responsibility to seek clarification from management staff of the Board. I further recognize that it is my responsibility to know, understand and comply with the policies and rules of the Board.

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Name Position Date

Employees of the Madison County Board of Mental Retardation and Developmental Disabilities shall be notified of policy additions, amendments and rescissions in a timely manner. It is the responsibility of the employee to read posted or distributed notices. Questions regarding this manual or any policy of the Board are encouraged and should be directed to County Board management staff.

**500 INTRODUCTION**

1. Policies are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.

2. The policies set forth and adopted within this manual supersede all previous written and unwritten personnel policies of the Madison County Board of Mental Retardation and Developmental Disabilities.

3. This policy manual is a guide to be utilized by management and supervisory personnel to ensure uniformity and nondiscriminatory application of the conditions of employment. In the event there is a conflict between the contents of this manual and any applicable laws, those applicable laws shall prevail.

4. The manual is designed as a tool for staff to enable them to know and to understand what to expect from the environment and the organization and to keep staff informed. Questions regarding the interpretation and application of these policies should be directed to your supervisor who will seek clarification through the chain of command. Every effort must be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.

5. This manual is not a contract either expressed or implied. The Board reserves the right to change any provision without consultation. However, the Board and its management do want to develop and maintain a good relationship with employees. Your input about matters addressed in this handbook is welcome and will always be considered.

6. As conditions shift within the organization, it may be necessary to add, delete, or revise specific policies affected by such change. Updated policies should be issued to all manual holders and communicated to all affected employees.

**501 OBJECTIVES**

The Board recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable for the effective delivery of services to individuals of the community who have mental retardation or developmental disabilities.

The policies and procedures set forth in this manual are designed to:

1. Promote high morale and foster good working relationships among employees of the Board by providing uniform personnel policies, equal opportunities for advancement, and consideration of employee needs.

2. Enhance the attractiveness of employment with the Board and encourage each employee to give his/her best effort to the county and the public.

3. Establish a standard of courteous and dependable service to the public and to the consumers enrolled in the programs.

4. Provide fair and equal opportunity for qualified persons to enter and progress in their employment as determined through objective and practical personnel management methods.

5. Ensure that all operations and programs are conducted in an ethical and legal manner so as to promote the Board’s reputation as an efficient, progressive organization in the community and the state.

**502 DEFINITIONS**

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

ABSENCE, EXCUSED - Being absent from work with the approval of the employer (i.e. vacation, holiday, compensatory time, approved unpaid leave of absence, personal day).

ABSENTEEISM - The practice of an employee failing to report for work for a period of one or more days or failure to report within the prescribed time when he/she has been assigned to or scheduled for work. Misuse or abuse of sick leave is absenteeism.

ABSENT WITHOUT LEAVE - Failure to report for work without authorization from the employer to be absent. The employer may deem an employee to be absent without leave when that employee is tardy, or when the employee departs from the employee's work site during working hours without authorization. These examples are not exhaustive. Also known as unexcused absence.

ACTIVE PAY STATUS - The conditions under which an employee is eligible to receive pay and includes, but is not limited to, vacation leave, sick leave and other compensated time off.

ACTIVE WORK STATUS - Conditions under which an employee is actually in a work status and is eligible to receive pay but does not include vacation pay, sick leave, personal leave and disability leave.

ADMINISTRATION - The Superintendent, Directors, Managers and Supervisors.

AMERICANS WITH DISABILITIES ACT (ADA) -Federal legislation passed in 1990 which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also prohibits discrimination against individuals with disabilities in state and local government services, public accommodations, transportation and telecommunications.

APPOINTING AUTHORITY - The Board is the Appointing Authority for the Superintendent. The Superintendent is Appointing Authority for all other positions.

BOARD - The Madison County Board of Mental Retardation and Developmental Disabilities. The Board, which is created by R.C. 5126.02, is comprised of seven (7) members. The Board of County Commissioners appoints five (5) of these members and the Probate Judge appoints two (2) members. Each appointee shall be a resident of Madison County.

CLASSIFICATION - A group of positions that involve similar duties and responsibilities, require similar qualifications, and which are properly designated by a common descriptive title indicating the general nature of the work. A class may include only one position in some circumstances.

CLASSIFICATION TITLE - The title assigned by the Ohio Department of Administrative Services for purposes of civil service compliance or as assigned by the county or county board classification system.

CLASSIFIED POSITIONS - All positions of employment in the county board except those designated as management employees as defined in R.C. 5126.20 or as defined in a collective bargaining agreement pursuant to R.C. 4117.01. (Cross Reference definition of Management Positions)

COMPREHENSIVE OMNIBUS RECONCILIATION ACT, 1989 (COBRA) - Federal legislation and later amendments that establish an employee's right to continue certain health benefits of the agency for a specified period of time after termination of employment at the employee's expense paid at the group rate for the agency.

COUNTY - The county of Madison, State of Ohio.

DAYS - Calendar days, except as otherwise defined in these policies.

DEPARTMENT - A Board organizational unit directed and controlled by an Appointing Authority and charged with a specific public service function.

DEVELOPMENTAL DELAY - has the meaning established pursuant to R.C. 5123.011. Current ODMRDD definition of a developmental delay is that the child has not reached a developmental milestone that other children of the same age can perform. The delay may be in any of the following areas: cognitive development (learning); physical development (fine and gross motor skills); language, speech, hearing or communication skills; psychosocial or physical maturation; or self-help skills.

DEVELOPMENTAL DISABILITY - When used for the purpose of defining eligibility for county board services means a severe, chronic disability that is characterized by all of the following: (1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in O.R.C. 5122.01(A); (2) It is manifested before age twenty-two; (3) It is likely to continue indefinitely; (4) It results in one of the following: (a) In the case of a person under age three, at least one developmental delay; (b) In the case of a person at least age three but under age six, at least two developmental delays; (c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for his age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and if the person is age eighteen or older and not in a program operated pursuant to O. R. C. 3323., capacity for economic self-sufficiency; and (5) It causes the person to need for an extended period of time a combination and sequence of special interdisciplinary, or other type of care, treatment, or provision of services that is necessary and that is individually planned and coordinated for the person.

DIRECTOR - The person having responsibility for a specific program operation.

DISHONESTY - Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity.

DRUNKENNESS - The condition of a person whose mind is affected by the immediate use of intoxicating drinks or controlled substances; the state of one who is "drunk" or "high." The effect produced upon the mind or body by drinking intoxicating liquors or ingesting other intoxicating substances to such an extent that the normal condition of the subject is changed and his/her capacity for rational action and conduct is substantially lessened.

DUE PROCESS/DUE PROCESS HEARING (EMPLOYEE) - Predisciplinary procedures mandated by a collective bargaining agreement or statute, including O.R.C. 5126.23 and O.R.C 124.34, or the United States Constitution, to assess whether there is probable cause to suspend, reduce or terminate an employee.

DUE PROCESS (PARTICIPANT) -Statutory or administrative provisions (O.A.C. 5123:2-1-02) permitting participants access to a process to appeal denial of services from the Board.

EMPLOYEE - Any person holding a position subject to appointment, removal, promotion or reduction by an Appointing Authority. Any person hired to work for the Board other than independent contractors.

EMPLOYEE COUNSELING - The discussion a supervisor holds with an employee in which the supervisor counsels him/her for his/her conduct and impresses upon him/her the need for improvement. This process can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time and reason for an employee conference must be kept in the supervisor's files, in the event the conduct of the employee does not improve and subsequent action is required.

EMPLOYER - The Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.

FAIR LABOR STANDARDS ACT (FLSA) The FLSA is federal legislation governing the minimum wage, hours of work, and overtime compensation of most employees (including public employees).

FULL-TIME EMPLOYEE - Full-time employee means an employee whose regular hours of active duty total thirty - forty (30-40) hours in a seven (7) calendar day week on a year-round basis as determined in their individual Position Description.

FULL-TIME SEASONAL EMPLOYEE - An employee whose regular hours of active duty total 30 - 40 hours in a seven (7) calendar day week as determined by their individual Position Description, where the employee works a certain regular period of the year performing work limited to that period of the year. Full-time seasonal employees, for the purposes of this manual, may be referred to as "nine month employees".

IMMEDIATE FAMILY - Means parents, brothers, sisters, spouses, sons, daughters, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law unless otherwise specified as occurs in the Sick Leave or Funeral Leave Policy.

IMMORAL - Contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.

IMMORAL CONDUCT - Conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

INCOMPETENCY - Lack of ability, legal qualification, or fitness to do things required of an employee.

INEFFICIENCY - Quality of being incapable or indisposed to do the things required of an employee within reasonable standards.

INSUBORDINATION - State of being unwilling to do the things required of an employee. Refusal to obey an order issued by the employee's immediate supervisor or other staff person having authority to direct the employee.

INTERMITTENT EMPLOYEE - A substitute or other employee who works on an irregular schedule which is determined by the fluctuating demands of the work which is not predictable and whose hours are generally less than 1,000 per year.

LEAVE OF ABSENCE - Temporary separation from active work status as authorized by the appointing authority.

MALFEASANCE - The commission of an act which is unlawful; the doing of an act which is wrongful and unlawful; the doing of an act which a person should not perform.

MANAGEMENT EMPLOYEES - Employees who hold the following positions with the Board are management employees: directors, managers, and supervisors.

MENTAL RETARDATION - Having significantly sub-average general intellectual functioning existing concurrently with deficiencies in adaptive behavior, manifested during the developmental period. ( O.R.C. 5126.01(E).)

MISFEASANCE - The improper performance of some act which a person may lawfully do.

NEGLECT OF DUTY - To omit or fail to do a thing that can be done, or that is required to be done. An absence of care or attention in the doing. An omission of a given act. A designed refusal or unwillingness to perform one's duty.

NONFEASANCE - Non-performance of some act which ought to be performed, omission to perform a required duty, or total neglect of duty. "Nonfeasance" means the total omission of an act which a person ought to do.

ORAL COUNSELING - The verbal process in a progressive discipline whereby the supervisor reviews job expectations.

ORAL REPRIMAND - This is a disclipinary action. It is documented and placed in the employee’s personnel file.

PARTICIPANT - Any person who is receiving services from Board programs. Also referred to as enrollee, student, client or consumer. (The family of a person receiving services may be a consumer but not necessarily a participant).

PART-TIME EMPLOYEE - An employee whose regular hours of active duty are less than 30 hours per week.

POSITION - Any specific employment, or job calling for the performance of certain duties, and for the exercise of certain duties, and for the exercise of certain responsibilities assigned or delegated by competent authority to be performed by one person.

PROFESSIONAL EMPLOYEES - Employees who hold the following positions: school personnel certified pursuant to O.R.C. 3319., early intervention specialist, physical development specialist, program coordinators, occupational therapist, language specialist, behavior management specialist, physical therapist, registered nurse, case manager, support service coordinator, other professional positions designated by the county board or the director of mental retardation and developmental disabilities.

PROGRAM YEAR - Coincides with the adoption of program calendars by the Board which comply with the mandated minimums established by the Ohio Department of MR/DD and/or the Department of Education for the various programs.

PUBLIC AGENCY - Includes agencies of the state, county and municipalities and all boards of education within the state of Ohio.

REDUCTION - A change in classification to one having a lower base pay range or change to a lower step within the pay range for a given classification or any decrease in compensation. If department/division is governed by a union contract, the procedures outlined in the contract shall be followed.

REGISTERED SERVICE EMPLOYEES - Employees who meet the standards of the ODMR/DD as authorized under O.R.C. 5126.25. These standards do not require a baccalaureate degree.

REINSTATEMENT - The act of returning a person to county service following a period of separation or leave of absence, retaining seniority and status. For purposes of layoff, "reinstatement" means the act of selecting from the appointing authority's layoff list individuals to return to active service with the same appointing authority in the same classification series of layoff.

REMOVAL - The termination of an employee's employment for the reasons outlined in O.R.C. 124.34 or 5126.23.

SICK LEAVE ABUSE - The use of sick leave for any purpose other than as provided by applicable law, or these policies. Examples include: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business. Establishing a pattern of reporting off sick on certain days of the week such as prior to or following regular days off. Utilizing hours as they are accrued could be patterned use. Repeated failure to follow the rules and regulations regarding use of sick leave and reporting procedures including not timely submitting required documentation.

SERB - The State Employment Relations Board.

STATUS - When used in reference to ODAS, it means the type of appointment, such as provisional, intermittent, etc.

SUPERVISOR - The individual who has been authorized by the Superintendent to oversee and direct the work of certain employees on a daily basis and who effectively recommends actions such as hiring, transfers, suspensions, promotions, discharge, rewards, lay off, recall or discipline.

SUSPENSION - Relieving an employee from duty with or without pay.

THEFT - The act of stealing; robbery; larceny. This includes the theft of computer data.

TRANSFER - The movement of an employee from one position to another where there is no change in level of responsibility, classification or salary.

UNCLASSIFIED EMPLOYMENT - Those positions exempt from classified service. Management positions. Those positions listed in O.R.C. 5126.22 as management positions. Unclassified employees may actively participate in political activity.

UNEMPLOYMENT COMPENSATION - Benefits authorized by O.R.C. 4141 and administered by the Ohio Bureau of Employment Services paid to eligible individuals for loss of remuneration due to involuntary total or partial unemployment.

VENDOR - A person, who is not an employee of the Board, providing products/services required by the Board and/or its facilities during the operations of the Board. May also be referred to as a “contractor” or “service provider”.

WORKERS’ COMPENSATION - Benefits authorized by O.R.C. 4123 and administered by the Bureau of Workers Compensation under regulations established by O.A.C. 4123 paid to employees injured or contracting an illness while performing work related activities.

WRITTEN REPRIMAND - This is a disciplinary action. It is placed in the employee's personnel file and remains part of the employee's record. The reprimand may cease to have force and effect after a certain period of time and may be removed.

**503 GENERAL HIRING AND EMPLOYMENT POLICIES**

The Board is an Equal Employment Opportunity (EEO) employer. It is the Board’s policy that all employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, or otherwise dealt with in a fair and equitable manner based upon merit and bona fide occupational qualifications for the position. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, handicap, or other prohibited criteria. Procedures for hiring and employment shall conform to the Americans with Disabilities Act of 1990 (ADA) including reasonable accommodations unless such accommodations cause undue hardship to the agency.

**503.1 NOTIFICATION OF AVAILABLE POSITIONS**

All open positions shall be posted in a manner to encourage application from any potential candidate. Such postings shall include notices in program facilities and may include notices to universities, local newspapers, state associations, ODE, and ODMR/DD.

Each job posting or notice of vacancy, insofar as practicable, shall specify the title, nature of the job, the required qualifications, and method of application.

Positions shall be posted for a minimum of 14 days.

**503.2 APPLICATIONS**

An application must be properly completed and submitted before an applicant will be considered for new employment. Current employees must submit a letter of intent to apply and, as applicable, an updated resume.

Standard application forms will be available in the Administrative Offices.

Applications shall be kept in the active file for a period of two (2) years.

Falsification of information on the application will nullify the application and will result in dismissal if falsification is verified after employment.

**503.3 CITIZENSHIP AND NATURALIZATION**

To be eligible for employment with the Board, the applicant must be a citizen of the United States or a legal resident with authorization to work in this country.

**503.4 EVALUATION OF APPLICANTS/BACKGROUND INVESTIGATIONS**

Applicants shall be evaluated according to how well their qualifications meet the requirements of the position. Not all applicants will be interviewed for each vacancy. Applicants must submit to reference checks, interviews, background checks, validated performance tests, and/or other job-related screening procedures.

An applicant shall be required to provide any information such as transcripts, licenses and certificates, and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related. All applicants for positions requiring a CDL will be subject to drug testing after a conditional offer of employment.

The Board seeks to hire and keep qualified individuals who have the goals of the agency in their interest. The Board will not employ or continue to employ any individual who has been convicted or plead guilty to any offense which relates in any way to the duties of a position authorized by the Board. This policy allows the Board to conduct appropriate background investigations of applicants and employees in furtherance of its goals.

**INVESTIGATIONS/CRIMINAL BACKGROUND CHECKS**

All applicants for employment with the Board shall undergo an initial background check in order to determine the fitness of the applicant to provide services to the enrollees or perform other duties for the Board. This background check shall include but not be limited to a request for information regarding any prior criminal convictions or pleas of guilty by the applicant. (Reference: R.C. 5126.28)

Each individual applying for employment shall be notified at the initial interview that a background check shall be conducted on each individual who is under final consideration including a set of impressions of the applicant’s fingerprints for a criminal records check and a certified abstract of the applicant’s record of convictions for violations of motor vehicle laws if the applicant will be required to transport clients or to operate a Board vehicle for any other purpose. At the time of initial application, the Board may notify the applicant that the Board will charge the applicant a fee for the costs incurred by the Board in obtaining a criminal records check, fingerprint impressions, or an abstract and that unless the fee is paid the applicant will not be employed by the Board. The applicant shall be required to sign an authorization for release of information from his present or previous employer(s) and for criminal convictions from law enforcement agencies in any community in which the applicant has resided, the Bureau of Criminal Identification and Investigation (BCI) and any other state or federal agency. In addition, the Board shall request the Registrar of Motor Vehicles to supply a certified abstract regarding the record of convictions for violations of motor vehicle laws of each applicant who will be required by his employment to transport individuals with mental retardation or developmental disabilities or to operate the Board's vehicles for any other purpose.

When the initial interview is completed and the applicant is under final consideration for final offer of employment, the Superintendent or his designee shall initiate the following procedures for the background check.

A. Contact the applicant's present or previous employer(s) regarding the individual's work habits and reasons for leaving employment.

B. Request information pertaining to any criminal convictions or any pleas of guilty by the applicant. This information shall be requested from the law enforcement agency which has jurisdiction in the applicant's current and/or last area of residence and/or from the BCI and any other state or federal agency.

C. Contact personal references submitted by the applicant for information concerning the individual.

D. Arrange for the applicant to be fingerprinted by the Madison County Sheriff's Office or by the Board and the fingerprint card forwarded to the BCI, or, at the discretion of the Superintendent, any other state or federal agency. It shall be accompanied with a notarized request authorized by the applicant for a report on the criminal record of the applicant. Information shall not be requested on arrests in those cases where there was no conviction or guilty plea. An applicant's refusal to be fingerprinted or to sign and have notarized the request form shall result in no further consideration of his/her application. If an applicant becomes a Board employee and the employee holds an occupational or professional license or similar credentials, the Superintendent may request that the regulating state or federal agency supply the Board with a written report of any information pertaining to the employee’s criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee’s license or other credentials.

E. Request a driver's abstract for all applicants who will transport individuals with mental retardation or developmental disabilities or operate the Board's vehicles for any other purpose.

F. Review the findings of the background check(s) and consider them along with other factors in the decision to employ or retain an individual. The applicant shall not be appointed to fill a position in either classified or unclassified service of the Board if the background check discloses information that he or she has:

1. Displayed work performance patterns which, in the judgment of the Superintendent or designee, would prevent him/her from performing the essential functions of the position being filled;

2. Been dismissed for good cause from any branch of public service if the reason for dismissal bears a direct and substantial relationship to the position being filled;

3. A driving record unacceptable to the Board or Board's insurance carrier for those applicants who are seeking a position in which driving is an essential component of the duties of the position.

4. Per O.R.C. 5126.28, been convicted of or plead guilty to the violation of any of the following:

a. Any offense listed in R. C. 5126.28(E)(1)

b. Any felony which bears a direct and substantial relationship to the duties and responsibilities of the position being filled.

c. A violation of an existing or former law of this state, any other state, or the United States, if the offense is substantially equivalent to any of the offenses described in (4)(a) or (4)(b) of this policy.

G. The Board will consider the following factors in determining if the offense bears a direct and substantial relationship to the position being filled:

1. The essential functions of the position being filled;

2. Whether the position being filled provides an opportunity for the commission of similar offenses;

3. Whether the circumstances leading to the offense will reoccur;

4. Whether the individual has committed other offenses following the conviction or the individual's conduct since the conviction makes it likely that the individual will commit other offenses;

5. The number of offenses and the circumstances of each offense;

6. The time elapsed since conviction;

7. The individual's complete employment history;

8. The individual's efforts at rehabilitation; and

9. Whether employment of the individual may increase the likelihood that the Board will incur liability.

H. The Board shall, prior to employing an applicant, require the applicant to submit a statement that the applicant has not been convicted of or pleaded guilty to any of the offenses described in (F)(4) of this policy. All applicants will be required to sign an agreement stating that the applicant will notify the Superintendent if, while employed by the Board, the person is ever formally charged for any of the offenses described in (F)(4) of this policy and that failure to report such charges may result in dismissal from Board employment. (Reference: R.C. 5126.28 (F)). [The Board may, prior to March 12, 1997, employ an applicant for up to sixty days pending receipt of reports requested under this policy pursuant to O.R.C. 5126.28(K)(2). After March 12, 1997 there is no sixty day limitation on employing such individuals. Sub. H.B. 629.]

