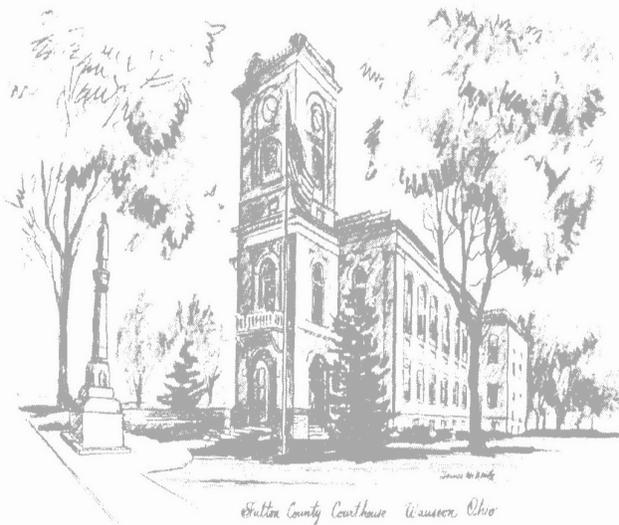




# Board of Commissioners Human Resource Policy Manual



(picture courtesy of Fulton County Historical Society)

**Aut Viam Inveniam Aut Faciam**

**"I will find a way or I will make one"**

## **FULTON COUNTY BOARD OF COMMISSIONERS HUMAN RESOURCE POLICY MANUAL**

**TO:** All Board Employees, Supervisors and Department Heads  
Elected Officials and Agencies Who Adopt This Manual

**FROM:** The Fulton County Board of Commissioners

**RE:** Fulton County Board of Commissioners Human Resource Policy Manual

The Fulton County Board of Commissioners Human Resource Policy Manual provides guidance on a wide range of human resource management topics. This manual will assist department heads and supervisors make sound and consistent employment decisions. It will also serve as a resource for employees to provide professional, courteous and dependable service to the public, the business community and various units of local government in Fulton County.

The information contained in this manual is presented for all employees of the Board of Commissioners. These are many of the Board's policies, procedures, benefits and rules of conduct for employees. It may not cover all Board policies and procedures. For specific advice regarding any human resource policy or procedure, please see your supervisor, department head, or contact the County Administrator.

This manual may also be adopted, in whole or in part, by other Fulton County elected officials or agencies as each Appointing Authority may determine.

Employees working in departments with collective bargaining agreements should consult their union contract as those agreements may differ from County policy.

We look forward to a mutually rewarding relationship with you as an employee of the Board and Fulton County.

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## CHAPTER ONE - INTRODUCTION

### **POLICY: Scope of Coverage**

### **Section 1.01**

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These policies generally apply to all employees, classified and unclassified, but specifically excludes any bargaining unit employees, who are employed by the Fulton County Board of Commissioners, its various departments, and any Fulton County Appointing Authority that adopts this manual in writing, hereinafter, separately and collectively, referred to as the “Employer”.

### **POLICY: Disclaimer**

### **Section 1.02**

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**This manual is not an employment contract, express or implied.** It is presented for informational purposes only, and may be changed at any time by the Employer with or without notice. No representative of the Employer has any authority to enter into an agreement with an employee that is contrary to the policies and procedures contained herein.

The Employer retains the right to hire, separate, set compensation and to manage all employees without restriction to the extent the Employer is not prohibited by applicable law. The Employer also retains all such rights regarding classified and unclassified employees as allowed by law. None of these policies establish tenure rights that are not required by law. Furthermore, unclassified employees are considered “at-will” and do not have the same protections as classified employees under the State of Ohio’s civil service laws during their employment. **Similarly, coverage under one or more of these policies does not confer civil service status nor is it to be considered either a contract of employment or a guarantee or promise of continued employment by the Employer.**

The policies set forth and adopted within this manual supersede all previous written and unwritten County human resource policies. Also, any policy omission from prior manuals means the Employer no longer intends for the policy to be in effect.

In the event there is a conflict between the matters expressed in this manual and any other applicable laws, rules, regulations, agreements or binding legal decisions rendered by a person or entity of competent jurisdiction, the applicable law, full text of the rules and/or regulations, or binding legal decisions rendered by a person or entity of competent jurisdiction shall prevail, except where the Employer may supersede them and has purposefully adopted contrary policy.

The policies and procedures contained in this manual apply to any employees who are governed by a collective bargaining agreement. Except where there is a conflict between these policies and procedures and the provisions of a collective bargaining agreement, the collective bargaining agreement shall prevail.

Some policies may reference or leave matters to more specific plans or documents, in which case the more specific plans or documents will control. Should situations arise which require administrative interpretations of the policies set forth herein, every effort will be made to ensure that such decisions are made objectively, with the general intent of the policy in mind. To that extent, the Employer may issue directives that clarify these policies in a manner more specific to certain County operations.

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**POLICY: Severability****Section 1.03**

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The policies and procedures as contained in this manual are subject to all applicable federal and state laws and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If any article or section of this manual or any amendments thereto shall be held invalid by operation of law or by a tribunal or court of competent jurisdiction, or compliance with or enforcement of any article or section of this manual shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The Employer reserves the right to delete, modify, or amend the policies contained herein or establish new policies as needed.

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**POLICY: Definition of Policy and Procedure****Section 1.04**

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

Written procedures provide members of the organization with administrative interpretation of the application of the organization's policies and explain the specific manner in which such policies are implemented.

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**POLICY: Mission and Objectives****Section 1.05**

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**Mission.** The mission of Fulton County Government is providing professional, cost effective public service through community partnership with accountability, integrity, and responsiveness.

**Objectives.** The Employer recognizes that a human resource system which recruits and retains competent, dependable staff is indispensable to effective government. The policies and procedures set forth in this manual are designed to:

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

2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
3. Encourage professional, courteous and dependable service to the public;
4. Provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
5. Ensure that operations are conducted in an ethical and legal manner to promote the Employer's reputation as an efficient, progressive body in the community and the state; and
6. Establish acceptable standards of performance which are to be applied fairly and uniformly.

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**POLICY: Policy and Procedure Amendment****Section 1.06**

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The Employer may issue additional directives, work rules, memos and/or standard operating procedures which each employee is required to follow. These directives, memos and/or procedures will be in addition to, but not in conflict with the policies in this manual. Any additional policies or procedures will be distributed or otherwise made available to all affected employees. Employees will be responsible to reviewing any updated or additional provisions to the manual and requesting clarification if needed.

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**POLICY: Management Authority****Section 1.07**

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The Employer retains the full right and responsibility to direct the operations, promulgate policies, rules and regulations and otherwise exercise the prerogatives of management, which more particularly include, but are not limited to the following:

1. To determine matters of inherent managerial policy including, but not limited to, areas of discretion or policies such as the mission, functions and programs of the office, its goals, objectives and services, standards of services, its overall budget, utilization of technology, personnel and organizational structure;
2. To manage and direct its employees, including the right to select, hire, promote, transfer, assign, schedule, supervise, evaluate, retain, lay off, recall or discipline for just cause, and to maintain order among employees;
3. To maintain and improve the efficiency and effectiveness of governmental operations, to make any and all rules and regulations, and otherwise to exercise the prerogatives of management;

4. To determine the overall methods, process, means or personnel by which operations are to be conducted, to manage and determine the location, type, and number of physical facilities, equipment, programs, and work to be performed, to establish starting and quitting times, the numbers of hours to be worked, work schedules, and assignments, and to determine the necessity for overtime and the amount required thereof;
5. To determine the size, composition and adequacy of the work force, to establish, modify, consolidate and determine staffing patterns, including, but not limited to, the right to determine when a vacancy exists, qualifications required and schedules and duties performed;
6. To determine, and from time to time re-determine, the number, locations, relocations and types of functions the Employer performs, and to terminate or eliminate all or any part of its work or facilities;
7. To maintain the security of records and other pertinent information;
8. To determine and implement necessary actions in emergency situations;
9. To manage the request of the inspection of personnel and/or payroll records.

The exercise of any such right, power, authority, duty or responsibility by the Employer and the adoption of such rules, regulations or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law.

## **POLICY: Implementation and Dissemination**

## **Section 1.08**

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The Employer has the exclusive right and authority to create and issue policies, procedures, directives, work rules, and other standard operating memos.

All employees shall be provided access to this manual in order to inform him or her of any policy, procedure or additional directives, work rules or standard operating memos. Employees are encouraged to ask their supervisor questions regarding any issue which might be unclear. All supervisory personnel responsible for administering policy shall receive and become thoroughly familiar with this manual. Supervisory personnel shall administer all policies and procedures contained herein and ensure that subordinate personnel comply with these policies and procedures.

Any additional policies or procedures will be distributed or otherwise made available to all affected employees. Employees will be responsible to reviewing any updated or additional provisions to the manual and requesting clarification if needed.

**Abolishment** - Means the permanent deletion or removal of an encumbered position or positions from the organization or structure of an appointing authority due to a lack of continued need for a position, as a result of a reorganization for the efficient operation of the appointing authority, for reasons of economy, or due to a lack of work.

**Absent** - Failure to report for work during any part of the employee's assigned hours of work or report within the prescribed time when he or she has been assigned to or scheduled for work. Misuse or abuse of sick leave regulations can be considered absenteeism, which may result in discipline, up to and including discharge.

**Absent Without Leave** - Failure to report for work without authorization from the Department Head or Appointing Authority to be absent, or absence without approved leave which may result in discipline up to and including discharge.

**Active Pay Status** - Means conditions under which an employee is eligible to receive pay, and includes, but is not limited to, vacation leave, sick leave, administrative leave, compensatory time, and holidays.

**Active Work Status** - Means the 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, compensatory time, holidays, and disability leave.

**Adverse Effect** - Means, for the purpose of reclassification; for an employee, a reduction in pay or reduction in duties; and for an agency, an increase in an employee's pay.

**Agency** - Means any unit of government, including a board or commission, headed by an officer or group having the power to appoint employees.

**Allocation** - Means the assigning of a position or job to a classification within a classification plan.

**Appointing Authority** - Means the officer, commission, board or body having the power of appointment to, or removal from, positions in any office, department, commission, board or institution. Appointing Authority is sometimes referred to as Employer in this manual.

**Appointment Categories** - Means the appointment designation of a position such as part-time temporary, full-time temporary, intermittent, part-time seasonal, full-time seasonal, part-time permanent, and full-time permanent.

**Available Vacancy** - Means an existing funded position, not currently filled by an incumbent which the appointing authority desires to fill. The existence of vacant positions on an appointing

authority's table of organization or roster of positions shall not mean that a position is an available vacancy.

**Bargaining Unit Employee** - An employee certified as a member of a bargaining unit under a certification issued by SERB pursuant to ORC Chapter 4117, or an employee who belonged to a recognized bargaining unit prior to enactment of Chapter 4117.

**Break In Service** - Means an employee has had a separation from service of thirty-one days or more. An authorized leave of absence, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service or be deemed service time.

**Certification** - Means the process of providing to an appointing authority the names on an eligible list, jurisdictional layoff list, or an agency layoff list.

**Certification Eligible List** - Means a list of individuals available for employment from an eligible list, a jurisdictional layoff list, an agency layoff list.

**Certified Appointment** - Means an appointment from an eligible list or permanent appointment.

**Certified Employee** - Means an employee who has been appointed to his or her position from a certification eligible list, is certified in their position pursuant to an examination or the operation of section 124.26 or 124.27.

**Classification** - Means a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each, the same pay range assigned, and the same examinations conducted.

**Classification Change** - Means a change in an employee's classification title which results in a promotion, demotion, lateral move to a different classification with the same pay range, or reassignment to another classification.

**Classified Employee** - An employee who, after serving a probationary period, may only be demoted, suspended, or removed from public service for cause in accordance with ORC 124.34.

**Classification Plan** - Means a system of classifications which may include pay range assignment for each classification.

**Completed Service** - Means hours actually worked, including overtime, and hours of sick leave, vacation leave, or compensatory time, but does not include time on disability separation, leave of absence without pay, the period an employee is receiving disability leave benefits, or layoff. In the case of an employee who works on a seasonal or academic year basis but is paid on an annual

basis, completed service shall not include the period of time during which the employee is paid but is not working.

**County** - The County of Fulton, State of Ohio.

**County Computer(s)** - This definition includes, but is not limited to, mainframes, servers, personal computers (PCs), laptop and portable computers, stand-alone workstations and networked PCs, smart phones or any communication or electronic device wherever the users and equipment may reside, including but not limited to, 1) computers or any communication or electronic devices which are purchased or leased by covered Appointing Authority; 2) computers or any communication or electronic devices owned by third parties, including the State of Ohio, and used or accessed from county premises; or 3) computers or any communication or electronic devices which can be associated with any County Department Head or Appointing Authority in its official public function.

**County Offices** - Means those agencies, boards, commissions, departments, and elected offices of the county which are appointing authorities and are subject to the provisions of Chapter 124 of the Revised Code, and which includes, but is not limited to the following: alcohol, drug addiction and mental health services board; auditor; child support enforcement agency; children services agency; clerk of courts; commissioners; common pleas court; coroner; engineer; health department; job and family services department; general health district; hospital; mental health board; mental retardation and developmental disabilities board; prosecutor; recorder; sheriff; treasurer; and veterans' service commission.

**Days** - Means calendar days unless specified otherwise.

**Demotion** - Means the movement of an employee at the request of the appointing authority or the employee, from one position to a vacant position which is assigned to a different classification with a reduction in responsibilities or a lower pay range, or lower salary where pay ranges do not exist.

**Department** - A County organizational unit directed and controlled by an Appointing Authority.

**Deputy** - Means an employee authorized by law to act generally for or in place of his or her principal and holding a fiduciary relationship to such principal, or an employee holding a fiduciary or administrative relationship to the agency.

**Disability Retirement** - Means a separation granted by a state retirement system retaining reinstatement rights per appropriate section of the Revised Code.

**Disability Separation** - Means a voluntary or involuntary separation granted by the appointing authority and the director when an employee becomes unable to perform the essential job duties of the employee's position.

**Discourteous Treatment of the Public** - Means the failure by an employee to treat any member of the general public with respect, in a polite and courteous manner.

**Dishonesty** - Means behavior that indicates a willingness to lie, cheat, or defraud; failure to provide complete and accurate information when requested, or required, or when to do so would be in the best interest of the County and its citizens; untrustworthiness; lack of integrity.

**Distribution** - An act of distributing goods, materials, and/or written materials or literature.

**Disrespectful** - Means the failure of good behavior that includes inappropriate comments or response to a member of the public or co-workers.

**Displacement** - Means for purpose of layoffs and job abolishments, the process by which an employee with more retention points exercises his or her right to take the position of another employee with fewer retention points pursuant to the provisions of ORC 124.321, et seq. of the Revised Code and Chapter 123:1-41 of the Administrative Code. Displacement occurs the date an employee is notified that another employee has exercised his or her right of displacement and that the employee with fewer retention points is to be displaced.

**Drunkness/Intoxication/Drugs/Impairment** - The condition of a person whose mind is affected by the immediate use of intoxicating drinks or mind altering drugs; the state of one who is "drunk" or otherwise impaired from the full functioning of her/his assigned duties. The effect produced upon the mind or body by drinking intoxicating liquors or taking drugs or other controlled substances to such an extent that the normal condition of the subject is changed and his or her capacity for rational action and conduct is substantially lessened or impaired.

**Electronic Devices** - Software and hardware (CPU's, memory devices, storage devices and storage media), key boards, telephones, cellular-based communications devices and any other electronic device or electronic computer that access the County network, voice mail, faxes and printers.

**Electronic Mail (E-mail)** - E-mail is the transmission of memos and messages over electronic networks, including, but not limited to, local area networks and the internet.

**Eligible** - Means an applicant for appointment to a classification who has passed an examination, met other requirements for the classification, and who is willing to accept employment.

**Eligible List** - Means a list of names and scores of individuals who have taken an examination for a specific classification or position.

**Employee** - Any person holding a County position subject to appointment, removal, promotion, or reduction by an Appointing Authority.

**Employer** - The Appointing Authorities of Fulton County, separately and collectively, authorized by law to make appointments to positions. As context requires, the Employer may also mean any designee who is authorized to carry out certain duties on behalf of the Appointing Authority.

**Exempt Appointment** - Means an appointment to a position which is not subject to examination or civil service tenure. Such a position is included in the classification plan unless specifically excluded.

**Exempt Employee** - A salaried employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who therefore does not have to legally be paid the statutory minimum wage and/or to be compensated, at premium rates, for hours worked in addition to the standard workweek as defined by the FLSA.

**Failure of Good Behavior** - Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the Employer, or reasonably expected by the Employer even in the absence of a written work rule.

**Full-Time Employee** - Means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full time by an office, department, or agency of county service.

**Immediate Family** - Means an employee's spouse or significant other ("significant other" as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).

**Incompetency** - Lack of ability, legal qualifications or fitness to perform duties required of an employee.

**Inefficiency** - Quality of being incapable or indisposed to perform duties required of an employee within reasonable standards.

**Insubordination** - Intentional failure to perform duties required of an employee; refusal to obey a reasonable order issued by the employee's supervisor.

**Intermittent Appointment** - Means an appointment where an employee works on an irregular schedule which is determined by the fluctuating demands of the work and is not predictable and is generally characterized as requiring less than one thousand hours per year.

**Lack of Funds** - Means an appointing authority has a current or projected deficiency of funding required to maintain current or sustain projected levels of staffing and operation including loss of grants.

**Lack of Work** - Means an appointing authority has a current or projected decrease in workload or work requirements which requires or will require a reduction in current or projected staffing levels in its organization or structure. A lack of work will be deemed temporary if the decrease in workload or work requirements is expected to last less than one year.

**Laid-off Employee** - Means an employee terminated by the appointing authority from a position as a result of the application of the "order of layoff." "Laid-off employee" also means an employee not working as a result of layoff or displacement.

**Leave of Absence Without Pay** - Means temporary separation from active pay status, authorized by the appointing authority, with an employee generally retaining status and seniority rights.

**Malfeasance** - The commission of some act which is unlawful; the doing of an act which is wholly wrongful and unlawful, the doing of an act which a person ought not to perform.

**Misfeasance** - The improper performance of some act which a person may lawfully do or the improper doing of an act which a person might lawfully do.

**Neglect of Duty** - Omission or failure 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 failure, refusal, or unwillingness to perform one's duty.

**New Position** - Means a budgeted position established and properly allocated which did not previously exist and is not merely the expansion or change in a previously existing position.

**Non-exempt Employee** - An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1 ½) times the employee's regular rate of pay for all hours worked in excess of forty (40) in an established workweek or other standard work period established in accordance with the FLSA.

**Nonfeasance** - Nonperformance of some act which ought to be performed; the total omission to perform a required duty; or the total neglect of duty.

**No-Pay Status** - Means the conditions under which an employee is ineligible to receive pay, and includes, but is not limited to, leave without pay, the period an employee is receiving disability leave benefits, and disability separation.

**Part-Time Employee** - Means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.

**Pay Period** - Means the fourteen-day period of time during which the payroll is accumulated, as determined by the County Auditor.

**Pay Range** - Means a division of a salary schedule to which classifications of positions are assigned.

**Permanent Employee** - Means any person holding a position that requires working a regular schedule of twenty-six consecutive bi-weekly pay periods, or any other regular schedule of comparable consecutive pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts, or independent contractors.

**Position** - Means the group of job duties intended to be performed by an individual employee as assigned by the appointing authority. The position description and the duties may be revised, but the employee's classification remains the same unless the position is reclassified.

**Position Audit** - Means the evaluation of the current duties and responsibilities assigned to an encumbered position to determine proper classification.

**Pregnancy-Related Condition** - Means pregnancy, childbirth, or related medical conditions.

**Probationary Period** - Means the time period at the beginning of an original appointment or immediately following a promotion, which constitutes a trial or testing period for the employee, during which he or she may be terminated (in case of original appointment) or reduced (in case of promotion). The length of the probationary period is fixed at 180 calendar days unless a longer period is established for specific job classifications as otherwise authorized by the appointing authority.

**Probationary Removal** - Means the termination of an employee's employment for unsatisfactory performance during the employee's initial probationary period.

**Promotion** - Means the movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist.

**Reassignment** - Means the act of changing the classification assigned to an employee to a different classification or duties assigned to an employee.

**Reclassification** - Means the act of changing the classification of an existing position. The employee, if left in the position, shall be reassigned to the new classification. The reclassification may or may not result in a change of pay range or pay rate.

**Reduction** - Means a change of the classification held by an employee to one having a lower base pay range, a change to lower step within a salary range, or any decrease in compensation for an employee. For purposes of layoff, a "reduced employee" is one serving in a classification lower than the one from which the employee was laid off or displaced.

**Reinstatement** - Means the act of returning a person to the same appointing authority within the allowable time, up to one year, following a period of separation or a 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** - Means the termination of an employee's employment for the reasons outlined in section 124.34 of the Revised Code.

**Resignation** - Means a voluntary separation from service by the employee.

**Retirement** - Means a separation from state service in which the employee receives retirement benefits from a state retirement system.

**Seasonal Appointment** - Means an appointment where an employee works a certain regular season or period of each year performing some work or activity limited to that season or period of the year.

**Service Time** - The uninterrupted length of continuous service/work with the County. No employee shall acquire County service time however, until successfully completing the probation period. An authorized leave of absence does not constitute a break in service, and service time continues to accumulate during the term of the leave, provided that the employee complies with the rules and regulations governing his or her leave of absence. Employees who are reinstated from layoff within one (1) year of the layoff date will retain previously accumulated service time, but will not be credited with service time for the time spent on layoff. A break in service occurs if an employee is terminated for any reason other than layoff, and is not reinstated to his prior position within one (1) year of the termination date. Employees who are reinstated from layoff within (1) year of the layoff date will retain previously accumulated service time, but will not be credited with service time for the time spent on layoff. For all other purposes other than those specified above, service time shall be defined as set forth in the provisions of the Ohio Revised Code.

**Sick Leave Abuse/Misuse** - The use of sick leave for any purpose other than as provided by applicable law: 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 take care of personal business; setting a pattern of reporting off sick on certain days of the week or following regular days off, over an extended period of time; failure to follow the rules and regulations regarding use of sick leave and reporting procedures. Any use of sick leave that, due to either timing or frequency, impairs the operation of the employee's work unit or the ability of the employee to perform his/her duties.

**Solicitation** - An act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution.

**Supervisor** - An individual who has been authorized by the Employer to perform or to effectively recommend and assist in the performance of some or all of the following: hiring, transferring, suspending, laying off, recalling, promoting, discharging, assigning, rewarding, or disciplining employees under the direction of the Employer; to responsibly direct employees; to adjust complaints; or to effectively recommend any of these actions. This definition includes department heads.

**Status** - Means a type of appointment, such as probationary, certified, permanent, temporary or unclassified.

**Suspension** - Means a disciplinary action resulting in temporary deprivation of employment without pay as a punitive or disciplinary measure.

**Table of Organization** - Means a listing, arranged by structural or functional units, of the number and classification of positions in a department or other agency.

**Temporary Appointment** - Means an appointment for a limited period of time, fixed by the appointing authority for a period not to exceed one hundred twenty days, except as allowed in section 124.30 of the Revised Code.

**Unclassified Employee** - Means an employee which is exempt from all examinations and is provided no tenure under the law. Appointment to a position in the unclassified service may be made at the discretion of the appointing authority and the incumbent may be removed, suspended or reduced from the position at the pleasure of the appointing authority.

**Vendor** - Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the County and its Employers, which goods, materials, or services are utilized in the conduct of public business.

**Verbal Reprimand** - The discussion a supervisor holds with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or her the need for improvement. This type of reprimand is also called an "instruction and cautioning." This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of date, time, and reason for an oral reprimand must be kept in the employee's personnel file by the Appointing Authority. In the event the conduct of the employee does not improve, more severe disciplinary action is required.

**Work Area** - Any office, building, or physical location where official County business is transacted and/or operations of the County are being conducted. This includes any public or private areas where employees are engaged in work activities.

**Working Suspension** – Means a disciplinary action in which an employee is required to report to work and receive compensation, but such period shall be recorded as a suspension.

**Work Time** - All the time when an employee's duties require that he or she be engaged in work tasks.

**Work Unit** - A division of an Appointing Authority's office, usually directed by a supervisor and charged with a specific work function which contributes to the accomplishment of the office's public service function.

**Written Reprimand** - This is the written record of disciplinary action, usually issued after a verbal reprimand has failed to improve an employee's conduct. It is placed in the employee's personnel file and remains part of the employee's record.

**POLICY: Table of Organization**

**Section 1.10**

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Each employer may have a table of organization.

## CHAPTER TWO – EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION PLEDGE

### **POLICY: Equal Employment Opportunity**

### **Section 2.01**

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Fulton County is an Equal Opportunity Employer. No human resources decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, national origin, age, disability, genetic information, military status or other unlawful bias, except where such criteria constitutes a bona fide occupational requirement.

For the benefit of all County Appointing Authorities, the Board will appoint an EEO/ADA Coordinator. The EEO/ADA Coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the Appointing Authority, Department Head or Supervisor.

The EEO/ADA Coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Appointing Authorities, Department Heads and Supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the Department Head.

No inquiry shall be made as to religious, racial, or ethnic origin of the employee, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action and should be filed separately from the employee's personnel file.

REFERENCE: Resolution 2009-993

### **POLICY: Americans with Disabilities Act**

### **Section 2.02**

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1. **Employment.** The Employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not unlawfully discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions and privileges of employment.
2. **Accessible Features.** The Employer shall endeavor to maintain in operable working order all features of facilities and equipment which are for the use, benefit, aid, or service of the public, in a manner which is readily accessible to and usable by people with disabilities.

3. **Accessible Facilities.** Each service, program, and activity shall be operated in a manner that, when viewed in its entirety, shall be readily accessible to and usable by individuals with disabilities.
4. **Accessible Communications.** The Employer shall ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others.
5. **Information.** The Employer shall ensure that all interested persons (including those with impaired vision or hearing) can obtain information on the existence and location of accessible services, activities, and facilities.
6. **Fundamental Alteration/Undue Burden.** Notwithstanding the above commitments to accessibility, action to achieve accessibility is not required when it would result in a fundamental alteration in the nature of a service, program or activity, or cause undue financial and administrative hardships.
7. **Employer Responsibilities.** The Employer shall be responsible for:
  - a. Providing accessibility information about the ADA to employees and others;
  - b. Receiving and resolving complaints involving non-accessibility of services, programs or facilities and alleged discrimination against disabled individuals;
  - c. It is the responsibility of the employee to request a reasonable accommodation for a covered disability. The Employer shall evaluate the request within a reasonable period of time.
8. **Review of Complaint.** When reviewing complaints alleging a violation of the ADA, the Employer will first determine whether the complainant is a “qualified person with a disability,” as defined in the Americans with Disabilities Act of 1990. The Employer will then examine whether the Employer may have discriminated against the complainant, and, if so, whether the Employer can “reasonably accommodate” the complainant or otherwise resolve the complaint.
9. **Requests for Reasonable Accommodation.** The Employer will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation would pose an undue hardship on or direct threat to the facility. Decisions as to whether an accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to his/her Appointing Authority to investigate and take appropriate action concerning the complaint. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss whether an accommodation is appropriate and, if applicable, the type of accommodation to be given.

Reductions may also be voluntarily requested by an employee or result from an accommodation of a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but can perform the essential functions of a lower classification with or without a reasonable accommodation, if available vacancy exists, and the employee is capable of performing the essential functions of the position. The County is under no obligation to create positions as may be requested.

10. **Complaint/Comment Procedure.** Complaints, comments, or questions regarding accessibility to any of the Fulton County programs, services, or facilities, discrimination against individuals with disabilities, or the County's compliance with the ADA should be filed in accordance with Section 2.04.

REFERENCE: Resolution 2009-993

## **POLICY: Policy Against Discriminatory Harassment**

## **Section 2.03**

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1. **Purpose.** It is the policy of Fulton County to provide employees with an environment free from unlawful discrimination, including discriminatory harassment. Unlawful discrimination and discriminatory harassment in the workplace based upon an individual's race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status and all other categories protected by Federal, State, and local anti-discrimination law, will not be tolerated.

This policy covers all employees, supervisors, department heads and elected officials. Additionally, this policy covers all suppliers, subcontractors, residents, visitors, clients, volunteers and any other individual who enters County property, conducts business on County property, or who is served by County personnel.

2. **Definitions:**

**Unlawful Discrimination** - Unlawful discrimination can occur when an individual's terms, conditions, benefits, or privileges of employment are negatively impacted due to that person's race, color, religion, sex, national origin, age, ancestry, disability or military status or by any other category protected by Federal, State, and local anti-discrimination law.

**Discriminatory Harassment** - Discriminatory harassment is a form of discrimination which consists of repeated, unwelcome, and offensive verbal or physical conduct based upon an employee's race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status or any other category protected by Federal, State, and local antidiscrimination law, which is so pervasive in the workplace that it alters the terms and conditions of employment, creating an abusive and hostile work environment.

**Sexual Harassment** - Sexual harassment is a form of gender based discrimination and consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- a. Submission to that conduct is made, either explicitly or implicitly, a term or condition of employment; or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- c. The conduct has the purpose or effect of substantially interfering with an individual's work performance by creating an intimidating, hostile, or offensive work environment.

**3. Examples of Unlawful Discrimination and Discriminatory Harassment.**

Gender based discrimination occurs when an employee is demoted, disciplined, or terminated solely on the basis of his or her gender.

Race discrimination occurs when an employee is demoted, disciplined, or terminated solely on the basis of his or her race.

Discriminatory harassing behavior may include written or verbal statements, behavior, email, pictures or "jokes" which contain a demeaning or derogatory reference to an individual's race, color, religion, sex, national origin, age, ancestry, disability, genetic information, military status or any other category protected by Federal, State, and local antidiscrimination law. This does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale, and which interferes with work effectiveness.

Sexually harassing behavior, whether committed by supervisors or non-supervisory personnel, may include the following:

- a. Repeated unwelcome or offensive sexual flirtations, advances, or propositions;
- b. Verbal abuse of a sexual nature;
- c. Graphic or degrading verbal comments about an individual or his/her appearance;
- d. The display or distribution of sexually suggestive objects or pictures;
- e. Unwelcome or offensive verbal or written communication of a sexually suggestive nature including "jokes";
- f. Any unwelcome or offensive physical contact.

Prohibited harassment may also extend beyond the confines of this organization. The Employer will take all available steps to ensure that employees are not subjected to harassment by members of the public or service providers.

**4. Off Duty Conduct.** Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Conduct that occurs off duty and off premises may also be subject to this policy. Off duty conduct which is related to the employee's job or could impact the workplace may be grounds for discipline.

5. **Workplace Romances.** To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform his or her appointing authority if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited, but must be appropriately addressed. Should the County determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the County will attempt to work with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.
6. **Reporting.** Any employee who feels he or she has been subject to prohibited discrimination or discriminatory harassment by a fellow employee, supervisor, or other individual should report the incident immediately to any one of the following: his or her supervisor, his or her Department Head, his or her Appointing Authority, the EEO/ADA Coordinator, or the County Prosecutor. Similarly, employees who feel that they have witnessed prohibited discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, should immediately contact his or her supervisor, his or her Department Head, the Appointing Authority, the EEO/ADA Coordinator, or the County Prosecutor. All reports should be filed in accordance with Section 2.04 of this manual.

Late reporting of complaints or failure to report complaints in writing will not, in and of itself, preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit a written report in an expedient manner following the harassing or discriminatory incident.

All reports of alleged discrimination or harassment will be investigated immediately and objectively. Information will be kept as confidential as practicable, although confidentiality cannot be guaranteed. All employees are required to cooperate fully in any investigation.

7. **Non-Retaliation.** The County, its supervisors and employees, shall not, in any way, retaliate against an employee for filing a complaint or participating in an investigation under this policy. Any employee who feels that he or she has been subjected to retaliatory conduct shall immediately report such conduct to the Department Head, the EEO/ADA Coordinator, or to the County Prosecutor.
8. **False Complaints.** Although legitimate complaints made in good faith are strongly encouraged, false complaints, or complaints made in bad faith, will not be tolerated. False complaints are considered a violation of this policy and an employee who makes a false complaint will be subject to discipline. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. Disciplinary action for the filing of a false complaint shall not be considered a retaliatory act.

9. **Corrective Action.** Disciplinary action will follow a violation of this policy and will reflect the seriousness of the violation. If any employee is found in violation of this policy, he or she will be subject to disciplinary action up to and including termination. Offenders will be disciplined without regard to their position or job performance.

Any employee exhibiting retaliatory behavior toward an employee who exercised a right under this policy will also be subject to discipline.

REFERENCE: Resolution 2009-993

## **POLICY: Discrimination Complaint Procedure**

## **Section 2.04**

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1. Any person may file a complaint if he/she believes that:
  - a. Another person has illegally discriminated against them under the terms of this manual, or State or Federal anti-discrimination laws; or
  - b. A County sponsored program, service, or facility is not accessible to disabled individuals.
2. All complaints alleging illegal discrimination should be filed in writing. This writing shall be filed as soon as possible and within a reasonable period of time following the incident which gave rise to the complaint. Oral complaints must also be investigated.
3. Complaints may be filed with the Department Head/Appointing Authority, EEO/ADA Coordinator, or in the alternative, may be filed with the County Prosecutor. The Employer shall investigate all complaints and respond to the complainant within a reasonable period following the date of the filing.
4. Complaints should include the following information:
  - a. The complainant's name;
  - b. The type of discrimination or sexual harassment alleged, or the program, service, or facility alleged to be inaccessible to disabled individuals;
  - c. The names of the individual(s) involved;
  - d. The specific nature of the alleged sexual harassment, discrimination, or inaccessible program, service, or facility; and the alleged employment action (e.g, demotion, failure to promote, dismissal, refusal to hire, etc.), if any, alleged to have occurred as a result;
  - e. Potential witnesses;
  - f. Whether the employee has previously reported the alleged harassment or discrimination action; and
  - g. The remedy or reasonable accommodation requested.
5. Any employee who has been found by the Employer, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action, up to and including termination for a first offense, or other corrective action. Corrective action may also include training.

6. Non-employees found to have committed an act of illegal discrimination against an employee will be dealt with appropriately in accordance with applicable law.
7. If any program, service, or facility is found to be non-accessible to disabled individuals, the County shall take reasonable and appropriate steps to achieve accessibility according to the law.