The Superintendent and Personnel Office shall be notified of the recommendations for hiring or not hiring any applicant. The EEO officer of the Board shall maintain files of this information.

The BCI response (and the response from any other local, state or federal agency contacted) regarding any felony convictions or guilty pleas shall be compared to the information of the application and statement signed by the applicant. If the applicant has been appointed to a position, any falsification on the application or statement which is disclosed by this comparison shall be cause for removal of the employee from his position.

**BCI RECORDS**

BCI reports and similar criminal records checks are not public records for purposes of O.R.C. 149.43 and shall not be made available to any person except the applicant, Board members or employees responsible for employment, or any hearing officer in a case denying employment. Such reports will not be maintained in the employee personnel files but will be maintained in a separate file in the Administrative office. (Reference: R.C. 5126.28(H)(1)).

**503.5 DISQUALIFICATION**

An applicant shall be eliminated from consideration if he/she:

1. Does not possess the knowledge, skills and abilities necessary to effectively perform, with or without reasonable accommodation, the essential duties of the vacant position;

2. Does not possess or is not eligible for appropriate licenses, certification, registration, or degrees required for the position;

3. Has made a false statement of material fact on the application form or supplements thereto;

4. Has not fully cooperated regarding the Board’s background investigation/criminal background check of the applicant or whose background check reveals a disqualifying conviction or plea;

5. Has committed or attempted to commit a fraudulent act at any stage of the selection process; or

6. Is an alien not legally permitted to work.

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

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the employee will be terminated.

**503.6 SELECTION PROCESS**

The selection process will be made in accordance with law including the Board's commitment to EEO and ADA.

Appointments to vacant positions shall be made based solely on the applicant's knowledge, skills and abilities, integrity, work history and other job-related qualifications, as ascertained through fair and practical selection methods. (Reference: R.C. 4112.02)

**503.7 CERTIFICATIONS/REGISTRATIONS/LICENSES**

For those job classifications requiring certification or registration as defined by the Ohio Department of MR/DD or the Ohio Department of Education, the staff of the Board must meet or exceed such requirements. Each employee's classification specification as adopted by the Board shall include the certification or registration requirements for that classification.

For positions licensed by a state licensing authority, an applicant possessing or eligible for such license shall be deemed eligible for employment.

Employees are responsible for meeting the professional, educational, continuing education and/or experience requirements applying to their position in order to maintain the proper state required certifications, licensures and registrations.

The required fees for certification/registration/license applications, renewals, or for course work related to certification and licensing are the responsibility of individual staff members.

An employee holding a certificate or evidence of registration may have such certificate or evidence of registration denied, suspended or revoked by the Department of MR/DD if the Department determines that such employee is guilty of intemperate, immoral, or other conduct unbecoming to the employee’s position, is guilty of incompetence or negligence within the scope of the employee’s duties, or the employee has been convicted or plead guilty to any of the offenses listed in O.R.C. 5126.28.

An employee holding a certificate or evidence of registration has a duty to timely report to the superintendent any acts described above. Failure to make such timely report may result in discipline up to and including discharge. Upon receipt of information that an employee holding a certificate or evidence of registration may have committed any of the acts described above, the Superintendent shall make an appropriate notification to the Department. For an employee holding an occupational or professional license or similar credentials, the Superintendent may request that the regulating state or federal agency supply the Board with a written report of any information pertaining to the employee’s criminal record that the agency obtains in the course of conducting an investigation or in the process of renewing the employee’s license or other credentials.

If a Board employee’s required license/certificate/registration is revoked or is not renewed, that person's employment shall be terminated for just cause subject to due process. If a required license/certificate/registration is suspended the person’s employment may be terminated for cause subject to due process.

No person will be employed or compensated by the Board if the person does not hold the certificate, evidence of registration or license required for the position. The Superintendent may employ, at the Superintendent’s discretion, an individual pending the issuance of the proper certificate, registry or license if the person has met the requirements for such and has applied for certification, registry or license and the application has not been denied.

Employees who have a change in their educational, certification, or registration status that may have an affect on their salary or wage are responsible for providing the appropriate documentation to the administrative office by August 15th to be effective September 15th or December 15th to be effective January 1st. Employee's failure to comply in a timely manner will result in possible loss of income.(Reference: R.C. 5126.25; R.C. 5126.26; R.C. 5126.28)

**503.8 MEDICAL EXAMINATIONS**

1. A medical examination by a qualified physician is required of all employees upon employment. The examinations may include such tests as determined for job-related duties of the position.

2. Bus drivers shall have annual physical examinations in compliance with the rules established by the Ohio Department of Highway Safety and are subject to pre-employment and random drug testing.

3. The Superintendent may require any employee to submit to a physical examination when that employee is not, as a result of apparent medical problems, performing his/her job in a satisfactory manner. Refusal by the employee to submit to examination or refusal to release the results of examination constitute an admission of physical or medical impairment justifying substandard work. Fees for medical examinations under this section shall be paid by the Board. (O.A.C. 123:1-33-02)

4. The cost of mandated medical examinations and mandated drug testing for employment shall be paid by the County Board of MR/DD. (O.A.C. 123:1-9-03)

5. If the results of the medical examinations indicate the otherwise qualified applicant or employee has a disability as defined by the Americans with Disabilities Act, the Board will make reasonable accommodations to allow the individual to perform the essential functions of the employee’s job unless such accommodations cause an undue hardship to the Board.

**503.9 INDIVIDUALS WITH DISABILITIES NON-DISCRIMINATION POLICY**

It is the policy of the Board to protect qualified individuals with disabilities from employment discrimination.

The Americans with Disabilities Act (ADA) of 1990 defines a person with a disability as an individual who has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

It is unlawful to discriminate against protected individuals in all employment practices including: recruitment, hiring, promotion, training, lay-off, pay, firing, job assignments, leave, benefits, and all other employment related activities.

All employees are expected to be "fit for duty" at all times. "Fit for duty" means the ability to perform the essential functions of the position as described in the job description in a responsible manner with or without accommodations and to work according to the appropriate Board adopted calendar.

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. It is a violation of this Board policy and the ADA to fail to provide reasonable accommodation to the known physical or mental limitations of a qualified individual with a disability, unless to do so would impose an undue hardship on the operation of the Board. Undue hardship means that the accommodation would require significant difficulty or expense.

The Superintendent is authorized to establish guidelines to regulate the implementation of this policy.

**503.10 PHYSICAL ABILITY TO LIFT, CARRY, AND MOVE STUDENTS/CLIENTS**

A. Inservice: All staff who hold positions in which they are required to lift, carry, and move students/clients as an essential function of the positions are required to attend an inservice which stresses body mechanics, an introduction to anatomy and physiology, prevention aspects, and safe techniques of lifting, carrying and moving. Substitutes shall receive training and all affected staff will attend a refresher course to be held annually.

B. Job Descriptions: The following statement will be on job descriptions for which an essential function of the positions is the requirement to lift, carry, and move children, adolescents, and adults:

**Must be physically capable to lift, carry, and move enrollees, including children, adolescents, and adults in a safe manner, according to inservice training.**

The following statement will be on job descriptions for all other staff:

**May be requested to lift, carry, and move enrollees, including children, adolescents, and adults in a safe manner, according to inservice training.**

C. Appropriate Dress: Because of the need for lifting, carrying and moving, the following dress code must be followed by direct care service staff:

1. An employee who is in a class, group or environment where he/she may be expected to lift or be involved in a behavioral intervention, must wear closed toe shoes with a flat, wide-base heel.

2. Jewelry of any type could be broken, grabbed or pulled by an enrollee, and/or could inhibit moving clients safely and should be carefully considered before being worn. If any jewelry is broken, it will not be replaced by the Board.

3. Loose clothing which could be caught in wheel chairs or braces and tight-fitting clothing which could limit movement should not be worn.

**503.11 DRUG-FREE WORKPLACE**

A. INTENT OF THIS POLICY:

It is the policy of the Madison County MR/DD Board to provide a workplace free of alcohol and drugs and to take reasonable measures to ensure that employee alcohol or drug abuse does not exist. The Board realizes that a successful policy may combine education, counseling, assistance and/or discipline.

B. PROCEDURES

1. EDUCATION AND TRAINING

A. The Board will publish a statement notifying employees that it is unlawful to manufacture, distribute, dispense, possess, use or work under the influence of a controlled substance in any of the facilities of the Board. This statement will place employees on notice that disciplinary action may be taken if the Board discovers an employee to be in violation of this policy.

B. The Board shall establish a drug-free awareness program and annually inform employees about:

1. The dangers of drug/alcohol abuse in the workplace;

2. The Board’s policy of maintaining a drug-free workplace;

3. Any available drug and alcohol counseling rehabilitation and employee assistance programs; and

4. The corrective action which the Board may take against employees for violating this policy.

2. CONDITIONS

A. As a condition of employment, each employee shall abide by the terms of the drug-free workplace statement.

B. Any employee convicted (for purposes of this policy pleading guilty has the same effect as a conviction) of violating a criminal drug statute, or convicted of violating a drug/alcohol statute that results in a misdemeanor of the first degree and a felony on subsequent offenses shall provide written documentation to the administrative office within five (5) working days.

C. Within ten(10) days of receiving actual notice that an employee has been convicted of any of the aforementioned, the Board is required by the federal Drug Free Workplace Act to notify the Ohio Department of Mental Retardation and Developmental Disabilities of this fact. Within thirty (30) days of receipt of such notice, the board shall:

1. Terminate the employee with cause if the conviction is for dispensing, trafficking, distributing, or manufacturing.

2. Require such employee to satisfactorily complete a drug/alcohol abuse assistance program or rehabilitation program of the Board’s choosing if the conviction is for possession, under the influence of, or using.

a. Failure to satisfactorily complete the program will result in termination with cause of the employee.

b. As a further condition of employment, the employee must agree to random drug/alcohol testing for a period of twenty-four (24) months upon their successful completion of the program and return to work.

c. Any further convictions will result in termination with cause.

d. If the Superintendent, upon the recommendation of the facility director and the director of personnel, has reasonable suspicion that any of the qualifying criteria in (1)(A) of this policy has been violated by an employee, the Superintendent can require that such an employee undergo drug/alcohol testing.

1. If the employee refuses such testing, the employee will be immediately terminated with cause.

2. If the employee complies and the test is positive, the terms of (C)(2) will apply.

e. If an employee has an accident while operating a Board insured vehicle, the employee may be required to submit to a drug/alcohol test depending on the circumstances surrounding the accident. Such test will be within twenty-four (24) hours of the accident and the provisions of (d)(1) and (d)(2) apply. Failure to comply within the twenty-four (24) hour period may result in corrective action up to and including termination.

**DRUG AND ALCOHOL TESTING OF EMPLOYEES WITH COMMERCIAL DRIVERS LICENSES**

1. PURPOSE

The Madison County MR/DD Board seeks to operate a drug and alcohol-free agency that is in compliance with the federal Department Of Transportation (DOT) and the federal Highway Administration (FHWA) regulations as directed by the Omnibus Transportation Workers Testing Act of 1991. Pursuant to these federal statutes and regulations (hereinafter collectively referred to as “DOT regulations”), all drivers who work for the Board and are required to have a commercial driver’s license (CDL) regulated by the DOT are subject to alcohol and drug use prohibitions and restrictions.

Furthermore, the Board realizes the adverse effects that the use of illegal drugs and abuse of alcohol can have on its drivers/employees, its products and services, and the organization as a whole. It is also the Board’s obligation and right to maintain a safe, healthy, and efficient work environment for its drivers and other employees and the public and to protect the Board’s property, operations, productivity and public image.

2. COVERAGE AND IMPLEMENTATION

The policy covers all employees who are required to obtain and maintain a commercial driver’s license (CDL) as a qualification for their position. This includes all positions responsible for the operation of buses that carry more than 16 passengers (including the driver) and vehicles in excess of 26,000 pounds gross weight.

3. CONDUCT PROHIBITED BY DOT REGULATIONS

The DOT expressly prohibits certain conduct of employees with commercial driver’s licenses (CDLs). likewise, the DOT regulations mandate specific consequences that will follow any violations of the DOT regulations.

Employees with CDLs (also referred to as “drivers”) must be aware that the DOT provisions do not replace, but are in addition to, the conduct prohibited and the disciplinary actions set forth under the existing policies of the Board.

A. DOT PROHIBITIONS REGARDING THE USE OF ALCOHOL:

A driver is prohibited from:

1) Using alcohol while performing safety-sensitive functions;

2) Performing a safety-sensitive function within four (4) hours after using alcohol;

3) Reporting to duty or performing a safety-sensitive function with an alcohol concentration of .04 BAC percent or greater;

4) Using alcohol eight (8) hours following an accident or until tested when required to be tested;

5) Manipulating, switching or committing other misconduct related to a urine, breath, saliva or blood specimen or test;

6) Refusing to submit to post-accident, random, reasonable suspicion or follow-up alcohol test(s) when required by the DOT;

7) Possessing alcohol, unless the alcohol is manifested and transported as a part of the employee’s job duty;

8) Disclosing information about an individual’s alcohol or drug testing referral, or results of said testing or treatment referrals to anyone without a “need to know”.

B. DOT PROHIBITIONS REGARDING THE USE OF DRUGS:

A driver is prohibited from:

1) Using or possessing any drug. An exception applies in certain limited circumstances involving authorized use of prescription drugs;

2) Testing positive for drugs;

3) Manipulating, switching or committing other misconduct related to a urine, breath, or saliva or blood specimen test;

4) Refusing to submit to a required drug test;

5) Disclosing information about an individual’s alcohol or drug testing referral or results of said testing or treatment referrals to anyone without a “need to know”;

6) Receiving a conviction under any state or federal drug statute for a violation occurring in the workplace or occurring while conducting Board business and failure to notify the Board of such a conviction within five (5) calendar days of the conviction.

6. TESTING UNDER THE DOT REGULATIONS

The DOT regulations authorize employers to use urine, saliva and breath tests to determine the presence of alcohol and/or drugs in the system. Accordingly, to the extent that this policy makes references to blood samples or tests, it contemplates blood testing performed by a separate, authorized agency which provides test results to the Board.

All urinalysis tests for drugs must use the “split sample” method of collection. The employee will be sent to an approved facility (hospital, urgent care center, etc.) for the drug test. The test will be conducted under the DOT rules.

Whenever an employee receives notification of a positive, primary specimen test result, the employee may request that the split sample be tested in a different DHHS-certified laboratory. This request must be made within 72 hours after the driver received notification of the positive test result. Any test requested by the employee will be performed at the employee’s expense.

In accordance with the DOT regulations, the Board is required to test for drugs and/or alcohol in the following circumstances.

A. PRE-EMPLOYMENT DRUG TESTING

Pre-employment testing applies to individuals whom the Board intends to hire or use, on a permanent or temporary basis, as CMV drivers. “Applicants” may be prospective employees or current employees who have served in other capacities, with the Board.

B. REASONABLE SUSPICION OF DRUG AND/OR ALCOHOL USE TESTING

A driver shall be required to submit to an alcohol and/or drug test whenever a supervisor or manager has reasonable suspicion to believe that the driver has violated the prohibitions of the DOT regulation, or the driver’s behavior and appearance indicated drug use and/or alcohol misuse.

C. POST-ACCIDENT DRUG AND/OR ALCOHOL TESTING

Drivers who are involved in a reportable accident will be subject to an alcohol and/or drug test following the accident whenever the accident involves a fatality, or the driver receives a citation under state and local law for moving traffic violation arising from the accident.

A driver must submit to an alcohol test within eight (8) hours following the accident, and shall not consume any alcohol for eight (8) hours following the accident or until the driver submits to an alcohol test and is no longer on duty. Likewise, a driver must submit to a drug test within thirty-two (32) hours following the accident.

Breath or blood tests performed by on-site law enforcement officer or public safety official:

The Board may substitute a breath or blood test for the use of alcohol and a urine test for the use of drugs administered by on-site police or public safety officials under separate authority, using procedures required by their jurisdictions.

D. RANDOM ALCOHOL AND DRUG TESTING:

All drivers will be subject to unannounced drug and alcohol testing. All drivers will have equal probability of being selected for testing and will remain in the pool throughout the process.

Random Alcohol :

In accordance with DOT regulations the number of tests to be performed annually will be equal to or exceed a number to 25% of the total number of drivers.

Random Drug :

In accordance with DOT regulations the number of tests to be performed annually will be equal to or exceed a number of 50% of the total number of drivers.

E. RETURN TO DUTY ALCOHOL AND DRUG TESTING

Return-To-Duty Alcohol Testing:

A driver who has violated any of the alcohol misuse DOT regulations, who has been evaluated and treated [when recommended by a substance abuse professional (SAP)], and who is permitted by the Board to return to work, will be tested for alcohol. A driver may also be tested for drugs before returning to any safety-sensitive function upon recommendation of the SAP.

Return To Duty Drug Testing:

A driver who has violated any of the DOT drug regulations, who has been evaluated and treated (when recommended by the SAP), and who is permitted by the Board to return to work, will be tested for drugs and must have a negative test result before returning to a safety-sensitive function.

F. FOLLOW-UP DRUG AND/OR ALCOHOL TESTING

All drivers referred by the Board to treatment, who successfully complete a treatment program for drug or alcohol abuse and are permitted by the Board to return to work, will be subject to unannounced drug and alcohol testing for a period of twenty-four (24) months following their return to work.

5. CONSEQUENCES OF A VIOLATION OF THE DOT ALCOHOL AND DRUG REGULATIONS

A. Whenever a driver engages in prohibited conduct, the driver shall be removed from performing all safety-sensitive functions and shall be evaluated by a SAP who will determine what treatment, if any, the driver needs to resolve his or her problems associated with the alcohol misuse and drug use. (The Board will decide if the employee is eligible for participation in the rehabilitation program.) Before returning to work, the driver must undergo a return-to-duty test.

B. FAILURE OF A PRE-EMPLOYMENT TEST

Applicants or current employees (who are transferring to a CDL position or returning to duty) who fail a pre-employment test will not be permitted to occupy the position. Further, the Board may take additional disciplinary action up to and including termination.

C. FAILURE OF A REQUIRED TEST

The Board may take disciplinary action for up to and including termination for any driver who has a positive drug test result following a reportable accident involving a fatality.

D. REFUSAL TO SUBMIT TO A REQUIRED TEST

A refusal to submit to a reasonable suspicion, post-accident, random or follow-up test is considered a positive verified drug test or alcohol test greater than .04 BAC.

6. ADDITIONAL DISCIPLINARY ACTION

The Board has established policies and practices in order to protect our employees and our Board from the effects of substance abuse. When there is a violation of this policy, the violation will serve as a basis for discipline, up to and including termination, even for a first offense. The degree of the action chosen will depend on the circumstances of each case.

The Board recognizes that alcoholism is a disease and based upon the facts of each case the Board will attempt to reasonably accommodate an employee who has been diagnosed with this illness and who is actively undergoing a program of rehabilitation and treatment.

**503.12 PROMOTION**

There are two types of promotions that can take place within the Board.

1. Position Upgrade of a currently existing position to a level of increased responsibility. This type of promotion does not involve the replacement or hiring of any additional personnel. This type of promotion is at the discretion of the Superintendent. No application process occurs with this type of promotion.

2. Filling a position available with an employee previously listed on a lower classification of responsibility on the Table of Organization. An employee must submit a Letter of Intent and, as applicable, an updated resume to be considered for the vacant position.

Current employees may receive preference in application and/or consideration to the extent such is permitted by state law.

Factors to be evaluated when considering a current employee for promotion include an employee's completion of required probationary period, required training courses, and the employee's performance evaluation ratings.

**503.13 EQUAL EMPLOYMENT OPPORTUNITY**

The Board is an Equal Opportunity Employer. All employees and applicants for employment will be recruited, hired, promoted, transferred, demoted, laid off, terminated, suspended, evaluated, and otherwise dealt with in a fair and equitable manner based upon merit, fitness and such qualifications as each individual might possess. No personnel decisions shall be based upon race, color, religion, sex, national origin, age, handicap, or other prohibited criteria.

The Appointing Authority shall appoint a person(s) to be responsible for formulating, implementing, coordinating and monitoring all efforts in the area of equal employment opportunity. While overall authority for administering this policy shall be delegated to such person(s), supervisors and division heads shall also maintain responsibility for their actions in regard to providing equal opportunity to each employee or applicant.

The Board shall maintain an Affirmative Action Plan describing our goals and methods for the provision of equal employment opportunities for all persons under its authority. (Reference: R.C. 5126.07) A copy of this plan shall be available in each facility where employees are assigned to work.

Any employee or applicant who feels that he/she has been the victim of discrimination may contact the Equal Employment Opportunity Coordinator to obtain information concerning complaint procedures.