REFERENCE: Resolution 2009-993

## CHAPTER THREE – EMPLOYMENT PRACTICES

### **POLICY: Requirements for Employment**

### **Section 3.01**

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1. **Public Service.** Employment with Fulton County, a political subdivision of the State of Ohio, is employment in a public agency, subject to the requirement that employees recognize and agree to abide by all applicable laws and all policies, rules, or regulations applicable to the position.
2. **Minimum Qualifications.** All applicants selected for employment must possess the minimum qualifications (knowledge, skills, and abilities) as outlined in the job description for the position.
3. **Essential Functions.** All applicants selected for employment must be able to perform the essential functions of the position for which they apply, including regular and punctual attendance, with a reasonable accommodation if necessary, and must possess or be able to obtain within a reasonable time frame any required licensure, certification, bonding, or other employment requirements as specified in the job description and/or job announcement for the position.
4. **Residency.** Employees may choose where to reside without restriction except as otherwise limited by the Fulton County Board of Commissioners as authorized in section 9.481 of the Revised Code. The Board reserves the right to restrict residency to Fulton County and its adjacent counties for positions of certain employees, as a condition of employment, to ensure adequate response times to emergencies or disasters.
5. **I-9.** It is the policy of Fulton County to employ only those individuals authorized to work in the United States in accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended.

REFERENCE: ORC 9.481

### **POLICY: Classified and Unclassified Employment**

### **Section 3.02**

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**Civil Service.** Employment with the Employer is governed by the State of Ohio Civil Service laws. All positions in the civil service fall into one of two general categories: "Classified" or "Unclassified."

1. **Classified Service.** All employees of the County are presumed to be classified civil servants unless the position which they occupy has been exempted from the classified service by a lawful request of the Employer, or by operation of law. After completion of a 180-day probationary period, or the probationary period designated in the classification specifications, classified employees may only be disciplined for cause and by following the

procedures set forth in Chapter 124 of the Ohio Revised Code. Classified employees may not actively participate in partisan politics.

Some employees may be classified civil servants who occupy positions which have been exempted from classified service. Such employees shall maintain the same civil service protection as employees who occupy positions which have not. The next person to accept the unclassified position will serve in the unclassified service.

2. **Unclassified Service.** Some County employees serve in the unclassified civil service as determined by the Ohio Revised Code, or by appointment to positions which have been exempted from the classified service. Unclassified employees serve at the pleasure of the Appointing Authority for the duration of their employment and therefore have no rights to appeal a suspension, demotion, or removal to the SPBR under RC Chapter 124. Unclassified employees need not take a civil service examination for initial appointment to or retention of their position. Unclassified employees may be removed at any time, with or without cause. Unclassified employees are not statutorily prohibited from participating in partisan political activity but should familiarize themselves with limitations in the Appointing Authority's political activity policy.

Department Heads of the Board of County Commissioners, as defined in the Ohio Revised Code, serve in the unclassified service by operation of law, even if previously serving in the classified service.

REFERENCE: ORC 124.11

## **POLICY: Appointment Status**

## **Section 3.03**

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In addition to being either classified or unclassified, all positions are categorized by type and duration of employment:

1. **Type of Appointment:**
  - a. **Full-Time.** Means an employee whose regular hours of service for a county total forty hours per week, or who renders any other standard of service accepted as full time by an office, department, or agency of county service. (Note: Eligibility for various benefits associated with employment may be based on a different number of hours.)
  - b. **Part-Time.** Means an employee whose regular hours of service for a county total less than forty hours per week, or who renders any other standard of service accepted as part-time by an office, department, or agency of county service, and whose hours of county service total at least five hundred twenty hours annually.
  - c. **Intermittent.** An employee who works on an irregular schedule, either full time or part time, which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than one thousand (1,000)

hours per year. Intermittent employees serve in the unclassified service by operation of law.

REFERENCE: ORC 124.11(A)(29); ORC 124.30(B)

## 2. Duration of Appointment:

a. **Permanent.** An employee holding a position that requires working a regular schedule of twenty-six (26) consecutive bi-weekly pay periods, which is not limited to a specific season or duration. It does not include student help, intermittent, temporary, seasonal, external interim, or individuals covered by personal service contracts.

b. **Temporary.** An employee appointed to a non-permanent position, on a full-time, part-time or intermittent basis, for a specified period of time, not to exceed 120 days, except as allowed by ORC 124.30. Successive temporary appointments to the same position shall not be made. Temporary employees serve in the unclassified service by operation of law. Temporary transfer of a classified employee to a similar position may be made for a period not to exceed 30 days unless a longer period is agreed to by the Appointing Authority and Employee, not to exceed 90 days.

REFERENCE: ORC 124.11(A)(29); ORC 124.30; ORC 124.33

c. **Seasonal.** An employee appointed to work where the nature of the work is such that the service is not continuous throughout the year, but recurs in each successive calendar year. Any person appointed to a seasonal position in the unskilled labor class shall reapply for employment each year. Any person appointed to a seasonal position in the competitive class and who has been temporarily separated from service during the inactive season shall be entitled to employment in the same position in each ensuing year, provided the employee is not in the meantime disqualified for any cause. Any person not assigned to work for a period of one year, due to lack of work or refusal of same, must reapply to be considered for re-employment.

REFERENCE: ORC 124.11(B)

d. **Student.** A temporary employee who is a student at an educational institution and employed by the Appointing Authority to provide training to the student employee or as a work opportunity for a student interested in public service. Student appointments are in the unclassified service by operation of law.

e. **Independent Contractors.** Independent contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the County.

f. **Deemed By Service.** Any employee in the classified service who is appointed to a position under ORC 124.30 and either demonstrates merit and fitness for the position by successfully completing the probationary period for the position or remains in the position for a period of six months of continuous service, whichever period is longer, shall become a permanent appointee in the classified service at the conclusion of that period.

REFERENCE: ORC 124.271

1. **Classification Plan.** Fulton County or appointing authorities may have a Classification Plan. A classification includes one or more positions that are so similar they can be described by a common job classification title. Classifications are used to determine order of layoff.

Each Appointing Authority is responsible for maintenance of the Classification Plan for its employees.

2. **Maintenance of Position Descriptions.** Each Appointing Authority is responsible for the maintenance of the position descriptions for its employees.
3. **Revisions.** As positions are changed or new positions are added, the position description shall be revised or written, respectively. Factors which may necessitate a revision to the plan are:
  - a. The addition of a new duty or responsibility to a position;
  - b. The abolishment of a current duty or responsibility from a position;
  - c. A change in the educational or experience requirements for the position;
  - d. The reassignment of current duties or responsibilities between or among positions; and/or
  - e. A new or revised licensure or certification requirement as dictated by law or by administrative agency for a position.

Revisions may be necessary in the content of the position descriptions, classification assignments, and/or table of organization. When any of these factors occur, the supervisor or Department Head shall submit a proposed revision to the Appointing Authority, or designee, who shall review the request and make any appropriate changes or additions to the position description and/or table of organization. Once approved, copies of all revisions will be provided to the supervisor, Department Head, or designee who shall maintain an updated copy of the position descriptions and notify any affected employees.

In addition to the continual updating process, all position descriptions should be completely analyzed and updated on a regular basis (e.g., annually or every few years) to ensure that all significant changes have been noted, all positions are properly classified, and all position descriptions accurately reflect the job duties, responsibilities, and skill level requirements of each position within the organization.

Position title changes, reclassifications and any other related changes must be reflected on all applicable payroll, personnel, and operational records. Changes in position descriptions may also necessitate an update to the compensation plan, performance evaluation forms, and other personnel systems.

REFERENCE: ORC 124.14

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.** On behalf of the Board of Commissioners, the County Administrator shall maintain the Position Description Program for Board employees. The Department Heads may recommend creation or amendment of the position classification plan and position descriptions based upon an analysis of the duties, responsibilities, essential functions, and qualifications of the positions affected. All changes in the position descriptions must be approved by the County Administrator who shall maintain the official position descriptions. Department Heads shall maintain copies of all position descriptions for their respective departments and any amendments thereto. Position titles shall be used in all personnel and payroll matters.

## **POLICY: Recruitment Practices and Application**

## **Section 3.05**

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1. **Vacancies.** When a vacancy occurs, due to the creation of a new position or the separation of an employee from a current position, the Appointing Authority may fill the position in accordance with the policy and procedures outlined herein.
2. **Recruitment Methods.** The Appointing Authority may announce vacancies by appropriate recruiting methods which may include, but are not limited to, internal posting, county internet web page, services provided by the Fulton County Department of Economic Development and the Department of Job & Family Services, newspapers of general circulation, trade and professional publications, trade shows, job boards, educational job placement services, professional recruiting consultants and placement services, and any other means consistent with equal employment opportunity.
3. **Job Announcement.** Each announcement, insofar as practical, shall specify the job title, compensation, nature of the job, the required qualifications, and the deadline, method, and place of application. The announcement shall also include the essential functions of the job or contain a reference to a contact person or posting location that will advise applicants of the essential functions of the position or how to obtain a job description. For new or significantly changed positions, a job description should be prepared prior to advertisement.
4. **Internal Posting.** The Appointing Authority, insofar as practical, may post a job announcement on the county web site and/or other standard employee communication mechanisms such as bulletin boards, employee mailboxes or employee e-mail boxes, for internal vacancies which occur or are imminent prior to external posting. The Appointing Authority, if using this method, will attempt to fill vacancies from among interested, current employees of the Appointing Authority who meet the necessary qualifications and are able to perform the essential functions of the position provided such internal placement is in the best interest of the Appointing Authority; however, this does not preclude the hiring of outside, non-County applicants.

5. **Posting Period.** The Appointing Authority shall not be obligated to consider any applications submitted after the close of the posting period.
6. **Application.** According to the rules established by the Appointing Authority, an applicant, including current employees, must submit an application for employment, resume, letter of interest or combination thereof which must be properly completed and submitted before an applicant will be considered for employment.
7. **Reasonable Accommodation.** The Appointing Authority will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.
8. **Concurrent Recruitment.** Nothing in this section shall be construed to prevent the Appointing Authority from advertising for external applicants concurrently with the internal advertising of vacancies if the Appointing Authority deems it to be in the best interest of the Appointing Authority.

REFERENCE: ORC 124.23; ORC 124.25; ORC 124.26; ORC 124.27

## **POLICY: Evaluation of Applicants and Selection**

## **Section 3.06**

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1. **Selection Based Upon Merit and Fitness.** Appointments by the Appointing Authority to new or vacant positions by internal placement or external selection shall be based on the applicant's merit and fitness meeting the job-related qualifications and possessing the knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods. The Appointing Authority may consider all legal factors when making employment and promotional decisions.
2. **Use of Minimum Qualifications.** The Appointing Authority or designee will first review all applications and/or resumes to determine those applicants who possess the minimum, job-related qualifications as stated on the position description (e.g., minimum licenses, certifications, education, experience, etc.).
3. **Selection Criteria.** Once the Appointing Authority has determined those applicants who meet the minimum job-related qualifications, the Appointing Authority may consider each applicant's:
  - a. knowledge, skill, and ability to perform the essential functions of the position;
  - b. work experience and accomplishments in positions or duties comparable to the vacant position or duties;
  - c. work history (i.e., length of past employment, reasons for leaving, etc.);
  - d. work record (i.e., attendance, performance, disciplinary actions, etc.);
  - e. ability to perform the work in the position description;
  - f. willingness to perform the work in the position description;
  - g. overall best fit;

- h. application materials appearance; and
- i. other reasonable and legal job related criteria.

4. **Examination.** All applicants for positions in the classified service, except as far as practicable and otherwise exempted by law, shall be subject to examination. An examination may include an evaluation of such factors as education, training, capacity, knowledge, manual dexterity, and physical or psychological fitness. An examination shall consist of one or more tests in any combination. Tests may be written, oral, physical, demonstration of skill, or an evaluation of training and experiences and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position of which appointment is sought.

To help the Appointing Authority determine the most qualified person for the position, applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, criminal history checks, and other job-related selection procedures.

5. **Disqualification.** Otherwise qualified applicants may be eliminated from consideration for a position if the applicant: (this list is not meant to be exhaustive and may not include all possible reasons for exclusion)
- a. makes a false statement of material fact in the application/other hiring documents or examination;
  - b. has committed or attempted to commit a fraudulent act at any stage of the selection process;
  - c. is an alien not legally permitted to work;
  - d. has previously been terminated for just cause, except in unusual circumstances to be determined by the Appointing Authority;
  - e. has been convicted of a felony or a crime involving moral turpitude;
  - f. fails the pre-employment drug and alcohol screen or is addicted to drugs or alcohol;
  - g. has a pattern of poor work habits and performance with previous employers (including Fulton County);
  - h. has been found guilty of infamous or notoriously disgraceful conduct;
  - i. violates the Board's policy against nepotism; or
  - j. is found to violate an otherwise reasonable job related criteria that is in the best interest of the Appointing Authority.

If an applicant is hired and it is subsequently discovered that one of the above disqualifying criteria apply, the employee may be removed from employment.

6. **Selection.** If the County Administrator, Department Head or designee performs the initial interviews, the interviewer shall determine the most qualified applicant(s) for the position and submit a recommendation to the Appointing Authority. The Appointing Authority may decide whether to be involved in the initial interviews, whether to interview only selected candidates following the Department Head's preliminary screening of qualified candidates,

or whether to delegate all interviewing to the County Administrator, Department Head or designee.

7. **Pre-Employment Requirements.** Once a conditional offer of employment has been made, the preferred candidate may be required to undergo:
  - a. a post-offer, pre-employment medical examination by a licensed practitioner to determine if the applicant can perform the essential functions of the position. At this point in the process, the Appointing Authority may also inquire whether the candidate requires an accommodation to perform the essential functions of the position. The Appointing Authority will not designate a candidate who requests an accommodation in order to perform the essential functions as unqualified, unless the accommodation is unreasonable, or would cause undue hardship to the Appointing Authority.
  - b. A drug and/or alcohol screen by a licensed practitioner may also be required prior to appointment, for certain positions as determined by the Appointing Authority or otherwise permitted by law, to ensure the selected job applicant can perform the essential functions of the position.
  - c. A criminal records and driver history check may also be required prior to appointment.
  
8. **Record Keeping.** The Appointing Authority is responsible for maintaining a record keeping system reflecting the disposition of all job applicants. Such records shall be kept on file for a length of time consistent with the County's record retention system and shall include a completed job application and any medical examination data, test results, and/or other job-related information connected with the application. All pre-employment requirements should be kept in a separate file and only produced as required by law.

REFERENCE: ORC 124.23

## **POLICY: Policy against Nepotism**

## **Section 3.07**

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1. **Policy Against Nepotism.** The Appointing Authority will not hire immediate family members of employees in the same work unit where there is the potential for such family members to be in a direct supervisor/subordinate relationship, in order to avoid the appearance of impropriety and violations of Ohio's Ethic Laws.
  
2. **Implementation.** Following adoption of this policy, no employee shall occupy or be eligible to be considered for a position in which the employee could directly supervise or have influence in decisions concerning the conditions of employment of a member of the employee's immediate family. If such a situation arises after employment, the Appointing Authority or designee may reassign either employee.
  
3. **Definition of Immediate Family.** "Immediate family" for the purpose of this section means an employee's: parents, brothers, sisters, spouse, children (whether dependent or not), grandparents, or grandchildren; or any other person related by blood or marriage and living in the employee's household.

4. **Additional Factors.** The Appointing Authority may also consider other relevant anti-nepotism factors in its hiring decision on a case-by-case basis. For example the Appointing Authority may elect not to hire an immediate family member of another appointing authority's employee if the position has a close working relationship with that other position.

REFERENCE: Ethics Law

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**POLICY: Medical Exams/Drug and Alcohol Screen****Section 3.08**

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1. **Medical Examination.** A medical examination by a licensed physician may be required by the Appointing Authority prior to appointment to the classified or unclassified service to evaluate selected job applicants' ability to perform the essential functions of the positions for which they are applying. Examinations may include any job-related examination determined to be a pre-employment requirement. Volunteers may also be subject to medical exams and drug screenings.
2. **Post-Offer.** No medical examination, including screening for use of illegal drugs, will be conducted until after the Appointing Authority has made the applicant a conditional offer of employment.
3. **Practitioner and Cost.** The Appointing Authority or designee shall select the licensed practitioner to administer the examination and shall pay the cost.
4. **Waiver.** Applicants may obtain, with approval of the Appointing Authority, a waiver of the medical examination requirement for the following reasons:
  - a. verified religious opinion or affiliation; or
  - b. reinstatement within one (1) year of separation.

Any applicant wishing to waive the examination requirement for one of these reasons listed shall submit a written affidavit describing the applicant's state of health at the time of employment.

5. **Other Examinations.** After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the County. Such an examination is intended to ensure that the employee continues to be physically and mentally able to perform the duties of his or her position. Examples include examination to certify continued eligibility for Family and Medical Leave or other leaves, examination to assess eligibility for Workers' Compensation, and examination required by Occupational Safety and Health programs. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

PROCEDURE: For a packet of current forms and practices, please contact the Board of Commissioners' Office or the Director of Organizational Development.

1. **General Policy.** The Appointing Authority may conduct criminal records checks on applicants, prospective employees or current employees, volunteers or non-paid positions to the extent permitted by law.
2. **Policy for Positions Involving Care of Child or Adult or Where Required by Appointing Authority.**
  - a. The Appointing Authority shall request the Bureau of Criminal Identification and Investigation (BCII) and/or the Federal Bureau of Investigation (FBI) to conduct a criminal records check with respect to any prospective employee who has applied for appointment or employment as a person responsible for the care, custody or control of a child or providing direct care to an adult.
  - b. Prospective employees subject to a criminal records check shall be informed that as a precondition to being approved for the position:
    - (1) The person is required to complete the BCII prescribed criminal records check form and provide a set of electronic fingerprints; and
    - (2) A criminal records check is required to be conducted by BCII and satisfactorily completed if the prospective employee comes under final consideration for appointment or employment.
  - c. The Appointing Authority shall provide any prospective employee who has applied for appointment or employment in a position responsible for the care, custody or control of a child or providing direct care to an adult, with a copy of the BCII prescribed criminal records check form and a BCII standard electronic fingerprint sheet to obtain fingerprint impressions. Upon receipt of such, the prospective employee shall:
    - (1) Complete the form or provide all the information necessary to complete the form;
    - (2) Provide the electronic fingerprints; and
    - (3) Submit the completed form and the electronic fingerprints to the Appointing Authority or the appropriate law enforcement agency as directed.
  - d. If a prospective employee seeking appointment or employment fails to provide the information necessary to complete the form or fails to provide electronic fingerprints, the prospective employee shall not be employed by the Appointing Authority.
  - e. The Appointing Authority shall obtain the completed form and electronic fingerprints and forward them to BCII at the time the Appointing Authority requests a criminal records check.
  - f. The Appointing Authority shall request that BCII obtain information from the Federal Bureau of Investigation (FBI) as a part of the criminal records check for the prospective employee if:
    - (1) the person does not present proof of residency in Ohio for the 5 year period immediately prior to the date upon which the criminal records check is requested; or
    - (2) the person does not provide evidence that within that 5 year period, BCII has requested information about the person from the FBI in a criminal records check.

The Appointing Authority shall have the option to request that BCII include information from the FBI in the criminal records check regardless of the person's residency for the previous 5 year period.

- g. The report of any criminal records check conducted by BCII pursuant to a request made by the Appointing Authority is not a public record. The report shall be made available only to the following persons:
  - (1) the person who is the subject of the criminal records check or the person's representative;
  - (2) the Appointing Authority or its representative;
  - (3) any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the person; and
  - (4) Ohio Job and Family Services employees as required for certification or monitoring purposes.

REFERENCE: ORC 109.572 (legal reasons for requesting a criminal records check)

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**POLICY: Orientation****Section 3.10**

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1. **Policy Manual.** All new employees will be instructed and assisted in enrolling in all applicable benefit plans and for other payroll procedures upon initial employment including access to this Fulton County Human Resource Policy Manual via the County's computer network or in hard copy, if published by the Appointing Authority. The manual contains the general terms, conditions, benefits, policies, and procedures of employment in effect at that point in time.
2. **Orientation.** As required by the Appointing Authority, all newly hired employees will participate in employee orientation regarding available benefits, the policies, procedures, and operations of the Appointing Authority and the responsibilities of the employee's position. The orientation will be conducted by the Appointing Authority's designee(s). Upon request by the Appointing Authority, the Board of Commissioners may provide benefit orientation and enrollment assistance. The Department Head, Supervisor and/or designees shall be responsible for continuing the orientation process while the employee is on the job. Such responsibilities include, but are not limited to, the following:
  - a. the location of tools, supplies, equipment;
  - b. work safety procedures;
  - c. fellow employee introductions;
  - d. record keeping procedures; and
  - e. information needed to perform the job well.
3. **Acknowledgments.** New employees will be required to sign a statement acknowledging receipt of certain policies, procedures, and other necessary documents as determined by the Appointing Authority or as required by law.

1. **Purpose.** The Appointing Authority shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring questions or concerns to the Department Head and/or Supervisor, to enhance the employee's performance. The Department Head has a responsibility to recommend to the Appointing Authority the retention of those employees who meet acceptable work standards during the probationary period and to recommend removal of those employees who fail to meet such work requirements.
2. **Extension.** An Appointing Authority may extend an employee's probationary period for up to sixty days to allow additional time to review the employee's performance. A probationary period extension shall only be granted if an employee consents to the extension prior to the end of the employee's normal probationary period and the total probationary time does not exceed one year.
3. **Leave of Absence.** Time spent on leave of absence without pay shall not be counted as part of the probationary period. Probationary periods shall be extended by an equal number of days the employee spent in no-pay status.
4. **Unclassified Service.** Even though employees who are unclassified serve a probationary period, they serve at the pleasure of the Appointing Authority.
5. **Dismissal or Reduction.** Dismissal or reduction of a classified employee may be made anytime during the probationary period, at the discretion of the Appointing Authority.
6. **Appeal.** An employee who is removed during the probationary period does not have any right of appeal to the State Personnel Board of Review.
7. **Return to Prior Classification.** Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion upon failure to successfully complete the promotional probationary period. The action of reduction for failure to complete a promotional probationary period shall not be considered a disciplinary action, and shall not serve to eliminate the employee for consideration for advancement to other positions. If the Appointing Authority must make a probationary removal or reduction in pay or classification, the removal or reduction must be made within the allotted time frame of the probationary period. The Appointing Authority should then place the action (in the form of a letter removing or reducing the employee) along with the final evaluation documenting why the employee's service was unsatisfactory in the personnel file.
8. **Duration.** The probationary period for full-time employees shall be based on calendar days from the date of original appointment. Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of

calendar days following appointment in the same manner as full-time employees. Employees who work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked. Intermittent employees shall not serve a probationary period.

9. **Unclassified Employees.** The Appointing Authority does not waive any right to remove an unclassified employee, including temporary or intermittent employees, serving at the Appointing Authority's pleasure, by adopting this policy.

REFERENCE: ORC 124.27

## **POLICY: Performance Evaluation Guidelines**

## **Section 3.12**

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If an appointing authority elects to utilize performance evaluations, the following are guidelines to be considered:

1. **General Policy.** A written performance evaluation provides supervisors with an effective mechanism to measure and communicate levels of job performance to their employees. It provides the employee with documented, constructive feedback concerning current job performance. A documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion and retention of employees, and the setting of measurable goals for the next evaluation period. The work performance of each permanent employee shall be evaluated in accordance with established procedures.
2. **Performance Period.** Each employee will be evaluated as determined by the Appointing Authority. Each evaluation shall measure the employee's performance for the period immediately preceding the evaluation date or for that portion of the period after the completion of the employee's initial probationary period.
3. **Probationary Period.** Probationary employees will be evaluated at least once during the probationary period. The performance evaluation will be completed prior to the expiration of the probationary period. The evaluation shall, at a minimum state whether the Supervisor expects to retain or remove or reduce the employee. In the case of removal or reduction, the evaluation shall also explain the reason(s) for the recommendation and the evaluation shall be forwarded to the Appointing Authority, or designee for review. After review by a designee, if removal is recommended, the designee shall forward the request to the Appointing Authority for determination.
4. **Evaluator.** Each employee should be rated by the immediate supervisor to whom the employee is regularly assigned. If an employee reported to two (2) or more supervisors during the year being evaluated, the present supervisor should complete the rating while the previous supervisor(s) should prepare a written narrative covering that time the employee served under their supervision. If an employee received approximately equal supervision

from two (2) persons, the supervisors should cooperate on a rating and both should sign the report as raters.

5. **Documentation.** Employees will be provided a copy of their performance evaluation. The supervisor will discuss the report with the employee and will counsel the employee regarding any improvement in performance which appears desirable or necessary. The employee shall sign the evaluation which merely indicates an acknowledgment that the employee has had the opportunity to review the evaluation and does not indicate agreement with the content. Refusal of the employee to sign the evaluation form may constitute insubordination and may be subject to discipline.
6. **Additional Evaluation.** Special evaluations may be made if authorized by the Appointing Authority or designee.

## **POLICY: Promotion/Reduction/Transfer/Assignment**

## **Section 3.13**

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### **1. Promotion.**

- a. A promotion is the placement of an employee in a position which requires greater skills, knowledge and abilities to perform more complex and responsible work and which is assigned to a higher pay range or higher wage rate.
- b. It is the intent of the Appointing Authority to train and develop employee talent for promotion to a higher level position whenever possible.
- c. Factors to consider for promotion include an employee's completion of required training, general performance level in the employee's current job, and any other job-related qualifying criteria, including equal employment opportunity and the best interest of the Appointing Authority.
- d. The new pay rate for a promotion is governed by the Appointing Authority's compensation plan or as determined by the Appointing Authority when no compensation plan exists.

### **2. Reduction or Demotion.**

- a. A reduction or demotion is the movement of an employee by order or request of the Appointing Authority or by request of the employee to a lower classification which has a lower level of responsibility and compensation.
- b. Reductions or demotions generally result from an employee's failure to perform the duties of their position at an acceptable level, failure to maintain required licensure or certification requirements, or as a result of discipline. In such case of a classified employee, the employee shall be notified in writing of the reason(s) for the action, and the effective date thereof. The employee shall also be notified of the right to appeal the action according to this manual or the rules of the State Personnel Review Board.
- c. Reductions may also be voluntarily requested by an employee or result from an accommodation of a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable

accommodation, but can perform the essential functions of a lower classification with or without a reasonable accommodation, if available vacancy exists, and the employee is capable of performing the essential functions of the position. The County is under no obligation to create positions as may be requested. Employees who desire to be considered for a vacancy in a lower classification shall complete a request and submit it to the Appointing Authority. Should the vacancy be posted or advertised as outlined in Section 3.05, the request shall also include any required application materials including an "Application for Employment Form" and be submitted to the Appointing Authority within the posting period.

- d. Reduced employees shall be reduced in pay to the rate recommended by the Department Head and approved by the Appointing Authority, consistent with any existing compensation plan.
3. **Reclassification.** Means the act of changing the classification of an existing position and, if left in the position, changing the classification of the employee in the position. Assigning different or additional duties to an employee within their classification is not necessarily a reassignment or reclassification.
4. **Reassignment** - Means the act of changing the classification assigned to an employee to a different classification or duties assigned to an employee.
5. **Transfer.**
- a. A transfer is defined as the movement of an employee from one position to another where there is no change in classification or the movement from one classification to another classification where there is no change in pay range.
  - b. Requests for transfer may be granted based upon the needs and approvals of the Appointing Authority and/or political subdivisions affected.
  - c. A transfer may be permanent or temporary. Temporary transfers of up to 90 days or less may be made without the consent of a classified employee. The employee shall have no right of appeal such temporary transfer unless the employee receives another temporary transfer within a six month period.
  - d. Temporary transfers for periods of more than thirty days and less than ninety-one days may be made only with written consent of a classified employee.
  - e. A "permanent transfer" is any transfer in excess of ninety (90) days unless a classified employee has consented to a longer period not exceeding ninety days.
  - f. Written notice of any transfer and the reasons therefore in writing shall be given to the employee concerned. This notice shall be given at least 14 calendar days prior to the effective date of the change except where an emergency renders it impractical.
  - g. A transfer does not include any job reassignment within the same classification, within the same Appointing Authority.

**6. Temporary Assignment (Temporary Working Level).**

- a. A temporary assignment means an assignment to a different classification which has substantially different duties than the employee would normally perform in the employee's current classification.
- b. Temporary assignments shall be for a limited period of time, fixed by the Appointing Authority for a period not to exceed one hundred twenty days, except for periods of sickness, disability, or other approved leaves of absence.
- c. Temporary assignments shall not be made for disciplinary purposes.
- d. Pay for each employee who is temporarily assigned to duties of a different classification is governed by the Appointing Authority's existing compensation plan or as determined by the Appointing Authority on a case-by-case basis if a compensation plan does not exist. If the position is in a higher pay grade the employee may be paid a supplement for the time in the higher classification. If the position is at the same or lower pay grade the employee will be paid their current rate of pay.

REFERENCE: ORC 124.06; ORC 124.31; ORC 124.34, ORC 124.30 (Temporary); ORC 124.32 (Transfers)

**POLICY: Training**

**Section 3.14**

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- 1. **Employee's Responsibility for Maintaining and Upgrading Job Skills.** Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion. The Appointing Authority will facilitate those efforts and provide training from time to time as it prepares employees for anticipated work vacancies or absences of fellow employees.
- 2. **Independent Study/Training.** An employee may pursue independent study or training but may not obligate the County to pay expenses or compensation without specific advance written permission.
- 3. **Training Program Evaluation.** The Appointing Authority will periodically examine current and proposed training programs in order to ensure the programs' relevance to both the individual employee and organizational training needs.
- 4. **On-the-Job Training (OJT).** On-the-job training prepares employees to effectively perform the responsibilities required of their positions. It allows the employees to learn their job duties, proper procedures, and expected performance levels.
- 5. **Job-Related Training Programs.** Employees may be required to attend job-related training programs, courses, workshops, or seminars. If an employee is assigned to attend a training program or if the Appointing Authority approves a specific request for an employee to attend a training program, the expense incurred shall be paid by the Appointing Authority. Approval of expenses for any job-related training taken voluntarily by the employee shall be subject to the prior approval of the Department Head and the Board. The Appointing Authority will not

pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.

6. **Hours Worked.** Time spent by FLSA non-exempt employees attending lectures, meetings, classes, and training programs is not considered hours worked when all four of the following criteria are met:
  - a. Such time is spent outside normal working hours;
  - b. Attendance by the employee is voluntary\*;
  - c. The lecture, meeting, class, or training program is not directly job-related; and
  - d. The employee does not perform any productive work for the Appointing Authority during the employee's attendance.

\*Voluntary attendance by an employee at an independent school or college outside working hours is not considered hours worked, even if the courses taken are directly job-related.

If three or fewer criteria are met, the time shall be counted as hours worked.

7. **Travel Time.** Travel time is considered work time when an FLSA non-exempt employee is required to travel to and from an approved lecture, meeting, class, or training program outside the County. Department Heads may consider using flex time or compensatory time for traveling employees.

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**POLICY: Layoff****Section 3.15**

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All layoffs shall be implemented in accordance with Ohio Revised Code 124.321 through 124.328 and as otherwise provided by law.

REFERENCE: ORC 124.321 – 124.328

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**POLICY: Resignation/Retirement****Section 3.16**

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1. **Voluntary Resignation.** Employees may voluntarily resign by submitting a written letter of resignation to their Appointing Authority in advance of the date of separation. All positions require at least a two (2) week advance notice. Unless good cause is shown, failure to give proper, timely notification shall render the employee ineligible for reinstatement or re-employment with the Appointing Authority.
2. **Acceptance.** When the Appointing Authority accepts and/or receives a letter of resignation or receives verbal notification without proper written documentation, the resignation shall be deemed accepted immediately by the Appointing Authority and may not be revoked without permission from the Appointing Authority. Upon receipt or notification, the Appointing Authority or designee shall forward a copy and/or a Payroll Change Notice form to the Appointing Authority for formal acceptance.

3. **Reinstatement.** A person who has resigned in good standing and has served the required probationary period may be reinstated, at the discretion of the Appointing Authority, in the employee's former classification within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the County's best interests.
4. **Retirement.** Employees who plan to retire shall notify the Appointing Authority, in writing, at least sixty (60) days in advance of their anticipated retirement date.
5. **County Property.** Resigning and retiring employees shall return all Employer property to the Department Head on or before the employee's last work day.
6. **Resignation Content.** Employees voluntarily resigning or retiring shall timely submit a written letter of resignation to the Appointing Authority containing:
  - a. The stated intention to resign or retire from service;
  - b. The date of the notice;
  - c. The effective date of the resignation or retirement;
  - d. The reason for the resignation (optional); and
  - e. The employee's signature.
7. **Notice to Payroll.** Upon formal acceptance, the Appointing Authority or designee should promptly provide a copy of the employee's Payroll Change Notice form to Payroll so that appropriate adjustments in benefits can be made and appropriate notice can be issued by the COBRA administrator.
8. **Exit Interview.** The Appointing Authority or designee may schedule a voluntary exit interview with resigning or retiring employees. In such case, the Department Head or designee shall provide the employee with an "Exit Interview Form" and request that the employee complete the form and discuss its contents with the Department Head or designee at an exit interview. The exit interview should be scheduled and held on the employee's last work day. The exit interview is for the purpose of:
  - a. Discovering any unknown grievances or problems relating to the resigning employee's employment;
  - b. Determining all compensation and benefits owed;
  - c. Determining the resigning employee's availability for future employment (if applicable);
  - d. Obtaining the resigning employee's correct mailing address; and
  - e. Receiving the return of County property.
9. **Exit Interview Documentation.** If conducted, a signed, dated "Exit Interview Form" shall be placed in the employee's personnel file.
10. **Re-Hire Retired Employee for Same Position.**
  - a. An Appointing Authority may consider re-employing a retirant for the same position according to state statute and the Appointing Authorities' hiring practices.

- b. The Fulton County Board of Commissioners may consider re-hiring a retired Fulton County Board employee for the same position held before retirement after giving sixty (60) days' notice and holding a public hearing according to state statute.
- c. The Board may conduct a competitive process and may consider whether the retired employee is the best qualified applicant for the job, has a high quality work record from the former position, will work for a wage consistent with the Board's compensation expectations, the number of qualified candidates for the job, and any criteria that would serve the best interest of the Board.
- d. Upon selection of a retired employee as the leading candidate to fill the position, the Board will hold the required public hearing and determine the necessary steps to fill the position.
- e. Employees who plan to seek re-employment to the same position after retirement should consider giving a minimum of one hundred and twenty (120) days' notice. Giving less than 120 days' notice may be given negative weight in the selection process because less notice creates the potential for a break in service/coverage depending upon the department and the job function.

REFERENCE: PERS Rules

## **POLICY: New Hire Reporting/Payroll Change**

## **Section 3.17**

1. **General Policy.** Appointing Authorities shall coordinate or arrange for the completion of employment-related forms required by law or by Fulton County with the Office of the County Auditor and each respective office. Examples are the Payroll Change Form; tax withholding forms; OPERS forms; the so-called "windfall" or Social Security exemption form, benefit enrollment documents; among other forms. Copies of employment related forms should be maintained in the employee's personnel file in each respective office.
2. **Personnel Actions.** The Appointing Authority shall notify the County Auditor of all personnel actions which affect payroll. Examples of such personnel actions include but are not limited to the following:
  - a. Hiring new employees;
  - b. Promotions;
  - c. Demotions;
  - d. Pay increases;
  - e. Probationary period completion;
  - f. Reclassification of existing job;
  - g. Resignations;
  - h. Retirements;
  - i. Layoffs;
  - j. Recalls following layoff;
  - k. Suspensions without pay;
  - l. Discharge (removals);
  - m. Leaves of absence without pay;

- n. Paid administrative leaves; and
- o. Family Medical Leave Act leaves.

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.**

1. Department Heads shall assist new hires with the required payroll and orientation forms. The Director of Organization of Development is available for benefit enrollment assistance upon request.
2. The Department Head shall complete the yellow Payroll Change Notice Form each time a personnel action is implemented which affects payroll.
3. Once the Payroll Change Notice Form has been completed, the Department Head shall forward the original to the Appointing Authority for consideration. (Without signature)
4. The Appointing Authority or designee shall approve or disapprove the change and sign and date the Payroll Change Notice if approved. Disapproved changes will be returned unsigned.
5. One (1) copy of the approved Payroll Change Notice shall be placed in the employee's personnel file and the original will be sent to the Office of the County Auditor for processing payroll.

## CHAPTER FOUR – COMPENSATION AND HOURS OF WORK

### POLICY: Compensation

### Section 4.01

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1. **Compensation Practices.** The compensation practices of the Employer shall be in accordance with applicable laws and regulations. No compensation decisions shall be based upon race, color, religion, sex, national origin, age, disability, genetic information or military status.
2. **Compensation Authority.** The Appointing Authority shall establish and administer the compensation plan for its employees subject to the annual budget approved by the Board of County Commissioners.
3. **Individual Pay Determinations.** The Appointing Authority shall determine the appropriate salary or wage to be paid to employees under its jurisdiction and shall annually determine any wage or salary increases to be granted. The Appointing Authority may determine any wage or salary adjustment at other times due to merit, market, equity or changes in the nature of the position, subject to the appropriations approved by the Board of County Commissioners.
4. **Computation Errors.** No employee shall be paid more or less than the rate approved by the Appointing Authority. Any errors in the computation of pay should be reported to the Appointing Authority as soon as possible.

### POLICY: Pay Period/Paychecks

### Section 4.02

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1. **Pay Period.** There are normally 26 pay periods per year, each consisting of 2 weeks. The bi-weekly pay period for employees begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. on the second succeeding Saturday.
2. **Pay Day.** Payday shall be the Friday following the end of each bi-weekly pay period. If a payday occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the next following workday.
3. **Questions.** Questions regarding pay shall be addressed to the Appointing Authority.
4. **Direct Deposit.** Each employee is required to utilize direct deposit of the employee's pay check. Direct deposit is a simple, safe transfer of funds to the employee's account without the hassle of cashing a check.
5. **Paycheck Distribution.** Only the employee or a person authorized in writing by the employee, with proper identification, may obtain an employee's paycheck. Employees must inform the Appointing Authority's payroll officer or designee in writing, in advance, of the identity of any

person authorized to obtain the employee's check on the employee's behalf. If an employee is absent on payday, checks will be held until the employee instructs otherwise as to delivery or pickup.

6. **Pay Stub Distribution.** Employees must provide the payroll department in the Auditor's Office with an email address to where the employee would like his or her pay stub to be sent. If no email address is provided, it will be the employee's responsibility to pick up his or her pay stub.

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**POLICY: Payroll Deduction****Section 4.03**

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1. Certain deductions are made from an employee's pay as required by law and in accordance with employee benefit plans or as requested by the employee. Payroll deductions are itemized on the employee's pay statement.
2. Examples of payroll deductions are as follows:
  - a. **OPERS.** ORC Chapter 145 requires that employees and the Employer contribute to the Ohio Public Employees Retirement System rather than Social Security. Membership in the system is compulsory upon being employed except those persons specifically exempted under ORC 145.03.
  - b. **Income Taxes.** Federal and state laws and some city ordinances and school districts require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County by the Internal Revenue Service, Ohio Department of Taxation, various Ohio cities, and school districts. The amount withheld varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Employer or Auditor of any dependency change whenever such change occurs.
  - c. **Medicare.** Both the Employer and all employees hired after April 1, 1986, are required to contribute 1.45% of the employee's gross salary to Medicare in accordance with federal law. The employee's contribution is withheld through payroll deduction.
  - d. **Miscellaneous.** Other deductions that may be made include, but are not limited to wage garnishments, deferred compensation, child support, credit union, and employee insurance contributions.
  - e. **Deductions Required by Law.** The Fulton County Auditor may refuse to make any deductions not required by law.
  - f. **Authorization.** All requests for deductions shall be presented in writing to the County Auditor.
3. Any payroll forms may be requested from the Appointing Authority or County Auditor.

REFERENCE: ORC 145

1. **General Policy.** The Fair Labor Standards Act (FLSA) prescribes standards for wages and overtime pay. The Act requires employers to pay covered employees who are not otherwise exempt at least the federal minimum wage and overtime pay in the amount of one-and-one-half times the regular rate of pay for hours worked in excess of forty (40) hours or may allow compensatory time.
2. **Non-Exempt or “Hourly Employees”.** Most employees fall into the “non-exempt” status, that is, they are covered by the minimum wage and overtime provisions of the federal FLSA. Non-exempt employees generally work a specific schedule during the work week, are necessarily required to be at a prescribed place or places of work during that time, and are paid on an hourly basis.
3. **Exempt or “Salary Employees”.** Employees who are determined to be “exempt” from the minimum wage and overtime requirements of the FLSA, as outlined below, shall not be eligible for overtime pay as defined by the Act and will be paid on a salaried basis. An employee will be considered to be paid on a “salary basis” if the employee regularly receives each pay period, a pre-determined amount constituting all or part of the employee’s compensation, which amount is not subject to reduction because of variations in the quality or quantity of the work performed except as allowed under the FLSA.
  - a. Exemptions from the minimum wage and overtime provisions of the FLSA are defined in the regulations issued by the United States Department of Labor (DOL), and include:
    - (1) Executive employees. To qualify, the employee must:
      - (a) Have a primary duty of managing the enterprise in which he or she is employed or of a customarily recognized department or subdivision thereof;
      - (b) Customarily and regularly direct the work or two or more other employees (or the equivalent of two or more full-time employees); and
      - (c) Have the authority to hire or fire other employees or have particular weight given to suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees.
    - (2) Administrative employees. An administrative employee is an employee who has a primary duty that:
      - (a) Consists of the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer’s customers; and
      - (b) Includes the exercise of discretion and independent judgment with respect to matters of significance.
    - (3) Professional employees. Professional employees are exempt when their primary duty is the performance of work:
      - (a) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction;or

- (b) Requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor;
  - (c) Occupations covered by this exemption include law (lawyers but not paralegals); medicine; accounting and accountants; actuarial computation; engineering; architecture; teaching; physical, chemical, and biological sciences; pharmacy; registered or certified medical technologists; registered nurses (but not LPNs); dental hygienists; and physician assistants, among others.
- (4) Elected officials and an immediate staff person who directly serves the elected official and who serves at the pleasure of that official.
  - (5) A highly compensated employee who earns at least \$100,000 on an annual basis and who performs at least one exempt duty from the executive, administrative, or professional exemptions.
  - (6) Computer professional exemption. To qualify the employee must earn at least \$27.63 per hour (or more than \$455 per week if paid on a salary or fee basis), and has a primary duty of:
    - (a) The application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;
    - (b) The design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;
    - (c) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or
    - (d) A combination of these duties, the performance of which requires the same level of skills.
- b. The determination of exemptions is a complex matter involving application of detailed DOL regulations, and many of the terms used above are the subject of additional, lengthy definitions within the regulations. Appointing Authorities are advised to consult with the Prosecutor's Office or other legal counsel, if authorized, when determining exempt status. The Appointing Authority shall endeavor to notify all exempt employees of their exempt status either on the job posting or within thirty (30) days of the first date of work. Exemption from eligibility for overtime compensation is a function of the employee's duties, however, and is not dependent upon such notification.
  - c. These exemptions do not generally apply to police officers, detectives, deputy sheriffs, state troopers, highway patrol officers, parole or probation officers, park rangers, fire fighters, paramedics, emergency medical technicians and similar employees, regardless of rank or pay level, who perform work such as preventing, controlling or extinguishing fires of any type; rescuing fire, crime, or accident victims; preventing or detecting crimes; pursuing, restraining and apprehending suspect; preparing investigative reports; or other similar work.

4. **Deductions for Exempt Employees.** Salaried employees determined to be exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) shall not be eligible for overtime pay as defined in the FLSA. Full-day pay deductions of a disciplinary nature may be

made for a salaried exempt employee under FLSA. Pay deductions of a non-disciplinary nature may be made for salaried exempt employees when:

- a. An employee is absent from work for personal reasons other than sickness or accident;
- b. An employee is absent due to sickness or injury and paid leave has been exhausted;
- c. Permission for leave has not been sought or has been sought and denied;
- d. An employee chooses to use leave of absence without pay;
- e. The employee has engaged in an infraction of certain workplace policy rules;
- f. The employee has performed no work in a workweek.

Any full or partial day pay deduction of a salaried exempt employee shall be carried out according to the provisions of the FLSA, accompanying regulations including, but not limited to, 29 C.F.R. Sections 541 and the Ohio Revised Code.

REFERENCE: 29 C.F.R. 541.602; 29 C.F.R. 541.710

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.**

1. The Board has determined that the following Board positions are exempt from overtime:
  - a. County Administrator – Executive
  - b. Board Clerk – Administrative
  - c. The following Department Heads:
    - (1) JFS Director – Executive, Administrative
    - (2) Senior Center Director – Executive, Administrative
    - (3) Building Service Director – Executive, Administrative
    - (4) Emergency Services Director – Executive, Administrative
    - (5) Recycling & Solid Waste Director – Executive, Administrative
    - (6) Sanitary Engineer – Executive, Administrative
    - (7) Dog Warden – Administrative
    - (8) Job & Family Service Employees: Assistant Director – Administrative

**POLICY: Work Scheduling**

**Section 4.05**

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1. **Standard Work Week.** The Department Head or designee, with approval of the Appointing Authority, shall establish the standard work day, work week, and starting and quitting times for full-time and part-time employees in consideration of current and anticipated workload and other relevant factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Employer's right to restructure the work day, work week or starting and quitting times.
2. **Scheduling.** The Department Head or designee shall notify all full-time and part-time employees in advance of their scheduled work days and scheduled work hours.

3. **Starting/Quitting Times.** FLSA non-exempt employees are not permitted to commence work and/or sign/clock-in more than seven (7) minutes before their scheduled starting time or continue working and/or sign/clock-out more than seven (7) minutes after their scheduled quitting time without the advanced approval of the Department Head, except in unusual or emergency situations where advance approval cannot be obtained. This policy facilitates the efficient opening and closing of County offices without incurring overtime.
4. **Lunch Scheduling and Duration.** Lunch scheduling and duration are subject to the approval of the Appointing Authority. Lunch periods are not considered as work time unless authorized by the Appointing Authority. Each employee shall be completely relieved, if possible, from work duty for that time period. If the employee is called to work during the lunch period, the Appointing Authority shall treat this time as actual time worked and either compensate the time actually worked; grant compensatory time off or schedule/flex additional time off, if necessary. Lunch periods shall be excluded from compensable time except in those cases where the Appointing Authority, or designee, requires an employee to handle calls to duty during the scheduled lunch period or authorizes a paid lunch. Employees returning late or leaving early from lunch may be subject to appropriate disciplinary action.
5. **Rest Breaks.** Employees may be authorized by the Appointing Authority or Department Head to take a break period during the first half of each full working day and a second break during the second half of the full work day, provided such breaks do not interfere with the performance of the employees' duties. However, such breaks shall not be construed as a right, but rather a privilege. Employees shall not leave the department premises or job site without prior approval. Unless otherwise approved by the Appointing Authority, breaks may not be used to extend lunch periods or to shorten the standard work day. Employees returning late or leaving early from approved breaks may be subject to appropriate disciplinary action.
6. **Lactation.** Upon request, employees will be provided with a reasonable amount of break time for purposes of expressing breast milk for up to one year after the birth of a child. The employee will be provided with an appropriate space (such as an office or private area but not a bathroom) that is shielded from view and free from intrusion from co-workers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. To the extent additional time is needed, such additional time shall be unpaid. Employees should make arrangements with their supervisor.
7. **Overtime Approval.** Except as otherwise expressly written herein, all overtime for FLSA non-exempt employees must be approved by the Appointing Authority or designee in advance. Overtime shall be scheduled by the Appointing Authority or designee in advance if possible. Employees who are required to work past their scheduled quitting time without obtaining prior approval due to an unusual or emergency situation, shall submit a request to the Department Head for approval by no later than their next scheduled work day.

8. **Exempt Employees.** FLSA exempt employees are expected to work, at a minimum, a regularly scheduled workweek in accordance with their schedule of compensation.

REFERENCE: 29 CFR 541

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.**

1. The Board's administrative staff may choose one of three schedules subject to the approval of the County Administrator:
  - a. M-F: 8:00a.m. – 5p.m. and 1 hour for lunch
  - b. M-F: 8:30a.m. – 5p.m. and ½ hour for lunch
  - c. M-F: 8:00a.m. – 4:30p.m. and ½ hour for lunch
2. Department schedules shall be set by the Department Head using a directive authorized by the County Administrator.
3. All overtime shall be approved by the Department Head in advance.
4. Work breaks shall be approved by the supervisor.

**POLICY: On-Call Status**

**Section 4.06**

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1. **General Policy.** Certain employees may be required to be in on-call status during non-work hours. Employees in on-call status may be provided with a cellular telephone or other device. This device is to be carried by the employee while on-call and answered immediately in a manner directed by the Appointing Authority or designee.
2. **Use of Sound Judgment.** When on-call, the employee is responsible for exercising sound judgment as if the employee had reported for work on a regular work day.
3. **Response Time.** Employees are expected to respond to emergencies upon the receipt of the call or page and to arrive on-site promptly according to the policy and procedure of the Appointing Authority.
4. **Compensation.** Compensation for call-outs shall be determined by the Appointing Authority.
5. **County Equipment.** Cellular telephones and other devices may be subject to the taxable fringe benefit policy.
6. **Additional Policy.** Additional policies may be established by the Appointing Authority.

REFERENCE: Taxable Fringe Benefit Policy

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.** Compensation for Board employees will include payment for all time actually worked and time for travel from the employee's place of residence or wherever the employee was located when the page was received. Compensation stops upon

completion of the call which shall include reasonable time for travel back to the employee's place of residence or other location not to exceed twenty minutes.

## **POLICY: Time Records**

## **Section 4.07**

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1. **General Policy.** All FLSA non-exempt employees are required to record all hours worked for the Employer, including all times the employee started work and stopped work each work day. Time clocks, timesheets, and other types of records may be used by the Employer to document the hours worked by employees so that wages can be determined. Failure to adhere to the reporting procedures adopted by the Employer may result in disciplinary action and loss of pay for the hours of work the Employer cannot verify.
2. **Time Sheet or Equivalent.** Full-time and part-time employees who are reporting hours worked on biweekly time sheets shall indicate on the time sheet all actual hours worked in the biweekly period. This time sheet must also indicate the actual times the employee started work and stopped work. Upon completion, each employee must submit a signed original time sheet to the Department Head or designee for review and approval.
3. **Time Clocks.** Employees using time clocks are responsible to clock in when they start work and clock out when they stop work. Employees shall only establish their own time records. An employee who establishes another employee's time shall be subject to discipline. If a time clock is not working or if the employee is unable to clock-in or out, then the employee shall write the hours worked on a time sheet and have the time sheet validated by the Supervisor. The Supervisor or Department Head shall be notified of any corrections which are necessary before the end of the employee's workday.
4. **Inaccurate Time Records.** Failing to report time worked, misrepresenting time worked, altering any time record, or allowing any time record to be altered by others may result in discipline according to the Appointing Authority's policy.
5. **Exempt Employees.** FLSA exempt employees may be required to record time actually worked as required by the Appointing Authority and as authorized by the FLSA.

### **ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.**

1. Subject to the approval of the County Administrator, the Department Heads shall determine the method of record keeping for all employees.
2. Time records are due to the Appointing Authority or designee by 9:00 a.m. on the Monday following the pay period. Time records are due to the County Auditor by 10:00 a.m. on the Monday following the pay period. Employees working a regular Monday–Friday schedule should submit time records to the designated payroll clerk prior to end of the employee's shift. Employees who work on the weekend should submit time records as soon as administratively possible but no later than 9:00 a.m. on the Monday following the pay period.

1. **General Policy.** An employee may be required to work in excess of the normal, scheduled work day or workweek to fulfill the operational demands of the Agency or Department. FLSA non-exempt employees shall be paid at the rate of one and one-half (1½) times the employee's regular hourly rate of pay for all hours actually worked in excess of 40 hours in any work week.
2. **Calculation.** The standard workweek for employees will be seven (7) consecutive days, beginning Sunday 12:00 a.m. and continuing through Saturday 11:59 p.m. Eligibility for overtime shall be based upon all hours actually worked in the normal workweek. Unless a contrary policy is adopted by the Appointing Authority, vacation, sick leave, holiday pay, compensatory time off or other paid leave time shall not be counted in determining whether an employee has actually worked in excess of 40 hours.
3. **Multiple Positions.** All employees holding employment in more than one position with Fulton County must notify the Department Head in writing of such joint employment. Overtime shall be calculated using the following rules:
  - a. Hours will not be combined for the purpose of calculating overtime for employees who work occasionally or sporadically on a part-time basis for the same public agency in a different capacity from their regular employment.
    - (1) The term occasional or sporadic means infrequent, irregular, or occurring in scattered instances.
    - (2) The term different capacity means the assignment cannot be within the same general occupational category and the employee must be able to freely and without coercion refuse to perform the work without sanction and without being required to explain or justify the decision.
  - b. All of the hours worked by the employee in two or more regular, non-sporadic positions of employment must be added together to determine overtime eligibility.
    - (1) If a FLSA non-exempt employee's combined total hours worked for two (2) or more Fulton County agencies/departments normally and regularly exceeds forty (40) hours during the workweek, the employee shall be paid at the weighted average of the two different rates of pay for each hour worked in excess of forty (40) hours. Each agency/department will pay its proportional share.
    - (2) Should a FLSA non-exempt employee who works for two (2) or more Fulton County agencies/departments be authorized for additional work by a specific department which causes overtime, the authorizing agency/department shall pay the employee the rate of time and one-half (1 ½) for each hour worked in excess of forty (40) hours.
4. **Overnight Stay.** When a FLSA non-exempt employee incurs an overnight stay on County business, time spent overnight on official County business shall not be considered time worked for purposes of calculating overtime, except to the extent such time coincides with

the employee's normal working hours or to the extent the employee is doing actual work (i.e., traveling, attending meetings).

5. **Lectures, Meetings, and Training.** Hours spent by FLSA non-exempt employees at lectures, meetings, training programs, and similar activities designed to assist the employee in performing the employee's current job more effectively are counted as working time for purposes of determining eligibility for overtime if such training is required or authorized by the Employer.

Attendance outside of regular working hours at specialized or follow-up training which is required by law for a required certification constitutes compensable hours of work. Any training courses designed to prepare an employee for advancement to another position shall not be considered compensable hours of work unless approved by the Appointing Authority (See Section 3.14 Training for compensation criteria).

6. **Approval.** Normally, overtime must be authorized by the Department Head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (i.e., emergency call-outs) may require employees to work overtime without having prior authorization of the Department Head. Whenever such circumstances occur the Department Head shall be notified by the next scheduled work day utilizing the appropriate form.
7. **Cancellation.** Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to overtime compensation.
8. **Pay Date.** Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.

REFERENCE: ORC 4111.03

## **POLICY: Compensatory Time**

## **Section 4.09**

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1. The Employer has adopted an alternative policy under ORC 4111.03(C).
2. The Employer retains the right to determine when additional hours will be worked and how these additional hours will be paid.
3. Subject to the availability of funds, the Employer shall offer all additional hours worked over the employee's regular schedule on a cash basis, unless otherwise determined by the Department Head prior to the overtime being worked.

4. Should the Employer determine that overtime payment will not be offered, the Employer shall notify the employee prior to overtime being worked that all hours worked will be paid with compensatory time off.
5. Employees may request, in writing, in advance, to receive compensatory time off in lieu of overtime payment in cash. The Department Head has the discretion to grant or deny said request. Should the request be denied, overtime will be paid in cash.
6. Employees may accrue a maximum of forty (40) hours of compensatory time at any one (1) time. All overtime hours worked in excess of the forty (40) hour limit shall be paid in cash.
7. The Employer may schedule an employee to use compensatory time off at a time mutually agreeable to the Employer and the employee which is not unduly disruptive to the workplace. Compensatory time must be used within one hundred eighty (180) days from being earned. If the compensatory time is not used within this time frame, the employee will receive pay for the overtime worked. Notwithstanding the above, the Employer reserves the right to pay employees for accumulated but unused compensatory time balances at its discretion.
8. Employees shall request compensatory time off in writing on the appropriate form. The Employer prefers requests for compensatory time off of two (2) days or less at least twenty-four (24) hours in advance. Requests for compensatory time off of three (3) days or more shall be made at least one week in advance. The Employer may grant compensatory time off requests with less notice if, in the discretion of the Employer, the request would not cause undue disruption to the Department's operation. PR will be given to requests made in a timely manner.

**POLICY: Flex Time, Cancellation of Vacation or  
Compensatory Time**

**Section 4.10**

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1. The Employer may use "time off" or flexible hours within a work week to reschedule for time worked past or outside an employee's regular schedule. Flex-time must be scheduled by the Department Head or Supervisor. Flex-time must be used within the same week as it is incurred and may not be taken in subsequent weeks.
2. The Employer reserves the right to cancel scheduled vacation or compensatory time off.

REFERENCE: ORC 4111.03

**POLICY: Inclement Weather**

**Section 4.11**

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1. On certain days it may be difficult for a scheduled employee to come into work due to excessive snow, ice, or other inclement weather. In such case, all employees are encouraged to make every reasonable effort to report to work even if they may arrive later than usual. If

the Appointing Authority determines that inclement weather conditions exist, the following policy shall apply:

- a. When the Board of Commissioners closes all offices due to weather or other emergency conditions, employees will be paid for those hours they were scheduled to work for the time the Commissioners closed the office.
  - b. When scheduled employees are unable to come to work, are tardy, or leave work early and the Board has not officially closed due to weather or other emergency conditions, employees shall be required to so notify the Appointing Authority according to the Appointing Authority's policy and procedure. In the absence of a contrary policy of the Appointing Authority, such absence may be charged to the employee's available paid time off, such as vacation or compensatory time off, according to the rules and regulations of the Appointing Authority. If no paid leave is available, such absence will be unpaid and may be subject to discipline if so determined by the Appointing Authority.
  - c. Inclement weather is not a valid reason for the use of sick leave.
2. Certain employees are encouraged to come to work regardless of weather conditions (i.e. emergency, safety, maintenance, snow removal personnel, etc.) When weather conditions are extremely severe, such employees may be contacted, and where possible, arrangements may be made to pick them up at their homes.
  3. This policy does not apply to departments that operate on a continuous twenty-four (24) hour basis.

**ADDITIONAL BOARD POLICY: The provisions of this policy shall apply to all employees under the Fulton County Board of Commissioners.**

1. Board employees unable to report to work due to inclement weather shall contact their Supervisor no later than their scheduled starting time.
2. Board employees not scheduled to work, on approved FMLA leave, sick leave, vacation, leave of absence or otherwise unavailable for work shall not be entitled to pay under this policy for hours in which County offices are closed due to weather or other emergency conditions.
3. Board employees who are unable to come to work, are tardy, or leave work early and the Board has not officially closed due to weather or other emergency conditions, may request flex time or available paid leave such as vacation and compensatory time off. If no paid leave is available, Board employees may apply for leave of absence.
4. Abuse of this policy may result and be subject to discipline under the Board's disciplinary policy.

**POLICY: Furloughs and Modified Work Week**

**Section 4.12**

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A county appointing authority may establish a mandatory cost savings program applicable to its county exempt employees. Each county exempt employee shall participate in the program of mandatory cost savings as described in ORC 124.393.

The county Appointing Authority may establish a modified work week schedule program as provided for in ORC 124.394.

Note: "Exempt" in this section means all employees except those under a collective bargaining agreement.

REFERENCE: ORC 124.393 and 124.394

## CHAPTER FIVE – LEAVES AND BENEFITS

### POLICY: Family and Medical Leave

### Section 5.01

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1. **Statement of Policy.** Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993 (FMLA).
  
2. **Definitions:** As used in this policy, the terms and phrases shall be defined as follows:
  - a. **Family and/or medical leave of absence** - an approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
    - (1) Upon the birth of an employee's child and in order to care for the child;
    - (2) Upon the placement of a child with an employee for adoption or foster care;
    - (3) When an employee is needed to care for a family member who has a serious health condition;
    - (4) When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
  - c. **Per year** - a rolling 12 month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four weeks of FMLA leave beginning February 1 of 2012, four weeks beginning June 1, 2012, and four weeks beginning December 1, 2012, the employee would not be entitled to any additional leave until February 1, 2013.
  - c. **Serious health condition** - any illness, injury, impairment, or physical or mental condition that involves:
    - (1) Inpatient care;
    - (2) Any period of incapacity of more than three consecutive calendar days that also involves:
      - a. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity with both visits completed within thirty (30) days; or
      - b. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
    - (3) Any period of incapacity due to pregnancy or for prenatal care;
    - (4) A chronic serious health condition which:
      - a. Requires periodic visits for treatment to a health care provider (at least two per year);
      - b. Continues over an extended period of time; and
      - c. May be periodic rather than a continuing incapacity.

- (5) Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer's disease, etc.);
  - (6) Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days at a later date without medical intervention at the present time (i.e. chemotherapy for cancer, dialysis for kidney disease, etc.).
- d. **Licensed health care provider** - a doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
  - e. **Key employee** - the highest paid 10% of all employees in the agency. An employee will be notified in writing of his status as a key employee, if applicable, at the time leave is requested.
  - f. **Family member** - spouse, child, parent or a person who stood "in loco parentis" to the employee.
  - g. **Covered Service Member** - a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
  - h. **Outpatient Status** - the status of a member of the Armed Forces assigned to:
    - 1. a military medical treatment facility as an outpatient; or
    - 2. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
  - i. **Next Of Kin** - The term 'next of kin', used with respect to a service member means the nearest blood relative of that individual.
  - j. **Serious Injury Or Illness** - in the case of a member of the Armed Forces means an injury or illness incurred by the member in line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
3. **Leave Entitlement.** To be eligible for leave under this policy, an employee must meet all of the following conditions:
- a. The employee must have worked for the agency for at least 12 months, or 52 weeks. The 12 months, or 52 weeks, need not have been consecutive.
  - b. The employee must have actually worked at least 1,250 hours during the 12 month period immediately prior to the date when the FMLA leave is scheduled to begin.
  - c. The employee must work at a location where the Employer employs 50 or more employees within a 75 mile radius.

The entitlement to FMLA leave for the birth or placement for adoption or foster care of a child shall expire at the end of the 12 month period beginning on the date of such birth or placement.

Spouses who are both employed by the agency are jointly entitled to a combined leave total of 12 weeks (rather than 12 weeks each) for the birth of a child, upon the placement of a child

with the employees for adoption or foster care, or for the care of certain family members with serious health conditions.

An employee may only take FMLA leave because of his own serious health condition if such condition renders the employee unable to perform the functions of his position.

4. **Use of Leave.** The provisions of this policy shall apply to all family and medical leaves of absence as follows:
  - a. **Generally.** Whether the leave is paid, unpaid, or a combination of both, an employee is only entitled to a total of 12 weeks of leave per year under the FMLA. Employees will be required to exhaust all accumulated paid leave as allowed by law prior to being granted leave without pay for FMLA leave requests. Employees will be required to use the type of leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. In addition, any time off that may, by law, be counted against an employee's 12 week FMLA entitlement will be counted against such time.
  - b. **FMLA Leave Use for Birth And Care of An Employee's New Born Child.** An employee who is taking leave for prenatal care, the birth, the post-partum recovery period, or any serious health condition relating to pregnancy will be required to exhaust all of the employee's sick leave, if applicable, prior to using accrued and unused vacation leave and unpaid leave for the remainder of the 12 week period. An employee who is taking leave for the care of the employee's healthy new born child (i.e. bonding) must first use all available accrued and unused vacation leave prior to using unpaid leave for the remainder of the 12 week period. Sick leave use is not permitted for the care of the employee's healthy new born child.
  - c. **FMLA Leave Use for Placement of a Child for Adoption or Foster Care.** An employee who is taking leave for the placement of a child with the employee for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the 12 week period.
  - d. **FMLA Leave Use Because of the Employee's Own Serious Health Condition or the Serious Health Condition of a Family Member.** An employee who is taking leave because of the employee's own serious health condition or the serious health condition of a family member must use all available accrued paid sick and vacation, leave prior to using unpaid leave for the remainder of the 12 week period.
  - e. **FMLA Leave and Disability/Workers' Compensation Plans or Programs.** An employee who is eligible for FMLA leave because of his own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the employer may designate the absence as FMLA leave, and count it against the employee's 12 week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by

the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

- f. **Service Member Leave.** The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to the exigencies of the service member being called to active service. Examples include rapid deployment, military events, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation and post deployment activities. In addition, a spouse, child or parent of a service member is entitled to up to 26 weeks of leave to care for a service member injured in the line of duty. In the event the injured service member does not have a spouse, child or parent, an employee who is the next of kin (closest blood relative) may take leave under the FMLA to care for the injured service member.

5. **Procedures for Requesting FMLA Leave.** Requests for FMLA leave must be submitted in writing at least 30 days prior to taking leave or, if this is not possible, as soon as practicable prior to the commencement of the leave. If the employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least 30 days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

Requests for FMLA leave must be submitted on a standard leave form prescribed by the Department of Labor. Absent extenuating circumstance, the employer will provide notice of the employee's eligibility and rights and responsibilities (Form WH-381) along with a copy of the Health Care Provider Certification form (Form WH-380E or WH-380F) within five (5) business days of notification by the employee of the need for family and medical leave. The employee should return the Health Care Provider Certification form as soon as practicable but will be allowed a minimum of 15 calendar days from the date of receipt of Form WH-381. Upon receipt of a fully executed and satisfactory WH-380, the employer will determine whether the leave qualifies as FMLA leave, designate it as leave that counts against the employee's 12 week entitlement, if appropriate, and notify the employee that the leave has been designated as FMLA leave (Form WH-382) or the reason for denial.

When a request is made for a foreseeable FMLA leave due to a serious health condition of either the employee or a member of the employee's immediate family as defined in this policy, which involves planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the operations of the employer, subject to the approval of the health care provider of the employee or the employee's family member.

6. **Certification of Need for FMLA Leave.** An employee requesting FMLA leave due to a serious health condition of the employee or a covered family member must provide a doctor's certification of the serious health condition. When the FMLA is for an employee's covered family member, the certificate must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or when the need for leave is not foreseen, as soon as practicable. An employee requesting FMLA

leave due to the placement of a child must submit appropriate documentation as required by the employer at the time FMLA leave is requested.

The employer, in its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the employer. If the first and second opinions differ, the employer, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to a serious health condition of the employee or her family member may be required to submit periodic recertification to the employer in order to assess the continued qualification for FMLA leave.

- a. For pregnancy, chronic, or permanent/long term conditions under continuing supervision of a health care provider, the employer may request recertification every 30 days while the employee is on leave. The employer may request recertification if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.).
- b. If the minimum duration of the incapacity specified on the initial certification is more than 30 days, or if the leave is taken on an intermittent or reduced schedule basis, the employer may not request recertification before the minimum duration of the specified leave expires unless one of the conditions of (C) below is met.
- c. For circumstances not covered by (A) or (B) above, the employer may request recertification at any reasonable interval (but not more often than every 30 days) unless: (1) The employee requests an extension of leave; or (2) circumstances described by the previous certification have changed significantly; or (3) the employer receives information that casts doubt upon the continuing validity of the certification.
- d. If one of the conditions of (C) are occurs, the employer may immediately request recertification.

The employee must provide the requested additional reports to the employer within fifteen (15) days unless the time limit is not practicable. Any costs associated with the additional reports requested by the employer shall be at the employee's expense. Failure to provide this recertification may invalidate the leave.

7. **Intermittent/Reduced Schedule Leave.** When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition

of the employee or a serious health condition of an employee's family member. Upon approval of the appointing authority, an employee may take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee. In all cases, the FMLA leave granted to any employee shall not exceed a total of 12 weeks per year. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least 30 days prior to taking leave, or, if this is not possible, as soon as practicable.

To be entitled to leave on an intermittent or reduced schedule basis, the employee must, at the time such leave is requested, submit additional certification as prescribed by the employer which establishes the medical necessity for such intermittent or reduced schedule leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts which support the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave must meet with her supervisor and/or the designated human resource professional to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the operations of the employer.