**503.14 ANTI-HARASSMENT POLICY**

No employee shall unlawfully harass any other employee, service provider, contractor, client of the Board, member of the public, or any other individual with whom the employee interacts in connection with the employee’s job duties. “Unlawful harassment” includes harassment of an individual based on the race, color, religion, gender, national origin, handicap, age or ancestry of the individual.

No employee shall sexually harass any other employee, service provider, contractor, client of the Board, or member of the public or any other individual with whom the employee interacts in connection with the employee’s job duties. "Sexual harassment" includes but is not limited to unwelcome sexual advances, requests for sexual favors, and all other verbal or physical conduct with sexual overtones where any of the following conditions are present or implied:

1. Submission by an employee, service provider or contractor is required, either explicitly or implicitly, as a condition of employment or participation in the program.

2. Submission or rejection by an employee, service provider or contractor is the basis for an employment-related decision.

3. The conduct interferes with an employee’s, service provider’s or contractor's work performance or the program's purpose.

4. The conduct creates an intimidating, hostile, or offensive work environment.

Any employee, applicant or client or other person covered by this policy who feels that he/she has been the victim of unlawful harassment should contact the EEO Coordinator or Superintendent for information concerning complaint procedures. Incidents of unlawful harassment should be reported within 30 days of the occurrence or as soon as reasonably possible for action to be taken to correct the situation.

Violations of this policy will not be tolerated. Any employee guilty of unlawful harassment will be disciplined in accordance with policies outlined in this manual.

Any employee who falsely accuses another employee of unlawful harassment will be disciplined in accordance with the disciplinary policy.

**503.15 NONDISCRIMINATORY CONTRACTS**

Any individual, agency, or service provider entering into a contract with the Board shall act in a nondiscriminatory manner both as an employer and as a service provider and shall act without regard to the race, color, national origin, religion, age, sex or handicap of the employee or program beneficiary. Failure to do so may result in the termination of the contract.

**503.16 NEPOTISM POLICY**

Members of the immediate families of Board members or the Madison County Commissioners may not be hired to work for the Board. ( Reference R.C. 5126.03)

**503.17 SENIORITY**

Seniority for classified employees shall have the meaning ascribed to it by the Ohio Department of Administrative Services.

**503.18 CLASSIFICATION PLAN**

Specifications have been developed for each classification and are used as a guide in classifying individual jobs. Very few jobs may fit a specification exactly, but an attempt is made to place each one in the classification it fits best. The specifications establish the qualifications which a person would have for work in each classification.

The Board has adopted position descriptions and specifications which are comparable, but not identical to the Ohio Department of Administration Services (DAS) specifications, and which have been placed on file with DAS and, when applicable, with the State Board of Education.

**503.19 PROBATION - Classified Employees**

Each newly hired or promoted employee in a classified position shall serve a probationary period.

The probationary period shall be, at a minimum, one hundred eighty (180) calendar days. (Reference: R.C. 124.27; O.A.C. 123:1-19-03)

The length of the probationary period for each classification shall be specified on the position descriptions and on all work agreements.

The probationary period for full-time employees and scheduled part-time and seasonal employees shall be based on calendar days from the date of original appointment.

Supervisors shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. The employee is encouraged to bring problems to the supervisor for resolution in order to enhance his/her performance. Supervisors have a responsibility to recommend retention of only those employees who meet acceptable work standards during the probationary period.

Probationary employees will be evaluated at midpoint and within 10 calendar days prior to the end of their probationary period. Full and appropriate records should be maintained. Should the employee be given a probationary removal within the second half of the probationary period but before the end of the probationary period, the final evaluation will be made at the time of removal. Although the primary purpose of a probationary evaluation is to rate an employee's job performance uniformly and objectively, the evaluation serves several other purposes as well:

1. By acting as a means of communication between employee and supervisor, it can reveal conditions which are contributing to poor morale or low productivity.

2. It gives an employee an opportunity to identify and correct specific performance problems of which he/she may not have been aware.

3. It serves as the means of determining job efficiency for probationary removal.

The employee should sign the evaluation as an acknowledgment that he/she has seen and discussed the document with the supervisor. Employees should always be made aware that the signature does not signify agreement with the evaluation, but is only an acknowledgment that it has been seen and discussed. Any points of disagreement should be expressed in writing by the employee in the space reserved for employee comments. No change in the rating is to be made after the form is signed by the employee. If the employee refuses to sign the evaluation, the supervisor must record the reasons and the employee's refusal should be verified in writing by a witness. If an employee has not been on the job for some time and is, therefore, not available for signature, the supervisor must clearly indicate this absence on the evaluation form. While the employee signs the evaluation after the supervisor's rating, he/she must receive a copy of the rating in its final form after all other reviewers have made their comments.

Probationary classified employees may not be removed during the first half of the probationary period unless it is for "just cause" as defined in O.R.C. 124.34.

Probationary employees may be removed during the second half of the probationary period if the service is considered unsatisfactory. The removal cannot be effective after the final day of the probationary period. Whenever a probationary appointee is removed, the Director of Administrative Services will be notified via the Personnel Action form accompanied by the original probationary performance evaluation, and a copy of the appointing authority's letter to the employee stating the reasons for the removal.

PROMOTION AND DEMOTION AND LATERAL TRANSFER DURING PROBATIONARY PERIOD

If an employee's service is found to be unsatisfactory during the probationary period following promotion, a reduction is made to the classification held prior to the promotion. A probationary removal may not be given in this case. However, an order of removal may be issued in accordance with the provision of the O.R.C. 124.34.

No probationary period is required following a demotion.

An employee may not be promoted during his original new hire probationary period. If an employee accepts a position in a different, lateral classification during his original probationary period, the employee must resign his current position in order to accept the new position and must serve an original probationary period in the new classification.

An employee who resigns during a probationary period is not eligible for reinstatement. The employee may be considered for new appointment. A new probationary period must be served if the person is appointed to the position for a second time.

PROBATION OF A TRANSFERRED EMPLOYEE

The employee will serve a probationary period. The employee will not be removed if his job performance in the new position is found to be unsatisfactory. The employee will, however, be demoted to the former, lower classification.

**503.20 PERSONNEL RECORDS**

Access, duplication, dissemination and destruction of personnel records procedures will comply with the Ohio Department of Mental Retardation and Developmental Disabilities Rule 5123:2-1-02, Ohio Department of Education, and the Public Records Act, O.R.C. 149.43.

Procedures that address access, duplication, dissemination and destruction of personnel records will be maintained by the Administrative Office. All staff having any responsibility for maintaining personnel information will be informed of these procedures.

Personnel records shall include, but not be limited to:

1. Name, permanent and current address, phone number.

2. Emergency notification information including name, address, home and work phone number.

3. Job description, civil service classification ( if applicable).

4. Record of permanent or temporary certification, registration or license, as applicable.

5. Records of sick leave and vacation.

6. Record of physical examination, current within one year of date of initial employment, for persons providing direct services to those enrolled in the county board program.

7. Bus driver annual physical examination form, as applicable.

8. Records of in-service training.

9. Personnel action forms.

10. Annual performance evaluations signed by the immediate supervisor, Superintendent, and the employee indicating the employee's awareness of the evaluation. For classified employees the performance evaluation forms used shall be those provided by or approved by the Department of Administrative Services. Other evaluation methods may be used in addition to the required form. Performance evaluations on unclassified employees shall be based on the requirements of the position.

11. Payroll information.

12. Retention record requirements.

13. Application forms.

An employee shall have a right of reasonable inspection of his or her official file. All personnel files are permanently retained by the Board. An employee who wishes to review his or her personnel file may do so by contacting the Administrative Office.

Employees must advise the Administrative Office of any change in: name, address, marital status, telephone number, number of withholding allowances claimed for tax purposes, citizenship or emergency contact.

In order to perform daily business transactions for the Board, the following positions shall have access to the personnel files: Superintendent / designee and appropriate Director.

**503.21 DISSEMINATION OF PERSONNEL RECORDS**

Ohio Law requires that all public records be prepared and made available for inspection upon request to any member of the public at all reasonable times during regular business hours. Records shall be reviewed only in the confines of the Administrative Office. If copies of materials in a Personnel file are requested, a reasonable fee will be charged.

The public will have access to all records in the employee's personnel file with the following exceptions:

a. Medical records,

b. Records pertaining to adoption, probation or parole proceedings,

c. Trial preparation records,

d. Confidential law enforcement investigatory records,

e. Records of which the release is prohibited by State or Federal Law including criminal records checks and an employee's social security number,

f. Records which do not serve to document official functions or activities.

When an employee's personnel file has been requested to be reviewed by a member of the public, the Board will attempt to notify the employee.

**504 PERFORMANCE STANDARDS, TRAINING, & EVALUATION**

**504.1 PERFORMANCE EVALUATION**

OVERVIEW

Evaluation of an employee's performance is a continuous process based on conferences, discussions, and observations and is a method for increasing the worker's competence and his/her effectiveness with the program. Each new employee shall have a written evaluation from the immediate supervisor at mid-point, and prior to the end of the probationary period. At least once a year thereafter, a written evaluation of each employee shall be prepared. These annual evaluations shall form the basis for promotion, determining work performance, and/ or reference writing. Materials for the evaluations will consist of the position description, program objectives, personal career development plans, compliance with Board policy and procedures, written records kept by the employee and the supervisor, and any other material from competent sources which are pertinent. The employee shall have the opportunity to review, discuss, and make written comments of the evaluation.

GENERAL PURPOSE

The Performance Evaluation Program is intended to be a system of communication between the supervisor and the employee on one hand, and between supervisory personnel and the administration on the other. If conscientiously applied, a performance evaluation program will enable the employee to have an increased awareness of his/her work and what is expected.

The employee will be evaluated with reference to the requirements of the job as defined in basic form on the position description. The employee will be able to tell in what respect his/her work is most in need of improvement or is worthy of praise and recognition. It will also enable the supervisor to find some of the gaps or limitations in department procedures. An evaluation may also be helpful in suggesting needs for types of training to be provided in in-service programs. The evaluation ratings in themselves may be useful in considering potential candidates for promotion and are used in the process of determining the sequence of employees to be laid off when such action is necessary.

EVALUATION TOOLS

The Ohio Department of Administrative Services Performance Evaluation Report appropriate for the position will be used where applicable for all classified employees of the County Board.

Alternate evaluation formats may be used with classified employees in place of Ohio Department of Administrative Services forms with the approval of the Superintendent. Approval of alternate formats should be approved by DAS if they are to be submitted to DAS and used in the future for calculation of retention points.

WHO WILL EVALUATE

Each employee will be evaluated by the immediate supervisor to whom he/she is regularly assigned. If an employee has been reassigned to a new supervisor within one month of the evaluation date, the present and former supervisor will cooperate in the evaluation. If an employee receives approximately equal supervision from two persons, the supervisors will cooperate on the evaluation and both will sign the report as raters.

TYPES OF EVALUATION

The Performance Evaluation Report will be used for three (3) different types of ratings: (1) PROBATIONARY, (2) ANNUAL, and (3) SPECIAL.

PROBATIONARY EVALUATIONS

All employees in probationary status will be evaluated twice during the probationary period. The first evaluation is to be made at the mid-point of the probationary period. The second evaluation is to be made within ten days prior to the end of the probationary period. When making the final probationary evaluation, the supervisor shall indicate on the evaluation whether the employee is to be retained or the employee is not to be retained. This recommendation is to be confirmed by the department director. If a recommendation is approved for retention, the assumption will be made that the probationary period has been satisfactorily completed.

ANNUAL EVALUATIONS

All employees who are not on probationary status are to be evaluated once a year. The evaluation will cover the employee's performance since the previous evaluation or during the time elapsed since the completion of the probationary period.

SPECIAL EVALUATIONS

Additional use may be made of the evaluation procedure at the discretion of the administration, for example, to document outstanding performance, to document close supervision following an unsatisfactory evaluation, at the request of the employee, or upon employee resignation.

THE PERFORMANCE INTERVIEW

When an evaluation is completed, the employee's performance rating will be reviewed and discussed by the supervisor with the employee during a conference called a Performance Interview. The employee shall sign a copy of the evaluation as verification that such a performance interview was conducted and shall receive a copy of the evaluation.

The Performance Interview conference is of benefit to both the employee and supervisor. The interview provides excellent opportunity for the employee to express himself/herself and to explain or justify his/her performance. The interview will be closed by summarizing the strengths and areas of needed improvements of the employee's performance and by emphasizing any changes needed to produce further improvement. The employee will be asked to sign the evaluation form thus verifying that he/she has reviewed it with the supervisor. The employee signature does not imply concurrence with the evaluation, only that the employee has seen the evaluation. The employee has the right to submit a statement of explanation or rebuttal which is to be attached to the evaluation form. If the employee refuses to sign the evaluation form, the supervisor will call in a witness to verify that the interview was held and to note that the employee refused to sign. Refusal to sign the evaluation form shall constitute a waiver of the employee's right to a review of the evaluation.

EVALUATION REVIEW

If the employee feels the evaluation is not a true reflection of job performance, he/she may request a review of the evaluation by submitting a written request for review of the evaluation to the next higher person in the chain of command for his/her department providing the employee has signed his/her evaluation form. The written request must specify which part(s) of the evaluation the employee is requesting be reviewed and must include specifics related to job performance upon which the request is based. The supervision/administrator responsible for reviewing the evaluation must meet with the employee within ten days and present the findings to the employee. The employee, if still not satisfied after the initial review conference, may request further reviews through the chain of command. The final review is with the Superintendent, whose decision will be final.

**504.2 TRAINING**

All personnel employed by or under contract with the Board are encouraged to participate in staff development activities such as formal course work, workshops, clinics, local area meetings, and observations of other programs.

Records of in-service participation shall be maintained for each staff member. It is the staff member's responsibility to submit such records in a timely manner.

Individuals participating in in-service activities may be given professional leave in accordance with the Board policy on Professional Leave.

Individuals participating in in-service activities during professional leave time may be requested to submit a report or give a presentation concerning their observations and learning experiences.

Although an employee may be fully certified, registered and/or licensed for his/her position, the Board may request that additional training or course work be obtained in order to remain abreast of current information, improve upon weaknesses which appear in an employee's performance evaluation, and/or assist the employee in keeping up with the changes within his/her profession.

The Board may require that an employee attend workshops, seminars, and/or in-service training sessions which relate to his/her position.

Regularly scheduled staff meetings will be scheduled within each division/department. Attendance is required for all employees within the division/department. These staff meetings will allow time for discussion of topics of current concern within the program such as new policies, procedures, methods of training, instruction, curriculum, and other matters as needed. A copy of the minutes of each staff meeting will be filed in the administrative office.

**504.3 Staff Orientation Outline**

New staff shall complete the orientation program within ninety (90) days of their date of continuous employment with the Board. The orientation program shall consist of a minimum of thirty (30) hours of training to include the following areas:

**I. Agency Introduction**

A. Board organization/operations

B. Mission and philosophy

C. Role of each program division

D. County Board Rules

E. Funding

**II. Overview of MR/DD**

A. Definition

B. Historical Treatment/Perspective

C. Bill of Rights/Confidentiality

D. Abuse/Neglect Reporting

E. Techniques/philosophy of intervention and training

F. Community Resources

G. Residential Issues

**III. Program Division Introduction**

A. Eligibility and enrollment

B. The IEP/IHP/IFSP

1. team processes

2. case coordination

3. communication

C. Enrollee policies

D. Behavior Management

**IV. Position Introduction**

A. Table of Organization

B. Position Description

C. Certification, Registration & Licensure

D. Personnel Policies

**V. Safety and Health**

A. Fire and tornado drills

B. Bomb threats

C. Other Emergency Evacuation Procedures

D. Lifting

E. Health and Safety Policies

**504.4 Staff Ongoing Training**

Training shall occur on an annual basis via staff meetings, inservices, seminars and conferences. All staff members shall be required to complete training and professional growth activities necessary for maintenance of his/her required registration, certification or license. Inservice training shall be documented.

Annual staff training may include the following:

A. An inservice which stresses body mechanics, an introduction to anatomy and physiology, prevention aspects, and safe suggested means of lifting, carrying and moving.

B. An overview of Board Policies and Procedures

C. Fire suppression

D. Assault prevention and intervention

Additional staff training may include the following areas for each department:

I. Monitoring of Services

A. Internal Mechanisms

1. Human Rights Committee

2. Safety Committee

3. Behavior Management Committee

4. Others

B. External Mechanisms

1. CARF

2. Ohio Department of Education

3. ODMR/DD

4. Case Management

5. Wage/Hour

6. Other

II. Medical Issues

A. Medical/Unusual Incidents

1. Handling Seizures

2. Accidental Injuries

3. Other Medical Problems i.e., diabetes

4. DNR policies

5. Board policies and procedures

B. Uses of Medications

1. Identify common types

2. Identify proper uses

3. Identify possible side effects

C. Infection Control

1. Overview of common types

2. Prevention

D. Delegated Nursing

1. Passing of medications

2. Topical applications

3. Other delegable tasks

III. Goal Planning/Skill Development Process

A. Early Intervention

1. Family centered programming

2. Developing cultural sensitivity

3. The Essential Components of Early Intervention Programming

4. Minimizing the future development of disabilities

5. Transition to preschool programming

B. Preschool/School Age Population

1. Requirements by Law - County, State, Federal, Other

2. IEP Process

3. Monitoring of Goals

C. Adult Services

1. Requirements by Law - County State, Other

2. IHP Process

3. Monitoring of Goals

D. Residential Services

1. Requirements by Law - County, State, Federal, Other

IV. Intake and Follow-Up for County Board Services

A. Application Process

B. Determination Process

C. Placement into Proper Component

D. Follow-up

1. To assure services are delivered

2. To assure services are appropriate

3. To assure services are needed

V. Miscellaneous Issues

A. Dignity of Risk

B. Advocacy

C. Family/Significant Other Support or Involvement

D. Introduction to MR/DD

VI. Normalization Issues

A. Sexuality

B. Appearance

C. Money

D. Medical Care

E. Use of Community Services

F. Recreation Opportunities

VII. Behavior Management

VIII. Signing

IX. Program/Community Relations

X. Facilities Management

XI. Principles of Team Processes

**504.5 OUTSIDE EMPLOYMENT**

1. Under no circumstances shall an employee have other employment which conflicts with the policies, objectives or operations of the Board.

2. Employment "conflicts", under this policy, are defined as an impairment of the employee's ability to perform the duties of his or her position with the Board. Two common employment conflicts which may arise are:

a. Time Conflict - Defined as when the working hours required of a "secondary job" directly conflict with the scheduled working hours of an employee's job with the Board; or when the demands of a secondary job prohibit adequate rest, thereby adversely affecting the quality standard of the employee's job performance with the Board.

b. Interest Conflict - Defined as when an employee engages in outside employment which tends to compromise his or her judgment, actions and/or job performance with the Board or which impairs the Board's reputation in the community. Includes any employment with an agency contracting with the Board and any employment dependent upon Board funding.

3. Full-time employment with the Board shall be considered the employee's primary occupation, taking precedence over all other occupations.

4. "Outside" employment, or "moonlighting" shall be a concern to the Superintendent only if it adversely affects the job performance of the employee's duties with the Board or constitutes a conflict of interest.

5. Should the Board feel that an employee's outside employment is adversely affecting the employee's job performance, the Superintendent may request that the employee refrain from such activity. Any conflict, policy infraction, or other specific offense which is the direct result of an employee's participation in outside employment shall be disciplined in accordance with the policies set forth in this manual.

6. No employee shall be employed by any entity having a contract with the Board unless the employee notifies the Superintendent and receives written authorization from the Superintendent permitting such employment. (Reference: R.C. 5126.033)

**504.6 EMPLOYEE ATTENDANCE**

Staff attendance is a critical element in delivering quality services to individuals served by the Board. Employee absenteeism severely impairs the Board's ability to provide quality services because it destroys continuity of programming and takes money away from areas of programming which must then be spent on substitutes and in payment of sick leave to absent employees.

**504.7 EMPLOYEE SCHEDULES**

The Superintendent/designee shall establish daily work schedules and maintain daily employee attendance records.

Break periods shall be considered a privilege and not a right and shall never interfere with the proper performance of the work responsibilities of the department. Such breaks shall be considered as part of the employee's work time. The scheduling and adjustment of break periods shall be the prerogative of the immediate supervisor.

**504.8 ATTENDANCE STANDARDS**

The regular attendance of each staff member is vital to the effectiveness of the agency. Direct care and support services are most effective when performed with the continuity provided by regular staff members as opposed to substitutes.

Use of sick leave: The generous provision of accrual of up to fifteen (15) days per year allows for use only with good reason as set forth in related policies. The absences of an employee which are verified by a physician are not questioned. However, an employee who cannot document medical reasons is expected to have good attendance. The use of sick leave in a pattern showing many Friday or Monday and/or pre/post holiday will be investigated for abuse of sick leave.

Frequent unpaid absence is as detrimental to programs as excessive use of sick leave. It should not be requested or used except for emergency situations which must be explained to the satisfaction of the Superintendent.