8. **Employee Benefits.** While an employee is on FMLA leave, the employer will continue to pay the employer portion of premiums for any life, medical, vision and dental insurance benefits which the employee receives through the employer under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts would have been required to pay had the employee not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

If the employee fails to pay the employee's portion of such premiums while the employee is on FMLA leave, or, if the employee's payment is late, the employer will pay the entire premium for any life, medical, vision and dental insurance benefits which the employee receives through the employer. However, upon return to work, the employee will be required to promptly reimburse the employer the necessary employee share as if the employee had not taken the leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the employer may seek reimbursement from the employee for any amounts allowable under FMLA regulations and any applicable law. When the employee is unable to return to work as described above, the employer may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the employer during the non-paid portion of the leave.

If cash-in-lieu of health insurance is an option at the time of the FMLA leave, the employer will continue to make cash-in-lieu of insurance payments to those employees who have chosen this option during open enrollment.

Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, sick and vacation leave will not accrue during any period of unpaid FMLA leave. Holiday pay will not be paid to an employee that is not in active pay status for the entire scheduled work day immediately preceding the holiday.

9. **Reinstatement.** An employee on FMLA leave must give the employer at least two business days' notice of her intent to return to work, regardless of the employee's anticipated date of return. Most employees who take leave under this policy will be reinstated to the same or an equivalent position upon return from leave.

Upon request for reinstatement, if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the employer.

An employee will not be laid off as a result of exercising the employee's right to FMLA leave. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested.

An employee on FMLA leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to resume work. The return to work certification must specifically address the employee's ability to perform the essential functions of the position.

Key employees may be denied reinstatement if:

- a. In the sole opinion of the employer, denial of reinstatement is necessary to prevent substantial and grievous economic injury to the employer; and
- b. The employer notifies the employee of its intention not to restore the employee to duty before the leave begins; or
- c. The employer notifies the employee of its intention not to restore the employee to duty after the leave begins, and the employee does not elect to return immediately to work and be restored to the same or an equivalent position.

In order to determine whether the restoration of the employee to employment will cause substantial and grievous economic injury to the operations of the Employer, the Employer may consider its ability to replace the employee on a temporary basis, whether a permanent replacement of the employee is unavoidable, and the cost of reinstating the employee.

10. **Employee responsibilities.** If the employee (1) is not on approved paid leave or family and medical leave, (2) does not report to work, and (3) does not request and receive approval for disability leave or unpaid leave of absence after any applicable family and medical leave expires, the employee shall be deemed absent without leave and will be subject to disciplinary action, including possible termination of employment.
11. **Records.** All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file.

To the extent permitted by law, medical records related to FMLA leave shall be kept confidential.

## **POLICY: Sick Leave**

## **Section 5.02**

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1. **Accrual.** All employees, regardless of employment status, shall earn sick leave credit at the rate of four and six-tenths hours for each eighty hours of completed service. Sick leave is not earned while on an unpaid leave of absence or if absent without approved leave. Employees may accumulate and carry over all sick leave accrued with no limits. Additional sick leave is not accrued through the accumulation of paid overtime.
2. **Credit for Prior Public Service.** Employees who transfer between County Departments or Agencies, or who have previously worked for another public agency, 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 and provided the employee has not cashed in any portion of that balance under O.R.C. 124.39.

The words "public agency" as used above means those entities required to provide sick leave under O.R.C. 124.38, 124.382, or 3319.141, including the State, counties, municipalities, all boards of education, civil service townships, etc. within the State. Villages, Private Industry Councils, non-civil service townships, libraries organized as non-profit corporations, and other entities not required to provide sick leave under O.R.C. 124.38, 124.382 or 3319.141, are not "public agencies" for purposes of this policy. Notwithstanding the above or Section 5.03, Sick Leave Conversion, if any "person removed for conviction of a felony" (in accordance with Section 8.05) within the meaning of O.R.C. 124.34 is "subsequently re-employed" by the County, such person is only qualified to accrued sick leave as if the person were a new employee receiving no credit for prior service.

Any employee, who has accumulated sick leave during previous periods of public employment as defined above, is responsible for contacting the public agency where the employee was previously employed and obtaining written verification of the employee's balance of sick leave hours.

3. **Usage.** Upon approval of the Employer, sick leave may be used for the following reasons:
  - a. Personal illness, injury, pregnancy-related condition, or exposure to contagious disease which could be communicated to other employees;
  - b. Illness, injury, or pregnancy-related condition of employee's immediate family where the employee's attendance is reasonably necessary for the health and welfare of the affected family member;
  - c. Death of a member of the employee's immediate family (see Section 5.07); or
  - d. Medical, dental, psychological, or optical examinations or treatment of employee, or of a member of the employee's immediate family when the employee's attendance is reasonably necessary and when such examination or treatment cannot be scheduled during non-work hours. Employees are encouraged to schedule routine health-related absences during non-working hours.
4. **Immediate Family.** For purposes of this policy, "immediate family" is defined as the employee's: spouse or significant other ("significant other as used in this definition means one who stands in place of a spouse and who resides with the employee), parents, children, grandparents, siblings, grandchildren, brother-in-law, sister-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, step-parents, step-children, step-siblings, or a legal guardian or other person who stands in the place of a parent (in loco parentis).
5. **Charging Sick Leave.** Employees absent on approved sick leave shall be paid at their applicable hourly or salaried rate. Sick leave payment shall not exceed the employee's normal straight time hourly, daily, or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount overpaid shall be deducted from the employee's next paycheck. Sick leave shall be charged in minimum increments of up to one-quarter (1/4) hour. Employees shall be charged for sick leave only for those days the employee would have otherwise been scheduled to work.

6. **Written Statement for Approval.** Employees are required to report any sick time used regardless of the length of time they are absent. The employee is required to provide the employee's immediate supervisor or other individual designated by the Employer, a written signed statement justifying the use of sick leave. If medical attention is sought by the employee or a member of the employee's immediate family, a medical practitioner's certificate stating the nature of the condition may be required as determined by the Employer. For any condition exceeding three (3) or more consecutive work days, a medical practitioner's certificate is required which specifies the employee's inability to report to work, the nature of the condition, and the probable date of recovery. The Employer maintains the right to investigate the circumstances surrounding an employee's request for sick leave.

A request for sick leave may be denied if:

- a. The employee fails to comply with the procedure for proper sick leave usage;
- b. The employee fails to present a required medical practitioner's certificate or a properly completed leave request form or equivalent approved form by 8:30 a.m. on the Monday following the end of the two (2) week pay period in which the sick leave was used;
- c. An investigation of a sick leave request discloses facts inconsistent with the proper use of sick leave, such as, but not limited to, a pattern of using sick leave before or after regular days off, falsification of sick leave records including a medical practitioner's statement/certificate, acting inconsistent with the request for sick leave or other evidence of intent to defraud; or
- d. The employee requesting sick leave is working another job or participating in any recreational or social activity which is inconsistent with the reason the employee requested sick leave.

These circumstances shall also be grounds for disciplinary action which may include dismissal.

7. **Sick Leave Abuse/Misuse.** Sick leave is a benefit provided for a specified purpose and abuse/misuse of this benefit will not be tolerated. In accordance with the Employer's right to deny an employee's sick leave request [as outlined in (6) above] application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. Conduct must be consistent with the leave requested. While on sick leave employees are expected to limit their activities to those under a physician's order or direction, be home or hospitalized or be out on a medical-related errand or appointment. In circumstances when employees use sick leave for medical appointments, employees are expected to use only enough time reasonably necessary to complete the appointment and accompanying travel time.

The Employer may investigate any leave request, even if approved, for abuse/misuse of sick leave.

8. **Notification.** An employee who is unable to report to work, and who is not on a previously approved day of vacation, sick leave, compensatory time, leave of absence, or other approved leave shall be responsible for notifying the employee's immediate supervisor or other individual designated by the Employer. An employee requesting sick leave for a scheduled medical appointment shall notify the employee's immediate supervisor as soon as possible and complete a leave request form (or equivalent approved form) prior to the appointment. An employee requesting sick leave for other than a scheduled appointment must notify the employee's immediate supervisor or other individual designated by the Employer of the employee's absence and reason therefore as soon as possible and no later than the scheduled start of the employee's shift. Certain departments may require an earlier notification period in order to obtain a replacement to cover the employee's absence. Employees must follow this notification requirement each and every day the employee will be absent, unless otherwise instructed by the immediate supervisor or designee.
9. Any employee leaving work for sick leave purposes during scheduled work hours must obtain approval from the immediate supervisor or designee prior to departure. Employees must also follow other established departmental procedures when leaving and upon return such as "signing out," or "clocking in."
10. If the employee is unable to return to work and perform the duties of the position on the original date the physician expected in the medical practitioner's statement, the immediate supervisor or individual designated by the Employer shall require another medical practitioner's statement to be provided which indicates the new date when the employee will be able to return to work.
11. The Department Head shall review the completed leave request form (or equivalent approved form) and the circumstances surrounding the absence. The Department Head shall approve or deny the request for sick leave and sign the form. The original form shall be processed with time sheets and payroll information.
12. The Department Head shall inform any employee whose sick leave request is denied of the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.
13. If the employee's absence due to illness or injury exceeds accrued sick leave, the employee must seek and obtain approval for other accrued leave (e.g. vacation, or compensatory time) prior to exhausting all sick leave or will be considered absent without approved leave. Employees who have been granted Family and Medical Leave or Disability Leave shall not be considered absent without approved leave even though sick leave and other accrued paid leave may be exhausted.

## **POLICY: Sick Leave Conversion**

## **Section 5.03**

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1. **Payment.** An employee may elect, at the time of retirement from active service under PERS, and with ten or more years of service with the state, any political subdivisions, or any combination thereof, to be paid in cash for one-fourth the value of the employees accrued but unused sick leave credit. An employee may receive one or more payments under this division, but the aggregate value of accrued but unused sick leave credit that is paid shall not exceed, for all payments, the value of thirty days, to a maximum of 240 hours, of accrued but unused sick leave.
2. **Definition.** As used in this policy, “retirement” shall mean disability or service retirement under any state retirement system applicable to the employee.
3. **Sick Leave Transfer.** Sick leave conversion does not apply to any separation from employment other than retirement. Unused sick leave may be transferred to certain other public agencies if the employee is re-employed in the public service within ten (10) years of the date on which the employee last separated from public service and no portion of the employee’s sick balance has been converted to cash as outlined above. Employees who plan on transferring their unused sick leave to another public agency should request that written verification of their sick leave balance be sent to the other public agency upon their separation from employment with the County.
4. **Procedure.** Upon retirement the employee must initiate the above sick leave conversion procedures by submitting a written request to the Employer.
5. **Terms.** Payment to eligible employees shall be made based on the employee's normal workday and hourly rate at the time of retirement, and the documented hours of unused sick leave reflected in the records maintained by the Employer. Employees shall be compensated for each day based upon the number of hours in their normal workday at the time of retirement.
6. **Elimination of Balance.** Payment for accumulated sick leave as provided herein shall eliminate all sick leave accrued by the employee and any balance transferred.
7. If an employee has retired and converted sick leave when working for another employer, the employee is not entitled to a sick leave conversion with Fulton County.

## **POLICY: Sick Leave and Vacation Leave Donation**

## **Section 5.04**

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1. **Purpose.** To assist those full-time and part-time regular non-probationary employees (hereinafter employee(s)) who are victims of a catastrophic, chronic illness/injury which places an undue strain and negative effect on the employee and/or his or her family. The limit for donated leave that an employee may receive is twelve (12) weeks of his or her regular

work week hours in a twelve (12) month period, a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Leave contributions shall be currently available sick leave and vacation leave credits.

2. **Eligibility.** An employee may receive donated leave, up to the number of hours the employee is scheduled to work each pay period or as provided in paragraph (2)(d) of this rule, if the employee who is to receive donated leave:
  - a. Is a victim of a catastrophic, chronic illness/injury or a member of the employee's immediate family is a victim of a catastrophic, chronic illness/injury. 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;
  - b. Has no accrued leave;
  - c. Has not been approved to receive other county-paid benefits; and
  - d. Has applied for any paid leave, workers' compensation, or benefits program for which the employee is eligible. An employee who has applied for these programs may use donated leave to satisfy the waiting period for such benefits, when applicable. After the waiting period, donated leave may be used up to an amount equal to the benefit for which the employee applied, (e.g., seventy percent for disability leave benefits) while the employee's application is pending approval.
3. **Application to Obtain Sick Leave Donation(s).**
  - a. An applicant may submit a "Request for Donated Leave" form available from the Auditor's Office. The request must be approved by the applicant's immediate supervisor for further consideration.
  - b. The Request for Donated Leave form shall contain verification the employee meets eligibility criteria, and must be accompanied by a "Medical Practitioner's Statement".
4. **Physician's Certification.**
  - a. Appropriate certification via the "Medical Practitioner's Statement" of a catastrophic, chronic illness/injury shall be submitted upon initial application.
  - b. Application for Donated Leave for the care of a family member must specify the family member and the need for the presence of the employee.
5. **Donations.**
  - a. Full-time employees may donate leave if the donating employee:
    - (1) Voluntarily elects to donate leave and does so with the understanding that donated leave will not be returned;
    - (2) Donates a minimum of eight (8) hours and a maximum of forty (40) hours per week; must donate thirty-five (35) percent of the hours from his or her vacation leave balance and the other sixty-five (65) percent of the hours from his or her sick leave balance;

- (3) Retains a sick leave balance of at least one hundred sixty (160) hours and a vacation leave balance of at least fifty-six (56) hours. Leave shall be donated in the same manner in which it would otherwise be used.
- (4) Uses a "Sick and Vacation Leave Donation" form to designate their voluntary sick and vacation leave donation when a need has been identified.
- (5) Donation of Sick and Vacation Leave from a person retiring can be allowed and shall be subtracted off the Donor's balance of sick leave and vacation leave, before their receive their retirement compensation.
- b. Employees who wish to donate leave shall certify the name of the employee for whom the donated leave is intended, the number of hours to be donated, that the Donor will retain the required minimum balance or more, and that the leave is donated voluntarily and the employee understands donated leave which has been credited will not be returned.
- c. Donors will be given written indication of the hours given as they are used.
- d. Donated leave will be used on a first-come basis by order in which the Donors submit their forms to the Auditor's Office. If donated time is not necessary for use, it shall remain credited to the Donor.
- e. Falsification of any document will result in severe discipline, including termination of employment and refund of any wages paid incorrectly.
- f. The leave donation program shall be administered on a pay period by pay period basis. Employees using donated leave shall be considered in active pay status and shall accrue leave and be entitled to any benefits to which they would otherwise be entitled. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received. Donated leave shall not count toward the probationary period of an employee who receives donated leave during his or her probationary period. Donated leave shall be considered sick leave, but shall never be converted into a cash benefit.
- g. Leave accrued by an employee while using donated leave shall be used, if necessary, in the following pay period before additional donated leave may be received.
- h. Appointing authorities shall ensure that no employees are forced to donate leave. Appointing authorities shall respect an employee's right to privacy, however appointing authorities may, with the permission of the employee who is need of leave or a member of the employee's immediate family, inform employees of their co-worker's critical need for leave. Appointing authorities shall not directly solicit leave donations from employees. The donation of leave shall occur on a strictly voluntary basis.

## **POLICY: Vacation**

## **Section 5.05**

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### **1. Eligibility.**

- a. **Full Time.** All full-time employees earn paid vacation leave and begin accruing such leave upon appointment. After one (1) full year of service, all vacation leave accrued is credited to the employee, who shall then be eligible to take such leave.
- b. **Part-Time.** Part-time employees shall not be eligible to accrue vacation time.

c. **Other Appointment Categories.** Intermittent, temporary, seasonal, student, and other appointments are not eligible to accrue vacation time.

2. **Accrual.** Full time employees eligible for paid vacation leave shall accrue according to the following schedule. The rate of accrual is the maximum per pay period based on an eighty (80) hour pay period.

<u>Years Of Service</u>	<u>Employee Earns</u>	<u>80 Hour Rate Of Accrual</u>
After 1 year	2 weeks vacation	3.1 hours per pay period
After 8 years	3 weeks vacation	4.6 hours per pay period
After 15 years	4 weeks vacation	6.2 hours per pay period
After 25 years	5 weeks vacation	7.7 hours per pay period

Full-time employees who are in active pay status for fewer than 80 hours in a pay period shall earn vacation leave on a prorated basis, rounded to one one-hundred of an hour. Upon an employee’s 8<sup>th</sup>, 15<sup>th</sup> and 25<sup>th</sup> year anniversary dates, the employer shall credit his vacation balance with one (1) week of leave.

Additional vacation leave is not accrued through the accumulation of paid overtime. Part time employees do not accumulate vacation leave. Vacation leave is not earned while an employee is in no-pay status (leave of absence, disciplinary suspension, etc.).

3. **Prior Service Credit.**

- a. An employee who is employed by the Employer, other than elected officials, and who is earning vacation credits currently, shall have his or her total prior service with the State of Ohio, any Ohio county, and any other political subdivision of the State of Ohio, including a regional council of government formed under Chapter 167, counted for the purpose of computing the amount of the employee’s vacation leave. The anniversary date of employment for the purpose of computing the amount of the employee’s vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, shall be the anniversary date of such prior service.
- b. Newly hired employees are requested to provide written notification of total prior service with all applicable public employers within sixty (60) days of appointment. Written verification is the responsibility of the employee and should be submitted as soon as it is practicable to do so.
- c. Employees with at least one (1) year of prior service credit who are employed by the Employer may use accrued vacation leave during the year in which it accrues.

4. **Usage.** All scheduling of vacation shall be subject to the operational needs of the Employer but the privilege of taking vacation shall not be unreasonably restricted or curtailed by the Employer. Vacation may be taken in minimum increments of one-quarter (1/4) hour.

5. **Retention.** In special and meritorious circumstances as approved by the Employer, employees may be permitted to accumulate and carryover vacation for up to three (3) years. No vacation leave shall be carried over for more than three (3) years.
6. **Payment at Separation.** Employees with one (1) or more years of service credit with Fulton County, shall be paid for all earned but unused vacation leave, at the employee's then current rate of pay, upon separation from service. Upon request of the employee who has secured employment with the State of Ohio, the County will transfer earned but unused vacation leave of the employee to the State appointing authority if accepted by State agency. Thereafter, the County will remove such unused vacation leave from the employee's balance and it will no longer constitute a claim by the employee or a charge upon the County.
7. **Payment at Transfer.** Employees with one (1) or more years of service who transfer from one (1) County Appointing Authority to another shall be paid for all earned but unused vacation leave, at the employee's then current rate of pay. In such case, the employee shall be entitled to use newly accrued vacation immediately after such leave is earned.
8. **Death of an Employee.** In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of any such employee shall be paid in accordance with the Ohio Revised Code or to the employee's estate.

## **POLICY: Holidays**

## **Section 5.06**

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1. **Eligibility.** Full-time employees are entitled to the holidays and holiday pay as provided herein. Part-time and temporary employees shall not be eligible for holiday pay.
2. **Holidays.** The Board recognizes the following holidays:
  - a. New Year's Day (January 1)
  - b. Martin Luther King Day (third Monday in January)
  - c. President's Day (third Monday in February)
  - d. Memorial Day (last Monday in May)
  - e. Independence Day (July 4)
  - f. Labor Day (first Monday in September)
  - g. Columbus Day (second Monday in October)
  - h. Veteran's Day (November 11)
  - i. Thanksgiving Day (fourth Thursday in November)
  - j. Christmas Day (December 25)

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

Employees that are not in active pay status for the entire scheduled work day immediately preceding a holiday shall not receive holiday compensation.

Employees may request leaves of absence or vacation expressly for the purpose of engaging in religious observations not authorized by the recognized holiday schedule. Great deference will be given to employee requests for small amounts of leaves of absence or vacation time in order to attend special worship services. Employees must follow standard Employer policies in requesting such leaves of absence or vacation leaves.

3. **Holiday Pay.** Holiday pay shall be an employee's regular hourly rate of pay times the employee's normal daily work hours.
4. **Time Off on the Holiday.** Employees eligible for paid holidays who are not required to work on the holiday, and eligible employees who are not required to report for their regular shift but are required to be on standby and available to respond to emergency calls, shall receive holiday pay as provided in subsection 3 above.
5. **Work on a Holiday.** Employees eligible for paid holidays who are required to work their regular shift or to respond to emergency calls from their home or other locations on a holiday, shall receive pay at the applicable hourly rate in accordance with the overtime policy herein for each hour worked on the holiday, in addition to the holiday pay provided in subsection 3 above.
6. **Employees on FMLA, Vacation Leave or Sick Leave.** If a holiday occurs while an eligible employee is on approved unpaid Family and Medical Leave, the holiday will be charged to the employee's FMLA bank. If a holiday occurs while an eligible employee is on vacation or sick leave, the holiday will not be charged against the employee's vacation or sick leave balance.
7. **Scheduling.** Employees shall normally not be scheduled to work on the day being observed as the holiday unless otherwise directed by the Employer.

## **POLICY: Bereavement Leave**

## **Section 5.07**

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1. **Eligibility.** Full-time and regular part-time employees may, upon approval of the Employer or designee, use accrued sick leave in the event of the death of an immediate family member as defined in the sick leave section of this manual. Days of bereavement leave shall be charged against the employee's accrued sick leave, and the employee shall receive the employee's regular rate of pay for such leave.
2. **Usage.** Bereavement leave of five (5) work days may be used to attend the funeral, make funeral arrangements or attend to other matters directly related to the funeral. When an employee requests more time off after the funeral, the Employer may require the employee to provide written justification and such additional time shall be charged with vacation leave, subject to approval.

3. **Part-time Employees.** Part-time employees shall be eligible to use accrued sick leave for bereavement as described herein and receive their respective regular rate of pay for such leave, only for the days and the number of hours each day that the employee would have been scheduled to work.
4. **Leave Request.** An employee requesting Funeral Leave must complete a leave request form, and attach thereto a copy of the family member's obituary or other proof of death, if requested.

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**POLICY: Court/Civic Leave****Section 5.08**

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1. **Eligibility.** Full-time employees shall be entitled to leave with pay from previously scheduled work when subpoenaed to appear before court or summoned for jury duty by the United States, the State of Ohio, or any political subdivision.

In no case shall employees be entitled to court leave if such court appearance is in connection with the employee's personal business (e.g., criminal or civil cases, traffic court, secondary employment, divorce proceedings, etc.); and/or if the employee is a party to the action. In such case the employee may request vacation time or leave of absence for the court appearance.

Part-time employees are not eligible for Court leave but may be granted leave of absence.

2. **Payment.** Employees eligible for court leave shall submit all monies received as compensation from the Court to the County Treasurer, and shall be paid the employee's applicable hourly rate for the time on court leave. A receipt for same shall be presented to the immediate supervisor or designee. If any employee is called to appear in court or is called for jury duty, outside of the employee's regularly scheduled working hours or while on authorized paid leave, all monies received as compensation for such court service shall be retained by the employee.
3. **Work Attendance.** Employees on court leave shall report for work before or following such leave if two (2) or more hours remain in the employee's scheduled work day unless the employee has chosen and been approved to take another form of leave.
4. **Leave Request.** Employees shall submit a leave request form with a copy of the subpoena or summons to the immediate supervisor or individual designated by the Employer as soon as possible after receipt.

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**POLICY: Military Leave****Section 5.09**

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1. **Active Duty Leave.** Military Leave is governed by both state and federal laws. In general, any employee with more than ninety (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 the employee's former position without loss of seniority or status or reduction in pay. Employees who complete their active duty obligation (without voluntarily re-enlisting or extending that obligation) are entitled to their previous position within thirty (30) days after their written request, provided such request is submitted within the statutorily required period following discharge or release from active duty. If temporary physical disability precludes the employee from performing the previous job, the employee 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 seniority status, rank, rating, increments, qualifications, etc., as though they had been continually employed.

2. **Military Reserve Leave.** R.C. 5923.05 requires that permanent public employees, who are members of Ohio National Guard, Ohio Organized Militia, or other reserve components of the armed forces of the United States be authorized up to 176 hours of leave without loss of pay per calendar year for military duty or training. This payment is in addition to the gross uniformed pay and allowances the employee receives from the military.
3. **Military Reserve Leave In Excess Of 176 Hours.** Any permanent public employee called to military duty for a period in excess of the 176 hours because of an executive order issued by the President of the United States, because of an act of Congress, or because of an order to perform duty issued by the governor pursuant to R.C. Section 5919.29, is entitled to be paid the difference between the employee's gross monthly wage or salary and the gross uniformed pay and allowances up to \$500.00 per month. If the gross uniformed pay and allowances equals or exceeds the employee's regular gross monthly wage or salary normally paid by the Employer, the employee is not entitled to any additional compensation from the Employer after being compensated for the initial 176 hours per calendar year.
4. **Request for Leave.** Employees are required to submit to the Employer a copy of the published orders authorizing the military duty or a written statement from the appropriate military commander authorizing such duty. Employees requesting such leave will also be required to complete and submit a request for leave form.
5. **Procedure.** Employees are required to submit to their department head a copy of their military orders and a completed Request for Leave Form outlining the anticipated duration of the military leave.

REFERENCE: RC 5923.05, RC 5919.29

1. **Eligibility.** Any employee shall be granted Olympic competition leave from employment without loss of pay to participate in Olympic competition sanctioned by the United States Olympic committee. The events covered by this rule are the winter Olympic games, the summer Olympic games, and the Pan-Am games. Participation in Olympic competition shall include duties as a coach, judge, official, or athlete.
2. **Length of Leave.** Olympic competition leave shall not exceed the aggregate time required for reasonable pre-competition training at the competition site, actual participation in the competition, and reasonable travel time to and from the competition site.
3. **Compensation.** Pay for each week of Olympic competition leave shall not exceed the amount the employee would receive for the employee's standard work week. The employee shall not be paid for any day spent in Olympic competition for which the employee would not ordinarily receive pay as part of the employee's regular employment.
4. **Additional Leave.** An employee, having been granted Olympic competition leave, shall be granted personal leave of absence without pay or, if entitled to vacation leave and if such leave is requested, shall be granted vacation leave in order that the employee may remain at the competition site until the close of competition. If the employee does not indicate that accrued vacation leave is to be used, or if the employee has not accrued any vacation leave the employee shall receive leave of absence without pay for this time.
5. **Written Request.** To request Olympic competition leave, the employee must submit a request in writing to the Employer. This request must be submitted thirty (30) calendar days prior to the effective date of the leave being requested. If the employee is selected less than thirty calendar days prior to the effective date of the requested leave, the employee shall make the request for Olympic competition leave within one (1) week of such selection. The request shall include:
  - a. Proof of selection signed by an official of the United States Olympic committee.
  - b. Dates of official pre-competition training at the competition site.
  - c. A list of the employee's competition events together with dates of actual competition. If the event is one in which contestants compete until eliminated, making it impossible to precisely indicate all days of actual competition prior to taking the leave, the employee shall submit a list of the days on which he actually competed upon return from the competition.
  - d. Dates of travel time to and from the competition.
  - e. If entitled to vacation leave, a statement that such leave is to be used as indicated in Paragraph 4 above.

## **POLICY: Administrative Leave With or Without Pay**

## **Section 5.11**

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1. **Eligibility.** The Appointing Authority may, in its discretion, place an employee on administrative leave with pay. Administrative leave with pay is to be used only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could be adversely affected, or during investigation, or other instances as determined by the appointing authority.
2. **Compensation.** Compensation for administrative leave with pay shall be equal to the employee's base rate of pay.
3. **Length of Leave.** The length of administrative leave with pay is solely at the discretion of the Appointing Authority, but shall not exceed the length of the situation for which the leave was granted.
4. **Charge of Felony.** The Appointing Authority may, in its discretion, place an employee on administrative leave without pay for a period not to exceed two months, if the employee has been charged with a violation of law that is punishable as a felony. If the employee subsequently does not plead guilty to or is not found guilty of a felony with which the employee is charged or any other felony, the Appointing Authority shall pay the employee at the employee's base rate of pay, plus interest, for the period the employee was on the unpaid administrative leave.

REFERENCE: ORC 124.388

## **POLICY: Leave of Absence Without Pay Policy**

## **Section 5.12**

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1. **FMLA.** Nothing in this rule shall be construed as limiting, superseding, or requiring any leave granted under The Family and Medical Leave Act of 1993 (FMLA). Given proper notice and under appropriate circumstances, a leave of absence for a qualifying FMLA purpose may be credited against an employee's FMLA leave entitlement and run concurrently with the maximum limits established under this policy.
2. **Eligibility.** Any employee may request, in writing, a leave of absence without pay from employment for any personal reason. Such request shall state the reasons for taking leave of absence without pay and the dates for which such leave is being requested. Approval of such request is solely at the administrative discretion of the Appointing Authority or its designee, and each request will be determined on its own merits. All forms of paid leave must be exhausted prior to the beginning of an approved leave of absence without pay.
3. **Duration.** A leave of absence without pay shall not exceed six (6) months, unless approved for the purposes of education, training, or specialized experience which would be of benefit to the County service by improved performance at any level; or for voluntary service in any

governmentally sponsored program of public benefit. A leave of absence approved for the purposes of education, training, or specialized experience shall not exceed two (2) years. The duration may not be renewed or extended beyond the limits indicated above.

4. **Disabling Illness, Injury, or Condition.** Upon written request to the appropriate Appointing Authority, employees with a temporary disabling illness, injury or condition may be granted a leave of absence without pay, subject to the provisions of this rule. The employee must demonstrate that the probable length of the disabling condition will not exceed six (6) months.
  - a. **Length of leave.** Leaves of absence without pay shall be limited to the period of time that the employee is unable to perform the essential job duties of the employee's position. This period may include reasonable rehabilitation and recovery time, as certified by a licensed practitioner, not to exceed six months. If the employee is unable to return to active work status within six months, or at any time during the leave absence, the employee may be given a disability separation.
  - b. **Licensed practitioner's certificate.** An employee requesting a leave of absence without pay due to a disabling illness, injury or condition must present, at the time the request is made, a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's position.
  - c. **Return to work.** The Appointing Authority of an employee on a leave of absence without pay for a disabling illness, injury or condition may require the employee, prior to the employee's return to work, to provide a physician's certificate that confirms the employee is able to perform the essential job duties of the employee's position.
5. **Abuse of Leave.** If it is found that a leave is not actually being used for the purpose for which it was granted, the Appointing Authority may cancel the leave and direct the employee to report for work by giving written notice to the employee and the employee may be subject to discipline.
6. **Return from Leave.** Upon completion of a leave of absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall be assigned to a position in a classification similar to that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if such earlier return is agreed to by both the employee and the appointing authority.
7. **Failure to Return from Leave.** An employee who fails to return to duty within three working days of the completion or a valid cancellation of a leave of absence without pay without explanation to the Appointing Authority or approved designee is deemed to have abandoned their job and, may be removed from the service in accordance with Section 124.34 of the Revised Code. An employee who fails to return to service from a leave of absence without pay and is subsequently removed, deemed resigned or abandoned their job, or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.

**8. Effect on Benefits and Service Credit.**

- a. **Probationary Period.** The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.
- b. **Sick and Vacation Leave.** Sick and vacation leave are not earned by employees while on an authorized leave of absence without pay.
- c. **Service credit.** Authorized leaves of absence without pay will count as service credit for pay increases, layoff purposes, and for computing the amount of vacation leave, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent on such leave.
- d. **Insurance Benefits.** Employees may continue to access all insurance benefits during authorized leaves of absence by paying 100% of the cost.
  - (1) Cost sharing by the Employer shall cease at the end of the month in which the leave of absence commences.
  - (2) Cost sharing by the Employer shall resume immediately upon return to work. To the extent that the Employee has overpaid his or her calculated share of any premium, the overpayment shall serve as a credit toward future premium in the same calendar year. Should the overpayment exceed premium due in the same calendar year, the overpayment shall be refunded to the employee according to payroll regulations.
  - (3) The Board reserves the exclusive right to amend cost sharing under its authority vested by statute and as described in Section 5.15 relating to Group Health Insurance Policy.

**POLICY: Absence Without Leave**

**Section 5.13**

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- 1. Any employee in the classified service who is absent from duty habitually or for three or more successive duty days, without leave and without notice to the employee's supervisor of the reasons for such absence, is deemed to have abandoned their job and considered to be resigned and may be subject to removal for neglect of duty.
- 2. An Appointing Authority is not required to initiate removal action if it is determined to be unwarranted nor does it preclude disciplinary action, including removal, for a shorter period of absence if the absence is of sufficient seriousness. The determination as to what constitutes a serious situation shall be made by the Appointing Authority based upon evidence received from supervising subordinates or personal observations or knowledge. Examples of a serious situation may include, but is not limited to:
  - a. Exhaustion of paid leave (i.e. zero sick leave or vacation accruals);
  - b. Using paid leave for unauthorized purposes (i.e. call in sick when not sick);
  - c. Ineligibility for a particular leave type;
  - d. Failure to request leave; or
  - e. Failure to return from authorized leave on time.

This section outlines the conditions under which a disability leave or disability separation may be granted or involuntarily imposed on a classified employee, and the procedures for administering such leave or separation. This policy is intended to outline the process to be followed after determining that no reasonable accommodation can be made which would allow the employee to perform the essential functions of the employee's position or other available vacant position for which the employee is qualified.

1. **Medical and Psychological Examinations.** The Appointing Authority may require that an employee submit to medical or psychological examinations. Such examinations shall be conducted by one or more licensed practitioners selected by the Appointing Authority. Prior to any examination, the Appointing Authority shall supply the examining practitioner with facts relating to the perceived disabling illness, injury, or condition, and shall supply additional information including physical and mental requirements of the employee's position, duty statements, job classification specifications, and position descriptions. The cost of the examinations shall be paid by the Appointing Authority. Both the Appointing Authority and the employee shall receive the results of any examination and related documents.
2. **Employee's Failure to Appear for Examinations.** An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination amounts to insubordination, punishable by the imposition of discipline up to and including removal. An employee will be responsible for the costs associated with an unexcused failure to appear at a scheduled examination.
3. **Voluntary Reduction.** When an employee becomes physically or mentally unable to perform the essential functions of the employee's position even with a reasonable accommodation, but is still able to perform the duties of a vacant lower level position, the employee may voluntarily request reduction to the lower level position. Such request shall be in writing, shall state the reason for the request, and, if approved by the Appointing Authority, will be attached to the implementing personnel action.
4. **Involuntary Disability Separation.** An Appointing Authority shall request that an employee submit to a medical or psychological examination, conducted in accordance with subsection 1 above, prior to involuntary disability separating the employee unless the employee is already hospitalized at the time such action is to be taken.
5. **Pre-Separation Hearing.** When an Appointing Authority has received the results of a medical or psychological examination and initially determines that an employee is incapable of performing the essential job duties of the employee's assigned position due to a disabling illness, injury, or condition, the Appointing Authority shall institute pre-separation proceedings. Under those proceedings, a hearing shall be scheduled and advance written notice of at least 72 hours shall be provided to the employee. If the employee does not waive

the right to a hearing, then at that hearing the employee has a right to examine the Appointing Authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.