Absence for medically verified reasons and for reasons protected by the Family and Medical Leave Act are not held against an employee. For instance, an employee who must take an extended absence for surgery and recuperation is not regarded as having poor attendance provided the employee's record is otherwise good as set forth above. The same principle applies if the reason(s) for absence is (are) for other allowable purposes or if medical or other reasons necessitate frequent short absences.

Employees are encouraged to make routine medical/dental appointments during non-working hours or early morning/late afternoon. Employees are expected to do personal business during non-working hours.

**504.9 ABSENCE CONTROL**

Absenteeism increases the work load of other employees and thus affects the quality of services. Good attendance habits are encouraged and required.

The following procedure for absence control shall be uniformly applied to all employees.

A. An absence, as defined for purposes of this policy, is a day absent from work unexcused or for which the payment of available sick leave was denied for just cause. (Example: If an employee is off for three (3) consecutive days for which he/she was not excused, he/she is charged with three (3) absences.). All absences covered under the Family and Medical Leave Act are excused absences. It is important that supervisors counsel employees once the employee is charged with an absence and upon each successive absence thereafter to ensure the employee understands this policy and the consequences of its violation.

B. Employees will be subject to the following discipline for accrued absences during the period of one contract year:

One Absence Discipline: Written reprimand

Two Absences Discipline: Up to three day suspension without pay

Three Absences Discipline: Up to ten day suspension without pay

Four Absences Discipline: Possible termination from service

C. At the beginning of each contract year, all employees will start at zero.

**504.10 EMPLOYEE ETHICS**

The community knows our agency by the actions of its employees. Therefore, it is essential that individuals conduct themselves in a professional manner.

Providing services to persons with mental retardation and developmental disabilities requires the cooperation of many different and diverse professional and paraprofessional groups. In addition to the professional licenses, certificates and the ethical standards of the disciplines, all employees are expected to maintain a standard of behavior which promotes the well-being of persons with MR/DD consistent with the Board statement of philosophy.

Employees shall not engage in outside employment that results in a conflict of interest with duties as Board employees.

Employees shall not solicit or accept for their personal use anything of economic value from any individual or entity engaged in business with the Board.

Classified employees of the Board are prohibited from engaging in certain kinds of political activity (refer to Political Activity Policy).

Any violation of this policy shall be reported to the Superintendent or designee, who shall investigate and take appropriate action.

**504.11 EMPLOYMENT OF PROGRAM ENROLLEES BY BOARD EMPLOYEES**

Employment as used in this policy means engagement in work for which remuneration is customary (includes, but is not limited to babysitting, lawn mowing, assistance with moving, janitorial/custodial tasks).

This policy shall apply to all Board employees.

It is the intent of this policy to inform Board employees that engagement of the services of program enrollees to perform tasks outside of the normal programming scope is viewed as employment.

Remuneration at the usual or prevailing wage is expected for program participants who perform personal work for Board employees.

In order to comply with all applicable federal, state and local regulations, it is required that the Superintendent be informed in writing prior to the enrollee’s employment.

Adherence to this policy will provide an assurance for both the enrollee and the employee of compliance with ethical and legal standards.

References: U. S. Department of Labor, Federal Wage & Hour Division, Fair Labor Stds. 29CFR, 525.

**504.12 STAFF-ENROLLEE RELATIONSHIPS**

All enrollees have the right to be treated with courtesy and respect, and with full recognition of their dignity and individuality at all times by staff members . All enrollees have the right of access to opportunities that enable them to develop their full human potential.

Each has the right to be treated equally as citizens under the law. Each has the right to be free from emotional, psychological and physical abuse and to be free from unnecessary chemical and physical restraints.

Each Board employee shall endeavor to protect these rights at all times. Staff shall report any suspected abuse or neglect of enrollee rights to their immediate supervisor. Staff shall cooperate in any investigations regarding abuse or neglect.

No staff member shall subject an enrollee to physical, verbal or psychological/emotional abuse. Procedures that cause physical, visual and/or auditory pain are strictly prohibited. Attacks on personal dignity, such as foul language, name-calling, shouting and other types of verbal abuse are forbidden. Actions such as threats, whether founded or unfounded or the use of objects that are frightening to an enrollee constitute psychological/emotional abuse and are forbidden. Each staff member shall comply with the proper procedures for Behavior Management Intervention as adopted by the Board.

No staff members shall subject an enrollee to sexual abuse or take advantage of enrollees by procuring sexual favors either on or off regular work hours.

At no time shall a staff member betray the trust relationship that exists between himself/herself and the student/client. In particular, relationships outside the school/work environment require caution regarding social contacts, financial dealings, or any other activities which would take advantage or appear to take advantage of the trust the enrollee has in the staff member who is working for the well-being of the enrollee.

Cross Reference: Behavior Management Policy

Support Service / Case Management Policy - Abuse/Neglect

**504.13 PROTECTION OF "WHISTLEBLOWERS"**

A. Any employee of the Board who learns in the course of his/her employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources which his/her supervisor or the superintendent could correct may report that violation or misuse without reprisal as follows:

1. Reports must be written. Oral reports have no protection under the "whistleblower" statute, O.R.C. 124.341.

2. The report must be filed with either the superintendent or the employee's supervisor unless the employee reasonably believes the violation or misuse constitutes a criminal offense or a violation of O.R.C. 102 (ethics) or O.R.C. 2921.42 (unlawful interest in a public contract) or O.R.C. 2921.43 (soliciting or receiving improper compensation).

Suspected criminal offenses can be reported to a prosecuting attorney, the chief legal officer of a municipality or a peace officer.

Suspected violations of O.R.C. 102, 2921.42, or 2921.43 may also be reported to the Ohio Ethics Commission.

B. Except as provided in Section C of this policy, employees may not be punished for making any report authorized by Section A.

C. Employees shall make reasonable efforts to determine the accuracy of any information reported under this policy. Employees may be punished, up to and including removal, for purposely, knowingly or recklessly reporting false information.

D. Employees who are punished as a result of reporting violations or misuse under this policy may appeal that punishment to the State Personnel Board of Review. Appeals must be filed no more than thirty (30) calendar days after the employee learns he/she has been punished. O.R.C. 124.341 (D) makes appeal to the State Personnel Board of Review the exclusive remedy for employees who are punished for reporting violations or misuse under this policy.

E. For purposes of this policy:

1. A person acts purposely when it is his specific intention to cause a certain result, or, when the gist of the offense is a prohibition against conduct of a certain nature, regardless of what the offender intends to accomplish thereby, it is his specific intention to engage in conduct of that nature.

2. A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.

3. A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist.

(References: O.R.C. 102.01, et seq.; 124.341; 2901.22; 2921.42 and 2921.43.)

**505 DISCIPLINARY POLICIES**

**505.1 DISCIPLINARY PROCESS - Unclassified Employees**

(A) As used in this section, "employee" means a management employee or superintendent of the Board.

(B) An employee may be removed, suspended, or demoted in accordance with this section for violation of written rules set forth by the Board or for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, or other acts of misfeasance, malfeasance, or nonfeasance.

(C) Prior to the removal, suspension, or demotion of an employee pursuant to this section, the employee must be notified in writing of the charges against him. Not later than thirty days after receiving such notification, a predisciplinary conference shall be held to provide the employee an opportunity to refute the charges against him. At least seventy-two hours prior to the conference, the employee shall be given a copy of the charges against him.

If the removal, suspension, or demotion action is directed against a management employee, the conference shall be held by the superintendent who shall notify the management employee within fifteen days after the conference of his decision with respect to the charges. If the removal, suspension, or demotion action is directed against a superintendent, the conference shall be held by the members of the Board or their designees, and the Board shall notify the superintendent within fifteen days after the conference of its decision with respect to the charges.

(D) Within fifteen days after receiving notification of the results of the predisciplinary conference, an employee may file with the Board a written demand for a hearing before the Board or before a referee, and the Board shall set a time for the hearing which shall be within thirty days for the date of receipt of the written demand, and the Board shall give the employee at least twenty days notice in writing of the time and place of the hearing.

(E) If a referee is demanded by an employee or a Board, the hearing shall be conducted by a referee selected in accordance with division (F) of this section; otherwise, it shall be conducted by a majority of the members of the Board and shall be confined to the charges enumerated at the predisciplinary conference.

(F) Referees for the hearings required by this section shall be selected from the list of names compiled by the superintendent of public instruction pursuant to O.R.C. 3319.161.

(G) The Board shall provide for a complete stenographic record of the proceedings, and a copy of the record shall be furnished to the employee.

Both parties may be present at the hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the Board. In case of the failure of any person to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the Board or the referee may administer oaths to witnesses. After a hearing by a referee, the referee shall file his report within ten days after the termination of the hearing. After consideration of the referee's report, the Board, by a majority vote, may accept or reject the referee's recommendation. After a hearing by the Board, the Board, by majority vote, may enter its determination upon its minutes. If the decision, after hearing, is in favor of the employee, the charges and the record of the hearing shall be physically expunged from the minutes and, if the employee has suffered any loss of salary by reason of being suspended, he shall be paid his full salary for the period of such suspension.

Any employee affected by a determination of the Board under this division may appeal to the court of common pleas of the county in which the Board is located within thirty days after receipt of notice of the entry of such determination. The appeal shall be an original action in the court and shall be commenced by the filing of a complaint against the Board, in which complaint the facts shall be alleged upon which the employee relies for a reversal or modification of such determination. Upon service or waiver of summons in that appeal, the Board immediately shall transmit to the clerk of the court for filing a transcript of the original papers filed with the Board, a certified copy of the minutes of the Board into which the determination was induced at the hearing or hearings before the Board or a certified transcript of all evidence adduced at the hearing or hearings before the referee, whereupon the cause shall be at issue without further delay. The court shall examine the transcript and record of the hearing and shall hold such additional hearings as it considers advisable, at which it may consider other evidence in addition to the transcript and record.

Upon final hearing, the court shall grant or deny the relief prayed for in the complaint as may be proper in accordance with the evidence adduced in the hearing. Such an action is a special proceeding, and with the employee or the Board may appeal from the decision of the Court of Common Pleas pursuant to the Rules of Appellate Procedure and, to the extent not in conflict with those rules, O.R.C. 2505.

Not renewing an employee’s employment contract with the Board is not a disciplinary action, is not a removal, and is not subject to this policy.

(Reference: R.C. 5126.23)

**505.2 DISCIPLINARY PROCESS - Classified Employees**

At the end of one year, the employee may request that the Superintendent review the reprimand to determine if it may be removed from the file. The Superintendent determines whether or not removal of this permanent record from the file is appropriate depending upon the employee's evaluation and incident record since the reprimand. Written reprimands are not automatically removed from the files without prior review

PHILOSOPHY: Discipline should be viewed as constructive in nature, designed to improve the performances and behaviors of employees so that incidents do not reoccur. It should be viewed as a means to ensure the safety and well-being of employees as well as participants.

PRINCIPLES: The majority of our staff will never have cause or reason to be involved in disciplinary actions. Counseling, when used as a means to instruct an employee or to improve performance, will be all that is usually needed to assist an employee in meeting expectations. The Board has faith that its employees are dedicated and caring people who consistently try to do their best.

EXPECTATIONS OF EMPLOYEE PERFORMANCE AND CONDUCT: Each employee's performance and conduct are critical to the safeguarding of participants' rights, providing a quality work environment for all employees and the health of the Program. Therefore, the following is a basic statement of what is expected of each employee. It is meant to be illustrative in nature and should not be considered all-inclusive. Supervisors are obligated to maintain standards in both performance and conduct of their assigned staff. When standards are not met, supervisors have the discretion to recommend disciplinary action to reflect the seriousness of the offenses, harmful impact upon the Program and/or participants and other mitigating circumstances.

STATEMENT OF EXPECTATIONS: Employees of the Madison County Board of Mental Retardation and Developmental Disabilities are expected to:

1. Safeguard participants and their rights.

2. Maintain confidentiality, professional behavior and language with participants, fellow employees and the public; provide complete, accurate and timely reporting of critical incidents, suspected violation of participant and/or employee rights; and report exposure to serious communicable diseases to the supervisor.

3. Maintain a safe, clean and professional working environment; conduct personal business during non-working time; be free of intoxicating or illegal substances on the job or on Board business; and always remain fit for duty.

4. Follow all proper department and agency rules, policies and procedures; communicate all expenses, service or performance incurred to the Board; take reasonable care of Board property, records and equipment and use only for authorized purposes; avoid all unauthorized political activity and solicitations; carry no firearms or weapons while on duty, on Board property or Board business.

5. Maintain all certification and registration as required by the Department of MR/DD, Department of Education, Medicaid or other licensing authority; complete and maintain all other job requirements.

**505.3 PROGRESSIVE DISCIPLINE POLICY**

Progressive discipline will generally follow the process outlined below. The Board reserves the right to utilize appropriate discipline that reflects the seriousness of the action, its impact upon participants and other employees, and any possible criminal nature of the offense. Disciplinary action will comply with laws, regulations and statutes regarding public employment.

The Board believes that certain basic principles, as set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job performance or conduct when it occurs.

The Board's expectations are:

1.Employees shall be aware of job expectations through job descriptions, performance evaluations, policies and procedures, the types of conduct the Board expects of all employees as set forth in this manual, and the penalties for unacceptable job performance and conduct.

2.Immediate attention shall be given to policy infractions. As soon as the supervisor is aware of a problem/concern/allegation concerning an employee, the supervisor shall discuss it with the employee, allowing the employee an opportunity to respond to the issue.

3.Discipline shall be applied uniformly and consistently.

4.Each offense shall be dealt with as objectively as possible.

5.Discipline shall usually be progressive, but, depending upon the severity of the offense, may proceed immediately to termination.

6.An employee's immediate supervisor/coordinator, director, and the superintendent shall be responsible for administering discipline.

STAFF RESPONSIBILITIES DURING THE DISCIPLINARY PROCESS

Staff are required to be truthful at all time during the disciplinary process. Lying, withholding information (partially or completely) or refusal to give information may result in termination.

Staff are reminded that failure to report abuse/neglect of participants or other violations of statute, rules or policy may result in the staff member being held equally responsible for a disciplinary offense as the person who committed the offense which was not reported.

PRE-DISCIPLINARY ACTION

Pre-disciplinary Conference - Classified Employees

Whenever the Director or designee determines that an employee may be reduced in pay or position, suspended or terminated, a pre-disciplinary conference will be scheduled to give the employee an opportunity to explain his/her conduct.

Pre-disciplinary conferences will be conducted by the Superintendent or designee.

Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the director or designee will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee may:

1. Appear at the conference to present an oral or written statement in his/her defense;

2. Appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or

3. Elect in writing to waive the opportunity to have a pre-disciplinary conference.

At the pre-disciplinary conference, the neutral person will ask the employee or his/her representative to respond to the allegations of misconduct which were outlined to the employee. Employees are not required to respond. Employees may be disciplined if they lie at the pre-disciplinary conference.

Pre-disciplinary conferences are just that - conferences. They are not formal hearings. The rules of evidence do not apply and neither the employee nor the representative of the Board may summon or cross examine any witnesses.

If the pre-disciplinary conference is conducted by the Superintendent’s designee, he/she shall prepare a written report of his/her findings. A copy of that report shall be furnished to the affected employee not more than five (5) working days after it is submitted to the Superintendent. The Superintendent will decide what discipline, if any, is appropriate, and notify the employee in writing.

PROGRESSIVE DISCIPLINE STEPS

**STEP 1: ORAL COUNSELING** (noted in supervisor's file).

**STEP 2: ORAL REPRIMAND** (noted in supervisor's file and copy sent to Personnel File - to remain in effect for a minimum of one (1) year).

**STEP 3: WRITTEN REPRIMAND** (copy in supervisor's file and copy sent to Personnel File - to remain in effect for a minimum of one (1) year. At the end of one year, the employee may request that the Superintendent review the reprimand to determine if it may be removed from the file. The Superintendent determines whether or not removal of this permanent record from the file is appropriate depending upon the employee’s evaluation and incident record since the reprimand. Written reprimands are not automatically removed from the files without prior review.

**STEP 4: ONE (1) to THREE (3) DAYS SUSPENSION** (not appealable to State Personnel Board of Review - SPBR) (Permanently in Personnel File).

**STEP 5 :FOUR (4) OR MORE DAYS SUSPENSION OR REDUCTION IN PAY OR POSITION** (appealable to SPBR) (Permanently in Personnel File).

**STEP 6 : LONGER SUSPENSIONS, REDUCTION IN PAY OR POSITION AND REMOVALS** (appealable to SPBR) (permanently in Personnel File, may not be rehired).

The employee will be offered the opportunity of a fact-finding conference when Steps 4 through 6 may be the result of that fact-finding conference.

Serious unacceptable actions on the part of the employee, such as gambling during working hours, may result in removal on the first offense. Other such unacceptable actions include:

-Abuse of participants or participants' rights

-Falsification of records (such as deliberate recording of more hours than actually worked, misuse/abuse of sick leave)

-Failure to report participant abuse

-Lying or withholding information at fact-finding

-Use or sale of narcotics or alcohol during work time or on Board property

-Breach of confidentiality regarding participants or employees

-Unlawful harassment

-Any other gross misconduct

Care should be taken to comply with the Merger & Bar rule of SPBR which requires discipline to be imposed for all known offenses.

RIGHTS OF ABUSED INDIVIDUALS

Under circumstances of abuse, neglect, slander or other illegal acts, disciplinary action taken by the Board against the individual committing the disciplined act does not diminish the rights of the individual, the parent/guardian, advocate or employee from exercising their rights to pursue legal recourse.

RESPONSIBILITY TO REPORT ABUSE/NEGLECT

By law, any employee who suspects abuse or neglect of a participant in any manner must report their suspicions per policies and procedures. Failure of an employee to make such reports as required by law will result in the employee being subject to disciplinary action.

**505.4 ORDER OF REMOVAL, SUSPENSION, OR REDUCTION - CLASSIFIED**

The same ORDER form is used for removals (including involuntary disability removals), suspensions, and reductions. One copy is given to the employee, one is filed with the State Personnel Board of Review, one with the Director of Administrative Services, and one is retained by the appointing authority.

1. One of the statutory grounds for action must be stated on the form. Those acts of behavior which constitute or support the statutory basis for the action are to be specifically listed and described.

2. Whenever possible, the exact time and place of specific acts are to be given, together with the names(s) of the person(s) involved. Where incompetency or inefficiency is charged, the standards of performance by which it is judged are to be given. The information given in this portion of the form must be clearly stated in terms which the employee can understand--but which also would be meaningful in the event the case reaches further stages of administrative review. The specific acts are to be written in such detail as to advise the employee of exact actions which must be defended. If previous warnings or suspensions of any sort have been given the employee concerning any of the behavior cited in the action, they should also be indicated on the form.

3. The ORDER form shows the date on which the action becomes effective. This may be the same date that the employee receives a copy of the ORDER or it may be later than that date but it may never be earlier than that date.

4. The filing date of the ORDER is entered at the designated place on the form. This may be the same date that the employee receives a copy of the ORDER or it may be later than the date but it may never be earlier. In cases where immediate removal seems to the appointing authority to be imperative, the effective date, the filing date, and the date of giving notice to the employee may all be the same.

5. The copy of the ORDER which is given to the employee must be signed personally by the appointing authority.

6. If an amended order is prepared, a new filing date and period for appeal will follow.

**505.5 APPEALS - CLASSIFIED EMPLOYEES**

1. Personnel actions affecting classified employees such as non-probationary dismissals, suspension of over three (3) days, reductions , demotions and layoffs, may be appealed by affected employees to the State Personnel Board of Review. Suspensions of three (3) working days or less are not appealable to the State Personnel Board of Review.

2. Written appeals of removal, demotion or suspension must be filled with the State Personnel Board of Review within ten (10) calendar days after the filing of an order with the State Personnel Board of Review. If the order is received after it is filed with the State Personnel Board of Review, the ten (10) calendar days for filing an appeal begins to run from the date of receipt by the employee. Written appeals of layoffs must be made within ten (10) calendar days after the effective date of the action.

3. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the State Personnel Board of Review may affirm, disaffirm, or modify personnel decisions made by the Superintendent or the Director of Administrative Services.

EXCEPTIONS OF APPEAL

1. Suspensions of not more than three (3) working days are not governed by the above procedure. Such suspensions may be made by the appointing authority at any time without the employee having recourse to any appeal. However, the employee must be notified of the grounds, and the suspension must be reported to the Director of Administrative Services on the Personnel Action Form showing the ground(s) for the suspension, along with a copy of the letter sent to the employee.

2. Voluntary written agreement by the employee to a reduction constitutes a waiver of the above procedure. Where reduction is made on such basis, it is reported to the Director of Administrative Services on the Personnel Action Form accompanied by a signed and dated copy of the employee's consent. This consent must be signed on the date shown on the consent.