6. **Determination of Ability to Perform Essential Functions.** If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-separation hearing, that the employee is capable of performing his or her essential job duties, then the involuntary disability process shall cease and the employee shall be considered fit to perform his or her essential job duties. If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the pre-separation hearing, the employee is unable to perform his or her essential job duties, then the Appointing Authority shall issue an involuntary disability separation order.
7. **Effective Date of Separation.** The effective date of separation, for the purpose of reinstatement, shall be based on the date in which the employee was no longer in active work status due to the disabling illness, injury, or condition. The total continuous time of absence due to the disabling illness, injury, or condition shall not exceed two (2) years for the purposes of reinstatement rights. If an employee attempts to return to work but fails to perform the essential job duties for six consecutive months, the employee's effective date of separation does not change except in the instance of a subsequent, unrelated disability.
8. **Notification of Procedures for Reinstatement.** The Appointing Authority shall notify the employee, at the time the involuntary disability separation order is provided to the employee, of the required procedures to apply for reinstatement.
9. **Appeal.** An employee who is involuntarily disability separated shall have the right to appeal in writing to the State personnel board of review within ten (10) days following the date the order is served.
10. **Voluntary Disability Separation.** Employees who are unable to perform the essential job duties of their position due to a disabling illness, injury, or condition may request a voluntary disability separation. A voluntary disability separation occurs when an employee does not dispute his or her inability to perform the essential job duties of the position due to a disabling illness, injury, or condition.

The Appointing Authority may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological examination pursuant to subsection 1 above. If the examination supports the employee's request, the Appointing Authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the Appointing Authority shall not approve the employee's request for voluntary disability separation.

An employee who is granted a voluntary disability separation waives his or her right to a pre-separation hearing and to an appeal of the decision to approve the employee's request.

**11. Reinstatement from Disability Separation.** An employee may make a written request to the Appointing Authority for reinstatement from a disability separation. The employee's request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential portions of the employee's job duties, and shall be made not more than once every three (3) months and no later than two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition.

When a disability separated employee presents to the Appointing Authority substantial, credible medical evidence which states that the employee is once again capable of performing the essential job duties of the employee's assigned position, the Appointing Authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with subsection 1 above.

The Appointing Authority shall reinstate the employee after receiving the results of that examination if the Appointing Authority determines that the employee is once again capable of performing the essential duties of the employee's assigned position. If the Appointing Authority finds the employee incapable of performing the essential duties, then the Appointing Authority shall not reinstate the employee.

**12. Pre-Reinstatement Proceedings.** The Appointing Authority shall institute pre-reinstatement proceedings if the Appointing Authority has received the results of the examination and initially determines that the employee remains incapable of performing the essential job duties of the employee's assigned position. Under those proceedings, a hearing shall be scheduled and advance written notice of at least 72 hours shall be provided to the employee. The employee shall have a right to examine the Appointing Authority's evidence of continuing disability prior to the hearing, to rebut that evidence, and to present testimony and evidence on the employee's behalf.

If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, the employee is once again able to perform the essential job duties of the employee's assigned position, then the Appointing Authority shall reinstate the employee. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is not able to perform the essential duties of the employee's assigned position, then the Appointing Authority shall not reinstate the employee. The Appointing Authority shall notify the employee of its decision to approve or deny the reinstatement request no later than sixty days after it receives the employee's written request.

If the Appointing Authority determines that an employee, who has been disability separated, has committed an act that is inconsistent with the employee's disabling illness or injury, then that act may be considered by the Appointing Authority when determining an employee's eligibility for reinstatement.

13. **Re-Assignment to Classification.** Once an Appointing Authority properly determines that the employee is to be reinstated, then the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or no longer is utilized by the Appointing Authority, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off.
14. **Refusal to Reinstatement.** An employee refused reinstatement shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the State Personnel Board of Review (SPBR) within thirty (30) days of receiving notice of that refusal to reinstate.
15. **Permanent Separation.** An employee who fails to apply for reinstatement within two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition shall be deemed permanently separated from service except as otherwise required by the Ohio Administrative Code.

REFERENCE: OAC 123:1-30 et. seq.

## **POLICY: Group Health Insurance**

## **Section 5.15**

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1. **General.** The Board of Fulton County Commissioners reserves the exclusive right to determine the types of insurance benefits to be provided and the costs, terms and conditions for participation and to determine insurance carriers or to establish a program of self-insurance.
2. **Collective Bargaining Agreement.** Employees in a collective bargaining unit are subject to the terms and conditions of their agreement pertaining to benefit coverage and contributions.
3. **Eligibility.** Employees who work thirty-five (35) or more hours per week on a regularly scheduled basis are eligible to participate in the Employer's health insurance program under the cost sharing arrangement described herein. Employees who work fewer than thirty-five (35) hours per week on a regularly scheduled basis are ineligible to participate in the health insurance program unless an offer of coverage is otherwise authorized by the Board of Commissioners.
4. **Election.** Employees may elect coverage under the insurance plan by completing an application and submitting it to Payroll as soon as administratively possible but no later than thirty-one (31) days of employment. Filing as soon as administratively possible reduces the potential of "double" deductions being withheld from the employee's regular paycheck. After the initial thirty-one (31) day enrollment period, employees may apply for coverage during any open enrollment period thereafter or within thirty-one (31) days of a qualifying life event as defined under federal law.

5. **Declining Enrollment.** Employees declining enrollment for themselves or their dependents (including their spouse) because of other health insurance coverage, may in the future be able to enroll themselves or their dependents in the health insurance plan, provided they request enrollment within thirty-one (31) days after their other coverage ends. In addition, if the employee has a new dependent as a result of marriage or birth, adoption, or placement for adoption, the employee and/or dependent(s) may be able to enroll in the health insurance plan provided the request for enrollment is submitted within thirty-one (31) days after the marriage, birth, adoption, or placement for adoption occurs. Employees declining coverage shall sign a waiver of coverage at commencement of employment.
6. **Spousal Carve-Out and Dependent Eligibility.** The Board of Commissioners has a spousal carve-out and dependent eligibility policy.
7. **Coverage.** Eligible newly hired employees shall become covered on the first day of the month following the completion of one (1) full month of employment.
8. **Payment.** The Board shall determine the portion of the insurance premium to be paid by the Employer and the portion, if any, to be paid by the employee.
9. **Paid Leave/Family and Medical Leave.** The Employer will continue to pay its share of the health insurance premium for employees on all paid leaves of absence for so long as the employee is in active pay status, as defined in the Definitions Section of this manual, or on Family and Medical Leave as defined in the Family and Medical Leave Section of this manual.
10. **Insurance During Unpaid Leave.** If an employee is granted an unpaid leave of absence after exhausting all available paid leave and/or Family and Medical Leave, or the employee is absent without leave, the County's obligation to pay any portion of insurance premium costs shall cease as described in Section 5.12 (Leaves of Absence) of this manual. The employee may, however, be eligible for continued coverage at the employee's sole expense as provided in Section 5.16 of this manual.
11. **Insurance After Break in Coverage.** Employees who have a break in coverage for any reason may re-apply for coverage, and if approved, may have coverage on the first day returned to work if the return to work is within twelve (12) months of the termination of coverage. If the break in coverage is equal to or greater than twelve months, then coverage, if approved, will be effective as if the employee is a new hire.
12. **Notification.** The Appointing Authority will notify Payroll in writing when an employee is:
  - a. Separated from service;
  - b. Off work on workers' compensation;
  - c. On Family and Medical Leave; or
  - d. In inactive pay status.

13. **Cancellation.** Coverage is terminated on the last day of the month in which when an employee separates employment.

## **POLICY: Continuation of Group Health Insurance**

## **Section 5.16**

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1. Employees who separate from service and/or their spouses and children may be eligible for continuation of health insurance coverage, at their own expense, as described herein. The same health insurance coverage shall continue for eligible employees/individuals under this policy as is provided to other employees who maintain employment with the County.
2. Employees, spouses, and dependent children who are covered under the County's health insurance plan shall be offered the opportunity to continue health insurance coverage according to the following schedule:
  - a. An employee who is terminated (other than by discharge for gross misconduct) shall be eligible to purchase health insurance coverage for up to 18 months following the termination.
  - b. An employee whose total hours worked are reduced, in which the reduction causes the employee to be ineligible for continued health insurance coverage, shall be eligible to purchase health insurance coverage for up to 18 months following such reduction.
  - c. If a second qualifying event occurs during this eighteen (18) month period, coverage may be extended for an additional eighteen (18) months.
  - d. If an employee experiences a disability within sixty (60) days of opting for continued health coverage under COBRA, the employee may elect to continue coverage for an additional eleven (11) months for a total of twenty-nine (29) months.
  - e. If any beneficiary becomes disabled under the Social Security Act and provides timely notice of that status to the Employer, coverage may be extended for up to 29 months.
  - f. The spouse and dependent children of an employee shall be eligible to purchase health insurance coverage for up to 36 months when the employee:
    - (1) Dies;
    - (2) Would otherwise lose coverage due to termination and/or reduction as described in the above paragraphs; or
    - (3) Becomes entitled to Medicare coverage.
  - g. The spouse and/or dependent children shall be eligible to purchase health insurance coverage for up to 36 months when:
    - (1) The spouse and dependent children would lose eligibility for continued coverage due to a divorce or legal separation; or
    - (2) The dependent child would otherwise lose coverage by ceasing to satisfy the plan's coverage requirements applicable to dependent children.
3. Full-time employees, spouses, and dependent children shall be notified of the provisions of this policy as follows:
  - a. Employees shall be notified of this policy at the time they begin coverage under the County's health insurance plan or in the event they are either terminated or reduced.

- b. Spouses shall be notified of this policy at the time family or spouse coverage begins under the County's health insurance plan or in the event the employee is either terminated or reduced.
  - c. Service of notification on the employee's spouse shall be deemed notice to dependent children.
  - d. The County's COBRA service provider shall be notified to provide the above notice.
4. Each employee shall be responsible for notifying Payroll of any action which might trigger a spouse's or dependent child's eligibility for continuation of insurance coverage under this policy. Such notice shall be given to Payroll upon gaining knowledge of the event, e.g., divorce, legal separation, or loss of dependent eligibility under the County plan.
  5. The individual(s) who are eligible for continued health insurance plan coverage shall be notified of their rights and obligations under this policy within fourteen (14) days after the occurrence of a triggering event. The notice shall contain a final date by which the employee, spouse, or dependent child must respond to the notice.
  6. The eligible employee or other covered individual shall notify the COBRA compliance officer of his or her decision to continue or not continue health coverage within sixty (60) days from the date notified or the date of the qualifying event, whichever is later.
  7. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but including layoff, resignation, voluntary or involuntary leave without pay, discharge, and any other termination which results in the employee's ineligibility for continued health insurance benefits. Employees who are separated in accordance with civil service law for gross misconduct are not eligible for continuation of health insurance plan coverage.
  8. An employee, spouse, or dependent child who elects continued health insurance coverage shall only be eligible until the earliest date that any of the following occur:
    - a. Coverage expires either 18, 29, or 36 months after the triggering event;
    - b. The group health care plan is terminated by the Employer;
    - c. The individual fails to timely pay the required premium;
    - d. The employee becomes covered under another group health care plan; or
    - e. The individual becomes eligible for Medicare benefits.
  9. The Board of Commissioners may choose to add 2% to the full group rate to cover administrative expenses.

**POLICY: Other Insurance Programs and Benefits**

**Section 5.17**

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1. In addition to health insurance, the Board may offer other insurance programs and benefits at the Employer's and/or employee's expense.

2. In order to reduce long term health insurance costs, the Board offers a variety of wellness programming designed to assist employees and their families to make healthy life choices. Please contact the Commissioners' Office or Auditor's Office and visit the County's intranet at [www.fultoncountyoh.com](http://www.fultoncountyoh.com) for more information.
3. The terms of the insurance and wellness programs and degree of Employer participation in its cost are subject to change without notice.
4. Employees should call the Board of Commissioners' Office or Auditor's Office for an explanation of currently available insurance benefits, programs, and costs.

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**POLICY: Deferred Compensation****Section 5.18**

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1. County employees may participate in deferred compensation plans authorized under Section 457 of the Internal Revenue Code. Such plans, commonly known as 457 plans, can supplement retirement income and can defer current tax liabilities for employees.
2. Under a deferred compensation plan, participants can invest part of their paychecks before withholding for state and federal incomes taxes is deducted. The savings and earnings on the investments are not subject to taxes until they are withdrawn from the plan, usually at retirement, when most people will not have as much taxable income.
3. Fulton County has two voluntary deferred compensation plans available: the County Commissioners Association of Ohio (CCAO) Deferred Compensation Program and the Ohio Public Employees Deferred Compensation Program. At the employee's election, employees may participate in either one or both programs. All contributions are made through payroll deduction. Total annual contributions are limited by the IRS and subject to IRS rules.
4. Information regarding both of these programs and the investment options available can be obtained through Payroll, the Commissioners' Office or by contacting one of the programs:

CCAO Deferred Compensation Program/Great-West Retirement Services  
8515 East Orchard Road  
Greenwood Village, CO 80111  
800.284.0444  
[www.ccao457.com](http://www.ccao457.com)

Ohio Public Employees Deferred Compensation Program  
257 East Town Street, Suite 457  
Columbus, Ohio 43215  
877.644.6457  
[www.ohio457.org](http://www.ohio457.org)

State law provides that all employees are covered by workers' compensation for injuries that arise out of or in the course of employment.

All injuries which arise out of or in the course of employment shall be reported and compensated for under this workers' compensation section and not under the Employer's health insurance plan.

**PROCEDURE:**

- 1. Accident/Incident Reports.** Whenever an employee is injured during the course of employment, regardless of the seriousness of the injury and whether or not medical attention is required, the employee shall report the accident or injury to the Appointing Authority, Department Head, or Supervisor, within 24 hours. The Appointing Authority, Department Head, or Supervisor shall provide the employee with an Employee's Report of Incident or Injury and shall immediately notify the Loss Control Coordinator in the Commissioners' Office. The completed Employee's Report of Incident or Injury shall be forwarded to the Loss Control Coordinator upon completion. Failure to properly report any job related accident or injury within 24 hours of its occurrence may be grounds for disciplinary action, including possible removal from employment.
- 2. Appointing Authority Responsibility.** The Appointing Authority or Department Head shall be given the applicable forms and instructions to be provided to the affected employee and shall complete all reports as directed. The applicable occupational illness or injury report form must be completed with 24 hours of the incident to avoid possible delays in processing the claim.
- 3. Medical Providers.** If an employee's injury does require medical attention, the Appointing Authority, Department Head, or Supervisor shall direct the injured worker to a Bureau of Workers' Compensation (BWC) certified provider. Only emergency or initial treatment by a non-(BWC) certified provider will be reimbursed; subsequent treatment will be at the employee's expense. Information as to which medical providers are BWC certified can be obtained from the Loss Control Coordinator.
- 4. Serious Injury.** In the event of a serious injury, the Appointing Authority, Department Head, or Supervisor shall immediately initiate an investigation into the circumstances which led to the injury, and shall notify the Loss Control Coordinator.
- 5. Return to Work.** Employees are responsible for providing their expected date of return to the Appointing Authority, Department Head, or Supervisor. In order to control workers' compensation costs, the Appointing Authority, Department Head, or Supervisor should advise and continually update the Loss Control Coordinator if an employee continues to be absent due to a work-related injury or occupational illness.

6. **Documentation.** Any documents received from the injured employee, the employee's physician, the hospital or the State regarding workers' compensation claims should be immediately forwarded to the Loss Control Coordinator.
7. **Wages on Injury Date.** An employee who is injured during the course of employment, and who must leave work before completing his or her work period, shall be paid at the regular rate for the balance of time left in his or her scheduled work day.
8. **Wage Continuation.** An employee with a work related injury or illness may elect to participate in the Fulton County Wage Continuation Policy and Procedure. Subject to the regulations of that policy, an employee receives regular wages for a period of up to twelve (12) weeks in lieu of workers' compensation lost-time benefits. Such an election normally yields weekly wages that are equal to or greater than electing lost-time benefits from the BWC and will reduce or eliminate the processing delay usually resulting from BWC benefits. Interested employees may seek additional information concerning the Wage Continuation Program from the Loss Control Coordinator in the Board of Commissioners' Office.
9. **Transitional Work.** An employee with a work-related injury or illness may participate in the Transitional Work Program. The Transitional Work Program offers injured workers the ability to return to modified duty, with restrictions, and to be paid at the employee's usual rate. The Transitional Work Program is designed to offer a progressive return to work strategy, and shall not exceed ninety (90) calendar days in duration. Interested employees may seek additional information concerning the Transitional Work Program from the Loss Control Coordinator in the Board of Commissioners' Office.
10. **Post-Accident Testing.** Section 4123.54 of the Ohio Revised Code requires notice of rebuttable presumption. Rebuttable presumption means that an employee may dispute or prove untrue the presumption (or belief) that alcohol or a controlled substance not prescribed by the employee's physician is the proximate cause (main reason) of the work-related injury. The burden of proof is on the employee to prove that the presence of alcohol or a controlled substance was not the proximate cause of the work-related injury. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers' Compensation Act.
11. **Family and Medical Leave (FMLA).** Employees on a work related injury or illness may qualify for benefits under Section 5.01 of this manual, Family Medical Leave Act (FMLA). Benefits provided to employees under Workers' Compensation and FMLA shall run concurrently and commence on the same date.

REFERENCE: Work Injuries/Workers' Compensation Policy and Procedure, Transitional Work Policy and Procedure, Wage Continuation Policy and Procedure, Fulton County Safety Program

## **POLICY: Unemployment Benefits**

## **Section 5.20**

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Ohio unemployment benefits provide temporary compensation to workers meeting the eligibility requirements under Ohio law. The Ohio Department of Job and Family Services administers the unemployment insurance program. Fulton County is an employer required to participate in the program.

For more information about eligibility, the value of unemployment benefits, and the duration of unemployment benefits, please visit the Ohio Department of Job and Family Services website at <http://jfs.ohio.gov/> or call 877.644.6562.

## **POLICY: Ohio Public Employees Retirement System (OPERS) Section 5.21**

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1. **General Policy.** All eligible County employees are required by law to become members of the Ohio Public Employees Retirement System (OPERS).
2. **Contributions.** OPERS is funded by employee and employer contributions. The employee contribution is made through payroll deduction based on gross earnings. Contact the payroll department in the Auditor's Office for current deduction rates.
3. **Social Security Benefits.** County employees participating in OPERS do not contribute to Social Security during County service. Employees should be aware, particularly new employees, that contributions to OPERS may reduce possible Social Security benefits as a result of the Social Security Windfall Elimination Provision or the Government Pension Offset. Given the complexity of these laws, employees are encouraged to seek further information by contacting the Social Security Administration on the web at [www.socialsecurity.gov](http://www.socialsecurity.gov) or on the phone by calling 800.772.1213.
4. **More Information.** OPERS sends all employees an enrollment card and informational brochure to explain the benefit. Annual statements and publications are mailed by OPERS directly to members. For additional retirement information, please visit their website at [www.opers.org](http://www.opers.org) or by contacting OPERS directly by either phone at 800.222.7377 or by mail at 277 East Town Street, Columbus, Ohio 43215.

## **POLICY: Taxable Fringe Benefit Policy**

## **Section 5.22**

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1. **General Policy.** The County is required to tax certain employee fringe benefits in accordance with Internal Revenue Service regulations. These items may include, but are not limited to: personal use of cellular phones, personal use of county-owned vehicles, uniforms, and certain meal reimbursements.
  - a. All employee fringe benefits are taxable unless exempted by IRS regulation. When the county determines that an employee fringe benefit is taxable, the fair market value of the

fringe benefit will be included in the employees' wages and reported on Form W-2, subject to Federal income tax withholding, Medicare, if applicable, and state and local taxes.

- b. The following policy applies to all employees under the Board of County Commissioners and all employees of any Fulton County Appointing Authority who expressly adopts this policy in writing. This policy may also apply to employees in the absence of written policy should the County determine that taxation is required.
  - c. This policy only supersedes existing policy as it relates to taxable fringe benefits. When this policy is inconsistent with other policy statements other than taxable fringe benefits issues, the other policy shall control. Questions should be directed to the employee's appointing authority or to the Board of Commissioners' office.
2. **County-Owned Cellular Phones.** County-owned cellular phones are provided to various designated employees for safety and/or business purposes, as determined by the Appointing Authority. These cellular phones are primarily intended for business purposes but may be used for personal use.
- a. The monthly charges will be paid by the County and treated as taxable income to the employee unless the authorized employee submits certification differentiating business calls from personal use and submitting reimbursement for any and all said personal use within sixty (60) days of invoice.
  - b. The personal minutes incurred during the month should be divided by the total minutes used for the month. This percentage should then be multiplied times the total phone bill for the month. For example, a 600 minute phone plan costs \$50. However, there were 700 minutes used during the month, and the total phone bill was \$95.67.  $200/700 = 0.2857$ . That percentage is then multiplied times the total phone bill.  $0.2857 \times \$95.67 = \$27.33$ . The amount the employee is required to pay the county is \$27.33.
3. **Reimbursement for Business Use of Employee-Owned Cellular Phone.** Upon approval of the employee's Appointing Authority, an employee may request and receive reimbursement for documented business use of the employee's personally owned cell phone. The employee must provide a listing of the calls made from the phone and highlight the business calls made. This listing will be a copy of the employee phone bill. Personal calls may be blackened or redacted. The amount owed to the employee will be calculated using the same method noted above for County owned cell phones. Potential costs associated with such calls may include roaming charges, long distance charges, costs for calling directory assistance, web usage and download fees, and any other charges above and beyond the regular monthly service charge. The employee and appointing authority should discuss the need for such potential charges before they are reimbursed.
4. **County-Owned Vehicles.** The County provides vehicles to designated employees who are on call for emergency purposes. IRS regulations provide, with some exception, that commuting between an employee's residence and the principal place of business is considered non-business travel or personal use and is therefore taxable.

- a. The County will determine which employees are subject to the tax, add the fair market value of the use to the employee's taxable income, and report the same on the employee's W-2. All other personal use of a county owned vehicle is governed by the County vehicle use policy and is strictly prohibited.
  - b. To determine the fair market value, the County will use the flat rate method which has been established by the IRS as \$1.50 per commute to and from work (\$3.00 per day round trip). Employees must maintain a log of the commutes and report usage to payroll once a month.
  - c. Any questions regarding this policy can be directed to the Loss Control Coordinator in the Board of Commissioners' Office.
5. **Uniforms.** In certain circumstances, the Appointing Authority may require an employee to wear a uniform and/or safety equipment. The County will determine which employees are subject to the tax, add the fair market value of the use to the employee's taxable income, and report the same on the employee's W-2. When an employee receives clothing from the County in any capacity, he/she will be advised of the value of the clothing and cleaning costs that will be deemed taxable and will be required to acknowledge receipt.
6. **Meal Reimbursements.** As described in the Board of Commissioners' travel policy, reimbursement for employee meals must include an overnight stay in order to receive tax-free reimbursement. Meal reimbursements for trips that are not overnight will be taxed unless the business nature of the meal is written on the receipt along with whom the business is conducted. Taxable meals will be reimbursed through payroll rather than through the travel reimbursement procedure and all applicable taxes will be deducted and included on the employee's W-2.
7. **De Minimis Fringe Benefits.** The Internal Revenue Code provides that if a benefit is too small to keep a record of and provided too infrequently it may be nontaxable. These are known as de minimis fringe benefits. Examples of de minimis fringe benefits may include occasional or infrequent (not routine):
- a. Personal use of photocopier
  - b. Group meals, employee picnics
  - c. Coffee, donuts, and/or soft drinks
  - d. Flowers, fruit for special circumstances
  - e. Local telephone calls

## CHAPTER SIX – WORKPLACE POLICY AND PROCEDURES

### **POLICY: Fulton County Safety Program**

### **Section 6.01**

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1. **General Policy.** The Fulton County Board of Commissioners is concerned about the safety and health of every employee and visitor to all Fulton County offices, facilities, and workspaces, herein described as the “workplace.” The County through its various Appointing Authorities, Department Heads, supervisors and employees are responsible for maintaining a safe workplace and will provide each employee and visitor with a workplace free from recognized hazards. Further, the County pledges and is obligated to comply with all applicable federal and state safety codes and regulations.
2. **Appointing Authority Responsibility.** Each Appointing Authority is responsible for safety in the area under its control and will be given, by the Board, the assistance, authority, and support necessary to fulfill this responsibility. Every work related accident should be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The Appointing Authority should correct unsafe conditions. The Appointing Authority, as well as the Department Heads and supervisors, should ensure that each employee complies with all rules and regulations, and that safe working methods are used by employees under its supervision.
3. **Employee Responsibility.** Employees are also responsible for maintaining a safe Workplace. Employees shall obey all Workplace safety rules and report all potential or evident Workplace safety problems, equipment malfunctions, violation of Workplace safety rules to the Appointing Authority or its designated personnel immediately. If the Appointing Authority or designee is not available, the employee may report to the Board of Commissioners’ Loss Control Coordinator, but is responsible for notifying the employee’s appropriate supervisor at the first available opportunity.
4. **Incident Reporting.** Employees shall report all accidents or incidents to the Department Head and/or Supervisor immediately if possible, but in no case later than 24 hours from the accident or incident on the Employer’s Accident/Incident Report & Investigation Form.
5. **Refusal to Work.**
  - a. An employee acting in good faith may refuse to work under conditions reasonably believed to present an “imminent danger of death or serious physical harm” to the employee, provided that the condition is not such as normally exists or reasonably might be expect to occur in the normal and regular duties of the employee’s position.
  - b. Prior to the refusal to work, the employee is required to follow these steps:
    - (1) Notify his or her immediate supervisor of the imminently dangerous condition and request correction; and
    - (2) Submit a signed written statement of the imminent danger to the Administrator of Workers’ Compensation as soon as practical. The contact information is: Public

Employment Risk Reduction Program, State of Ohio Division of Safety and Hygiene,  
13430 Yarmouth Drive, Pickerington, OH 43147  
Phone: (800) 671-6858 or (614) 644-2246

- c. An employee who has refused in good faith to perform assigned tasks may, at the option of the Appointing Authority, be reassigned to other tasks with full pay.
- d. Employees may not be disciplined or discriminated against by filing a complaint or by instituting or causing to be instituted any provision of the risk reduction program or if the following conditions are all met:
  - (1) the public employee has requested a correction of the hazardous condition and the hazardous condition remains uncorrected;
  - (2) there was insufficient time to eliminate the danger by resort to the enforcement methods of the Ohio Public Employee's Risk Reduction Program; and
  - (3) the danger was one that a reasonable person under the circumstances would conclude that an imminent danger of death or serious physical harm would result.Discrimination complaints may be filed with the State Personnel Board of Review no later than sixty calendar days from the date that the violation occurs.
- e. However, employees who refuse to perform an assigned task and who fail to meet all of the above conditions in Section 5(d) may be subject to any disciplinary action provided by law or agreement between the public employer and public employee for a refusal to work, including, but not limited to, suspension, nonpayment of wages for the duration of the refusal to work, and discharge

- 6. **Personal Protective Equipment.** When workplace engineering and work practice controls fail to adequately protect employees from safety hazards or reduce health hazards to an acceptable level, the Employer will provide personal protective equipment. Failure to utilize or wear safety equipment and/or personal protective equipment where it has been deemed necessary shall subject the offending employee to disciplinary action up to and including termination from employment.
- 7. **Emergency Action Plan and Pre-Disaster Planning.** The Board of County Commissioners has adopted and maintains a County Emergency Action Plan. For more information, please contact the Board's Loss Control Coordinator. Each Appointing Authority is encouraged to review, modify, and incorporate a site specific emergency action plan and utilize pre-disaster planning to make employees aware and prepared for common disaster scenarios. In addition to specific employee training, employees should know responsible safety personnel, emergency procedures, evacuation routes, location of safety equipment, and critical telephone numbers.
- 8. **Additional Policy and Procedures.** Each Appointing Authority may adopt health and safety policies and procedures that are beyond the scope of this manual. When such additional policies and procedures are adopted, the Appointing Authority will make education and training available to improve safety performance and to ensure compliance. Employees are expected to proactively make safety recommendations and, in general, be actively involved in making the workplace accident free.

## **POLICY: Travel Policy and Expense Reimbursement**

## **Section 6.02**

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1. **Purpose.** The purpose of this Policy is to define those routine business, training, and travel expenses incurred by Fulton County officials and employees, which are eligible for authorization and reimbursement by the County. County officials and employees who are required to expend funds for county routine business, training, or travel should be reimbursed for expenses incurred in accordance with the provisions of this policy. Officials and employees of Fulton County are expected to make routine business, training, and travel expenditures in a fiscally prudent and ethical manner. This policy is not intended to address every issue, exception or contingency that may arise in the course of routine business/training/travel. Specific questions that arise and are not treated in this policy should be addressed to the Fulton County Administrator or the Administrator's designee.

2. **Definitions:**

**Routine Business Expenses** - Those expenses incurred by a County official or employee which occur in the official performance of job-related duties and which do not include overnight lodging. Examples of routine business expenses are mileage and parking.

**Training Expenses** - Those expenses incurred by a County official or employee to participate in educational and/or staff development programs separate from a conference or convention. Training expenses will be treated as "Routine Business Expenses" or "Travel Expenses" depending upon the duration of the training. If the training does not require overnight lodging, it will be treated in the manner of a "Routine Business Expense." If the training requires overnight lodging, it will be treated in the manner of a "Travel Expense."

**Conference and Convention Expenses** - Those expenses incurred by a County official or employee while participating in a conference or convention with a job related purpose. Conference and convention expenses will be treated as "Routine Business Expenses" or "Travel Expenses" depending upon the duration of the conference or convention. If participation does not require overnight lodging, it will be treated in the manner of a "Routine Business Expense." If the conference or convention requires overnight lodging, it will be treated in the manner of a "Travel Expense."

**Travel Expenses** - Those expenses incurred by a County elected official or employee (1) traveling out of the area on County business requiring overnight lodging; or (2) attending a conference or convention of a job-related professional association requiring overnight lodging; or (3) participating in authorized training requiring overnight lodging; or (4) traveling on a day trip using airline services. Expenses in this category must be pre-approved by the Fulton County Board of Commissioners. Examples of travel expenses are registration fees, airfare, lodging, meals, mileage, taxis, car rentals, or parking.

### 3. Approvals.

- a. **Routine Business Expenses/Training Expenses (Without Overnight Lodging).** "Routine Business Expenses," "Training Expenses" (no overnight lodging), and "Conference and Convention Expenses (no overnight lodging) as defined above must be approved through departmental channels as any other expense of the Appointing Authority.
- b. **Approval of Travel Expenses/Training Expenses (With Overnight Lodging).** In addition to proper authorization by an individual appointing authority or department director, all "Travel Expenses," Training Expenses" (with overnight lodging), and "Conference and Convention Expenses" (with overnight lodging) as defined above must be submitted to the Board of County Commissioners for approval prior to the actual travel. Exceptions may be made in cases where an emergency arises and there is insufficient time to obtain prior approval of the Board. In such exceptional cases, the travel must be pre-approved by the County Administrator or the County Administrator's designee.

### 4. General Guidelines.

#### a. Registration Fees.

- (1) The County will pay for registration fees for seminars, conferences, conventions, and training and all activities included in the registration fee. However, for those social and/or entertainment events for which an extra fee is charged, the fee may not be charged to the County unless there is a direct connection to County business. Such expenses must be justified in a memo attached to the request.
- (2) Registration fees should be billed to or paid directly by the County wherever possible. In exceptional circumstances, a County official or employee may pay the registration fee personally and seek reimbursement subsequently.
- (3) The County credit card may not be used for registration expenses relating to seminars, conferences, conventions, and training.
- (4) The Board of Commissioners gives special consideration to Out-of-State Conferences, Conventions, and Training. While the Board recognizes and supports the professional development of County employees, national conferences, conventions and out-of-state training opportunities often have significant expense to attend. Should the employee's appointing authority or department director feel it would be beneficial to the County and the employee, the employee may be permitted to attend a conference or convention or out-of-state training. A memo explaining the convention/conference/training and the benefits to the employee and the County must be included as supporting documentation with the request.
- (5) If an employee has been invited to be a presenter for an organization and that organization has agreed to pay for travel expenses, the employee must deal directly with that organization for reimbursement of the agreed upon travel expenses. The County will not pay for those travel expenses and receive the reimbursement from the organization.

- b. **Transportation.** The method and class of transportation for employee travel shall be that which is in the best interest of the County while minimizing inconvenience for the employee. Distance, time and total cost are the factors to be considered in determining

a mode of travel. The County credit card may be used for expenses relating to transportation subject to the County's "Credit Card Policy."

- (1) **Air Transportation.** Expenses are limited to the cost of coach air fare. Air travel should not be used for trips in the State of Ohio or less than 200 miles one way. The employee must secure the most cost effective flight arrangements consistent with the approved travel plans. Buses, Shuttles, Taxi Service, and Rental cars are permissive additional expenses relating to air travel and should be used in a cost effective manner.
- (2) **County Vehicle.** When a County vehicle is used for authorized travel, and expenditures for gas, oil and/or emergency repairs are necessary, receipts must be submitted in order to receive reimbursement. The employee who will be driving the County vehicle must maintain a valid driver's license. The "Use of County Vehicles" policy also applies.
- (3) **Private Vehicle.** When a private vehicle is used for approved travel or routine business, the use of the vehicle will be reimbursed at the rate approved by the Board of Commissioners. This rate is updated annually. For the most current rate, contact the Commissioners' Office. The owner of any private vehicle authorized for use in travel and routine business must be insured under a liability policy that complies with Ohio Revised Code (ORC) Section 4509.51. The owner/driver must maintain a valid driver's license.

Use of a private vehicle for the convenience of the employee on trips in excess of 200 miles one way will be reimbursed in an amount not to exceed the coach air fare cost of the same trip.