3. When an employee becomes physically unable to perform the duties of the position, a transfer may be requested to a vacant position of a similar or lower pay grade which the employee has the ability/qualifications to fill. This reduction may be accomplished with the consent of the Director of Administrative Services.

**506 GRIEVANCE PROCEDURE POLICY**

Classified Employees

1. It is important for employees to have the means by which grievances may be aired in an atmosphere without fear that the submission of such a grievance will be held against them. To accomplish this, the Board has adopted a Grievance Procedure. An employee desiring to air a grievance must follow the steps of the procedure that are appropriate for his/her particular grievance.

2. A "grievance" is defined as an allegation in writing describing a disagreement between an employee and management as to the interpretation or application of official Board policies, state civil service laws, agency rules or decisions, matters subject to state or federal law, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to discipline, treatment or other conditions of employment. Neither probationary removals nor any other personnel actions taken in matters in which employees have been afforded the opportunity for a predisciplinary conference described earlier may be appealed through the in-house grievance procedure.

3. Nothing in this policy is intended to deny employees any rights available by law to have redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.

4. The purpose of this procedure is to secure equitable resolution of problems at the lowest possible administrative level.

5. This grievance procedure is only to be used when normal supervisor-subordinate communications breakdown and the subordinate feels that a proper solution has not been reached.

6. All employees shall sign a statement that they have seen and have knowledge of the complaint procedure.

7. The employee must proceed through all steps of the grievance procedure in proper order and within the prescribed time limits, except as otherwise noted.

8. Where a grievance cites issues of law which the individual hearing the complaint cannot address, the complaint shall be forwarded to the Prosecuting Attorney's Office for an opinion before proceeding. All time limits set forth in this procedure shall be held in abeyance until a response from the Prosecutor is received.

9. Where a group of employees desire to file a grievance involving a situation affecting each employee in the same manner, one employee selected by such group will process the complaint. However, each employee affected shall sign the grievance.

10. A complainant may have a representative (employee or non-employee) of his/her choosing present at any step of the procedure except Step 1. Employees and employee representatives shall not lose pay or benefits during normal working hours for time spent in grievance hearings. The expense of any legal representative(s) shall be borne by the party utilizing them. Witnesses may be called by both parties. Management maintains the right to schedule witnesses for hearings.

11. All grievances filed under this procedure shall be in writing on the form provided for this purpose, and shall state the nature of the complaint, the desired remedy, and the facts which affect the conditions of the complaint.

12. For the purpose of this policy, days shall not include Saturdays, Sundays, holidays, or non-working days.

13. The employee may terminate the grievance at any point by submitting a written statement to that effect. This statement shall be submitted to the Superintendent.

14. Time limits as set forth in the following Grievance Procedure may be extended by mutual written agreement of the parties.

GRIEVANCE PROCEDURE

**1. Step One:** Immediate Supervisor

An employee having a grievance shall file the grievance in writing on the appropriate form with his/her immediate supervisor. The grievance form may be obtained from the Administrative Office. In order for a grievance to be recognized, it must be filed within five (5) working days from the date of the incident giving rise to the grievance. The immediate supervisor and the employee will hold a verbal discussion to try to resolve the grievance within two (2) days following the date of receipt of the written grievance. The immediate supervisor may offer his/her oral remedy immediately following the discussion, but shall present this remedy in writing within three (3) days following the date of discussion.

**2. Step Two:** Department Director

If the grievance is not resolved to the satisfaction of the employee at the STEP ONE meeting, the grievance must, within two (2) working days after receipt of the STEP ONE written decision, be submitted on the designated form to the employee's department director. The written grievance must be signed by the employee and contain all the pertinent facts of the grievance including a copy of the original grievance and a copy of the decision from STEP ONE. The department director shall schedule a meeting within three (3) working days following the receipt of the grievance. The employee may be accompanied by a representative of his/her choosing, but if an employee representative is chosen, the aggrieved must notify that employee's department director in advance of the meeting so that the employee representative may be relieved of duty to attend the meeting. The department director shall issue a written decision to the grievance within five (5) working days of the meeting with copies to all parties involved. (In facilities/departments having intermediate levels of supervision between the immediate supervisor and department director, the STEP TWO procedure shall be followed as indicated with next person in the chain of command. For example, for those facilities having an assistant director, the assistant director would hear the grievance with the same time guidelines as outlined above before the grievance went to the department director).

**3. Step Three:** Superintendent or Designee

If the grievance is not resolved at the STEP TWO decision, the employee must, within four (4) working days after receipt of the STEP TWO decision, submit the written grievance including all pertinent data from previous STEPS to the Superintendent or designee. The Superintendent or designee will schedule a meeting within five (5) working days following the date of receipt of the grievance. The employee may be accompanied by a representative of his/her choosing, but if an employee representative is chosen, the aggrieved must notify that employee's department director in advance of the meeting so that the employee representative may be relieved of duty to attend the hearing. The aggrieved employee and the department director shall attend the meeting. The Superintendent/designee will render a decision in writing to the employee within five (5) working days following the STEP THREE meeting. Copies of the decision shall be provided to all parties involved.

**4. Step Four:** Personnel Committee of the Board

If the STEP THREE decision is not satisfactory to the employee, the written grievance with supporting documentation and copies of previous decisions may be submitted to the Personnel Committee of the Board for review and determination of the facts within ten (10) working days from the date the STEP THREE decision is received or as soon thereafter as the Committee can meet. The Personnel Committee has the right to appoint any other individual to review and determine the facts. If the Personnel Committee determines to review the case, it will make a decision within fifteen (15) working days from the date the grievance is reviewed, with copies of the determination to all parties involved.

APPEALS: If the STEP FOUR decision is not satisfactory to the employee, the Superintendent will inform the employee that the employee may have the right to appeal the decision to the Department of Labor and/or State Personnel Board of Review and that decision will be final and binding, and that cases of alleged discrimination may be appealed to the Ohio Civil Rights Commission or the EEO Commission. However, nothing in this grievance procedure, including the review by the Personnel Committee of the Board, shall be deemed to give an employee any rights of appeal outside of the agency that the employee would not have in the absence of this grievance procedure.

MANAGEMENT RESPONSIBILITIES DURING GRIEVANCE PROCEDURES

1. Tracking of Grievances

Once a grievance is filed, the director must "track" the complaint throughout the procedure. If a grievance is not processed by the employee to the next step of the procedure within the specified time limits or any written extension thereof, it shall be considered resolved on the basis of the decision at the previous step, and should be indicated, "Resolved, employee did not pursue", dated, signed and sent to the employee and the Administrative Office for filing as a permanent record.

If the grievant does not receive a response from the appropriate management representative within the specified time limit or extension thereof, the grievance will be considered to have been answered in the negative and the employee may advance the grievance to the next step. The management representative receiving a grievance, which was not answered at the previous step, must investigate the reason that no answer was given. If a management representative does not possess the authority to correct the employee's grievance, then he/she should so indicate and return the grievance to the employee in a timely fashion.

2. Decisions. Decisions to grievances are to be in writing and should have supporting documentation attached.

3. Possible Decisions. There are three (3) possible decisions to any grievance. They are:

a. Find in the employee's favor. The decision is to grant the remedy requested.

b. Find against the employee. The decision is that the findings of fact do not support the allegation(s) and, therefore, the grievance and remedy requested is denied.

c. Compromise. The employee has a legitimate grievance but the remedy requested is improper. Prior to a compromise decision, the person responsible for determining the grievance should call the grievant in and ask if he/she will accept the proposed offer. If not, option 3b may be exercised.

**507 EEO COMPLAINT POLICY AND PROCEDURE**

The following complaint procedure has been adopted by the Board.

1. Filing of Discrimination Complaint

Any employee or applicant having a complaint of discrimination on basis of race, color, religion, sex, national origin, handicap, or age (40 and over) may file a written discrimination complaint in the office of the Equal Employment Opportunity Coordinator. A complaint form is available for this purpose, and can be obtained from the EEO Coordinator.

The complaint must be filed within thirty (30) days of the alleged discriminatory action, except that this time limit may be extended if the complainant can show that he or she did not have notice of the time limit, or was prevented by circumstances beyond his/her control from submitting the complaint within the time limit, or for other reasons considered sufficient by the Coordinator.

A complaint shall be deemed filed on the date it is received, or on the date postmarked if mailed. The EEO Coordinator shall acknowledge receipt of the complaint in writing, and inform the complainant in writing of the complaint procedure and of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission.

2. Complainant's Right to Representation

At any time during the course of the procedure, the complainant has the right to be accompanied, represented, and advised by a representative of his/her choosing. If the complainant is an employee and has designated another employee as his or her representative, both the representative and the complainant will be given a reasonable amount of time off work during normal working hours to present the complaint. Time spent during non-working hours to prepare the complaint will not merit compensation under this policy.

3. Rejection of Complaint

The EEO Coordinator may reject a complaint which was not timely filed or where information supplied by the complainant is deemed insufficient for the purpose of conducting an investigation.

The EEO Coordinator shall reject those complaints which do not allege discrimination on the basis of race, color, religion, sex, national origin, handicap, age (40 and over), or which are substantially identical to a previous complaint filed by the same complainant which is pending or has been decided under this procedure.

The decision to reject a complaint, and the reason(s) for the decision, shall be communicated to the complainant in writing within ten (10) days of the filing of the complaint.

4. Informal Resolution of Complaint

Upon receipt of complaint, the EEO Coordinator shall have twenty-one (21) days in which to investigate and attempt to resolve the complaint informally. If an informal resolution of the complaint is achieved, the terms of the resolution shall be set forth in writing, made part of the complaint file, and a copy shall be provided to the complainant.

If an informal resolution of the complaint is not achieved, the EEO Coordinator shall notify the complainant in writing: (1) of the proposed disposition of the complaint; and (2) of his/her right to a determination by the Personnel Committee of the Board if the complainant notifies the Board's Personnel Committee Chairperson in writing of his/her desire for a determination within fifteen (15) days of his/her receipt of this notice.

5. The Determination by the Personnel Committee of the Board.

Upon receipt by the Personnel Committee Chairperson of the Board of the complainant's written notification of his/her desire for a determination, the Personnel Committee of the Board shall have thirty (30) days in which to conduct a determination proceeding on the complaint.

The EEO Coordinator shall transmit to the Personnel Committee all materials concerning the complaint which have been acquired. Should the Personnel Committee determine that further investigation is needed, the Committee may direct the EEO Coordinator to conduct such investigation.

The determination proceeding shall be conducted in accordance with the following:

- Adequate notice to parties of the determination proceeding including time, place, and procedures.

- Reasonable timing.

- Right of each party to representation.

- Right of each party to present evidence.

- Right of each party to question evidence of the other.

- Decision made solely on the basis of the evidence.

The Personnel Committee shall have authority to:

- Regulate the course of the determination proceeding.

- Exclude irrelevant or unduly repetitious evidence.

- Limit the number of witnesses.

- Exclude any person from the determination proceeding for misconduct.

The Personnel Committee shall render a decision within ten (10) days of the conclusion of the determination proceeding or as soon thereafter as possible. The decision shall be made in writing and shall contain a statement of the reason(s) for the decision. Copies of the decision shall be provided to the Superintendent, the EEO Coordinator, and the complainant. In addition, a letter shall be provided the complainant informing him/her of his/her right to file with the EEO Commission and the Ohio Civil Rights Commission. The complainant has the right to file with the EEO Commission and the Ohio Civil Rights Commission within 180 days (federal) 6 months (state) of the date of the alleged discrimination.

The decision of the Personnel Committee shall be final; however, the Committee may refer the matter to the entire Board.

6. Freedom from Reprisal

Complainants, their representatives, and witnesses shall be free from restraint, interference, coercion, discrimination, or reprisal during all stages and following the completion of the complaint procedure.

**508 POLICY ON EMPLOYEE REASONABLE ACCOMMODATION**

The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate in employment against a qualified individual with a disability. It is against the policy of the Board to discriminate against any employee or applicant with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment due to a disability.

Under the ADA, a person has a "disability" if he/she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment, and people who are regarded as having a substantially limiting impairment. To be protected under the ADA, an individual must have, have a record of, or be regarded as having a substantial, as opposed to a minor, impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working.

An individual with a disability must be qualified to perform the essential functions of the job with or without reasonable accommodation. This means that the applicant or employee must:

A. Satisfy the job requirements for educational background, employment experience, skills, licenses, and any other qualification standards that are job related; and

B. Be able to perform those tasks that are essential to the job, with or without reasonable accommodation.

If otherwise qualified applicants or employees can safely and substantially perform the essential functions of a job with a reasonable accommodation, the Board shall make such a reasonable accommodation so long as it is not an undue expense or other undue hardship to the Board. Decisions regarding reasonable accommodation of a known handicap will be made on a case by case basis.

(Reference: R.C. 4112.01(A)(3), 4112.02(A) and (L) Americans with Disabilities Act (1990))

**509 COMPENSATION POLICY**

**509.1 COMPENSATION PLAN**

It is the policy of the Board to compensate its employees according to an established compensation plan with consideration given to:

a. Mandated state minimums if required for certain positions (i.e. teachers).

b. Longevity.

The salary schedule for most employees is established in the form of pay ranges, and generally includes 15 steps within each. The various working titles are assigned to specific pay ranges, and employees may advance to higher rates on their pay range based on longevity and acceptable performance.

The Board will periodically review the salary schedule and make adjustments as it deems necessary.

Employees are generally started at the minimum rate for their particular pay range. The Superintendent may permit the hiring of an employee at an advanced step in special cases where labor market conditions limit the available pool of qualified personnel at entry level salaries or where the applicant selected has unusually high qualifications for the classification.

The Superintendent will make the final decision on all step assignments of individual rates of pay, based upon the Board's general guidelines.

Upon promotion, an employee shall be compensated at no less than the lowest step of the approved range for his/her new classification which would provide an increase in pay over that received in his/her previous classification.

Salaries will not be reduced unless such reduction is part of an overall salary reduction affecting all employees.

**509.2 PAY PERIODS**

There are normally twenty-six pay periods per year. All employees are to be paid every other Friday under a two (2) week delayed system unless otherwise determined by a “management contract.”

If a holiday occurs on a Friday on which a pay day falls, the employees will be advised as to when and where the paychecks will be available.

Questions regarding an employee's pay are to be referred immediately to the Administrative Office for resolution.

Pay advances of any kind are not permitted.

During seasonal breaks, seasonal employees may pick up their checks at the Administrative Office, or provide the Administrative Office with a self-addressed, stamped envelope for mailing. If checks are not mailed or picked up, they will be available the first day on which the seasonal employee returns to work, but in no case will checks be held beyond 30 days. Checks will be returned to the County Auditor's Office after thirty (30) days.

**509.3 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 his/her bi-weekly paycheck. Deductions include:

a. PERS/STRS - State law requires that employees contribute to the Public Employees Retirement System or the State Teachers Retirement System rather than Social Security.

b. Income Taxes - Federal, state and some city ordinances or school districts with an approved income tax require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the Administrative Office by the Ohio Department of Taxation, the IRS, and various cities, and varies according to the amount of salary, work location, residence, and number of withholding allowances (e.g., dependent exemptions). Employees are required to complete tax withholding forms upon initial employment and to inform the Administrative Office on the required form of any changes in withholding exemptions or residence whenever such change occurs.

c. For all employees hired after April 1, 1986, a 1.45% deduction will be withheld for federal medicaid/medicine.

d. Miscellaneous - Examples include garnishments, deferred compensation, child support, Credit Union, United Way, 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 employer deems not in the best interest of the Board. All requests for payroll deductions must be presented by the employee in writing to the Administrative Office on the prescribed form.

e. Whenever a request for payroll deductions is not personally made by the employee, the Payroll Department may verify the request with the employee.

**509.4 OVERTIME PAY TIME ACCRUAL AND USE**

The purpose of this policy is to establish uniform guidelines for the accrual, payment, and use of overtime pay and compensatory time off. The provisions of this policy shall apply to all non-exempt employees of the Board.

**DEFINITIONS - For the purposes of this policy:**

OVERTIME - Refers to actual time worked in excess of forty (40) hours in any one work week. Time worked on a holiday, administrative leave day, or during a calamity interval is not considered as time worked when calculating overtime eligibility because the time is compensated at a premium rate whether or not the employee works a forty (40) hour week. (See definition for work week.)

WORK WEEK - Refers to that time period commencing Sunday 12:01 A.M. and ending seven twenty-four hour periods later on Saturday 12:00 Midnight.

OVERTIME ELIGIBLE EMPLOYEES - Refers to employees of the Board who are not Overtime Exempt Employees. All overtime eligible employees are also eligible for compensatory time off and holiday compensatory time off.

OVERTIME EXEMPT EMPLOYEES - Refers to those employees of the Board whose positions are professional, administrative or executive in nature and whose positions/classifications have been placed on the Overtime Exempt Classifications list. Overtime exempt employees are also exempt from earning compensatory time.

OVERTIME PAY - is compensation in the form of wages at the rate of one and one half times the base rate of pay.

COMPENSATORY TIME - is compensation in the form of time off at the rate of one and one half hours off for every hour worked in excess of forty (40) hours in a work week.

CALAMITY INTERVAL - is a time period determined by the Superintendent during which only absolutely essential employees are required to work.

MANAGEMENT EMPLOYEES - Employees who hold the following positions with a Board are management employees: Adult Services Director, Operations Director, Family Support Director, Children Services Director, Habilitation Manager, Contracts Manager, Production Manager, Cafeteria Supervisor, and Transportation Supervisor. Confidential employees as defined in O.R.C. 4117.01, other positions designated by the County Board or the Superintendent of Mental Retardation and Developmental Disabilities as having managerial or supervisory responsibilities and duties.

PROFESSIONAL EMPLOYEES - Employees of the Board who hold the following positions: school personnel certified pursuant to O.R.C. 3319, early intervention specialist, physical development specialist, program coordinator, psychologist, occupational therapist, language specialist, recreation specialist, behavior management specialist, physical therapist, support services coordinator, registered nurse, rehabilitation counselor, doctor of medicine and surgery or of osteopathic medicine and surgery, dentist, case manager, other professional positions designated by the county board or the director of mental retardation and developmental disabilities. (The Fair Labor Standards Act requires Overtime Exempt Personnel to be salaried and to meet the duties requirements as spelled out by the Fair Labor Standards Act).

HOLIDAY PAY - refers to compensation paid in the form of wages at the rate of one and one half times the base rate for full time employees who work on holidays or administrative leave days and at the base rate by part time employees who work on holidays or administrative leave days. All full time and part-time employees receive base pay, including supplements, for the number of hours they would normally have been scheduled to work on a holiday or administrative leave day, in addition to the Holiday Pay. However, part-time employees required to work mandatory extra hours on a holiday will receive compensation at the rate of one and one half hours for all hours worked under mandatory conditions.

2. OVERTIME PAY

All "Overtime Eligible Employees" will be compensated at one and one half times their base rate of pay for actual hours worked in excess of forty hours during one work week.

Hours worked on a holiday, administrative leave day, or during a calamity interval are not considered hours worked for the purposes of calculating total hours worked as it relates to establishing overtime eligibility because this time is automatically compensated at a premium rate.

Time spent in active pay status for which the employee did not actually work is not included in the accumulation of forty hours worked for the purposes of establishing overtime eligibility. Examples of non-work time which are also active pay status includes, holidays taken off, compensatory time off, vacation, sick leave, personal days off, etc.

All actual hours worked in excess of 40 hours in a given work week must be prior approved by the Superintendent/designee prior to the employee actually working the hours.

Overtime Exempt Employees are not permitted to earn overtime pay.

Scheduled overtime that is subsequently canceled for any reason shall not entitle the employee to overtime compensation.

3. VOLUNTEER TIME

The time in which an employee engages in volunteer activities outside normal work time shall not be compensable. Board supervisory personnel shall not overtly direct or covertly imply that employees participate in any volunteer activities. Employees shall independently and freely determine their level of participation, if any, in volunteer activities related to the agency. Employees who volunteer are encouraged to register with the volunteer coordinator for insurance liability purposes. No employee shall volunteer to perform the same or similar duties which he/she performs during regular work hours.

**509.5 FRINGE BENEFITS**

Health Insurance

PERS / STRS Retirement Programs

Worker’s Compensation

Life Insurance

Liability Insurance

Sick Leave

Personal Leave

Professional Leave

Tax Deferred Compensation Plans

**509.6 RETIREMENT PLAN**

Employees of the Board are required by law to participate in the Ohio Public Employees Retirement System or the State Teachers Retirement System as applicable. In addition to retirement benefits, PERS/STRS provides other benefits such as disability retirement, survivor benefits, health insurance for retirees, etc.