Carpooling is encouraged whenever possible in the course of authorized travel or routine business. When more than one County employee travels in one private vehicle, and all employees have allowable expenses, only the owner of the vehicle will be reimbursed at the allowable mileage charge. In the case of a trip in excess of 200 miles one way, the mileage reimbursement to the owner of the vehicle will not exceed the coach air fare cost of the same trip times the number of employees being transported in the private vehicle. Employees, other than the owner of the private vehicle, will be reimbursed only for actual expenses incurred to and from the authorized travel location.

The point of departure for calculating mileage reimbursement will be either the employee's residence or the employee's work location whichever results in fewer miles reported for reimbursement. Any gasoline charges, damages, repairs or service to private vehicles while being used in the course of authorized travel are the responsibility of the employee/owner since these costs are included in the per mile reimbursement cost.

- (4) **Rental Car, Bus, or Taxi Service.** Reimbursement for the use of a rental car, bus, or taxi service, when used as primary transportation, is authorized only if the use is more economical than any other type of transportation.
- c. **Lodging.** Expenses will be allowed for adequate lodging when accompanied by a properly executed receipt. When an official or employee is accompanied by a non-County

employee, reimbursement shall be made on a single room rate, which shall be indicated on the hotel or motel receipt. Each County official or employee should attempt to have the sales tax for lodging deducted from the lodging invoice, as the County has tax exemption status for all federal taxes and state sales tax. Forms, which include the County's tax exempt number, are available from the Clerk of the Board of Commissioners. County officials or employees should request the government rate for lodging where it is available. Reimbursable lodging costs include expenses for room and room tax only. The County credit card may be used for lodging expenses subject to the "County's Credit Card Policy."

d. **Meals.**

(1) **Meals During Travel/Training with an Overnight Stay.** Expenses for meals are reimbursable for authorized County travel. The maximum meal reimbursement for authorized County travel is the IRS standard per day unless otherwise authorized by the County Administrator. All requests for meal reimbursement must be accompanied by properly executed receipts. Reimbursable meals costs include only daily meal expenses incurred while away from home (after the time of departure and before the time of return).

(2) **Routine Business Meals.** Expenses, paid by the employee, for business meals are reimbursable when incurred in an authorized official capacity for County business/public purpose. All requests for meal reimbursement must be accompanied by properly executed receipts and must disclose the nature of the business conducted and with whom (name, title and organization).

(3) **Meals During Training Not Involving an Overnight Stay.** Often meals for training are included as part of the training registration fees paid directly to the training sponsor. If not, a meal is only reimbursable if authorized by the employee's appointing authority. Such reimbursement will be considered taxable and added to the employee's taxable income and included on the employee's W-2 by the County Auditor. The County credit card may be used for food expenses subject to the "County's Credit Card Policy."

e. **Miscellaneous.** Expenses for parking, tolls, shuttles, business telephone calls, and other miscellaneous travel related costs are reimbursable with appropriate receipt documentation. Please refer to the County's "Credit Card Policy" prior to using the county's credit card for miscellaneous expenses.

f. **Frequent Flyer Miles, Bumping, and Other Frequent Rewards Programs.**

(1) **Frequent Flyer Miles and "Bumping":** Ohio Ethics Law Advisory Opinion Number 91-010, dated December 5, 1991, prohibits a public official or employee of a public agency from accepting, soliciting or using the authority of his or her position to secure, for personal travel, a discounted or free "frequent flyer" airline ticket, frequent flyer miles, or other benefit from an airline, if the airline ticket, frequent flyer miles or other benefit was obtained from the purchase of a ticket used for official travel related to the public agency. The airline ticket should be purchased without the designation of frequent flyer miles. When checking in at the airport prior to a flight, do not have the airline credit the frequent flyer miles to a personal frequent flyer program. Any

financial benefit derived from volunteering to be bumped from at flight related to official County business must be returned to the County.

- (2) Other Frequent Rewards Programs: The County also prohibits a public official or employee from accepting, soliciting or using the authority of his or her position to receive personal discounted or free services if the rewards were obtained from the purchase of services with County funds. Any financial benefit derived from a rewards program must be used directly by the County for official County business only.

5. **Reimbursement of Business/Travel/Training Expenses.** County officials or employees who have incurred routine business/travel/training expenses that are not paid directly by the County, must submit those expenses for reimbursement.

a. **Expenses Incurred During Travel/Training With an Overnight Stay.** When travel/training with an overnight stay has been approved by the Board of County Commissioners, the County official or employee may seek reimbursement after receiving authorization from the employee's Appointing Authority by submitting a reimbursement request to the County Auditor. Receipts are required as documentation for reimbursable expenses (see Receipts Required below). The expenses being claimed will be reviewed by the Auditor's Office to ascertain compliance with the provisions of this policy and the Commissioners' authorization.

b. **Expenses Incurred During Routine Business/Training Without an Overnight Stay.** A County official or employee who incurs County reimbursable costs as a result of engaging in routine business or training without an overnight stay may seek reimbursement after receiving authorization from the employee's appointing authority by submitting a reimbursement request to the County Auditor. Receipts are required as documentation for reimbursable expenses (see Receipts Required below). The expenses being claimed will be reviewed by the Auditor's Office to ascertain compliance with the provisions of this policy.

c. **Receipts Required.** To obtain reimbursement for the following business/travel/training related expenses, receipts are required to be attached to the appropriate expense report.

- Taxis;
- Rental cars;
- Shuttle services;
- Parking;
- Lodging;
- Meals (in connection with travel);
- Business meals (with proper documentation);
- Gratuities (Gratuities should be reasonably given. Meal gratuities should not generally exceed 15% but are limited to a maximum of 20% with proper documentation);
- Registration (should be paid directly wherever possible);
- Business telephone calls;
- Miscellaneous costs (such as conference books, tapes, etc.).

Receipts should be sufficiently detailed to ascertain the expense to which they pertain. All expenses in connection with routine business, travel and training are subject to review

for compliance with this policy; the County reserves the right to deny reimbursement for any expenses which are unauthorized or unsubstantiated with proper receipts.

d. **Non-Reimbursable Expenses.** The following expenses (and those similar to them) are typically NOT eligible for reimbursement under this policy:

- Laundry and dry cleaning;
- Cosmetic/personal care needs;
- Private car repairs;
- Gratuities without a receipt;
- Alcoholic beverages;
- Personal telephone calls;
- In-room movies or premium television channels;
- Expenses by non-county employees;
- Entertainment (unless included in registration/conference fee);
- Mileage and parking incurred by an official or employee in driving between home and the work place.

If a County official or employee chooses to extend a business trip beyond the time needed to accomplish the purpose of the business trip (for vacation, for example), all expenses incurred during that extended time are the responsibility of the official or employee. The time used for the extension of the trip must be vacation or personal leave time.

e. **Reimbursement Timeline.** All requests for reimbursement of routine business, travel or training related expenses should be submitted to the appointing authority or designee within ten (10) business days of the completion of the expense. If "Routine Business Expenses" are accumulated over a period of time, reimbursement forms should be filed within ten (10) business days of the close of each month.

## **POLICY: Use of Vehicles for County Business**

## **Section 6.03**

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1. This policy is applicable to all elected officials, full or part-time employees, summer workers, co-op students, volunteers, and contract employees of Fulton County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Fulton County, Ohio. (For purposes of this Policy, the above-listed categories of persons are referred to as "Employees.") This policy applies to vehicles titled to, purchased or leased by, or insured by or through the Board of Fulton County Commissioners and also applies to privately-owned vehicles operated by Fulton County Employees in the course of their employment or activities on behalf of Fulton County, Ohio and vehicles rented by Employees for travel in and out of Fulton County for authorized reasons. (For purposes of this Policy, the above-listed categories are referred to as "Vehicles" and "Operating a Vehicle" and "Operate a Vehicle.")

Employees are responsible to ensure safe vehicle operation. It is the responsibility of every Fulton County Employee who drives a vehicle to comply with the following:

- All drivers must be at least eighteen (18) years of age;
- All drivers must maintain a valid Driver's License that applies to the type of vehicle to be operated. (e.g. Commercial Driver's License);

- All drivers must operate the vehicle in a safe, courteous and economical manner;
- All drivers and all passengers in vehicles so equipped shall wear safety belts. Infant/child car seats are required to be used in accordance with the laws of the State of Ohio and manufacturers' product manuals;
- All drivers and passengers shall comply with the motor vehicle laws of the State of Ohio.

## 2. Driver Eligibility

- Pre-employment Qualifications.** Hiring of persons who will be required to drive as a function of his/her job duties will be in the sole discretion of Fulton County. An applicant may be denied employment on the basis of an unsatisfactory driving record. At the direction of the Appointing Authority, denial of employment may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or whether they occurred within the State of Ohio.
  - Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of Fulton County:
    - A review of the Employee's Motor Vehicle Record (MVR);
    - A review of the Employee's MVR and a recommendation by Fulton County's insurance carrier ("Insurer")
    - Proof of insurance or compliance with the State of Ohio's Financial Responsibility Laws.
    - Employees whose position requires a commercial driver's license (CDL) will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department-specific policy meets or exceeds the provisions of this policy.
  - Employees, as defined above, who, in the sole discretion of Fulton County, have an MVR record that demonstrates poor driving habits shall not drive any vehicle on behalf of Fulton County without receiving additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the Appointing Authority's satisfaction that there has been substantial improvement in driving abilities, performance and skills Fulton County's Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.
- Active Employment Qualifications.** Fulton County's insurance office shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a vehicle. Motor vehicle records of drivers will be submitted annually for review and approval by Fulton County's Insurer. Upon completion of such review, Insurer will forward to the Employer recommendations regarding continuation of eligibility restrictions.
  - Upon evaluation by Fulton County of an Employee's MVR and a recommendation by Fulton County's Insurer, drivers may have their driving eligibility temporarily or permanently revoked and/or be required to participate in driving or alcohol/controlled substance intervention programs. Any conviction of one or more of the ten violations below appearing on an Employee's MVR during the prior 36 months may result in such action:
    - Driving under the influence of alcohol or drugs;

- b. Leaving the scene of an accident;
- c. Vehicular homicides or manslaughter;
- d. Driving during a period of suspension or revocation;
- e. Reckless operation or other intentional and dangerous use of a motor vehicle;
- f. Attempting to elude or flee a law enforcement officer after a traffic violation;
- g. Road rage statute violations;
- h. Falling asleep while driving;
- i. Use of a motor vehicle in the commission of a crime;
- j. Non-Compliance with Ohio Financial Responsibility Law.

An arrest or conviction for one or more of the above violations on or off county time must be reported within 24 hours of arrest/conviction to the employee's immediate supervisor.

- (2) The following list of motor vehicle-related occurrences, the appearance of which on the MVR of an Employee during the prior thirty-six (36) month period may result in the temporary or permanent revocation of the Employee's driving eligibility or other disciplinary action as:
  - a. Two or more "At Fault" accidents;
  - b. Two or more moving violations;
  - c. One "At Fault" and one moving violation.
- (3) Employees who have driving as an essential function of their position must be insurable under the County insurance plan. Failure to remain insurable will be grounds for discipline up to and including discharge. Employees who are required to maintain CDL licenses will be required to maintain the CDL and loss of a CDL or its privileges will be grounds for discipline up to and including discharge.
- (4) In any case where the appointing authority or the County's Insurance carrier has temporarily or permanently suspended/revoked the Employee's driving eligibility and driving is an essential function of the employee's job, the Appointing Authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.
- c. **Continued Eligibility.** Each Employee's eligibility to operate a Vehicle is within the discretion of the Appointing Authority and extends only so long as the Employee is in compliance with this Policy.
- d. **Violation Reporting.** Any Employee eligible to operate a vehicle must notify his/her immediate supervisor in any case where his/her license has expired or is suspended or revoked. Employee further must report any and all accidents, arrests, violations, and citations issued to him or her. Failure to do so may result in disciplinary action.
- e. **Alcoholic Beverages or Controlled Substances.**
  - (1) No Alcoholic beverages, illegal drugs or controlled substances are permitted in or on a vehicle except as a function of law enforcement or medical emergency vehicles.
  - (2) No alcoholic beverages or illegal drugs are permitted to be transported in or on a vehicle except as a function of law enforcement.
  - (3) No employee shall operate a vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs.

- f. **Firearms.** Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any vehicle.
- g. **Accidents and Traffic Citations.** In the event of a traffic accident or traffic stop for a violation while in the course of employment, Employees shall:
  - (1) Stop, no matter how minor the accident. Report all collisions involving vehicles to the law enforcement agency having jurisdiction.
  - (2) Take precautions to avoid further damage or injury to persons or property.
  - (3) Make no statements admitting responsibility.
  - (4) Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.
  - (5) If collision is with an unattended vehicle or other object, try to locate the owner. Call a law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.
  - (6) The driver of a vehicle is responsible for the vehicle until it has been returned to the garage or collected by a towing service. Unsafe vehicles should not be driven from the scene of an accident. Contact the Fulton County Loss Control Coordinator regarding damage and towing if necessary.
  - (7) Report all accidents and known damage to vehicles to as follows:
    - (a) Report accidents and/or damage to Vehicles to your Supervisor, who shall notify the Fulton County Loss Control Coordinator immediately.
    - (b) Employee's Supervisor shall record and secure all appropriate information on initial accident report and forward to the Fulton County Loss Control Coordinator within twenty-four (24) hours. In the event of a collision, Supervisor shall forward the following information to the Fulton County Loss Control Coordinator:
      - i. A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.
      - ii. Repair estimates, when appropriate, in due course.
 In all investigations of the accident by Fulton County, the emphasis will be on fact-finding, however, discipline may result.
    - (c) The Fulton County Loss Control Coordinator's Office shall file all accident damage reports with the persons named below and with CORSA.
      - i. Copies of the completed forms, law enforcement reports and estimates to the County Commissioners/County Administrator or his/her designee.
      - ii. Accident reports to the Employer or Employee Safety Committee for review.
    - (d) The Employee's Appointing Authority may take such disciplinary action as permitted by department policy, laws and regulations of the State of Ohio, or any applicable collective bargaining agreement.
- h. **Use of Personal Vehicles on Official County Business.**
  - (1) Use of personal vehicles by Employees on County business is discouraged unless a County vehicle is not available, the use of a County vehicle would cause serious inconvenience, extreme hardship or the use of personal vehicles is otherwise authorized by the department supervisor or his/her designee.
  - (2) This policy applies in all respects to Employees who use personal vehicles while on County business.

- (3) Employees who use personal vehicles while on County business shall abide by all County rules, including department rules.
- (4) Insurance coverage for personal vehicles used on County business shall be the responsibility of the owner of the vehicle.
- (5) All employees who use their own vehicle on County business shall first show proof of liability insurance to the Fulton County Loss Coordinator in the amounts of at least \$100,000 per person for bodily injury; \$300,000 per occurrence for bodily injury; and \$100,000 property damage per occurrence; or a combined single limit of not less than \$300,000.
- (6) Employee's supervisor must approve use of personal vehicles on County business in advance of any such use.
- (7) Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.
- i. **Driving Policy Implementation.** The driving record (MVR) of all Fulton County employees holding a position in which driving is an essential function of their job will be reviewed upon implementation of the Fulton County Driving Guidelines. Any employee with 4 or more accumulated points or two (2) or more occurrences on the MVR shall be required to attend a Defensive Driving Course. The Defensive Driving Course will be scheduled during working hours at no cost to the employee.
- j. **Miscellaneous.**
  - (1) Parking tickets, moving violations, and other fines received while operating a Vehicle are the responsibility of the driver.
  - (2) Report theft of or from a vehicle to the law enforcement agency with jurisdiction for investigation.
  - (3) Personal use of county vehicles shall be prohibited unless approved by the Appointing Authority.
  - (4) Cell phone usage shall be limited to hands free devices while vehicle is in motion.
  - (5) For personal safety and County liability, employees and passengers shall comply with the state statute on seatbelt usage.
  - (6) Passengers not on official County business (i.e. children, spouses, friends, etc.) are not permitted in County-owned vehicles.
  - (7) The use of tobacco products is prohibited in all county-owned or leased vehicles.

## **POLICY: Electronic Systems and Equipment Use Policy**

## **Section 6.04**

1. **Purpose.** This administrative policy establishes procedures and guidelines that specify who owns and controls the information within Fulton County's Electronic Information Processing System ("System"), the County's right of access to the information contained in the System, and the use of the system, associated network, software and equipment.  
A further purpose is to ensure that records and communications are maintained and stored according to Ohio Public Records law.

All County employees and elected officials should be aware that they are subject to the Ohio Government Standards and Practices Laws. In general, these laws prohibit any elected official or employee from using their "official position" (employment) to obtain financial benefit or avoid financial detriment.

2. **Scope.** This Policy applies to all County employees and others ("Users") who have access (direct or through any type of remote access solution) to the System. The System includes all computer devices (whether network or individual), software and hardware (CPU's, memory devices, storage devices and storage media), telephones, cellular-based communications devices that access the County network, voice mail, faxes and printers. For purposes of this Policy, an electronic record or communication includes any data or information in any form processed or stored within the System whether generated directly or indirectly.

This Policy will be administered by the County Administrator's Office in accordance with the authority delegated to the County Administrator by the Board of County Commissioners. Where any section, subsection, sentence, clause, or phrase of this Policy is found to conflict with any state or federal law or administrative rule, the terms of such laws or rules shall prevail.

3. **Policy.** The System is a County resource and tool for assisting in the conduct of County business. Unless otherwise specified by initial agreement, all programs, documents, and data generated, processed, and/or stored on the System are County property. Use of the System shall be conducted in accordance with this Policy.
4. **Backup of Electronic Files.** The Information Systems Department periodically backs up all network directories including e-mail. These back-ups are not intended for storage of documents, but are solely for the purpose of restoring needed, active files in the event of accidental deletion or data loss. Users are not to rely on these back-ups as a document retention mechanism. Local hard drives on personal computers (PCs) are not backed up.
5. **Computer Network Security Guidelines.**

Users are responsible for following reasonable security practices regarding System physical access, System configuration, and network rights.

  - a. **System physical access.**
    - (1) Log out of the network or lock your personal computers when not in use. Shutdown your personal computers over weekend periods, unless there is a business purpose for leaving the computer on.
    - (2) Follow reasonable guidelines for securing work areas during off-hours. This calls for a work group procedure to assure that the last person out locks the office.
    - (3) Identify "high risk" locations to Information Systems Department. A work area in which a workstation cannot be effectively secured for County-only utilization, or is expressly configured for access by the general public, is considered to be "high risk."
    - (4) No member of the general public should be provided access to a county PC unless that PC has been configured for public access.

- (5) To ensure network security, no County User shall connect any device to the County network (including wireless) without prior approval by Information Systems Department.
  - (6) Report any concern regarding unauthorized utilization or suspected tampering at the workstation to Information Systems Department immediately.
- b. **Network Rights.**
- (1) Network passwords are utilized as a key element of the System security strategy. Passwords are required of all Users. System defined requirements for minimum password length, password renewal, and password reuse applies to all Users of the System. System Users should protect their passwords, share only as necessary, and change them immediately if the password is compromised. Periodic password changes, with limitations on password reuse, are enforced as a matter of network security. The Information Systems Department may require passwords that do not meet minimum-security requirements to be changed immediately.
  - (2) A User profile is established for each individual at the time network rights are established. This profile will limit the User's session to the information resources required for performing his or her job. If the User feels he or she is constrained by rights afforded through an existing profile, a request for review should be placed with Information Systems Department. Additional access should not be achieved through sharing the network rights of others, nor should it be explored through attempting to access systems on an unauthorized basis. If a user needs additional rights, the request must come from the authorized department head or elected official.
  - (3) Users assigned remote access rights are to safeguard security information provided including phone numbers, security codes, and passwords. Remote access capabilities are assigned to specific individuals and are non-transferable between Users.
- c. **Security for Devices that Operate off the Network (including portable devices).** Password protection should be employed on all notebooks, tablets, and county/personal smart phones with access to county resources. Devices that do not support password protection should not be used to store county data.
- d. **Unauthorized Use of Utilities and Network Tools.** Many sophisticated system monitoring and diagnostic tools are readily available through the Internet. Implementation of any type of keyboard capture, network diagnostic, scanning, "sniffing", or port mapping tool by Users is prohibited. Contact Information Systems if there is a requirement to use these devices.
- e. **System Configuration.**
- (1) Careful control of access points to the network is vital to System security. No User shall install, or allow an outside service provider to install any software or hardware solution that allows remote access or remote control of a device within the County network. No User shall utilize any unauthorized software package or service to gain access to a device outside the County network. A network connected PC configured with a remote access or remote control software, with or without a modem represents a significant security exposure to the entire network. Users are not allowed to set up remote access to the county System. Remote access is to be coordinated with Information Systems.

- (2) A firewall is maintained to separate the County network from the Internet. Many web-based services offered by outside agencies, for communicating and transferring data, require modifications to the firewall. Every modification constitutes a compromise in network security. The County will assess requests for access through the firewall on a case-by-case basis through a formal request process.
- (3) No User should attempt to modify their desktop operating system or software applications installed on the System. This includes the use of registry editors, any type of disk management software, menu, or other utility not included in the standard operating system. Users should not experiment with their PC operating system configurations using "tips and tricks" type information found in magazines, bulletin boards, user groups etc.
- (4) No User should install or download any software or program onto the System; this includes PCs not connected to the County network. In general, Information Systems is solely responsible for installation and configuration of software on PCs and the System. Some specialized circumstances warrant Users installing and maintaining their own PC applications (i.e., AutoCAD and various GIS applications) provided they do so by specific agreement with Information Systems. Users should consult Information Systems prior to responding to any prompt from an Internet-based source to upgrade standard components on a County PC (i.e. Adobe Acrobat, Flash, components of Internet Explorer). Additional guidelines for software licensing and ownership are defined in the software security portion of this Policy.
- (5) Users are not to install software that enables a workstation to serve as a communications host for remote access. No User shall install or download any software or activate any service that enables a PC or any component of a User profile to communicate through the firewall to any outside service, host, remote PC, etc. This includes "web shots" type novelty programs, "cellular" e-mail services, remote control software, streaming video and audio not related to county business, and any of the emerging products that utilize ports configured for standard browsing, file transfer, and Internet e-mail routing.
- (6) Information Systems Department relies on standard configurations when restoring systems after component failures. Information Systems is not responsible for restoring any custom configurations implemented by end users in violation of this policy.
- (7) Users should not disable or modify the network security software placed on their system including anti-virus software. Users connecting to the network are obligated to participate in distributed updates of their systems.
- (8) Users should limit the use of local drives (i.e. C:drives) for storing data. Any storage of data on the local drives should take place with the understanding that in the centrally administered network, the local PC hard drive is the least secure location to place data. Local drives do not receive the full protection of the network security system and are not backed up.
- (9) Users should not use their County PC to directly access the mail services of Internet Service Providers or other organizations. If a job function requires a User to access information contained in e-mail messages sent to a User's external/personal account,

the User should forward the relevant messages to the User's Fulton County e-mail address before reading the messages or downloading any attachments. This is required to ensure network security and to minimize potential virus contamination.

**6. Software Licensing Policy.**

- a. All programs, documents, and data generated, processed, and/or stored on the System are County property, unless otherwise specified by a license agreement. The County licenses the use of copies of computer software from a variety of outside companies. The County does not own the copyright to this software or its related documentation. The County, except for copies for backup purposes or unless expressly authorized by the copyright owner(s), does not have the right to reproduce it for use on more than one computer or network.
- b. Users are not permitted to copy any software or program on or connected to the System.
- c. County employees learning of any misuse of software or related documentation within the County should notify the Information Systems Supervisor.

**7. Electronic Communications Tools.** This part of the Policy covers electronic communications tools including network-based electronic mail, scheduling, browsing, and information management capabilities. The electronic communications tools are County resources provided to assist in the conduct of County business. Except as allowed under this Policy, the electronic communications tools may only be used for County business.

**a. E-Mail**

- (1) **Usage.** E-mail is a network based electronic communications, scheduling, information management tool and is provided as a tool in the conduct of County business. Each department should establish internal guidelines for the appropriate level of formality for internal e-mail.

The e-mail system is maintained as a messaging environment and is not intended as a Personal Information Management or Project Management repository. Users are cautioned against depending on the system for these purposes. The emphasis of the backup strategy for the e-mail environment is on establishing the capability to restore current messages received and retained on the system in the last ten working days.

E-mail communications must not be used improperly. Examples of improper use include but are not limited to:

- a) personal gain, personal business, or political ventures;
- b) soliciting junk mail or subscribing to newsgroups unrelated to County business;
- c) the sending of offensive messages; and
- d) personal use except in compliance with this Policy.

"Offensive" for the purposes of this Policy is broadly defined as containing information or images that would be considered inappropriate in the County workplace or that would contribute to creating a hostile work environment. Examples include, but are

not limited to; content which could make others feel uncomfortable because of their treatment of topics involving gender, race, disabilities, or sexual matters.

- (2) **Group or General Circulation.** The System's ability to send a message to a select group, or to all Users, should only be conducted on a limited basis. All broadcast e-mail messages should identify the source by department and name. Responses to broadcast messages should be directed to the source. When determining whether a message should be broadcast on a department-wide or countywide basis, make sure that you know your audience. Avoid broadcasting messages to people with whom you do not ordinarily have direct contact. Each department is responsible for broadcast e-mails sent by employees of the department. Procedures regarding the approval of such e-mail will be left to the individual departments.

The prohibitions for individual e-mail communications apply to group e-mail communications. Any departmental questions regarding a group message should be addressed to Information Systems.

- (3) **Public Records and Retention.** Users are responsible for properly retaining a record of their e-mail in accordance with public records guidelines. E-mail should be stored in the paper file or project file to which it relates. In the current environment, printing a copy of the e-mail and storing it in the paper file can achieve this. If an e-mail is required to be retained, the electronic version of the e-mail must not be deleted until a printout is filed with the paper file. This process may be automated in the future under initiatives to implement updated e-mail capabilities.

Users should not store excessive numbers of e-mails, especially including attachments, on the system. Periodically print, save to disk or delete e-mails as appropriate.

Nearly all-public records must be retained for some varying period of time. The only exceptions are very routine items that do not contain any significant information about the county's programs, such as rough drafts, advertisements, e-mails setting up meetings etc. If you have doubts about the retention of any e-mail, print a copy for filing.

- (4) **Confidential Information.** E-mail should not be used to transmit confidential information (i.e., information that is exempt from public disclosure). Direct any questions to the Office of County Counsel.
- b. **Browsing Software.** Access to the Internet is provided as a tool in the conduct of County business. Many resources are available through Internet connections to assist employees in performing their work in a more efficient and effective manner. Typical usage includes using a browser tool to conduct research or find information and the communication or exchange of information with others for business purposes. Employees are encouraged to explore and use these resources in the conduct of County business.
- c. **Telephones and Voice Mail.** Telephones and the voice mail system are provided as a tool in the conduct of County business. Telephone and voice mail use should be consistent with this Policy.

d. **Fax Machines.** Fax machines are provided as a tool in the conduct of County business. Personal use is discouraged, but is allowed for infrequent use. Employees must reimburse the County \$2.00 per page for incoming and outgoing personal faxes.

8. **Public Records.** Electronic records and communications are public records and subject to retention as required by Ohio's Public Records Laws. Electronic records and communications, like other public records, must be available upon request to any member of the public, unless the record or communication is exempt by law from disclosure.

Public employees have an obligation to apply the appropriate retention rules to electronic records created, sent, and received. The County Records Director has adopted a retention schedule for county. It specifies how long records must be kept to satisfy administrative, legal, fiscal, and historical requirements for maintaining public records. In general, records are divided into three categories:

- Policy and historical correspondence states or forms the basis of Policy, sets important precedents, or records historic events related to the County or operations of each department. Retain these records permanently.
- Program correspondence documents and adds significant information to the program or primary functional responsibility of a department. Retain these records for the same period as the program or functional record series to which it relates.
- Routine correspondence is of a transitory or housekeeping nature, which does not add significant information to the program or primary functional responsibility of the department. Retained as needed. These records may be deleted, when not needed.

It is not the intent of this Policy to define public records, retention schedules, or to identify records that are exempt from disclosure under the Public Records Laws. Questions concerning the definition of "public records" or which records are exempt from disclosure should be directed to the Office of County Counsel. Questions about record retention schedules should be directed to the County Archives Supervisor.

Never delete a record after you become aware that a public records request or subpoena has been received covering that record.

9. **Access and Privacy.** In view of the applicability of Ohio's Public Records law, Users of the System should be aware that there is no right of privacy for any electronic record or communication. Users should be aware that the County might access, view or listen to any electronic record or communication in the System.

All Users should also be aware that the use of a password does not give rise to any right of privacy and that the use of the deletion keystroke does not necessarily mean that a record, communication, or document has been eliminated from the System.

Users are prohibited from engaging in any unauthorized transmittal, copying, modification or removal of data on County systems. Nor should any User provide unauthorized access to

county systems. Many voice and data systems create and maintain detailed records of user utilization. While there is no active monitoring of these activity logs, they are accessible for consideration in disciplinary actions and can be subject to public information requests.

10. **Personal Use of the System and Software.** The County does not prohibit personal use of the System (i.e., sending e-mail over the Internet, accessing sites on the Internet, typing a letter, or making a local telephone call) provided that the use is infrequent and brief. The County recognizes that employees occasionally have a need to talk to family members, schedule service technicians, confer with children's schools, and take care of a variety of other matters during "regular" working hours and that, in today's electronic environment, use of the System for these purposes may be more efficient. The County believes that personal use for these purposes during regular working hours is less disruptive than requiring employees to take formal breaks or leave work, provided that the use is brief, infrequent, and in compliance with the following guidelines and understandings:
- a. There is no right of privacy for any electronic record or communication, whether personal or not, on the System.
  - b. The use of the County phone system for personal long-distance phone calls is prohibited, unless placed by using a personal calling card or by calling collect. The calls must be infrequent and brief.
  - c. Personal communications to group "Bulletin Boards" or "Chat Rooms" is prohibited.
  - d. Employees shall not use any component of the System for illegal activities, engaging in profit making ventures, or personal business. An example of "personal business" for purposes of this Policy is on-line stock trading or subscribing to a financial newsletter for delivery via County e-mail.
  - e. Employees shall not access sites containing pornographic or offensive materials.
  - f. Downloading software or any information, which requires storage on County equipment, not related to your assigned job responsibilities, is prohibited.
  - g. Unauthorized access to protected resources is prohibited.

Employees shall not download or stream music, videos or any other copyrighted material for personal use. Downloads of such material for official business is allowed only if the appropriate permissions, licenses or other authorizations are obtained and an authorized supervisor approves the downloading. Employees who use the system to violate copyright laws shall be personally liable for any fines, penalties or other costs.

At the current time, limited personal use of the System is not anticipated to increase any hardware or software costs to the County and should not result in any charges or costs to the County provided this Policy is followed. However, if personal use by a User results in an additional fee or charge to the County, the User shall reimburse the County for this additional cost, or the market rate of such charge, if a County discount applies. Printing a personal e-mail message or letter on a County printer are examples of actions, which result in an additional cost.

Employees are encouraged to limit personal use of the System and apply good judgment and common sense. Employees are specifically warned that, in addition to any potential violation of this Policy, routine use of the System in order to avoid a financial detriment (including purchase of a computer or subscription to an Internet access provider) may be considered an ethics violation and subject an individual to penalties provided under State law.

11. **Content.** All records, messages, and communications should be appropriate, professional, and courteous.
12. **Violation of Policy.** Violation of this Policy may constitute just cause for disciplinary action up to and including discharge.

## **POLICY: Social Media Policy**

## **Section 6.05**

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Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

1. Comments or displays about coworkers, supervisors or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, nationality, disability, military status or other protected class, status, or characteristic.
2. Statements or uses of the County's logo which are slanderous or detrimental, including evidence of the misuse of the County's authority, information, insignia or equipment.
3. Unprofessional communication which, if left unaddressed, could potentially result in a civil or criminal cause of action against the County. Unprofessional communication also includes that which the County could demonstrate has a substantial risk of negatively affecting the County's reputation, mission or operations, such as slander, defamation or other legal cause of action.
4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
5. Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

The employee who posts such information or assists in posting such material may be subject to disciplinary action.

Social media sites may be inspected by the County for cause to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to his supervisor. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Ohio Constitutions.

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**POLICY: Use of Tools, Supplies, Vehicles, and Equipment** **Section 6.06**

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The Employer provides certain tools, supplies, vehicles, and equipment to employees for the performance of their job duties. All employees are responsible for using and maintaining such assets in a safe and proper manner.

Loss, misuse, neglect, abuse, or theft of Employer assets is strictly prohibited, and may result in discipline, up to and including termination, and/or demand for payment to the Employer for the cost to replace or repair such asset(s).

1. **Employer-Owned Equipment or Assets.** Use of Employer-owned assets or equipment for other than work purposes is prohibited unless such use has been authorized in advance by the Appointing Authority or designee. For computers and electronic devices see the computer policy.

Presence in, or use of, Employer facilities (i.e., garage, office, etc.) during non-work hours by employees is prohibited, unless authorized by the Department Head or in the event of an emergency.

2. **Non-Employer Owned Assets.** Any tool, supply, vehicle, electronic device, or equipment that is not employer-owned or provided should first be approved for use by Employer or designee prior to use for County purposes. Employee assumes all risk for loss or damage to his or her personal assets.

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**POLICY: Personnel Files, Maintenance and Inspection** **Section 6.07**

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1. The Appointing Authority shall keep and maintain official personnel files except those personnel files for employees of the Department of Job and Family Services which shall be kept by the Job and Family Services Director. Under the authority of the Board of Commissioners, the Clerk of the Board and the Director of the Department of Job and Family Services will maintain complete and accurate personnel files. These records shall include, but may not be limited to, such information as:
  - a. personal data;
  - b. employment application documents;
  - c. references;
  - d. medical reports;

- e. documentation pertaining to an employee's change of status;
- f. performance evaluations;
- g. communications or disciplinary actions; and
- h. records of all approved leaves of absence.

Medical and Family and Medical Leave Act files are exempt from disclosure and shall be kept in a separate, confidential file.

2. The Employer will use the personnel files in accordance with RC Section 1347.01 et. seq. (regarding personal information systems) and RC 149.43 et. seq. (regarding the availability of public records), or as otherwise required by law or court order. Only those persons authorized to release personnel records may do so.
3. Representatives of employees requesting to obtain or review confidential records as defined in the public records policy must provide a written release from the Employee requesting the record.
4. Employees' failure to report changes in their personnel files may prevent them from obtaining or maintaining valuable employee benefits or services. It is each employee's responsibility to report any change of personal information within three (3) calendar days of the occurrence of the change. Notification shall be made by the employee in writing to the Department Head. The Department Head will make certain that notification of any change affecting payroll or benefits is forwarded to the proper authorities. Failure to report changes that affect fringe benefits may result in the denial of the affected benefits.
5. For the purposes of this section, a change in personal information shall include but not be limited to the following:
  - a. Name change;
  - b. Address change;
  - c. Telephone number change;
  - d. Marital status change;
  - e. Changes which may affect employee benefits (i.e., insurance and pension(s) such as changes in dependents or beneficiaries);
  - f. Citizenship;
  - g. Association with a government military service organization; or
  - h. Any changes in licensure or insurability relevant to the employee's job.
6. On-call personnel are required to notify the Appointing Authority immediately of all temporary changes in telephone and address when on-call.

## **POLICY: Uniforms**

## **Section 6.08**

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1. Certain work requires the wearing of a uniform to distinguish the employee from others and to enhance the employee's ability to perform the work.

2. When a specific uniform is required, it will be supplied by the County or an employee will be reimbursed for their purchase consistent with IRS guidelines, the Taxable Fringe Benefit Policy 5.22, and any other Employer guidelines.
3. All uniforms remain the property of the Employer or the Employer's supplier and shall be returned upon termination.
4. Uniforms shall not be worn by employees for other than official Employer related business and while commuting to and from work.

## **POLICY: Bulletin Boards**

## **Section 6.09**

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1. **General Policy.** It is the general policy of the Board of Fulton County Commissioners to provide and maintain bulletin boards as a means of communicating information to employees and to the public.
2. **Postings.** All County notices, federal and state required notices, and legal notices shall be posted in an area visible to the intended audience. Information of general public interest may be posted by the Board or the appropriate Appointing Authority, including authorized designees, herein "Authorizing Authority," provided the posting is properly authorized and is not otherwise prohibited by law or policy. Non-profit organizations are welcome to apply to promote upcoming events and to conduct fund raisers.
3. **Authorization of Use.** Bulletin boards may only be used for the posting of notices or written material which has been authorized by Authorizing Authority. Authorization will be made upon a first-come, first serve basis, subject to timeliness, available space, length of posting, and other relevant factors as determined by the authorizing authority. Such posted material shall only be removed by the Authorizing Authority.
4. **Prohibitions.** Bulletin boards may not be used for postings which contain:
  - Commercial solicitation or sales;
  - Personal attacks upon any employee or public official; scandalous or derogatory attacks upon any employee, public official, or governmental organizational at any level; attacks on and/or unfavorable comments regarding a candidate for public office; and attacks on any organization or group;
  - Obscene language or obscene depictions;
  - False, misleading, or content which is deficient in any material detail; or
  - Other postings not deemed in the public interest.
5. **Approval Procedure.** Employees, members of the public, and organizations desiring to post information on a bulletin board shall submit a written request to the Authorizing Authority for prior approval. This request shall include the name of the person and sponsoring organization, if appropriate, making the request to post the material, a copy of the material

to be posted, and the period of time the material is requested to be posted. Employees, members of the public, and non-public organizations, as a condition of approval, shall agree to indemnify, and to hold harmless the Fulton County Board of Commissioners from all liability which may arise from the posting. Approval may be revoked, by the Authorizing Authority if the posting is unreasonably interfering with public convenience or the safe use of public property, undermining the efficient conduct of county government, or other relevant factors as determined in the discretion of the Authorizing Authority.

6. **Public Records.** Should the posting be deemed a public record under appropriate law, statute or policy, the posting shall be made available, as any other public record, according to the Board of Commissioners' public records policy. If the posting is not determined to be a public record, a copy will only be made available at the discretion of the posting authority.

### **POLICY: Public Records – Inspection, Release, and Retention Section 6.10**

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1. **Purpose.** The Fulton County Board of Commissioners acknowledges that the Board, its various offices, departments, and functions and each elected official have many records that are used in the administration and operation of County government. In accordance with state law and the Fulton County Records Commission, the County has adopted Schedules of Records Retention and Disposition (RC-2) that identify these records. These schedules identify records that are stored on a fixed medium that are created, received, or sent under the jurisdiction of the County and documents the organization, functions, policies, decisions, procedures, operations, or other activities of the County. The records maintained by the County and the ability to access them are a means to provide trust between the public and the County. In order to maintain this trust and purpose, the Board and any Elected Official or agency who adopts this policy in writing, hereafter referred to as the County, hereby adopts this public record policy.
2. **Scope.**
  - a. Each office, department or function that maintains records has or will have a designated employee who serves as the custodian of all records maintained by the office, department or function. Each record custodian has a copy of the office, department or function's public records policy. Only those persons authorized to do so may release public records and the unauthorized release may result in discipline.
  - b. Each office, department or function's public record policy, as well as the Records Commission's Schedules of Records Retention and Disposition (RC-2), are or will be located at every location in which the public may access the office, department, or function records.
  - c. Each office, department or function's public records policy is or will be located in the office, department or function's policies and procedures manual.
  - d. Each office, department or function displays or will display a poster which generally describes the office, department or function's public records policy at every location in which the public may access the office, department or function's records.

3. **Definitions:**

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

**Public Record** (As used in Section 149.43(A)(1) of the Ohio Revised Code) - Records kept by any public office, including, but not limited to, state, county, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in Ohio kept by a nonprofit or for-profit entity operating such alternative school pursuant to Section 3313.533 [3313.53.3] of the Revised Code.

4. **Fees.**

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

(1) For photocopies of either letter or legal size documents there shall be no fee for the first 20 pages. For requests for photocopies that exceed twenty (20) pages the fees shall be five (5) cents per photocopy calculated from the twenty-first (21) photocopy. Advance payment is required for all requests that exceed twenty (20) pages before any copies are prepared.

(2) For video tapes, cassette tapes or for any other type of media, the fee shall be the replacement cost or the reproduction (copying) cost. No reproduction costs shall be charged unless a commercial or professional service is contracted to provide the copy.

(3) Established costs and fees under this policy shall be clearly posted and visible to the public at all locations authorized to provide copies of public records.

(4) The County reserves the right to charge fees authorized by law.

b. Cost and fees established under this policy represent the actual cost. The actual cost means the cost of depleted supplies, records storage media costs, actual mailing and alternative delivery costs, or other transmitting costs, and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services.

5. **Availability.**

a. All public records maintained by the County shall be promptly prepared and made available for inspection, and upon request copies of the public record shall be made available at cost, to any person, corporation, or governmental agency at all reasonable times during regular business hours, as well as a copy of the County's current records retention schedule(s). Departmental, office or functional records are the property of the County. No record shall be removed, changed, modified or destroyed except by a County employee in the performance of their official duties and as authorized under Ohio law.

b. For the purpose of enhancing the ability of the County to identify, provide for prompt inspection as well as, provide copies of the requested items in a reasonable period of

time, any person, corporation, or governmental agencies requesting access to inspect public records and/or receive copies of public records will be asked to voluntarily complete a written request explaining or identifying the records they wish to inspect and/or receive copies of. **In no event shall an individual be denied access to inspect and/or obtain copies of public records based on their refusal to complete a written request and/or disclose their identity.**

- c. Requests for the inspection and/or copies of public records shall be directed to the office, department or function that maintains the record.
- d. The regular business hours for the offices, departments and functions of Fulton County are typically Monday through Friday except holidays. However, each elected official establishes the hours of operation of each office, department or function. Persons interested in making public records requests should contact the individual office, department, or function for specific hours of operation.
- e. Each Office, Department and / or function has or will have designated an employee within every department, office or function under their direction to act as the custodian of records for their assigned unit.
- f. In the event a request is made to inspect and/or obtain a copy of a record maintained by the County whose release may be prohibited or exempted by either state or federal law, the request may be forwarded to the County Prosecutor for research and/or review if in the judgment of the record's custodian such research and/or review is necessary to uphold the law. The person submitting the request shall be advised that their request is being reviewed by legal counsel to ensure that protected and/or exempted information is not improperly released by the County.
- g. Records, whose release is prohibited or exempted by either state or federal law, or not considered a public record as defined by R.C. 149.43 (A)(1) shall not be subject to public inspection. The appendices that follow this policy have a list of records, but not necessarily an exhaustive list, of records maintained by the County that may not be inspected or copied.

## 6. **Public Record Requests.**

- a. Mailed Requests for Public Records
  - (1) Upon receiving a written request for copies of a public record made in accordance with section 149.43 of the Ohio Revised Code via the United States Postal Service, the County shall promptly respond to the request.
  - (2) An authorized employee of the County shall, by any means practical, contact the requestor and advise them that advance payment is required prior to providing copies of public records via the United States Mail System, and in addition, the fee shall also include the cost of postage and the envelope.
  - (3) When practical, the County may forward copied records by any other means reasonably acceptable to the requestor.
    - (a) If a person requests a copy of a public record, the County shall permit the requestor to choose to have the public record duplicated upon paper or upon the same medium upon which the County maintains the public record or upon any other medium on which the record can reasonably be duplicated as an integral

part of the normal operations of the County, or the responsible County employee for the public record.

- (b) Persons seeking copies of public records are not permitted to make their own copies of the requested records by any means.
- (4) In accordance with section 149.43(B)(7) of the Ohio Revised Code, the County limits the number of requested public records, to be transmitted through the U. S. Mail, to a maximum of ten records per month, unless the requestor certifies that the records or information in them will not be used for commercial purposes.
  - (a) "Commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or nonprofit educational research.
- (5) Authorized County employees shall comply with the following procedures upon receiving a valid public record request through the United States Postal System:
  - (a) County employees shall promptly process requests.
  - (b) Requestors shall be charged the postage fees and the cost of the envelope required to properly send the requested records through the mail.
- b. Written or verbal requests for copies made by the public records requester or their designee shall be processed in the same manner as mailed requests.

#### **7. Response and Denials of Public Records Requests.**

- a. If the County receives a request for a record that it does not maintain or the request is for a record which is no longer maintained, the requestor shall be so notified in writing that one of the following applies:
  - (1) Their request involves records that have never been maintained by the County, or
  - (2) Their request involves records that is no longer maintained or has been disposed of or transferred pursuant to applicable County Schedules of Record Retention and Disposition (RC-2), or
  - (3) Their request involves a record that has been disposed of pursuant to an Application of the One-Time Records Disposal (RC-1); or
  - (4) If the record that is requested is not a record used or maintained by the County an authorized employee of the County shall notify the requestor that in accordance with Ohio Revised Code Section 149.40, that the County is under no obligation to create records to meet public record requests.
- b. Ambiguous or Overly Broad Request for Public Records. If a requestor makes an ambiguous or overly broad request or has difficulty in making a request for copies or inspection of public records under section 149.43 of the Ohio Revised Code such that the public office or the County employee responsible for the requested public record cannot reasonably identify what public records are being requested, the public office or County employee responsible for the requested public record may deny the request, but shall provide the requestor with an opportunity to revise the request by informing the requestor of the manner in which records are maintained by the public office and accessed in the ordinary course of the public office's or County employees duties.

- c. Denial of Record Maintained by the County. The County may deny a request for a record maintained by the County if:
  - (1) The record that is requested is prohibited from release due to applicable state or federal law.
    - (a) Employees of the County shall consult legal counsel if they are unsure of whether the record requested should be withheld from disclosure.
      - i. Employees may check the appropriate box on the appropriate form if they are simply applying the statutory exclusion.
      - ii. Otherwise, legal counsel will respond with the legal authority for a denial.
  - (2) If a request is ultimately denied, in part or whole, the responsible County employee shall provide the requestor with an explanation, including legal authority, setting forth the reason(s) the request was denied.
    - (a) If the initial request was provided in writing then the explanation shall also be provided in writing;
    - (b) The explanation shall not preclude the County from relying upon additional reasons or legal authority in defending an action commenced under law.

**8. Redacting Exempted Records/Procedure.**

- a. "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Ohio Revised Code.
  - (1) Redaction shall be deemed a denial of a request to inspect or copy the redacted information, except if federal or state law authorizes or requires a public office to make the redaction.
  - (2) If a request is ultimately denied in part or in whole, the County or the person responsible for the requested public record shall provide the requester with an explanation, including legal authority, setting forth why the request was denied.
- b. If a public record contains certain information that is exempt from the duty to permit public inspection or to copy the public record, the responsible County employee for the public record shall make available all of the information within the public record that is not exempt.
- c. When making that public record available for public inspection or copying that public record, the public office or the person responsible for the public record shall notify the requester of any redaction or make the redaction plainly visible.
- d. The releasing employee shall then reproduce a copy of the page with the redactions; the resulting copy shall be the page that is released to the requester.
- e. The first reproduction page, with the original redactions made by the employee, is the work sheet. It shall be attached to the original record, and maintained in accordance with the retention period established for the original document.

- 9. **Grievances.** If a person allegedly is aggrieved, due to the inability to inspect a public record or due to the inability to receive a copy of the public record; the person shall be advised that they may:

- a. Contact the office, department, or function's senior representative. If the senior representative is unsure how to proceed, the senior representative shall contact the County Prosecutor's Office for advice.
- b. If the person is not satisfied after contacting the office, department, or function's senior representative, the requestor shall be advised that R.C. 149.43(C) provides a legal means for addressing his or her complaint.

**10. Training and Education.** The County continues to update and address all education, training, disclosure, and policy requirements mandated by R.C. 109.43 and R.C. 149.43(E).

## CHAPTER SEVEN – EMPLOYEE CONDUCT

### **POLICY: Ethics of Public Employment**

### **Section 7.01**

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1. All Fulton County employees are expected to maintain the highest possible ethical and moral standards and to perform within the laws of the State of Ohio and other rules and regulations as may be set forth by the Employer. It is important to remember that the compensation of all employees is paid through taxes and user fees. Therefore, each employee assumes the responsibility to serve the public in an honest, effective, and friendly manner. Discourtesy or rudeness to the public and to other employees will not be tolerated.
  
2. In recognition of the above, employees shall not:
  - a. Use their position for personal gain or engage in any transaction which is in conflict with the proper discharge of the employee's official duties;
  - b. Use or disclose confidential or proprietary information concerning the property, government, or affairs of the County, any citizen, or any patient without proper legal authorization;
  - c. Solicit or accept anything of value, whether in the form of service, loan, item or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the County;
  - d. Accept from a person, firm, or corporation doing business with the County, any material or service for the private use or benefit of the employee;
  - e. Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper performance of the employee's official duties or would tend to impair independent judgment or action in the performance of official duties;
  - f. While an employee, or for one (1) year thereafter, represent a client or act in a representative capacity for any person on any matter in which the employee personally participated as an employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion;
  - g. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the County unless accepted as provided in O.R.C. Section 102.04;
  - h. Have a personal interest in a contract with the County or use their position or authority to secure approval of a public contract in which the employee, a member of the employee's family or business associate has an interest; or
  - i. Use their position or authority to secure approval of the employment of a member of the employee's family or a business associate or to obtain a pay increase, fringe benefit improvement, or promotion for such individual(s).
  
3. Any employee in doubt as to the application of this policy or other ethics laws or regulations should consult with his or her Department Head. The Department Head shall confer with the

County Administrator who may seek the advice of the Fulton County Prosecutor who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.

4. The Employer will provide all employees with a copy of Ohio's Ethics Laws, (Ohio Ethics Law and Related Statutes) including O.R.C. Section 102 and O.R.C. Section 2921.42 within fifteen (15) days of hire and the Employer will require employees to acknowledge receipt in writing.
5. Employees shall not directly or indirectly solicit any gift or accept or receive any gift from any person who is served by, or receives services from, the department with whom the employee is employed – whether it be money, services, loan, travel, entertainment, hospitality, meals, promise, personal property or any other form – unless the person giving the gift is an “immediate family member” of the employee. For purpose of this rule, “immediate family member” is defined to include the following: parents, grandparents, brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law.
6. If an “immediate family member” of the employee receives a gift for the use or benefit of the employee from any person who is served by, or receives services from, the department with whom the employee is employed - whether it be money, services, loan, travel, entertainment, hospitality, meals, promise, personal property or any other form – the employee must immediately notify the County Administrator of the gift so that the County Administrator may determine whether the gift violates any of the rules contained in Section 7.01 of the Fulton County Human Resource Policy Manual. For purpose of this rule, “immediate family member” is defined to include the following: parents, grandparents, brothers, sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and daughters-in-law. For purpose of this rule, a gift is for the employee’s “use or benefit” if the giver’s purpose for giving the gift is to provide it for the employee’s use or benefit. For example, if your spouse has received a gift and the giver’s purpose is to provide the gift to you, your spouse received the gift for your use or benefit.

REFERENCE: May 6, 2014 Resolution No. 2014-422

## **POLICY: Drug Free Workplace Policy**

## **Section 7.02**

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### **1. Drug Free Workplace Policy.**

- a. **Generally.** The Employer is concerned with the effects drug abuse can have on employees, their families and an employee’s ability to perform their work safely and efficiently. The Employer believes that it is important, as a public entity, to serve as a leader in the community in the war against drugs by establishing a policy prohibiting the manufacture, distribution, dispersal, possession or use of controlled substances in the workplace. The following policy is designed to meet the above objectives and comply with the provisions of the Drug Free Workplace Act of 1988.

- b. **Notice Upon Hiring.** All prospective employees will be required to acknowledge that they are aware of the Employer's Drug Free Workplace policy and understand that it is a condition of employment.
- c. **Definitions (for purposes of this policy):**
  - Employee** - means any person (i.e., management, supervisory or non-supervisory), who is paid in whole or in part by the Employer.
  - Controlled Substance** - means any controlled substance contained in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812); or as defined in O.R.C. Section 3719.01.
  - Conviction** - means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
  - Criminal Drug Statute** - means a criminal statute involving the manufacture, distribution, dispensation, use or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. Section 3719.01 et seq. and O.R.C. Section 2925.01 et seq.
- d. **Regulations.** The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance by any employee which takes place in whole or in part in the Employer's workplace is strictly prohibited and will result in criminal prosecution and discipline of the employee which may include termination from employment.
- e. **Notification of Conviction.** Any employee convicted of any federal, state statute or municipal ordinance for a criminal drug offense that is a workplace related drug offense shall notify the Employer of such fact within five (5) calendar days of the conviction.
- f. **Employer Action.** The Employer will, within 30 days after receiving notice of a conviction from an employee or, upon concluding that an employee has violated paragraph (a) of this policy:
  - (1) Take appropriate personnel action against such employee up to and including termination; or
  - (2) Require such employee to satisfactorily participate in a drug rehabilitation program as provided herein.
- g. **Failure to Report.** Any employee who fails to report a workplace-related drug conviction:
  - (1) will be terminated from employment; and
  - (2) may be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

## 2. Drug Testing Policy.

- a. Pre-employment tests to determine current use of illegal drugs which may affect an applicant's ability to perform the job duties of the position may be conducted only after a conditional offer of employment has been made. Prior to appointment, the Employer may require non-employees to pass a physical examination which may include blood or urine or similar testing to determine the use of illegal drugs.
- b. Drug and alcohol testing may be conducted on employees when the Employer has reasonable suspicion of drug or alcohol use. Reasonable suspicion that an employee used

or is using a controlled substance or alcohol in an unlawful or abusive manner may be based upon, but not limited to:

- (1) Observable phenomena, such as direct observation of use, possession, or distribution of alcohol or a controlled substance, or of the physical symptoms of being under the influence of alcohol or a controlled substance, such as but not limited to slurred speech, dilated pupils, odor of alcohol or a controlled substance, changes in affect, or dynamic mood swings;
  - (2) A pattern of abnormal conduct, erratic or aberrant behavior, or deteriorating work performance such as frequent absenteeism, excessive tardiness, or recurrent accidents, that appears to be related to the use of alcohol or a controlled substance, and does not appear to be attributable to other factors;
  - (3) The identification of an employee as the focus of a criminal investigation into unauthorized possession, use, or trafficking of a controlled substance;
  - (4) A report of use of alcohol or a controlled substance provided by a reliable and credible source;
  - (5) Repeated or flagrant violations of the safety or work rules of the Employer, that are determined by the employee's supervisor to pose a substantial risk of physical injury or property damage and that appear to be related to the use of alcohol or a controlled substance and that do not appear attributable to other factors.
- c. Employees in safety sensitive positions will be subject to random testing. The procedures for random testing will be the same for testing under reasonable suspicion.
  - d. Employees will be required to complete and sign the appropriate consent form before the actual testing takes place. The employee consent form applies to breath/saliva or blood specimens for alcohol and a urine specimen for drugs. Failure to comply with a drug or alcohol testing request will be considered a refusal, and will be regarded as insubordination and subject to discipline up to and including termination.
3. **Alcohol and Drug Rehabilitation Policy.** If an employee tests positive for drugs, the employee may be referred to a drug rehabilitation program at the discretion of the County or other disciplinary action taken.
- a. Any employee who is referred to a drug rehabilitation program and fails to satisfactorily participate in the program will be terminated from employment.
  - b. Referral to a rehabilitation program is designed primarily for those employees who appear to have a treatable condition, not to protect those who manufacture, distribute or dispense drugs in the workplace.
  - c. The Employer recognizes alcoholism and drug addiction as diseases which are treatable, and encourages those employees who may have an alcohol or drug problem to seek professional treatment or assistance on their own initiative.
  - d. For the purposes of this policy, a drinking or drug abuse problem exists when an employee's alcohol consumption or drug abuse interferes with the employee's job performance, or presents a threat to the safety of persons or property, or presents an unfavorable image to the public. Employees should understand that a request for treatment will not automatically exonerate them from discipline where the Employer

- initiates disciplinary action for manufacturing, distributing, dispensing, possessing, or using drugs in the workplace, or violations of the Employer's policies due to alcohol abuse.
- e. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with alcohol or drug problems will, to the extent allowed, be preserved in the same manner as all other medical records.
  - f. In the event an employee is referred to a rehabilitation program, it is the responsibility of the employee to comply with the Employer's referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as other illnesses when job performance continues to be adversely affected. In addition, refusal may be considered insubordination and cause for disciplinary action.
  - g. Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance.
4. **Procedure.** In the case where the Employer has reasonable suspicion to believe that the employee has violated the alcohol or controlled substances prohibitions stated in this policy, the following procedure will be followed:
- a. A supervisor shall be required to document the employee's conduct. If possible, witnesses shall also complete a signed statement documenting the employee's conduct. The written record detailing the observations leading to a reasonable suspicion test shall be completed as soon as possible.
  - b. Reasonable suspicion tests must be performed within eight (8) hours of the observation.
  - c. Any employee who has been ordered to undergo a drug and alcohol test shall be accompanied to the testing site by the Employer or designee.
  - d. A refusal to comply with the drug and alcohol testing will constitute insubordination and a presumption of impairment, and may result in discharge.
  - e. Any employee tested in accordance with the above procedure may request, if the test results are positive, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.
  - f. The Employer shall inform the employee that he/she is immediately relieved of duty with pay pending the results of the drug and alcohol test. The Employer shall accompany the employee home or ensure that a family member or friend accompanies the employee home.
  - g. The Employer is required to notify the employee if the controlled substance test results were positive and which substances actually tested positive.
  - h. If the above test fails to disclose a positive concentration of controlled substance, the reasonable suspicion documentation form will be removed.
  - i. A positive test shall result in discipline up to and including termination. Refer to "Guidelines For Disciplinary Action and Penalties" in Section 8.04 of this manual for information on the discipline process.
  - j. In order for the results of a post-accident drug/alcohol test to be considered by the Bureau of Workers' Compensation, the test that is employed must be a "qualifying test" as outlined in Section 5.19 of this manual, Workers' Compensation.

1. **Commitment.** It is the commitment of the Employer and its management to ensure the workplace is free from negative, aggressive, and inappropriate behaviors, and that the environment is aimed at providing high quality services in an atmosphere of respect, collaboration, openness, safety and equality. All employees have the right to be treated with dignity and respect. (Terms are used interchangeably throughout this policy.)
2. **Scope.** Protection from negative, aggressive, and inappropriate behaviors extends to management, fellow employees, subordinates, contractors, customers and other business contacts and expands beyond the place of work to off-site and work-related social events. It is the responsibility of all employees and managers to provide a healthy workplace environment to peers and co-workers, where all communication and interactions are marked by dignity and respect.
3. **Acceptable and Healthy Workplace Behaviors Defined.** Acceptable and healthy workplace behaviors include, but are not limited to:
  - Using respectful, supportive, and encouraging language in all interactions, no matter the subject of conversation;
  - Questioning a peer's position on an issue politely rather than asserting your position as the right one;
  - Listening to your peer's position with an open mind;
  - Giving peer's direct, non-personal feedback as opposed to criticism;
  - Expressing appreciation when a peer does something correctly and in a timely manner;
  - Respecting each other as adults and trusting each person's decision making abilities;
  - Approaching conflict with maturity and true desire for resolution, rather than as a fight or opportunity to belittle a co-worker;
  - Maintaining a positive attitude, even when you are having a bad day.
4. **Inappropriate (Unacceptable) Behaviors Defined.** These behaviors are defined as negative and even aggressive acts aimed at one or more individuals and causing them to feel hurt, embarrassed, incompetent, disrespected, anxious, or depressed. Examples include, but are not limited to:
  - Excessive yelling, repeated emotional outbursts, berating others, using a harsh tone of voice;
  - Talking down to others or using degrading remarks or tone of voice;
  - Criticizing or talking down to others in front of a group; using a condescending tone;
  - Social exclusion, ostracism, ignoring others, silent treatment;
  - Treating some less favorably than others;
  - Undermining another's work by giving impossible to meet deadlines or workloads;
  - Excessive monitoring of work or unnecessary micromanagement;
  - Arbitrary or punitive punishment;

- Withholding pertinent work-related information; undermining another’s work by not giving them enough information to do what is required of them;
- Gossiping or spreading rumors;
- Manipulating a person’s job content; unwarranted removal of core responsibilities to make them feel bad; blaming others for things out of their control;
- Acting “out to get” others;
- Making threats; using intimidating tactics; and
- Any malicious behavior a reasonable person would find unprofessional, disturbing and harmful to their psychological health.

These sorts of behaviors are well recognized as having damaging consequences for their recipients, the observers of the behavior, and the organization as a whole and are therefore not tolerated.

5. **Management Responsibility.** Management and others in positions of authority and workplace representatives have a particular responsibility to ensure that healthy and appropriate behaviors are being exhibited at all times and that complaints to the contrary are addressed efficiently. Management will:
  - Provide good examples by treating all with courtesy and respect;
  - Promote awareness of the policy and complaint procedures;
  - Be vigilant for signs of inappropriate behaviors at work through observation and information seeking, and take action to resolve the behavior before it escalates;
  - Deal sensitively with employees involved in a complaint, whether as complainant or alleged aggressor;
  - Explain the procedure to be followed if a complaint of inappropriate behavior at work is made;
  - Ensure that an employee making a complaint is not victimized for doing so, and seek resolution of such behavior if it occurs; and
  - Monitor and follow up the situation after a complaint is made so as to prevent recurrence of the behavior.
6. **Employee Responsibility.** Employees can contribute to achieving a work environment which does not tolerate aggressive behavior at work. Employees should report what they see in the workplace as it relates to behaviors defined as unacceptable. Employees should also cooperate with preventative measures introduced by management, and recognize that a finding of unacceptable behaviors at work will be dealt with through appropriate disciplinary procedures. Equally, a finding of vexatious complaints will also be dealt with through appropriate disciplinary procedures.

## **POLICY: Prohibition Against Workplace Violence**

## **Section 7.04**

1. The safety and security of employees, clients, contractors, and the general public are of vital importance to the Employer. Therefore, threats, threatening behavior, or acts of violence

made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees who commit an act of violence will be subject to disciplinary action up to and including termination of employment and possible criminal prosecution depending on the nature of the offense.

2. The purpose of this policy is to provide guidance to employees should they encounter a situation that they believe is or could result in an act of violence.
3. The word “violence” in this policy shall mean an act or behavior that:
  - a. is physically assaultive;
  - b. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
  - c. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
  - d. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
  - e. that a reasonable person would perceive as intimidating or menacing;
  - f. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
  - g. consists of a communicated or reasonably perceived threat to destroy property.
4. The Employer prohibits the following:
  - a. any act or threat of violence by an employee against another person's life, health, well-being, or property;
  - b. making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications, including e-mail, text, instant messaging, etc.;
  - c. intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy or work rule;
  - d. the willful, malicious and repeated following of another person, also known as “stalking” and making threats with the intent to place another person in reasonable fear for his own safety;
  - e. use or possession of a weapon on the Employer's premises, on a County controlled site, or an area that is associated with County employment except as required in the line of duty (i.e., law enforcement).
5. The most common situations where workplace violence is likely to occur are as follows:
  - a. Dealing with the Public: Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to public service, the Employer does not intend for employees to be subjected to verbal or physical abuse by members of the general public.

- b. On-the-Job: Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
  - c. Off-the-Job: An employee could become involved in a personal dispute with a co-worker, family member, or neighbor during the employee's non-working hours. The Employer prohibits any act of violence by an employee towards any other employee while off duty and may be disciplined, e.g. sexual harassment. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee's place of residence in the order.
6. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the Employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The Employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
  7. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the Employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential to the extent possible, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a County controlled site, or is associated with County employment.
  8. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the Department Head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
  9. Supervisor Responsibilities: All supervisors and Department Heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that have involved an employee of the Employer.
  10. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the Department Head, the Department Head or designee shall evaluate the severity of the situation immediately and fill out an incident report and file the report with the Appointing Authority and/or the County Administrator. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the Department Head or designee shall:

- a. discuss the situation with the employee(s) and attempt to find out what caused the situation; and
  - b. determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
    - (1) assigning a different employee to the area or job;
    - (2) talking with the disgruntled individual(s) or employee(s);
    - (3) discussing the incident and offering suggestions for appropriate actions;
    - (4) referring the affected employee(s) to professional help or counseling; and/or
    - (5) disciplining the employee(s), up to and including termination of employment.
11. All employees who apply for, obtain, or are the subject of a restraining or civil protective order which lists department locations as being protected areas, must provide to their Department Head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent. All documentation will be provided to the Appointing Authority and/or County Administrator for review.

**POLICY: Weapons – Conceal and Carry**

**Section 7.05**

- 1. **General Policy.** The safety and security of employees, visitors, contractors and the general public are of vital importance to the Employer. Therefore, the carrying of handguns or firearms by an employee or anyone else on County property is strictly prohibited, unless otherwise permitted by law.
- 2. **Purpose.** The purpose of this policy is to provide guidance to employees of Fulton County should they encounter a situation in which they believe a person possesses a handgun, and/or firearm as defined in O.R.C. 2923.11.  
  
Employees using, and/or possessing a weapon or handgun while in the employment and/or duty of the County will not be defended or indemnified by the Employer.
- 3. **Prohibitions.** The County prohibits the carrying or display of weapons (including a handgun) while on or off duty in a building that has been marked with the signage described in Section 7.05(4), unless otherwise permitted by law.
- 4. The County shall post in obvious locations on all buildings where such posting is required by law, signage that contains the following: “Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey or attempt to convey a deadly weapon or dangerous ordnance onto these premises.”

REFERENCE: ORC 2923.125, ORC 2923.11

1. **Absences.** Absenteeism increases the workload of other employees and affects the quality of services. A FLSA non-exempt employee is absent for purposes of this section if: (1) the employee fails to report to work or leaves work prior to the scheduled quitting time; and (2) such absence has not been approved or sick leave has been denied. In addition to the deduction of pay for absences, such FLSA non-exempt employees shall be subject to progressive discipline for absences.

A salaried, FLSA exempt employee is absent for the purposes of this section if (1) the employee fails to report to work for an entire scheduled workday; and (2) such absence has not been approved or sick leave has been denied. A salaried FLSA exempt employee may be disciplined for unapproved absences from work subject to the restrictions contained in the FLSA for deducting a salaried employee's pay.

2. **Voluntary Resignation.** Employees failing to report to work at their regularly scheduled time and remaining absent for three (3) or more consecutive workdays without reporting such absence, the Employer will deem such action a voluntary resignation and will initiate an order of removal notice.
3. **AWOAL.** Anytime an employee is absent from work the employee must complete the appropriate leave request form. An employee will be considered absent without approved leave (AWOAL) unless the Employer approves paid or unpaid leave (i.e., vacation, sick leave, administrative leave, Family and Medical Leave, disability leave or other authorized leave).
4. **Notification.** Employees will be advised who they are to report to when calling off work and the time needed to call off. It is the responsibility of each employee to know and understand the procedure for calling off work. Upon return to work, the employee shall report to the Department Head to further explain the reason for the absence and to provide documentation, if any is needed, to substantiate the absence. Documentation must be completed and submitted within eight (8) hours after returning to work and in no case later than 8:30 a.m. on Monday following the end of the pay period.
5. Absenteeism is grounds for discipline.

1. Each appointing authority may adopt its own late arrival policy.
2. Late arrival on a regular basis is inexcusable and will not be tolerated. Late arrival is defined as any situation where an FLSA non-exempt employee (as defined in Section 4.04) reports to work after the employee's scheduled starting time (including returning late from a scheduled lunch period), and such tardiness is not approved for sick, vacation, or other authorized leave, or excused by the Department Head. Late arrival will only be excused for good cause shown

and if the employee notified the Employer as soon as possible that the employee would be late. Whether the late arrival is excused or not, FLSA non-exempt employees who are late shall not be paid for the period of time the employee is late. Time and pay shall be deducted for this purpose to the next quarter (1/4) of an hour. Salaried, FLSA exempt employees will not be docked, since they often work extra hours without additional compensation and therefore cannot be docked in accordance with the FLSA. However, they are obligated to work sufficient hours to deliver the expected services to the citizens they serve. If the Appointing Authority permits employees to flex time for late or tardy arrival at work, those shall be on a case-by-case basis with minimal occasions, and may not be interpreted as creating a right for employees to cover late or tardy arrivals with flex time.

3. In addition, an FLSA non-exempt employee who is late, shall be subject to progressive disciplinary action.
4. In applying this policy, the Employer shall only consider the employee's tardiness record over the previous 12 months in active pay status (as defined in Section 1.09) from the date of the most recent occurrence.
5. Counseling and verbal warnings will generally be given by the Department Head and a Record of Verbal Warning shall be given to the employee with a copy placed in the employee's file. Written reprimands will also be issued by the Department Head and a Record of Written Reprimand shall be given to the employee with a copy placed in the employee's personnel file.
6. Late arrival or absenteeism is grounds for discipline.