Employees should direct questions about retirement benefits to:

Public Employees Retirement System State Teachers Retirement System of Ohio

277 East Town Street 275 East Broad Street

Columbus, Ohio 43215 Columbus, Ohio 43215-3771

614-466-2085 614-227-4090

**509.7 WORKERS COMPENSATION**

State law provides that every Board employee is eligible for Workers Compensation for injuries arising out of, or in the course of, his or her employment. Guidelines for administering Workers Compensation are set forth below.

a. Should an employee be injured during the course of employment with the Board, the employee shall immediately notify his/her supervisor and shall complete an injury report form. This report shall be completed, regardless of the apparent seriousness of the injury, and regardless of whether medical attention is required. Such report shall be signed by the Building Authority following an investigation of the injury/accident and forwarded within 24 hours to the Administrative Office.

b. Should an employee's injury require medical attention, the injured employee shall notify the attending physician that the injury occurred during the course of employment. Workers Compensation claim forms shall then be completed by the attending physician and the injured employee and then forwarded to the Personnel Office for certification. Workers Compensation claim forms may be certified by the Personnel Department only when a Board injury report form has been submitted and the employee and physician sections have been completed on the Workers Compensation form.

c. Upon approval by the Bureau of Workers Compensation, a claim number will be assigned and mailed to the injured employee. The injured employee shall notify the attending physician that all professional medical charges be directed to the Bureau of payment with such claim number.

d. The Personnel Office must be advised and continually updated if an employee continues to be absent due to a work-related injury. Employees are responsible for providing their supervisor with a physician's statement identifying the nature of the disabling condition and the projected date of return. This physician statement must accompany the leave request form.

e. Employees who are injured in the line of duty and must leave work to obtain medical treatment before completing their scheduled work day shall be granted paid administrative leave for the remainder of the shift if the time is needed for medical treatment.

f. An injured employee may elect to used accrued sick leave and vacation leave prior to receiving payments from Workers Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers Compensation.

g. The Board may designate as Family and Medical Leave time, qualifying absences due to work related injuries.

**509.8 EXPENSE REIMBURSEMENT**

Require proof of liability insurance coverage. Employees of the Board may receive reimbursement for expenses incurred while traveling on official Board business. Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Superintendent/designee. Expenses shall be reimbursed in the following manner:

Mileage, Parking and Tolls

a. Employees using personal vehicles (with authorization to do so) shall be reimbursed for actual miles while on official Board business and at the Board approved mileage rate. (No reimbursement shall be made for employees using county vehicles.) Such payment is considered to be total reimbursement for all vehicle-related expenses. Mileage reimbursement is payable to only one employee if two or more employees traveling on the same trip use the same vehicle. Employees must request and receive prior authority for travel.

b. Charges incurred for parking and tolls are reimbursable at the actual amount. Receipts for parking costs and tolls are required.

c. No expense reimbursements are paid for travel between home and work location.

Overnight Expenses

Expenses covering the cost of a motel room may be reimbursed when an employee travels out of the county on official board business, and such travel requires an overnight stay. Expenses will be reimbursed only with prior written authorization by the Superintendent/designee.

Meal Expenses

Expenses covering the cost of meals may be reimbursed with prior authorization. The maximum reimbursement rates are as follows:

Breakfast $5.00

Lunch $8.00

Dinner $12.00

Registration Fees

Registration fees may be reimbursed with prior approval of the Superintendent and/or Board.

**509.9 HOLIDAYS**

A. Eligible employees are entitled to the following legal holidays: (R.C. 325.19)

New Years Day First day of January

Martin Luther King Day Third Monday in January

Presidents' Day Third Monday in February

Memorial Day Fourth Monday of May

Independence Day Fourth Day of July

Labor Day First Monday in September

Columbus Day Second Monday in October

Veterans' Day Eleventh Day of November

Thanksgiving Day Fourth Thursday in November

Christmas Day Twenty-Fifth day of December

And any other day designated for County employees by an act of the President of the United States, the Governor of this State or the Board.

B. 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.

C. An employee who actually works as required, with prior approval of the Superintendent, on one of the recognized, legal holidays is entitled to receive compensation at the rate of one and one-half (1 1/2) times the hours worked. Management, Professional, Supervisory, Intermittent or Substitute employees are exempt from this provision.

D. If a holiday occurs while an employee is on vacation or sick leave, such vacation day or sick day will not be charged against his or her vacation leave or sick leave.

**509.10 VACATION**

A. CALCULATION AND USE OF VACATION TIME - CLASSIFIED

1. All 12 month classified employees earn annual vacation leave according to their number of years of service with the state of Ohio or any political subdivision of the state at a rate proportionate to the regular number of hours in the employee's biweek as set forth below. (Except for employees who have retired according to the provisions of any retirement plan offered by the state and have returned to public service after June 24, 1987. Such employees will not receive service credit for service prior to retirement with the state of Ohio or any political subdivision of the state.) Vacation leave for management employees is subject to the negotiated contracts. (Reference: R.C. 9.44; R.C. 325.19):

**509.11 VACATION ACCRUAL RATES**

HOURS \* 80\*\* 75 72.5 70 VACATION DAYS/YEAR

YEARS OF

COMPLETED

SERVICE

1 - 7 3.1 2.9 2.809 2.712 10

8 - 14 4.6 4.312 4.168 4.025 15

15 - 24 6.2 5.812 5.618 5.425 20

25 - UP 7.7 7.218 6.977 6.737 25

\* Hours are biweekly

\*\*Accrual rates for 80 hour biweeks are set by law. All proration based on the 80 hour standard.

The service required in each instance need not be continuous. **Completion of a total of one year of public service as defined in R.C. 9.44 is required before eligibility for any vacation leave is established.** No further eligibility requirement need be met and vacation leave may be used as it is accrued, with approval of the Division Director and consistent with the other sections of this manual pertinent to vacation.

Vacation is credited each bi-weekly pay period at the maximum rate of 3.1 hours per pay period for those entitled to 80 hours of vacation per year; at 4.6 hours for those entitled to 120 hours per year; at 6.2 hours for those entitled to 160 hours per year; and at 7.7 hours for those entitled to 200 hours per year.

2. Carry-over to following year. Vacation leave shall be taken by the employee during the year in which it accrued and prior to the next recurrence of the anniversary date of his/her employment; provided, the appointing authority may, in special and meritorious cases, permit such employee to accumulate and carry over his vacation leave to the following year. No vacation leave shall be carried over for more than one year. (Reference: R.C. 325.19)

3. Holidays falling during scheduled vacation. Days designated as holidays or emergency days declared by the Governor are not charged to vacation leave regardless of the day of the week on which they occur.

4. Unpaid absences. Vacation leave is earned during the time the employee is on active pay status. It is not earned while on unpaid leave of absence or unpaid military leave.

5. Overtime. Vacation time used by an employee is considered non-work time for purposes of calculating overtime pay or compensatory time accrual.

6. Separation/Termination. Upon separation or termination from county service, an employee is entitled to compensation for any earned but unused vacation leave credit at the time of separation/termination. However, no payment will be made to employees having less than one year of public service. Upon termination all accumulated vacation will be paid to the employee at the employee’s current hourly rate at the time of separation.

8. Death of employee. In the case of the death of an employee, any earned but unused vacation leave shall be paid to the date of death in accordance with R.C. 2113.04 to the deceased employee's estate.

9. Minimum one hour units. Vacation may only be used in units of one (1) hour or more.

10. Accrual by part-time employees. Part-time employees are not entitled to vacation leave. However, if these employees subsequently become full-time employees their part-time service will count in determining the total amount of service. If a part time employee becomes a full-time employee, he/she will be entitled to vacation leave after completing a total of one year of service with the county or state or a political subdivision.

B. REQUEST AND APPROVAL

1. Vacation leave will normally be granted on a first request basis and must conform to program operation schedules. The Board reserves the right to approve vacation consistent with program needs including approval consistent with program operation schedules. The Board specifically reserves the right to require full-time seasonal employees to use some or all of accrued vacation time during periods when the relevant Board program is on break.

2. Vacation shall be requested in writing on the Board Vacation Request Form.

3. Requests for vacation must be submitted to and approved by the employee's immediate supervisor and/or director for recommendation who fowards the request to the Superintendent for approval.

**509.12 SICK LEAVE FOR CLASSIFIED EMPLOYEES**

A. Sick leave is administered in accordance with R.C. 124.38 for classified employees. Sick leave for management employees is subject to the negotiated contracts. An employee may request sick leave for absences resulting from illness as described below, provided the employee follows the "Notification of Absence" policy outlined in this manual. Sick leave may be requested for the following reasons:

1. Illness or injury or conditions of the employee or a member of the employee’s immediate family.

2. Exposure of employee or a member of the employee’s immediate family to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others.

3. Death of a member of the employee's immediate family.

4. Medical, dental or optical examinations or treatment of employee or a member of the employee’s immediate family.

5. Pregnancy, childbirth and/or related medical conditions.

For purposes of this policy, the "immediate family" is defined as: 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 other person who stands in the place of parent.

B. The Superintendent or designee shall require an employee to furnish a satisfactory written, signed statement to justify the use of sick leave. 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. (Reference: R.C. 124.38) A signed medical certificate by a licensed physician may be requested by the Superintendent when two (2) or more consecutive days of sick leave are used.

C. For each completed hour in active pay status, an employee earns .0575 hours of sick leave. For the purposes of this section, active pay status is defined as hours worked, hours on paid vacation, hours on holiday leave, hours on paid sick leave and hours on paid compensatory time.

D. Intermittent employees accrue sick leave on a proportionate basis to the hours paid each pay period.

E. The amount of sick leave time any one employee may accrue is unlimited.

F. Sick leave shall be charged in minimum amounts of one hour.

G. Employees absent on sick leave shall be paid at the same basic hourly rate as when they are working.

H. An employee requesting sick leave shall inform his or her supervisor or designee of the request and the reason therefore prior to ninety minutes of the employee’s scheduled starting time. Failure to timely notify may result in denial of sick leave for the period of absence.

I. Employees who request sick leave and have no available balance will have their requests disapproved.

J. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action up to and including termination in accordance with policies outlined in this manual. The Superintendent or designee may require from the employee such verification as is appropriate to substantiate the employee’s request for sick leave if the Superintendent or designee has a reasonable basis for requiring such verification.

K. Altering a physician's certificate or falsification of a written, signed statement is grounds for immediate dismissal.

L. Employees who transfer between county departments or agencies, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years. It is the employee's responsibility to request that sick leave from prior services be transferred, and to provide documentation concerning the balance to be transferred.

M. Employees may be required to document sick leave and other absences in accordance with the Board’s Family and Medical Leave Act policy.

**509.13 SICK LEAVE DONATION**

In the event of a catastrophic illness or injury to the employee or a member of his/her immediate family, which is documented to the satisfaction of the Superintendent, sick leave transfers in accordance with this policy will be permitted.

A. APPLICATION

1. Those persons eligible to be transfer sick leave donors shall include any employee of MCBMR/DD who has twenty (20) days of sick leave accumulated prior to the transfer;

2. Donors will be permitted to transfer up to three (3) days per year to any one recipient, but may make as many transfers per year as they determine, subject to the provisions of item A.2;

3. Sick leave days received in the transfer shall be converted in value to the recipient’s daily rate;

4. Recipients must exhaust all their own sick leave, personal leave, and vacation leave prior to receiving transferred sick leave;

5. The recipient may not use sick leave that would exceed 100% of his/her regular work days in any pay period;

6. In any calendar year, the recipient cannot receive total transferred sick leave in excess of ninety (90) days;

7. All transfers are voluntary and shall be documented in writing to the Superintendent on the MCBMR/DD Sick Leave Transfer Form;

8. All matters pertaining to the medical information of the recipient and other matters relating to the transfers shall be kept confidential to the extent possible.

**509.14 RETIREMENT - SICK LEAVE**

Conditions exist at the time of retirement that differ from the regular processes of separation. These conditions are:

Sick Leave: Upon retiring from active state or county services after ten or more years with the state or any of its political subdivisions, an employee may elect to be paid in cash for one-fourth (1/4) of the employee’s accrued but unused sick leave credit. The maximum payment allowed is one-fourth (1/4) of one hundred twenty (120) days. Conversion of sick leave on retirement exhausts the employee's entire sick leave balance. Sick leave conversion does not apply to any termination or separation other than retirement (Reference: R.C. 124.39(B)).

Such payment may be made more than once to any employee. That is, an employee who returns to state or county service after retiring may accrue and use sick leave as before, but may only convert any portion of unused sick leave at the time of a second retirement that does not exceed, for all payments, the value of thirty (30) days of accrued but unused sick leave.

**509.15 FUNERAL LEAVE**

An eligible employee may be granted use of sick leave, upon approval of the Superintendent/designee, for a maximum of five (5) working days in the event of a death of an immediate family member. For purposes of this policy the "immediate family" is defined as only: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, legal guardian or other person who stands in place of the employee's parent. Aunt, uncle, niece, and nephew will also be included (Reference: Ad. Code 123:1-32-05(A)(4)).

**509.16 MILITARY LEAVE**

A. Active Duty. R.C. 5903.03. An eligible employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Marine Service, shall (in accordance with existing law) be entitled to re-employment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within 90 days of such discharge, or within 90 days after he or she is released from hospitalization continuing after discharge for a period of not more than one (1) year. He or she shall be employed in such position if it exists and is not held by a person with greater seniority, or to a position of like seniority, status, and pay. If he/she is not qualified to perform the duties of such position by reason of disability sustained during such service, he/she shall be placed in such other position, the duties of which he/she is qualified to perform, as will provide him/her like seniority, status, and pay, or the nearest approximation thereof consistent with the circumstances of his/her case.

B. Military leave is governed by R.C. 5903 and R.C. 124.29. In general, any employee with more than 90 days tenure who voluntarily or involuntarily enters any of the Armed Services of the United States, shall be granted a military leave of absence without pay. If not accepted for active duty, the employee shall be reinstated to his or her former position without loss of seniority or status or reduction in pay. Employees who completed their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous Board position within 30 days of their written request, provided such request is submitted within 90 days of discharge or release from active duty. If temporary physical disability precludes the employee's performing on the job, he or she shall be allowed up to one (1) year from the date of application to overcome such disability and return to work. Employees returning to previously held positions under these provisions shall receive credit for military service in areas affecting status, rank, rating, increments, qualifications, etc., as though they had continued their Board employment. This does not require that vacation and sick leave accrue to the employee while on military leave.

C. R.C. 5923.05 requires that Ohio National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve components members be authorized up to 31 calendar days leave with pay per calendar year for training purposes. Employees are required to submit a copy of Active Duty for Training orders with such requests for leave. R.C. 5923.05(B) limits the pay to 176 hours of pay per calendar year. Employees requesting such leave will be required to submit the necessary documentation and complete the necessary leave papers in advance of the leave.

**509.17 PERSONAL LEAVE WITH PAY**

A. Each full-time employee who has worked at least three (3) months with the Board will be granted the equivalent of two (2) days pay for personal leave per program year. These personal days will be placed to the employee's credit on the first day of each program year.

B. Intermittent employees are not eligible for personal leave. Part-time employees will be granted personal leave on a pro-rated basis, based on the actual number of hours worked.

C. Personal leave, as described in this policy, must be taken in minimum units of one-half (1/2) of the normal scheduled work day.

D. Prior written approval by the Superintendent on the standard leave form must be obtained before using this benefit.

E. Personal leave with pay may not be accumulated and may only be used during the program year in which it is granted.

F. For purposes of this policy, program year is defined as the period of time between September 1 of any year and August 30 of the following year.

G. Approval of personal leave shall be based on the ability of program to maintain adequate programming to the enrollees.

**509.18 PROFESSIONAL LEAVE**

An employee of the Board may be granted professional leave to attend professional meetings, conferences, workshops, courses, etc. Professional leave is intended to allow employees to receive specialized training and information without loss of pay and to stimulate and support their professional growth.

Prior written approval of the Superintendent/designee on the standard leave form must be obtained before using this benefit.

Employees requesting leave to travel outside the State of Ohio must have Board approval prior to the date(s) of the conference. Leave requests must be approved by the Superintendent through regular channels at least five (5) days in advance of the Board meeting which is scheduled prior to the dates requested.

**509.19 ADMINISTRATIVE DAYS WITH PAY**

Employees are granted leave with pay for days the program is closed. These days are usually in conjunction with a holiday. (Example: the day after Thanksgiving or the winter break days. These are considered active paid work days and employees may be required to report to work on these days.

**509.20 ADMINISTRATIVE LEAVE WITH PAY**

Employees may be granted leave with pay for purposes directly related to the function of the Agency or to the functions of the employee's position.

Administrative leave with pay may only be granted by the Superintendent.

**509.21 COURT LEAVE/JURY DUTY**

Court leave with pay shall be granted to employees summoned for jury duty during normal working hours by a federal, state or any other court of competent jurisdiction. In cases where the employee's absence will create a hardship on the agency or jeopardizes safety of students or clients, the employee will be requested to request excuse from jury duty.

Court leave with pay shall be granted to employees subpoenaed to appear before any court or other body authorized by law to require attendance of witnesses during normal working hours where the employee is not a party to the action. An employee who is the appellant in an action before the State Personnel Board of Review or the claimant before the Bureau of Workers Compensation for a Board-related claim, and who is in active pay status at the time of the scheduled hearing or examination, shall be granted leave with pay for purposes of attending such hearing or examination during a normally scheduled work day.

Any compensation or reimbursement received related to jury duty or for court attendance compelled by subpoena must be remitted to the Administrative Department when such duty was performed during normal working hours.

An employee who is appearing before a court or other authorized body in which he/she is a party to the action, except as noted, may request vacation time, personal day or leave without pay. Such instances would include, but not be limited to, criminal or civil cases, traffic court, divorce proceedings, custody or appearing as directed as a parent or guardian of juveniles.

(Reference: R.C. 124.135; Ad. Code 123:1-34-03)

**509.22 LEAVE WITHOUT PAY**

The Superintendent may grant a leave of absence to any employee for a maximum duration of six (6) months for any personal reasons of the employee which includes any reason acceptable under the Family and Medical Leave Act subject to that Act’s time limitations. Such a leave may be extended an additional six (6) months at the discretion of the Superintendent upon request of the employee.

Leave may be granted for a maximum period of one (1) year for the purpose of education, training, or specialized experience which would be of benefit to the Board by improved performance at any level.

The authorization of a leave of absence without pay is a matter of administrative discretion. The Superintendent will decide in each individual case if a leave of absence is to be granted.

The granting of any leave of absence is subject to approval of the Superintendent. Except for emergencies and subject to the Family and Medical Leave Act, employees will advise the Superintendent thirty (30) days prior to commencement of the desired leave so that the various functions may proceed properly.

Upon completion of a leave of absence, the employee is to be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. Any replacement in the position while an employee is on leave will be terminated subject to established layoff procedures, upon the reinstatement of the employee from leave. The terminated employee may be considered for other vacancies.

An employee may return to work before the scheduled expiration of leave if requested by the employee and approved by the Superintendent. An employee who fails to return to work within three (3) working days of the completion or a valid cancellation of a leave of absence without pay without explanation to and approval from the Superintendent or designee may be removed from his/her position.

Leave without pay cannot be utilized until all other forms of legally available leave have been exhausted including vacation, personal leave and sick leave.

(Reference: Ad. Code 123:1-34-01)

**510 CALAMITY DAYS**

The Superintendent/designee may authorize an emergency closing for all or part of the agency due to inclement weather conditions or other emergencies (i.e., water main break, heating malfunction).

All employees shall report to work on calamity days in which the program is closed (unless notified otherwise). A calamity day shall be considered a regular work day subject to all applicable policies. Employees will be paid in the same manner as they are paid for holidays for which they do not work except as noted in this policy. Employees shall be required to make up days if an excess of calamity days requires extending the calendar until the minimum number of required days of actual instruction/habilitation are completed.

Employees who are in a non-pay status before and after a calamity day will not be paid for the calamity day.

Employees who are on extended (five work days or greater) pre-arranged professional, sick, or vacation leave shall be charged for sick, vacation, or professional leave on calamity days.

Employees who are not on an extended leave and who are in a pay status (i.e., paid sick, professional, or vacation leave) either the entire day before or after a calamity day, will be paid for the calamity day or portion of the day missed, and will not be charged for sick, professional, or vacation leave for the portion of time they were not expected to report to work.

**511 NOTIFICATION OF ABSENCE/LEAVE REQUEST**

All employees must "report off" work for any absence. An employee is required to notify his/her supervisor or designee of his/her absence within the proper time as stated in the applicable policy. Failure to do so may result in denial of leave for the period of absence and may result in disciplinary action in accordance with the Board’s Disciplinary Policy.

Employees are required to complete an Application for Leave form and to attach other applicable documents to request absence from work. Such request must be completed and forwarded to the supervisor prior to the absence whenever possible or upon immediate return to work.

The Superintendent/designee shall be the authority to approve or disapprove applications for leave and maintains the right to investigate any absence from work.

**512 COMMERCIAL DRIVER LICENSE TRAINING**

Each full-time employee of the Board required to obtain a commercial driver license (CDL) to complete their duties may be granted limited reimbursement to obtain the license based on the availability of funds. Reimbursement for obtaining the CDL shall be contingent upon the employee's enrollment in specialized coursework and testing procedures for the issuance of the license. Coursework must have a direct bearing on the preparation for license testing as related to operating Board vehicles.

An employee must apply for reimbursement on the appropriate form and receive prior written approval by the Superintendent in order to utilize the reimbursement. The employee will be personally responsible for all costs incurred for coursework attendance and testing of the above nature if prior approval is not obtained. Requests for approval should be submitted thirty (30) days prior to attendance, when possible. Requests for approval must include the cost of such coursework and a course description to assure the coursework has a direct bearing on the preparation for license testing as related to operating Board vehicles. Reimbursement will be approved contingent upon the successful completion of the coursework and successful passage of the commercial driver's license testing.

Based upon the availability of funds, the Board may provide for each qualified employee a one-time reimbursement. Costs for registration, lodging, meals and/or transportation shall not be reimbursable. Costs for the issuance of the driver's license itself shall not be reimbursable. Reimbursable costs include coursework, testing and medicals required. All requests for reimbursement shall be itemized and submitted to the Transportation Supervisor and Superintendent on the proper forms. Reimbursement requests must include the original receipts and documentation showing successful completion of the entire commercial driver's license testing for the required vehicle(s) to be operated.

Records of each employee's coursework shall be maintained in the individual's personnel file.

Reimbursement may not be accumulated and may only be granted up to the maximum amount approved by the Board on an annual fiscal year basis.

Reimbursement shall not be approved for persons attending coursework during their regular working hours. Coursework must be taken at times not requiring approved absence from employment.

**513 FAMILY AND MEDICAL LEAVE**

The Madison County Board of Mental Retardation and Developmental Disabilities shall comply with Public Law 103-3, Family and Medical Leave Act of 1993, to provide family and medical leave as specified in the legislation. Eligible employees shall be provided up to a total of twelve (12) weeks of a combination of paid and unpaid leave each year (“year” as defined by the Board) in connection with equivalent conditions of employment upon the return from family or medical leave. The Board shall maintain records of the utilization of family or medical leave in compliance with requirements of the Department of Labor.

A. Qualifying Events

In order for family and medical leave to be made available, one of the following “qualifying events” must occur:

1. The birth and first year care of the employee’s child

2. The placement of a child with the employee for adoption or foster care

3. A serious health condition of an employee’s spouse, child or parent

4. A serious health condition that makes the employee unable to perform the essential functions of the position of such employee

Entitlement for child care ends after the child reaches age one (1) year or twelve (12) months after the date of adoption or foster placement. The child care entitlement applies to step-parents and persons acting “in loco parentis” as well as to biological and adoptive parents.

B. Qualified Employee

A Board employee must meet the following criteria to be a “qualified employee” eligible for family and medical leave:

1. An employee must have been employed by the Board for more than twelve (12) months of active service.

2. An employee must have worked more than 1,250 hours in the previous twelve (12) months.

3. An employee who receives a salary among the top ten (10) percent of the Board’s work force may be exempted from certain protections if certain criteria are met.

C. Coverage Period

A qualified employee is entitled to take up to a total of twelve (12) weeks of a combination of paid and unpaid leave per year (as defined by the Board) for a qualifying event.

Leave under qualifying events 1 or 2 shall not be taken by an employee intermittently or on a reduced leave schedule unless the employee and the Board agree otherwise.

Leave taken under qualifying events 3 or 4 may be taken intermittently or on a reduced leave schedule when medically necessary. If an employee requests intermittent leave or leave on a reduced leave schedule under qualifying events 3 or 4, the Board may require such employee to transfer temporarily to an available alternative position offered by the Board for which the employee is qualified and that has equivalent pay and benefits and better accommodates recurring periods of leave than the regular employment position of the employee. Upon return to work from such leave, the employee shall be returned to the employee’s former position, or an equivalent position.

D. Benefits

Qualified employees who take family or medical leave under this provision are entitled to the continuation of health care benefits during the period of family or medical leave not to exceed a total of twelve (12) weeks of paid/unpaid leave per year (as defined by the Board). The Board will continue to pay the Board’s share of the health insurance premium for up to twelve (12) weeks. The Board is entitled to recover the premium paid by the Board for maintaining health insurance coverage for the employee if the employee fails to return after the expiration of the family or medical leave to which the employee is entitled under this act for a reason other than (1) the continuation, recurrence, or onset of a serious health condition that entitles the employee to leave under Qualifying Events 3 and 4 or (2) other circumstances beyond the control of the employee.

E. Restrictions

Qualified employees do not accrue seniority or benefits, other than health care benefits during the time of family or medical leave unless they are on approved paid leave of absence such as sick leave or vacation leave. If both parents are employed by the Board and qualify during a period of family and medical leave, the combined amount of leave for both persons for birth, adoption, foster placement or family illness is limited to twelve (12) weeks. Leave for personal illness or to care for a sick child or spouse is not limited to a combined amount of twelve (12) weeks in case of spouses being employed by the Board.

F. Designation of Leave.

It is the responsibility of the Board, through the Superintendent or designee, to designate employee absences as FMLA leave or not FMLA leave. This is the case whether or not an employee wishes to have absences designated as FMLA leave, and whether or not the employee has requested FMLA leave. The Board may request from the employee, and the employee shall provide to the Board, such information as is reasonably necessary for the Board to determine whether an employee absence qualifies for FMLA leave. The Board shall act reasonably in determining whether an absence qualifies for and/or is designated FMLA leave.

G. Notifications and Timeframes

1. The qualified employee shall give the Board at least thirty (30) days notice of the date family or medical leave is to begin when possible. In the case of adoptions or an unexpected birth or placement, the employee shall provide as much notice as possible.

2. The qualified employee shall provide the Board certified information from the health care provider of the employee, employee’s spouse or family member upon requesting utilization of family or medial leave under qualifying events 3 or 4. Such certification shall include:

a. the date the condition began

b. the anticipated duration of the condition

c. the necessity of the leave

d. the inability of the employee to perform job functions (if the employee claims a serious health condition)

3. Upon return to work, the qualified employee shall provide the Board certified information from the health care provider of the employee of his/her ability to resume work. If state or local law requires that a public health official examine an employee as a condition for returning to work, the employee must fulfill this obligation.

4. The Board may, at its expense, request a second or third opinion from the health care provider.

G. Coordination of Benefits

Employees must apply for and utilize any accrued paid leave prior to being eligible for unpaid family and medical leave. A total of twelve (12) weeks of paid and unpaid leave is allowed during any year as defined in this policy.

H. Definition of “Year”

For purposes of the Board’s Family and Medical Leave Act policy, a “year” means the calendar year.

**514 NON-DISCIPLINARY SEPARATION**

Resignation. Voluntary separation from employment shall require at least thirty days written notice before its effective date. Professional and management employees in a position that requires a certificate issued by the State Board of Education under R.C. 3319.22 to 3319.31 or a certificate issued by the Director of Mental Retardation and Developmental Disabilities under R.C. 5126.25 who resign without thirty days notice shall be subject to suspension of the certificate for a period of time not to exceed one year as determined by the state board/director following a complaint filed by the county board of MR/DD and investigated by the issuing body (R.C. 5126.29).

**515 DISABILITY SEPARATION**

This policy outlines the conditions under which Disability Separation may be granted and procedures for administering its use. Employees who are protected under the Americans With Disabilities Act, 1990, and/or the Family and Medical Leave Act are guaranteed their rights by the Board. A disability separation may be voluntary or involuntary.

Voluntary Reduction - When an employee becomes physically unable to perform the essential duties of his/her position, but is still able to perform the essential duties of a vacant, lower level position for which the employee has the necessary credentials, he/she may voluntarily request reduction to the lower level position and the subsequent salary adjustment. Such request shall be made in writing through the proper channels stating the reason for the request.

Personal Leave - A physically incapacitated employee, who has exhausted his/her accumulated sick leave and vacation leave and for whom voluntary reduction is not practicable, may request up to six (6) months of personal leave without pay only if he/she can present evidence as to the probable date on which he/she will be able to return to the same or similar position within a six (6) month period. Such request must be submitted in writing to the Superintendent through the immediate supervisor with a copy of a physician's statement attached. Whenever the probable date of return is unknown, or longer than six (6) months, the employee shall be placed on Disability Separation, up to the maximum of three (3) years. An employee who fails to return to work within three (3) working days of the completion or valid cancellation of a leave of absence without pay without explanation to and approval from the Superintendent/designee may be removed from his/her position.

Disability Separation - A disability separation may be granted when an employee has exhausted his/her accumulated sick leave and any authorized vacation and any other approved leave and is:

1. Hospitalized or institutionalized, or on a period of convalescence following hospitalization or institutionalization as authorized by a physician at the hospital or institution; or

2. The employee has exhausted his or her disability leave benefits (if any); or

3. Declared physically incapable of performing the essential duties of his/her position by a licensed physician designated by the Director of ODAS; such examination normally is requested by the Superintendent when the employee is unable or unwilling to admit his/her incapacity; the costs are paid by the Board.

(Ohio Administrative Code 123:1-33-01; Ohio Administrative Code 123:1-33-02)

Voluntary Disability Separation - A voluntary disability separation may be granted when requested by an employee who is unable to perform the essential job duties of his or her position due to a disabling illness, injury, or condition (Ohio Administrative Code 123:1-33-03).

Medical/Psychological Examination - The Superintendent may request a medical or psychological examination when it appears that an employee is unable to perform the essential functions of the employee’s job or the employee has requested a voluntary disability separation. An employee may be disciplined, including removal, for failure to appear for the scheduled exam or failure to release to the Superintendent the results of the examination.

If the Superintendent determines as a result of the examination that the employee is incapable of performing the essential functions of the employee’s job due to a disabling injury, illness, or condition, the Superintendent shall, in the case of an involuntary disability separation, institute pre-separation proceedings (Ohio Administrative Code 123:1-33-02), or shall, in the case of a request for a voluntary disability separation, grant the employee’s request. (Ohio Administrative Code 123:1-33-03). In the case of an involuntary disability separation, if the Superintendent determines after the pre-separation proceedings that the employee is incapable of performing the employee’s job, the Superintendent shall file with the State Personnel Board of Review an R.C. 124.34 order of involuntary disability separation.

Temporary Appointment of Replacement. An appointment made to a position vacant by voluntary or involuntary disability separation will be on a temporary basis, and such employee must be made fully aware of its temporary nature with written documentation of same. A replacement in the position while an employee is on leave will be terminated upon the reinstatement of the employee from leave.

**516 SEPARATION PAY**

Upon separation from employment, an eligible employee shall be paid for any unused vacation time to his/her credit as of the date of such separation.

Eligible employees shall be paid for their sick leave upon written request and according to the Board’s policy.

Separation payments will be made on the nearest scheduled pay day following sixty (60) days from separation.

**517 RETIREMENT**

Board employees are required by law to participate in the Ohio Public Employees Retirement System or the Ohio State Teachers Retirement System, as applicable.

If an employee is age 60 and has 5 years of service, he or she is eligible to retire. An employee can retire on a lesser benefit, as early as age 55, if he or she has 25 years of credit. With 30 years there is no age requirement nor age benefit reduction.

1. Employees who plan to retire shall notify their immediate supervisor in writing with at least thirty days notice.

2. Employees who are retiring must submit a copy of the letter from PERS or STRS verifying the retirement date to the Administrative Office.

**518 LAYOFF PROCEDURE**

**518.1 - LAYOFF - Classified**

If it becomes necessary to reduce staffing levels, the Superintendent shall lay off employees by using a system which systematically considers length of service in order to determine the order of layoff. Layoffs shall only occur when one of the following reasons can be determined:

1. Lack of work.

2. Lack of funds.

3. Abolishment of positions for reasons of economy and/or efficiency.

The following definitions apply to the procedures set forth in this policy:

1. “CLASSIFICATION” means the official title assigned to a position or to the employee performing the duties of the position, as designated by the Ohio Department of Administrative Services.

2. “CLASSIFICATION SERIES” means those classifications which are similar in duties and functions, and are described by identical terms except that they are distinguished as to their level by a numerical or supervisory designation. Classification series is determined by the Ohio Department of Administrative Services numbering system. If the first four (4) digits of the five (5) digit number are the same, classifications are in the same series.

3. “LACK OF FUNDS” means that there is a current or projected deficiency in the funds available for salaries, wages and fringe benefits.

4. “LACK OF WORK” means that there is a current or projected temporary decrease in the workload.

5. “LENGTH OF SERVICE” means the continuous, uninterrupted service of the employee, where no separation has occurred. For purposes of this definition, a separation lasting thirty (30) days or less shall not be deemed a separation; nor shall personal or educational leaves of absence or any FMLA absence be deemed a separation. If an employee was separated, but was reinstated by specific action of the appointing authority within one (1) year, the service time prior to the separation will be included in the employee's length of service.

6. “PAY RANGE” means the minimum and maximum wage or salary within the compensation schedule that an employee can earn in his/her position.

7. “POSITION” means the group of job duties that an individual employee is expected to perform.

8. “RETENTION POINTS” means the system of establishing points for length of service in order to establish the order of layoff.

When it is demonstrated that there is reason to reduce staffing levels, the Superintendent/designee shall determine the number of positions and the classifications in which layoffs will occur. The Superintendent/designee shall also prepare a retention point listing of all employees who have been appointed to the classification(s) selected for the layoff, and the lower classification(s) within the classification series where displacement may occur. Such lists shall be posted in a conspicuous location for employee inspection at the time layoff notices are delivered.

Retention points are based on length of service and efficiency in performance. Full-time employees receive one (1) point for each completed thirteen (13) weeks of continuous service. Part-time and intermittent employees receive one (1) point for each completed 520 hours of continuous service.

Each employee shall also receive up to ten (10) points for efficiency in performance based on their most recent performance evaluation. Performance evaluations shall only be used if they were completed by the supervisor by the due date listed on the performance evaluation form. Employees who have two (2) or more years of service shall have the final two (2) performance evaluations averaged and used; employees with less than two (2) years, but more than (1) year of service, shall have their last yearly evaluation used; and employees with less than one (1) year of service shall have the final probationary evaluation used.

Efficiency in performance shall be rated according to the following schedule; however, employees who have not completed their probationary periods shall not receive any credit for efficiency, and where evaluations are not timely, have not been completed, or have not been filed with the Department of Administrative Services, the employee shall receive maximum efficiency points.

Averaged or Total Efficiency

Performance Evaluation Score Points

20 and below 0

21 through 28 1

29 through 36 2

37 through 44 3

45 through 52 4

53 through 60 5

61 through 68 6

69 through 76 7

77 through 84 8

85 through 92 9

93 through 100 10

Length of Service points shall be added to a base of 100 points to determine total retention points.

In accordance with the Ohio Revised Code, employees shall be laid off in an order which is consistent with the needs of the agency as determined by the Superintendent; however, in each case, temporary, then intermittent, then part-time, then seasonal employees will be laid off before full-time employees, within the classification series. See Ohio Administrative Code 123:1-41-07.

The layoff lists shall be developed separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off. In the case of ties in retention points, the most recent hire date shall determine the employee to be laid off. If hire dates are the same, the Superintendent shall decide the order of layoff.

Laid off employees may be permitted to displace employees in the next lower classification and successively lower classifications with the classification series when:

1. The lower classification(s) is within the same classification series.

2. The employee has more retention points than an employee in the lower classification.

Employees may not displace to a higher classification, nor may they displace to a higher appointment type (e.g., intermittent employees may not displace part-time employees, nor shall part-time employees displace full-time employees, etc.).

Whenever the Superintendent reduces staffing due to job abolishment, employees have the right to displace into an available vacancy if the vacancy is so designated by the Superintendent, in addition to the rights to displace other employees as follows:

1. If a vacancy is designated available at the classification of layoff, the employee shall first displace to that vacancy regardless of seniority within the classification.

2. If a vacancy is designated available at a lower level, or successively lower level, the employee shall displace to that vacancy before he or she displaces another employee, if he or she has the least retention points at the classification of layoff.

3. Employees shall not be required to displace to lesser appointment types under this provision unless they are the least senior employees in the classification series of that appointment type.

Employees shall be sent a written notice by registered mail (return receipt requested) of their layoff or displacement by another employee at least 14 calendar days prior to the layoff or displacement by another employee. The written notice shall include the effective date of layoff, the employee's retention points, information as to displacement rights and how to exercise those rights, and the reason for the layoff.

Employees must notify the Superintendent in writing of their intention to exercise their displacement rights within five (5) calendar days.

Whenever an employee displaces to a lower classification as a result of layoff, every effort shall be made not to reduce his or her pay; however, pay rates shall be established according to the following provisions:

1. If the lower pay range permits, the employee's rate shall be set at the same or most nearly the same pay level, without receiving an increase.

2. If the employee's pay rate exceeds the pay range of the lower classification, it will be set at the top level of the lower pay range.

Employees may appeal the action to the State Personnel Board of Review within ten (10) days after the effective date of the action. Such appeal must be in writing.

The Superintendent shall establish a recall list, and employees shall be eligible for reinstatement for one (1) year following layoff. Employees shall be offered positions that become available at their classification level and lower classification levels with their classification series, according to their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points shall be first on the recall list).

**518.2 LAYOFF - Unclassified**

(A) As used in this section:

(1)"Board" means a County Board of Mental Retardation and Developmental Disabilities.

(2) "Employee" means management employees of a Board.

(3) "Job title" means the working title of a position from which the Board determines a reduction in force is necessary.

(4) "Reduction in force" means a reduction in the number of employees employed by a Board which results in layoffs.

(5) "Seniority" means the total number of quarters of employment completed by an employee with the Board which employs him/her at the time of a reduction in force.

(B) When a Board determines a reduction in force is necessary, it may lay off employees. The provisions of R.C. 124.321 to 124.327 do not apply to reductions in force under this section.

(C) The Board, in its sole discretion, shall determine the job titles in which a reduction in force shall occur. Within each job title, the order of layoff shall be as follows:

(1) All employees holding limited contracts for that title shall be laid off before any employee holding a continuing contract for that title is laid off.

(2) Within each category of contract, part time employees shall be laid off before full time employees.

(3) Layoffs shall proceed in inverse order of seniority.

(D) Employees may not bump into other job titles.

(E) Employees retain the right to be reinstated to the job title from which they were laid off for two calendar years following layoff.

(1) Employees shall be offered reemployment in inverse order of layoff as provided in division (C) of this section.

(a) When a vacancy occurs in a job title from which employees have been laid off, the employee eligible for reinstatement shall be notified, in writing of the vacancy. Notice shall be mailed, certified U.S. mail, return receipt requested, to the employee's last known address. Laid off employees are responsible for notifying the Board, in writing, of any change of address.

(b) Laid off employees shall accept or decline the offer of reinstatement within five days after it is received. Offers of reinstatement are deemed received on the earlier of ten days after mailing to the correct address or actual receipt. Failure to respond to an offer of reemployment within the time limits imposed by this division constitutes refusal of that offer.

(c) Any employee who declines reemployment under this division forfeits his/her right to reemployment except that no employee shall lose the employee’s right to reemployment for refusing to accept a part-time position.

(2) No person may be hired into any job title in which a layoff has occurred, other than by reinstatement, until:

(a) All laid off employees have been reinstated or declined reinstatement; or

(b) More than two (2) years have elapsed since the layoff occurred.

(F) No person shall be hired into any position for which a laid off employee holds a continuing contract until that position has been offered to and declined by all eligible employees in manner provided in division (E) of this section.

(G) Employees may appeal layoffs, failures to reinstate them or failure to offer them other positions for which they hold continuing contract in the manner provided by R.C. 5126.23 for disciplinary matters.

(1) The board shall prove, by a preponderance of the evidence, a good faith basis for the action appealed and the employee shall prove, by a preponderance of the evidence, procedural defects in the implementation of that action.

(2) No Board action taken under this section shall be overruled unless it resulted from bad faith on the part of the Board or a procedural defect in its implementation prejudiced the employee who raised that defect.

(3) The fact that the Board acted upon mistaken, though honestly held, information does not establish bad faith.

**519 DELEGATED NURSING**

Pursuant to Ohio Revised Code Section 5126.35(A), and in accordance with the authorization of that statute, the Madison County Board of Mental Retardation and Developmental Disabilities hereby establishes a policy providing that designated County Board workers may give or apply prescribed medication to client in accordance with R. C. Sections 4723.77 to 4723.79 and policies established by the Madison County Board of MR/DD.

(Reference O.R.C. 5126.35 and O.A.C. 5123:2-1-07)

**520 MISCELLANEOUS POLICIES**

**520.1 SOLICITATION AND DISTRIBUTION**

This policy does not apply to solicitations sanctioned by the County Board or County Commissioners, i.e. United Way.

1. The purpose of this policy is to protect the interests of the Board, its clients and the citizens of the county and to provide for a productive and safe working environment.

2. There shall be no solicitation or distribution by non-employees at any time on the Employer's premises or in any work area, except as provided for in this policy. This section does not apply to vendors as listed in the Definition Section of this policy.

3. Employees shall not solicit or distribute materials to other employees or non-employees during work time. Employees may solicit other employees or non-employees during non-work time.

4. Each facility of the Board will have established work and non-work areas. The building authorities will be responsible for designating such areas. The Superintendent/designee will designate such areas for the administration building and act as the building authority for purposes of solicitation and distribution.

5. Any organization, group or individual employee(s) may request permission to use the designated non-work areas for the purpose of soliciting or distributing materials to employees under the following conditions:

a. Employees to whom solicitations are made, must be on non-work time.

b. Solicitation or distribution may only be conducted in designated non-work areas.

c. Requests for permission to use the designated non-work areas of the facility must be submitted to the building authority prior to the requested date for solicitation or distribution activities. Such request shall include the person(s) or alternate(s) who wish to access the premises.

d. The building authority will confirm the approval or disapproval of the use of the designated area, outlining the date and time in which the designated non-work area may be used.

f. Once approval for use of the non-work area has been obtained, notices may be permitted to be posted in accordance with the Bulletin Board policy.

6. Whenever conflicts occur over the scheduling of non-work areas within the individual facilities, the building authority shall attempt to provide an alternate area. If no alternate non-work areas are available, the building authority shall grant access to the group, organization or employee(s) on a rotating basis.

7. Written materials which contain the following will be prohibited from distribution or posting:

a. Scandalous, scurrilous or derogatory attacks on the Board, managing officers, supervisors, or other personnel of the Board.

b. Personal attacks upon any employee.

c. Comments regarding candidates for public or employee organization office.

8. Non-employees who disregard or violate these conditions for solicitation or distribution will be ordered to leave the premises, and, if necessary, escorted from the premises. In addition, the individual and the organization shall be prohibited access to the facility for a minimum of sixty (60) days.

9. Employees who violate these policies will be subject to discipline as provided in the Board's discipline policy.

10. For the purposes of this policy, the following definitions apply to the terms referred to in this policy:

a. “Distribution” - means an act of distributing goods, materials and/or written materials.

b. “Employee” - means any person in the employ of the Board.

c. “Non-Work Area” - means any area on or off the Board’s premises not designated as a work area.

d. “Non-Work Time” - means any time during an employee's work day where the employee is totally relieved of work duties, such as break time. Whether an employee is in paid or non-paid status during these times is immaterial to the designation of non-work time.

e. “Solicitation” - means an act of requesting an individual to purchase goods, materials or services, sign anything or a plea for financial contribution or support of any other kind.

f. “Vendor” - means any individual or group engaged in or desiring to engage in the supply of goods, materials or services to the Board or sheltered workshop(s) which goods, materials or services are utilized in the conduct of public business.

g. “Work Area” - means any office, building or physical location where official Board or sheltered workshop business is transacted and/or operations of the Board or workshop are being conducted. This includes any public or private area where employees are engaged in work activities.

h. “Work Time” - means all the time when an employee's duties require that he/she be engaged in work tasks, but does not include an employee's own time, such as scheduled breaks, and time before or after a work shift.

**520.2 BULLETIN BOARDS**

It is the policy of the Board to maintain all facility bulletin boards as a means of communicating information to employees (Exception are those bulletin boards specified for programming purposes).

All material that is to appear on Board bulletin boards shall be posted and removed by the facility Building Authority or designee.

All Board, federal and state required notices, and other legally required notices shall be posted in an area visible to all employees.

Information of a general public interest may be posted by the Building Authority or designee if the information does not contain the following:

1. Personal attacks upon any employee or public official;

2. Scandalous, scurrilous or derogatory attacks on the Board, managing officers, supervisors or other personnel of the agency;

3. Comments regarding candidates for public office.

The following procedures shall be followed concerning the posting of any materials on the Board's bulletin boards:

1. All requests to have materials posted shall be to the Building Authority or designee, and shall contain the name of the person or group requesting to post the material, a copy of the material to be posted, and the requested period of time the material is to be posted.

2. The Building Authority or designee shall approve or disapprove of the request by the end of the next scheduled work day.

3. No material will be posted for a period of time which is longer than thirty (30) calendar days, except for legally required notices, timely staff training materials, or agency publications/notices that the Building Authority or designee decides should be posted for a longer period.

4. At the end of the thirty (30) day period, or any period specified by the person or group requesting the posting, whichever is less, the Building Authority or designee shall remove the posted material.

Any material posted in violation of this policy shall be removed from the facility bulletin boards. Violators of this policy shall be subject to disciplinary action as specified in the Board's discipline policy.

**520.3 POLITICAL ACTIVITY - Classified Employees**

This policy lists the specific political activities legally permitted and prohibited to all classified employees, including classified employees on authorized leave of absence from their positions. Employees are encouraged to exercise their constitutional rights to vote.

Activities Permitted to Classified Employees

1. Registration and voting.

2. Expressing opinions, either orally or in writing.

3. Voluntary financial contributions to political candidates or organizations.

4. Circulating petitions on legislation relating to their employment.

5. Employees may attend political rallies that are open to the general public.

6. Employees may sign nominating petitions in support of individuals.

7. Political pictures: employees may display political signs in/on their homes/yards.

8. Badges, buttons and stickers: employees may display political stickers on their private automobiles or may wear political badges or buttons (Wearing of same may not interfere with job safety).

9. Serving as a precinct election official under R.C. 3501.22.

Activities Prohibited to Classified Employees

1. Participating in a partisan election as a candidate for office.

2. Declaring candidacy for an elected office which is filled by partisan election.

3. Circulating official nominating petitions for any candidate.

4. Holding an elected or appointed office in any political organization.

5. Accepting appointment to any office normally filled by partisan election.

6. Campaigning by writing for publications, by distributing political material or by making speeches on behalf of a candidate for elective office.

7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription for any party or candidate.

8. Soliciting the sale of or selling political party tickets, materials or other political matter.

9. Engaging in activities at the political polls, such as soliciting votes.

10. Acting as recorder, checker, watcher, judge, poll worker, or challenger for any party or faction.

11. Engaging in political caucuses.

12. Participation in a political action committee which supports partisan activity.

(Reference: O.R.C. 124.57, O.A.C. 123:1-46-02)

**520.4 POLITICAL ACTIVITY - Unclassified Employees**

Unclassified employees are subject to the Hatch Act and the Ohio Ethics Law.

**520.5 SAFETY AND HEALTH**

Work safety and health is a primary concern of the Board. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all safety procedures/practices are observed.

1. An employee found to be willfully or wantonly negligent in equipment operation resulting in either damage to the equipment or an accident, shall be subject to disciplinary action which may include termination. An employee who drives county vehicles will maintain the appropriate speed limits and obey all other vehicular laws. Violators are subject to disciplinary action, including termination. Employees will take safety measures, such as universal precautions, when directed to do so by Board policy and/or Board supervisory staff. Violators are subject to disciplinary action, including termination.

2. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. Employees will not be required to work in unsafe conditions and are encouraged to report any unsafe conditions to supervisory staff.

3. Any accident, whether or not injuries were incurred, occurring during working hours shall be reported to the immediate supervisor at once. Upon notification, the supervisor or director shall request completion and submission of the appropriate forms to the Administrative Office no later than the end of the work day.

4. Dress code shall be appropriate to the job and safety concerns.

**520.6 DRESS CODE**

1. The Board reserves the right to prescribe appropriate dress and grooming and to set standards which are in the best interests of the department and position.

2. The Board requires than an employee's clothing and overall appearance be appropriate, in good taste, and present a favorable image of the program to the public and serve as a role model for enrollees.

3. Clothing shall be conducive to the safe and effective performance of required job duties.

4. Appropriate standards of cleanliness are required.

**520.7 EMPLOYEE PROPERTY DAMAGE**

When an employee's property, as defined in the administrative rules and procedures which follow, is damaged by an enrollee, the Board may pay the unreimbursed costs of the property. Replacement of damaged items will be set at comparable worth. If the damage to employee's property is the result of an action of an enrollee which is considered deliberate, the enrollee or the parent/guardian of the enrollee will be billed for damages. The functioning level of the enrollee shall be considered before deliberate intent is attributed to the action.

Limited to $200.00 per occurrence.

**520.8 CONTINUATION OF HEALTH CARE BENEFITS**

The Board will comply with Public Law 99-272, Title X (COBRA) to provide continuation of applicable health benefits to eligible former employees who were covered by the Board's group health plan or their spouses and dependent children if they meet the COBRA requirements. COBRA does not apply to life insurance or disability insurance. "Qualified Beneficiary" will be offered the opportunity to continue under COBRA the group health care insurance benefits the individual was receiving immediately before the qualifying event.

In order for continuation coverage to be made available, one of the following "qualifying events" which would result in a loss of coverage must occur:

1. The death of a covered employee.

2. The termination of the covered employee's employment (termination other than by reason of misconduct).

3. Voluntary resignation.

4. Reduction in work hours (strike, layoff, leave of absence, full-time to part-time).

5. The divorce or legal separation of the covered employee from the employee's spouse.

6. The covered employee becoming entitled to Medicare benefits.

7. A dependent child ceasing to be an eligible family dependent under the plan requirements.

8. Chapter 11/Bankruptcy of the Employer.

Should a "qualifying event" take place, a "qualified beneficiary" includes one or more of the following individuals who, on the day prior to the "qualifying event", is a covered member under the Board's group health plan. Each qualified beneficiary may make an individual decision in reference to determining COBRA plan coverage. A "Qualified beneficiary" is:

1. A covered employee.

2. The spouse of the covered employee.

3. The dependent child of a covered employee.

"Qualified beneficiaries" shall be responsible for 100% payment of all health care premiums. All premiums and fees must be paid by the first day of the month by cashiers check or money order. The premium shall be made payable to the Madison County Treasurer.

"Qualified beneficiaries" may elect to continue coverage up to 18 months from the date coverage would have terminated due to being:

1. A covered employee who was terminated (gross misconduct exception), had a reduction of hours of employment which resulted in loss of coverage, or voluntarily resigned.

2. The spouse and/or dependent children of a covered employee who was terminated, had a reduction of hours of employment which resulted in loss of coverage, or voluntarily resigned.

A "qualified beneficiary" who is disabled (according to Title II or XVI of the Social Security Act) at the time of the 18-month qualifying event may elect to continue coverage up to 29 months. The "qualified beneficiary" must provide the plan administrator with Notice of Disability (from Social Security Administration) before expiration of eighteen (18) month COBRA period and within sixty (60) days of notice.

A "qualified beneficiary" may elect to continue coverage up to 36 months from the date coverage would have terminated due to being:

1. A surviving spouse and/or children of a deceased employee.

2. A legally separated or divorced spouse and/or dependent children of the covered employee.

3. The spouse and/or dependent children of a covered employee becomes eligible for and enrolls in Medicare benefits.

4. The spouse and/or dependent children of a covered employee currently in a period of 18 month coverage and a second qualifying event occurs before the end of that 18 month period.

5. Dependent child ceasing to be Dependent.

COBRA coverage may be terminated by the Board under the following conditions:

1. Eighteen (18) months from the event date for individuals whose coverage ended due to termination or reduction of hours.

2. Twenty-nine (29) months from the event date of an individual whose coverage ended due to a termination or reduction in hours where the continuation coverage was extended to twenty-nine (29) months due to the individual's Social Security disability determination.

3. Thirty-six (36) months from the event date of an individual whose coverage ended because of the death of the employee, divorce/legal separation, a dependent child ceasing to be a dependent or the employee's medicare entitlement.

4. The date the individual becomes entitled to Medicare unless the Medicare entitlement is due to End Stage Renal Disease (ESRD) or the individual being deemed a "disabled active individual" under a "large group health plan".

5. The first day for which timely payment is not made to the plan.

6. The date the individual becomes covered under another group health plan that does not limit coverage for a pre-existing condition of the beneficiary.

7. In the case of a beneficiary who was deemed disabled by the Social Security Administration and is receiving the eleven (11) month COBRA extension, coverage may terminate the month that begins thirty (30) days after the date of the final determination that the individual is no longer disabled.

8. In the case of a Medicare entitlement (where insurance is not lost) COBRA shall not terminate for qualified beneficiaries other than the employee for such event or subsequent event, before thirty-six (36) months after the date of the Medicare entitlement.

9. The day the employer ceases to maintain any group health plan.

COBRA Notification and Election Timeframes:

1. "Qualified beneficiaries" shall be notified of their COBRA rights by the employer and/or plan administrator at the time of commencement of coverage under the plan. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

2. Following a death, termination of employment, reduction in hours or Medicare eligibility, the Board must notify the beneficiary of the eligibility for continuation coverage within thirty (30) days.

3. Qualifying event notification shall be made to inform each qualified beneficiary that they have rights to continue their health insurance coverage under COBRA. Notification shall be sent with proper language within fourteen (14) days of a qualifying event. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

4. An eligible beneficiary shall have sixty (60) days to exercise the continuation coverage option. The sixty (60) day period shall begin on the later of the date when existing coverage ends or when the beneficiary receives notice of the continuation coverage options.

5. "Qualified beneficiaries" shall have forty-five (45) days from the date they elect coverage to pay any and all back premiums.

6. Following a change of family status, such as in the case of divorce, or legal separation, or dependent child ceasing to be a dependent, the employee or the qualified beneficiary must notify the Group Health Plan Administrator and the Superintendent of the qualifying event with sixty (60) days of the later of the date of the event or the date the Qualified Beneficiary would lose coverage due to the event. Upon notification by the employee or affected beneficiary, the Board must notify the beneficiary of the continuation coverage options within fourteen (14) days.

7. The Board upon notification of a COBRA extension may provide extension notification to inform the qualified beneficiary of new continuation coverage time frame, monthly premium rates, premium due date and reasons coverage can be canceled prior to the end of the maximum coverage period. Extension of COBRA coverage can be extended for the following reasons: a) standard secondary event, b) special medicare entitlement, c) medicare entitlement interruption, d) disability. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

8. The Board shall notify all COBRA continues of open enrollment periods. The notification shall be sent prior to open enrollment and inform the continue of the open enrollment period, the options available during the enrollment period and the monthly premium rates for those options. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

9. The Board shall notify all COBRA continues of plan changes. The notification shall be sent as soon as the employer is aware of the plan change and inform the continue of the plan benefit changes, premium rate changes and other modifications to the plan. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

10. The Board shall notify all COBRA continues of the right to convert. The notification shall be to notify the individual that the COBRA coverage is coming to an end and they have the right to elect an individual conversion policy (if such a policy is available under the group health plan). Plan administrators are required to notify all Qualified Beneficiaries of their right to elect a conversion option within one-hundred and eighty (180) days prior to the expiration of their COBRA coverage. Notification shall be sent first class mail to the enrollee, spouse and dependent(s) at the last known address. Notification to the spouse is deemed notification to all individuals residing with the spouse.

**520.9 USE OF BOARD VEHICLES**

1. Use of Board motor vehicles shall be strictly controlled by the Superintendent/designee and shall be restricted to official Board business purposes only.

2. Employees operating a motor vehicle are required to have a proper and valid Ohio motor vehicle operator's license which is appropriate for their position. New employees shall obtain the appropriate Ohio license prior to the appointment to the position. Applicants or employees shall be required to authorize the Superintendent to obtain a driver's abstract from the Bureau of Motor Vehicles.

3. An employee who operates a Board vehicle shall exercise caution and responsibility and shall adhere to all safety regulations. Reckless or destructive operation of vehicles is grounds for disciplinary action including termination as outlined in these policies.

4. Any equipment or vehicular accident, including those involving two Board vehicles, must be reported to the supervisor immediately.

5. Any citation received by an employee, who is operating a Board vehicle, must be reported to the supervisor immediately.

6. Failure to report accidents, citations or equipment damage may result in disciplinary action.

7. Any Board employee operating a program vehicle may be required to submit an annual test for chemical use/abuse. Fees for such testing shall be the responsibility of the Board in conjunction with its health care benefits plan.

8. Any Board employee shall be subject to the right to operate program vehicles based on his/her driving record. An employee who has charged against him/her a total of eight (8) points or more within a period of two (2) years from the date of the first conviction shall be denied operation of any program vehicle.

Any employee with two (2) points shall require frequent checking during vehicle operation, four (4) points shall result in consultation with the supervisor, six (6) points will result in temporary suspension from driving for a period of ninety (90) days, and eight (8) points will result in suspension from operating a program vehicle for a period of two (2) years.

**520.10 VOLUNTEERS**

The Board believes that volunteers provide a valuable service for persons with mental retardation and developmental disabilities. The time and talents offered by volunteers greatly enhance and enrich the quality of services provided by the Board.

The Board encourages the growth of the volunteer program and recognizes individuals in the following categories as current or potential volunteers:

1. Parents/guardians and other family members;

2. Staff (during non-working hours);

3. Members of specialized volunteer programs (i.e. foster grandparent program, high school class projects, scouting groups);

4. Students sponsored by the local colleges and universities in a capacity as a student teacher, or intern, or practicum student;

5. Interested citizens.

A volunteer must have completed standard admittance procedures and obtain written parental permission if under 18 years of age. A criminal records check may be required.

Volunteers shall provide services which are based on the needs of individuals served, on staff requests, and on the volunteer's skills, abilities, and experiences. Persons providing volunteer services will do so under the supervision of professional staff. At no time will a volunteer act in lieu of staff.

Procedures for recruitment, selection, training, assignment/evaluation, recognition, and termination of volunteers will be developed and disseminated to all volunteers and staff.

Volunteers will be recruited to provide direct service for enrollees and indirect supportive services. Persons who volunteer may do so during regularly scheduled program hours and during extra-curricular events sponsored by the Board.

Persons are expected to apply for volunteer status through the proper authority (Superintendent or designee) and to be formally accepted and oriented as a volunteer prior to beginning their volunteer experience. Any person acting without such recognition will be considered a "visitor" and, as such, will be subject to the policies and procedures of the Board regarding "visitors". Volunteers shall be required to successfully complete a criminal records check. Volunteers shall comply with applicable Board policies (i.e. behavior management, individual rights).

A file shall be maintained for each volunteer. The file should include but not be limited to:

1. Application.

2. Signed parental permission slip, if applicable.

3. Records of training received.

4. Emergency notification data (same as for employees).

**520.11 EMPLOYEE COMMUNICABLE DISEASE GUIDELINES**

1. Every employee will be required to have a physical prior to employment. All employees working directly with participants will have a tuberculin test. Record of this physical will be maintained by the Board.

2. Colds, flu, and other viral infections are common and easily transmitted in the work place. It is difficult to effectively contain the spread of these diseases because the individual has spread the disease for several days while in the early stages. Physician's sanction to return to work is usually not necessary for these infections.

3. If an employee is suspected of having a communicable disease, the building authority may request that the employee seek medical attention. The employee can return to work when the employee's attending physician states that continued presence at work will not pose a threat to the employee, co-workers, or enrollees. The Superintendent reserves the right to require an examination by a medical doctor appointed by the agency.

4. An employee who has been diagnosed as having an infectious disease must inform his/her supervisor of the condition. An employee's health condition is personal and confidential. Precautions shall be followed to protect information regarding an employee's health condition.

5. An employee may have or be a carrier of an infectious disease which is of life-long duration and he/she may or may not be symptom-free. If there is evidence that the disease cannot be transmitted by normal, casual contact in the work environment, and the condition is not a threat to self or others, the employee will continue to work in a regular manner. The Board shall follow any applicable requirements of the Americans With Disabilities Act in this regard. The employee is expected to meet acceptable performance standards and will be treated in a manner consistent with other employees.

6. No special consideration will be given beyond normal transfer requests for employees who feel threatened by a co-worker's disease. Requests for transfer will be decided by the Superintendent based on the best interests of the agency.

7. The Superintendent will determine the admissibility to the work place by an individual whose condition is in question. The Superintendent will consult with or convene a meeting of the employee, building authority, the employee's physician, and others as the Superintendent deems necessary. Based on the information gathered, the Superintendent may decide:

a. To return the employee to his/her usual place of employment unconditionally,

b. To place the employee on a work assignment under restrictive conditions, or

c. To seek to have the employee utilize sick leave and be placed on a leave of absence. In making a decision, the Superintendent will consider:

1. The nature of the risk and how the disease is transmitted.

2. The duration of the risk and how long the carrier is infectious.

3. The severity of the risk and the potential harm to others.

4. The individual's physical condition.

**520.12 BOARD PROPERTY/EMPLOYEE PRIVACY**

All Board property and the contents thereof, including desks, lockers and computers, are subject to Board control and supervision and are not private areas for employees. This includes any information contained in Board computers (such as E mail, anything in the computer’s memory, and software used in Board computers including memory disks). The Board will maintain the privacy of employee records, such as medical records, employee social security numbers, etc., as required by law.