## **POLICY: Political Activity**

## **Section 7.08**

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1. **General.** According to ORC 124.57, classified employees, including classified employees on authorized leaves of absence from their positions, are prohibited by law from engaging in certain political activities as identified herein. However, all employees are encouraged to exercise their constitutional right to vote.
2. Permitted activities include but are not limited to:
  - a. Registration and voting;
  - b. Expressing opinions, either orally or in writing;
  - c. Voluntary financial contributions to political candidates or organizations;
  - d. Circulating non-partisan petition(s) stating views on legislation;
  - e. Attendance at political rallies;
  - f. Signing nominating petitions in support of individuals;
  - g. Displaying political materials at home or on your property;
  - h. Wear political badges or buttons, or display political stickers on private vehicles; and
  - i. Serve as a precinct election official under ORC 3501.22.

3. Prohibited activities include but are not limited to:
  - a. Candidacy for public office in a partisan election;
  - b. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through circulation of nominating petitions identified with a political party;
  - c. Filing petitions meeting statutory requirements for partisan candidacy to elective office;
  - d. Circulation of official nominating petitions for any candidate participating in a partisan election;
  - e. Service in an elected or appointed office in any partisan political organization;
  - f. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
  - g. Campaigning by writing for publications, distributing political material, or by writing or making speeches for a candidate for partisan elective office, when such activities are directed toward party success;
  - h. Direct or indirect solicitation of any monetary or in-kind assessment, contribution, or subscription for any political party or candidate;
  - i. Solicit or sale of political party tickets;
  - j. Partisan activities at the election polls;
  - k. Serve as witness or challenger of any party or partisan committee;
  - l. Participation in a partisan political caucus; and
  - m. Participation in a political action committee that supports partisan activity.

**4. Procedure.**

- a. Any employee who desires to campaign for or accept appointment to a political office which may not be considered partisan, and where no declaration of political party affiliation is made, (i.e., village councils, school boards, etc.), should notify the Employer. A request for a legal opinion may be submitted to the Fulton County Prosecuting Attorney as to the legality of the employee campaigning for or holding such office. The request for a legal opinion should be made prior to the employee declaring candidacy, circulating petitions or accepting the position. If a question regarding political activity arises, the Appointing Authority will seek a legal opinion from the County Prosecutor. Based upon the Prosecutor's opinion in this matter the Appointing Authority will take any necessary and appropriate action.
- b. All employees, including unclassified employees, must notify the Employer of any intent to declare and campaign for a political office. If, in the opinion of the Employer, the employee's candidacy is in conflict with the employee's current position or violates this policy, the employee may be required to resign their position with the County in order to seek election to such office.
- c. Unclassified employees are not forbidden from engaging in political activity unless it is specifically forbidden by federal, state constitutional or statutory provisions.
- d. Employees who serve as a precinct election official and receive poll worker pay may also receive regular employment compensation if vacation or compensatory time is used.

## **POLICY: Outside Employment and Other Activities**

## **Section 7.09**

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1. Under no circumstances shall an employee have other employment or activities which conflict with the objectives, interests, or operations of Fulton County.
2. Two common conflicts which may arise are:
  - a. Time Conflict – defined as when the hours required for outside employment or activities directly conflict with the scheduled working hours of an employee’s job with the Appointing Authority, or when the demands of outside employment or activities prohibit adequate rest, thereby adversely affecting the quality of the employee’s job performance with the County.
  - b. Job Conflict – defined as when an employee engages in outside employment or activities which tend to compromise his or her judgment, actions, and/or job performance with the County.
3. Should the Appointing Authority feel that an employee’s outside employment or activities are adversely affecting the employee’s job performance with the County, the Appointing Authority may take appropriate action. Any conflict, policy infraction, or other specific offense which is the direct or indirect result of an employee’s participation in outside employment or activities, shall be disciplined in such a manner that is consistent with the policy set forth in Section 8.3 of this manual.

## **POLICY: Use of Employer Information**

## **Section 7.10**

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1. All information that is not a public record as defined in ORC 149.43 obtained by employees in the course of their employment with the Employer and all Employer data that are not public records shall be considered confidential and proprietary. Personal information which employees obtain during the normal course of their employment shall not be discussed nor disclosed to anyone other than those individuals who have a need to know for legitimate business purposes.
2. In order to protect against inappropriate use of information or data maintained by the Employer, all employees are required to comply with the following regulations:
  - a. Accessing confidential/proprietary information or data, other than as required for work purposes, is prohibited; and
  - b. Removal of confidential and proprietary information or data from the Employer’s premises without advance approval from the Appointing Authority or designee is prohibited.
3. Using confidential/proprietary information or Employer data for any purpose other than as required to complete assigned work tasks, discussing such confidential/proprietary information or data with anyone other than for work purposes, or removal of such

information or data from the Employer's premises without authorization, will result in discipline of the employee, including possible removal from employment.

4. Only those authorized to respond to public records requests may provide those records. Any employee who has a question regarding the use of confidential/proprietary information or data maintained by the Employer should request clarification of the Employer's policy before risking a possible violation.

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## **POLICY: Tobacco Use Policy**

## **Section 7.11**

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1. Smoking in this policy is defined as the use of tobacco or tobacco products to include smokeless tobacco and tobacco substitutes and vapor devices.
2. Smoking is prohibited in all areas inside any Fulton County facility. Smoking also is prohibited in all Fulton County vehicles, and at or near any location where there exists a danger of fire or explosion.
3. Smoking is prohibited in any area immediately adjacent to locations of ingress or egress to any Fulton County facility, or in any area at which smoke may enter a Fulton County facility through entrances, windows, ventilation systems, or other means.
4. Smoking is prohibited in any area, regardless of its nature, which has been designated by Fulton County as a no-smoking area.
5. Any activity which will lead to violation of the terms and provisions of Section 3794.01 through 3794.09 of the Ohio Revised Code, any successor of or amendment to the same, or any regulations properly adopted pursuant thereto is prohibited.
6. Employees who choose to smoke during working hours shall do so in a manner consistent with this policy, and they shall not be entitled to any additional breaks or to take their breaks in any different intervals in order to smoke.

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## **POLICY: Solicitation and Distribution**

## **Section 7.12**

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1. **Generally.** This solicitation and distribution policy is designed to protect the interests of the citizens of Fulton County by ensuring that only official Employer business is transacted in the Employer's work areas during work time. Solicitation under this policy does not cover solicitation for political contributions, which is addressed by a more restrictive policy (see Section 7.08 - Political Activity).
2. **Non-Employee Solicitation and Distribution.** There shall be no solicitation or distribution by non-employees at any time in any work area. This section shall not apply to Vendors.

3. **Employee No Solicitation Rule.** There shall be no solicitation by employees of any other employee or non-employee during work time. Employees may solicit other employees during non-work time in work areas and during non-work time in non-work areas.
4. **Employee No Distribution Rule.** There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.
5. **Employer's Responsibility.** The Department Head shall determine work time and non-work time, and work areas and non-work areas.
6. **Employee Compliance.** Employee compliance with these policies is required. Employee violations of these policies will result in appropriate disciplinary action.

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**POLICY: Personal Appearance/Dress Code****Section 7.13**

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1. **General Policy.** The Appointing Authority reserves the right to prescribe appropriate dress and personal grooming in the County's best interest.
2. **Appropriate Standard.** Appropriate dress varies based upon a number of factors, including types of work, location of work, and amount of client and community contact. At a minimum, the Appointing Authority requires that an employee's clothing, grooming, and overall appearance be appropriate, present a favorable and professional public image, and be conducive to the safe and effective performance of the required job duties. Both male and female employees are required to maintain cleanliness by practicing good hygiene, and by wearing clean clothes free from unpleasant odors. In some circumstances, a uniform may be required and the employee's appearance will be subject to the uniform regulations contained in Section 6.08.
3. **Violations.** The supervisor and/or Department Head will meet with employees who are determined to be inappropriately dressed. Minor violations will be handled by asking the employee not to wear such inappropriate attire to work again and documenting the date and nature of the discussion. Serious dress code violations will be handled by sending the employee home to change clothes. Time spent away from the job will not be paid. Serious, willful, or repeated violations of the dress code policy will result in progressive disciplinary action.
4. **Clarification.** Employees should exercise common sense and good judgment regarding cleanliness, neatness, and appropriateness prior to reporting to work. Employees with questions regarding their Department's dress code or what would be considered appropriate attire should request clarification by the Department Head or supervisor before wearing an outfit which might be in violation.

5. **Departments.** Individual departments may establish their own personal appearance/dress codes subject to the approval of the Appointing Authority.

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**POLICY: News Media****Section 7.14**

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1. **Authorization.** All contacts made with the news media regarding the County shall be handled by the Fulton County Board of Commissioners, Appointing Authority, or the authorized designee.
2. **News Releases.** All news releases must be approved by the Board, Appointing Authority, or the authorized designee.
3. **Referral.** If the news media should contact any employee for a comment about County policies, procedures, rules, or any other county business, the employee shall not comment and refer the person to the Board, Appointing Authority, or the authorized designee. After the intent of the contact has been determined, the Employer may refer or ask for the employee's technical help in responding.

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**POLICY: Gambling****Section 7.15**

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**Prohibited Conduct.** The Employer does not permit gambling, i.e., the organizing and/or running of games of chance for the individual profit of the organizer, by employees during work days or on Employer property. For the purpose of this policy, the work day includes regular working hours, lunch periods, clean-up time, and other breaks. Violation of this policy will be cause for disciplinary action.

## **CHAPTER EIGHT – EMPLOYEE DISCIPLINE**

### **POLICY: Disciplinary Principles**

### **Section 8.01**

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The Employer believes that a clearly written disciplinary policy will provide classified employees with an understanding of the standards of conduct expected.

1. This manual outlines the expected job behavior, the types of unacceptable conduct, and the penalties for such unacceptable behavior. The manual is designed to provide guidance to management and employees regarding Employer policies and expected job behavior to avoid infractions. Not every standard of conduct can be included and common sense for behavior and conduct will also be considered as a standard of conduct.
2. Immediate attention shall be given to policy infractions unless special circumstances warrant further investigation or delay.
3. Discipline shall normally be applied uniformly and consistently throughout the Appointing Authority.
4. Discipline shall normally be progressive, but depending on the severity of the offense, may proceed immediately to termination.
5. Nothing within this policy nor any other policies contained in this manual shall be construed or interpreted as a waiver of the Employer's right to suspend or remove an unclassified employee at the discretion of the Appointing Authority.

### **POLICY: Progressive Disciplinary Policy**

### **Section 8.02**

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1. The Employer follows a system of progressive discipline when correcting job behavior and employee conduct for classified employees.
2. The Employer has adopted this disciplinary policy as a guide for the administration of discipline. The objective is to avoid or eliminate misconduct by employees before a suspension, reduction, or removal is necessary. This policy is not, however, to be construed as a delegation of, or a limitation upon, the Employer's right to impose a different level of discipline when the circumstances warrant or when the infraction involves an "at-will" or unclassified employee.
3. This disciplinary policy provides guidelines for penalties for offenses; however, the examples of offenses in the groupings are not all inclusive, but serve merely as a non-binding guide.
4. The guidelines for discipline provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances warrant such

penalties. This is particularly true for external interim, temporary, intermittent and other unclassified employees whose service may be terminated at the will of the Appointing Authority.

5. Only the Appointing Authority or the Appointing Authority's designee has the authority to reduce in classification or pay, fine, suspend, or remove an employee. Prior to such discipline, a pre-disciplinary conference must be held if it involves a classified employee (see Section 8.03). Supervisors may recommend and/or Department Heads may issue verbal warnings and written reprimands. This discipline shall be signed by the Department Head, delivered to the employee, and signed by the employee. The completed form shall be placed in the employees' personnel file.
6. An Appointing Authority may issue a fine or working suspension under certain circumstances, for example, to discipline a FLSA-exempt employee without jeopardizing the employee's exemption. However, fines should be used sparingly, and not in a manner that would cause a FLSA non-exempt employee to be paid less than the minimum wage.
7. All active records of discipline shall be maintained in the employee's personnel file. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.
8. The purpose of disciplinary action is to correct misconduct or behavior and encourage improved performance or behavior, except where the employee is removed. To that end, an employee may request, and the Appointing Authority may agree, to remove a disciplinary action from an employee's general personnel file after two (2) years when the employee has shown marked improvement. The record of discipline will be kept in a separate "inactive" file for at least seven (7) years or for the period of time designated in the County's public record retention schedule, whichever is longer.
9. In the case of a classified employee who is either 1) reduced in classification or pay; or 2) suspended or fined forty (40) or more hours in the case of an employee exempt from the payment of overtime compensation or suspended or fined twenty-four (24) or more hours in the case of an employee required to be paid overtime compensation; or 3) removed; except for the reduction or removal of probationary employee, the Employer must serve the employee and file with SPBR on an Order of Removal, Reduction, Suspension, or Fine Form (ADM 4055) in accordance with O.R.C. Section 124.34.
10. While a pre-disciplinary conference is not required for unclassified employees, the Appointing Authority may meet with the employee to provide the employee with an opportunity to respond regarding the alleged infraction, prior to reducing, suspending, fining, or removing the employee from public service.

11. Reduction in classification or pay, suspension, fine, or removal of an unclassified employee, or a classified employee within the probationary period and may be executed solely by action of the Appointing Authority. A written notice shall be provided to the employee.
12. An Appointing Authority may place a classified employee on administrative leave with pay, including in circumstances where the health or safety of an employee or of any person or property entrusted to the employee's care could otherwise be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the Appointing Authority completes an investigation, conducts a pre-disciplinary conference and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee's base rate of pay.
13. The Appointing Authority may offer and use a last chance agreement as a disciplinary mechanism in lieu of termination in those circumstances deemed appropriate by the Appointing Authority.

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**POLICY: Pre-Disciplinary Conference****Section 8.03**

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1. **Generally.** Whenever the Employer or designee determines a classified employee may have committed an offense which could result in a suspension, fine, reduction, or removal, the employee will be notified of the allegations and a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged misconduct. A pre-disciplinary conference is primarily an informal fact-finding session, not a legal proceeding. The objective of the conference is to obtain information through testimony, documentation, and/or questioning of the employee and witnesses to determine whether the alleged misconduct occurred.
2. **Notice.**
  - a. Whenever the Employer has cause to believe an employee should receive a suspension, fine, disciplinary reduction in pay or position, or removal, the Department Head must identify such allegations in writing. The written allegations should indicate in sufficient detail the behavior or conduct which is the basis for the Department Head's belief that discipline is necessary.
  - b. The written allegations should next be processed through the chain of command to the Employer or designee for review and delivery to the employee in the form of a Notice of Pre-disciplinary Conference. If the allegations involve potential criminal charges as well as employment misconduct, the Employer should confer with the County Prosecutor prior to questioning the employee or scheduling a pre-disciplinary conference.
  - c. Not less than 24 hours prior to the scheduled starting time of the conference, the Employer will provide the employee with a written outline of the charges which may be the basis for disciplinary action in the form of a Notice of Pre-disciplinary Conference, as referenced above. Additionally, the employee will be notified of the time, location, and

person who will conduct the conference. In response, the employee must sign an acknowledgement of the notice and must:

- (1) Appear at the conference to present an oral or written statement in the employee's defense and answer questions regarding the alleged misconduct; or
  - (2) Elect in writing to, or by not appearing, waive the pre-disciplinary conference.
3. **Administrative Leave.** The Appointing Authority or designee may place the employee on administrative leave while the charges are being investigated and until the pre-disciplinary conference procedures are completed. Such leave shall normally last only until the investigation, pre-disciplinary conference, and corrective action is completed, if corrective action is determined necessary.
  4. **Delay of Pre-disciplinary Conference.** Upon a reasonable request and adequate advance notice from the employee, the Appointing Authority may temporarily delay the pre-disciplinary conference. Generally, the Employer should permit only one (1) such delay, not to exceed 24 hours or as agreed with the Appointing Authority and the employee.
  5. **Representation.** If an employee requests, the employee shall be permitted to be accompanied, represented, and advised by an attorney, or person of their choice. Employees shall be advised of the right to such representation when given notice of the pre-disciplinary conference.
  6. **Witnesses.** At the conference the employee may present any testimony, documents, or witnesses which explain whether or not the alleged misconduct occurred. The employee shall provide a list of witnesses to the hearing officer as far in advance as possible, but not later than four (4) hours prior to the pre-disciplinary conference. It is the employee's responsibility to notify witnesses that their attendance is desired.
  7. **Hearing Officer.** Pre-disciplinary conferences will be conducted by a hearing officer. The hearing officer may be the Appointing Authority, the County Administrator, the Department Head, or any person the Appointing Authority selects to serve in such capacity.
  8. **Recording of Proceedings.** At the discretion of the hearing officer, the pre-disciplinary conference may be recorded. The responding employee may also record the proceedings in a similar manner, if the hearing officer authorizes recording of the proceedings.
  9. **Pre-Disciplinary Conference.** The hearing officer conducting the conference will recite the allegations, allow the Employer representative to summarize the evidence that is the basis of the allegations, and ask the employee to respond. An employee who elects to attend the conference and present evidence or who is called to testify must answer all questions truthfully. If it is later proven that the employee's answers were not truthful, such dishonesty may result in disciplinary action.

The hearing officer shall determine when the conference is concluded and will adjourn the meeting. The hearing officer may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses, and may reconvene the conference if necessary to get additional information or to allow the employee an opportunity to respond further or to respond to new matters.

(For example, if the employee provides an explanation that involves alleged facts unknown to the Employer's representative, the hearing officer may continue the conference to allow time to investigate the newly submitted information. As another example, if the employee or a witness provides information that indicates the employee committed additional infractions, the hearing officer may continue the conference to allow time to investigate the new allegations and/or to allow the Employer to issue a revised notice before concluding the pre-disciplinary conference.)

This is proper procedure provided no discipline is issued prior to reconvening the pre-disciplinary conference and the employee has not already been disciplined for the same offense.

- 10. Hearing Officer Report.** If a written report is prepared, the employee and the Appointing Authority shall be provided a copy.

The hearing officer shall objectively hear the case and may prepare a written report setting forth the findings of fact and concluding whether or not the alleged misconduct occurred. The hearing officer shall not recommend discipline.

- 11. Determination of Corrective Action.** Within a reasonable time following the receipt of the report, the Appointing Authority or designee shall determine what discipline or corrective action, if any, is warranted based upon the facts presented. Should such discipline be warranted, the Appointing Authority shall determine the severity using the discipline policies as a guideline.

## **POLICY: Guidelines for Disciplinary Action and Penalties      Section 8.04**

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The discipline policies provide guidelines and suggested penalties for offenses; however, the examples of specific offenses given in any of the groupings are not all inclusive, but merely serve as a guide. The standards for discipline of public employees are established in civil service law, listed below. The guidelines do not preclude the application of a more or less severe penalty for a given infraction.

1. Ohio Revised Code §124.34 sets forth the types of misconduct which are the legal basis for reduction, suspension, fine, or removal of a classified employees. These types of misconduct are:
  - a. Incompetency;

- b. Inefficiency;
  - c. Dishonesty;
  - d. Drunkenness;
  - e. Immoral conduct;
  - f. Insubordination;
  - g. Discourteous treatment of the public;
  - h. Neglect of duty;
  - i. Violation of any Appointing Authority policy or work rule;
  - j. Any violation of DAS rules;
  - k. Any other failure of good behavior;
  - l. Any other acts of misfeasance, malfeasance, nonfeasance; or
  - m. Conviction of a felony (See Section 8.05)
2. The examples of Group I, II, III Offenses set forth below, are non-inclusive examples of the above types of misconduct and guidelines for determining the appropriate level of discipline for classified employees. Multiple infractions of a group or from more than one group may result in more severe discipline. Infractions of standards of conduct not specifically included in the groupings are to be compared to other similar infractions. The examples in the groupings are not exhaustive. Violations of the standards of conduct or of the policies or rules in this manual or separately established may also be the basis for discipline for employees.
  3. Unclassified employees are also subject to the same standards or conduct and rules established in this manual and the work rules. However, unclassified employees shall not be governed by any particular grouping of the offenses or the progressive discipline procedures and may be disciplined or discharged without right of appeal.
  4. In general, Group I Offenses are those infractions which are of a relatively minor nature and which could cause a minimal disruption to the organization in terms of a slight yet significant decrease in organizational productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary or minor impact against the organization unless such acts are compounded over time.
  5. Group II Offenses are those infractions which are of a more serious nature than Group I Offenses and which could, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting, more immediate impact on the organization than the Group I Offenses.
  6. Group III Offenses are those infractions which are of a very serious or possibly criminal nature, and which could cause an immediate and critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale.
  7. Multiple policy infractions should be dealt with by following the system of progressive discipline set forth below:

- a. Multiple offenses which are unrelated are progressively disciplined in the groups in which the offenses are classified; and
  - b. Multiple offenses which are related are progressively disciplined regardless of the groups in which the offense is classified, and regardless of the order in which the offenses occurred; and
  - c. Multiple offenses which are closely related in time, even if unrelated or in different groups, hereunder, may be combined to result in discipline which exceeds the severity of the total sum of the separate offenses.
8. Discipline for multiple offenses should be consistently and uniformly applied, examples clarifying the application of the progressive disciplinary policy are as follows:
- a. If an employee, as a first offense, is found to have violated a Group I Offense, unless there are special circumstances, the employee would receive verbal instruction and cautioning.
  - b. If an employee is found to have committed a Group I Offense where there are no special circumstances, the employee would receive verbal instruction and cautioning. If two (2) months later the employee is found to have committed another unrelated Group I Offense the employee would, absent special circumstances, receive a written reprimand. If, three (3) months later the employee is found to have committed still another unrelated Group I Offense, barring special circumstances, the employee may receive a three (3) working day suspension without pay.
  - c. If an employee is found to have committed a Group I Offense for which the employee received verbal instruction and cautioning and then commits an unrelated Group II Offense the employee's discipline, absent special circumstances, may be verbal instruction and a two (2) or three (3) working day suspension without pay.
  - d. If an employee, as a first offense, is found to have violated the Group I Offense #7, use of profane or inappropriate language, the employee would receive, absent special circumstances, verbal instruction and cautioning. If however, the same employee subsequently was found to have violated the Group II Offense #7, use of abusive or threatening language toward supervisors, a related Group II Offense, the employee, absent special circumstances, may receive a fifteen (15) working day or other appropriate length suspension without pay.
  - e. If an employee has been found to have committed a Group II Offense which results in the employee receiving a three (3) day working suspension without pay, and then was found to have committed an unrelated Group I Offense, absent special circumstances, the employee may receive verbal instruction and cautioning.
9. These disciplinary guidelines are general in nature only. The following examples of specific offenses are not all inclusive, and are not intended to be binding on the Employer.

### **GROUP I OFFENSES**

FIRST OFFENSE:        Verbal warning (Record of Verbal Warning).

SECOND OFFENSE:     Written reprimand (Record of Written Reprimand).

THIRD OFFENSE: One (1) to Three Day (3) working suspension or suspension without pay (Record of Suspension).

FOURTH OFFENSE: Four (4) to Fifteen (15) day working suspension or suspension without pay.

FIFTH OFFENSE: Up to and including termination of employment.

The following are examples of Group I Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under O.R.C. §124.34.

1. Failure to properly and completely clock/sign in or out or recording time worked (inefficiency, neglect of duty, or failure of good behavior).
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance).
3. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).
4. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior).
5. Discourteous treatment of the public, coworkers, supervisors, or other County employees (discourteous treatment of public or failure of good behavior).
6. Inattention to the needs of the public, coworkers, or supervisors (discourteous treatment of public or failure of good behavior).
7. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, misuse of two-way radios, or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior).
8. Malicious mischief, horseplay, wrestling, or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior).
9. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace (inefficiency, neglect of duty, or failure of good behavior).
10. Failure to cooperate with other employees or supervisors (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
11. Neglect of or careless failure to observe Employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

12. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior).
13. Unauthorized use of the Employer's telephone, cell phone, computers, or electronic devices for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
14. Obliging the Employer for any minor expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
15. Neglect of or careless failure to care for Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
16. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.) (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. Neglect of, or careless failure to, prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
18. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the Employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
19. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift without authorization (inefficiency, neglect of duty, or failure of good behavior).
20. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior, or nonfeasance).
21. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time (neglect of duty, failure of good behavior, or nonfeasance).
22. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance, and failure of good behavior).
23. Failure to report accidents, injuries, or equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
24. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).

- 25. Smoking or use of tobacco in non-designated areas or in County vehicles or while on duty.
- 26. Failure to adhere to rules regarding personal grooming, appearance, dress codes, hygiene, etc.
- 27. Violation of or failure to comply with any policy or work rule.

**GROUP II OFFENSES**

- FIRST OFFENSE:        One (1) to Three Day (3) working suspension or suspension without pay (Record of Suspension).
- SECOND OFFENSE:     Four (4) to Fifteen (15) day working suspension or suspension without pay.
- THIRD OFFENSE:      Up to and including termination of employment.

The following are examples of Group II Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under O.R.C. Section 124.34.

- 1. Disregarding job duties and/or neglecting work by sleeping, reading for pleasure, playing cards, viewing T.V., etc. when there are work duties to be completed (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- 2. Reporting to work or working while unfit for duty (incompetence or failure of good behavior). This may be a Group III Offense for CDL holders.
- 3. Failure to report for overtime work, without proper excuse, after being scheduled to work (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- 4. Willful refusal to clock/sign in or out when required (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
- 5. Performing private work on Employer time or using County equipment or with County supplies (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
- 6. Threatening, intimidating, or coercing subordinates, other employees, or general public (inefficiency, neglect of duty, or failure of good behavior).
- 7. Use of abusive or offensive language or gestures toward subordinates, supervisors, other employees, residents or the general public (immoral conduct, insubordination, failure of good behavior, or malfeasance).

8. The making or publishing of false, vicious, defamatory, or malicious statements concerning other employees, residents, the Employer, or its operations (dishonesty, failure of good behavior, or malfeasance).
9. Solicitation or distribution on Employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
10. Disregard of and failure to comply with the Employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
11. Failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
12. Neglect or carelessness in the use of Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
13. Obliging the Employer for an expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
14. Unauthorized use of Employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
15. A traffic violation or accident while driving an Employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
16. Refusing to provide testimony in court, during a public hearing (SPBR, SERB, etc.) or any other official hearing, investigation, or proceeding involving the Employer (insubordination, failure of good behavior, or nonfeasance).
17. Refusing to provide or giving false testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance).
18. Possession or storage of alcoholic beverages on the Employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
19. Unauthorized presence on the Employer's property (failure of good behavior or misfeasance).
20. Neglect or failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
21. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior, misfeasance).

22. Disregard of health and safety rules and regulations/standards.
23. Unauthorized absence from work for one (1) or two (2) consecutive work days without approval.

### **GROUP III OFFENSES**

FIRST OFFENSE:           Up to and including termination of employment

The following are examples of Group III Offenses. Following each offense in parentheses are examples of the various charges of misconduct which may be applicable under O.R.C. Section 124.34.

1. Wanton or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
2. Instigating, leading or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slow-down, refusal to return to work at the scheduled time for a scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the Employer's premises in violation of O.R.C. Chapter 4117 (neglect of duty, failure of good behavior, or misfeasance).
3. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
4. Signing/clocking or altering other employees' time cards or records; altering one's own time card or record or having one's time card or record signed/clocked or altered by another, without authorization (dishonesty, failure of good behavior, or malfeasance).
5. Knowingly concealing a communicable disease (i.e., T.B., etc.) which may endanger others (neglect of duty, failure of good behavior, misfeasance, or malfeasance).
6. Carrying or possessing firearms, explosives or weapons on County premises, in the work area or in County owned vehicles (failure of good behavior or malfeasance).
7. Withholding information which threatens the safety and security of the Employer, its operations, or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance).
8. Demeaning, verbally abusing and/or humiliating a resident, employee, supervisors, other County employees, members of the public or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).

9. Threatening, intimidating, or physically abusing a client, resident, employee, supervisors, other County employees, members of the public or other person (malfeasance, failure of good behavior).
10. Committing an act of discrimination, discriminatory or sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
11. Fighting with, or attempting to injure a client, resident, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
12. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
13. Providing false testimony, statements, or information in any official Employer, court or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
14. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance, or malfeasance).
15. Illegal gambling during work hours. (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
16. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the Employer or of other employees (dishonesty, failure of good behavior, or malfeasance).
17. Dishonesty or dishonest action. Examples of "dishonesty" or "dishonest actions" are: falsification of records, theft, pilfering, making false statements to secure an excused absence, or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance).
18. Engaging in unauthorized political activity (failure of good behavior, malfeasance).
19. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance which takes place in whole or in part in the workplace (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
20. Driving a motor vehicle on duty or Employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).

21. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
22. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
23. Intentional misuse of Employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
24. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment or tools of the Employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
25. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the Employer's Code of Conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
26. Engaging in off-duty employment activities which the Employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
27. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance).
28. Misusing, removing, or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization or releasing public records if not assigned that function (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
29. Misuse, removal or destruction of Employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
30. Intentional violations of official safety rules or common safety practices which results in injury to any person or damage to property (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
31. Conviction of certain felonies.
32. An absence of more than three (3) consecutive days without notification of absence or an unexcused absence shall be deemed job abandonment.

33. Loss of insurability under the County insurance policy if the employee is required as part of their job to operate vehicles.
34. Misuse or self-help of public records including the release or destruction of records without prior authorization and compliance with the County public records policy.

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**POLICY: Conviction of a Felony****Section 8.05**

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1. Conviction of a felony is a separate basis for the reduction in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by an Appointing Authority as a result of the employee's conviction of a felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.
2. Any employee convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.
3. As used in this policy, "Felony" means any of the following:
  - a. A felony that is an offense of violence as defined in Section 2901.01 of the revised code;
  - b. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the revised code;
  - c. A felony under the laws of this or any other State or the United States that is a crime of moral turpitude;
  - d. A felony involving dishonesty, fraud, or theft; or
  - e. A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the revised code.
4. Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused sick, personal or vacation leave as authorized by law. If subsequently reemployed, such person shall qualify for and accrue these forms of leave in the manner specified by law for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

5. Criminal Charges and Convictions:
  - a. Employees shall notify the Appointing Authority within 24 hours or next work day of any charge of any criminal offense that is brought against the employee. Failure to notify the Appointing Authority within 24 hours of any charge of any of the crimes listed in Rule 5101:2-5-09 of the Administrative Code shall, upon discovery, be grounds for immediate dismissal from employment.
  - b. If the charge(s) above result in a conviction, the employee shall notify the Appointing Authority within 24 hours of the conviction. Failure to notify the Appointing Authority of any conviction of any criminal offense shall result in the employee's immediate dismissal from employment.
  - c. Conviction of any of the crimes listed in Rule 5101:2-5-09 of the Administrative Code while in the employ of the Appointing Authority shall result in immediate dismissal from employment with the Appointing Authority.

REFERENCE: ORC 124.34, 2921.05, 2921.32, 2921.42, 109.572 (legal reasons for requesting a criminal records check)

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**POLICY: Appeal****Section 8.06**

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1. A classified employee may appeal either through the internal grievance procedure contained in this manual or to the State Personnel Board of Review (SPBR) in any of the following cases:
  - a. a reduction (in pay or classification); or
  - b. a suspension of either forty (40) or more work hours in the case of an employee exempt from the payment of overtime compensation, or a suspension of twenty-four (24) work hours or more in the case of an employee required to be paid overtime compensation; or
  - c. a fine of either forty or more hours' pay in the case of an employee exempt from the payment of overtime compensation, or a fine of twenty-four (24) hours or more hours' pay in the case of an employee required to be paid overtime compensation; or
  - d. a removal, except for the reduction or removal of a probationary employee and a removal of an employee for a conviction of a felony.
2. Appeals to the SPBR by classified employees must be filed within ten (10) days of the date the employee is served the order. An appeal from a layoff or a displacement must be filed no later than ten (10) days after receipt of the notice of layoff or displacement. The SPBR maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the SPBR may affirm, disaffirm, or modify personnel actions implemented by the Appointing Authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, SPBR may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the Appointing Authority.
3. Employees may file an internal grievance with the Appointing Authority in the following cases:
  - a. Classified employees who receive a suspension or fines less than those described in (1)(b) and (1)(c); or

- b. Unclassified employees (including External Interim, Temporary, and Intermittent); or
  - c. Probationary employees; or
  - d. Employees convicted of a “felony” within the meaning of O.R.C. 124.34.
4. Appeals through the internal grievance procedure shall be submitted within five (5) working days of the occurrence of the incident giving rise to the grievance.

## **POLICY: Grievance Procedure**

## **Section 8.07**

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1. Classified employees may appeal suspensions, fines, reductions in pay or classification, layoffs, job abolishments, or removals for reasons other than conviction of a felony, hereunder. Any employee may appeal an alleged violation of the County's policies or procedures hereunder.
2. Employees have the right to file such grievances without prejudice. No employee shall be disciplined, harassed, or dealt with unfairly as a result of filing a grievance or testifying in a grievance hearing.
3. If a grievance by a classified employee qualifies for appeal to the State Personnel Board of Review (SPBR) or a court of law, the employee may elect to grieve the matter hereunder. If the employee later appeals the matter to the SPBR or a court of law, the internal grievance procedure shall be discontinued.
4. Complaints regarding illegal discrimination are to be filed and resolved pursuant to the complaint procedure contained in the Equal Employment Opportunity/Anti-Discrimination section of this manual and not this grievance procedure.
5. The grievance procedure for employees is as follows:
  - a. **Step One - Immediate Supervisor**
    - (1) Any employee with a grievance shall first discuss the matter with the employee's immediate supervisor, if applicable, within five (5) working days of the action giving rise to the grievance. The supervisor shall make reasonable effort to resolve the grievance but may not issue any decision which conflicts with the County policies. The supervisor shall record the date the grievance was presented and the date the supervisor responded. The supervisor shall also notify the Department Head of the grievance and response.
    - (2) If the employee is not satisfied with the response, the employee may elect to proceed to Step Two.
  - b. **Step Two - Department Head**
    - (1) The employee shall reduce the grievance to writing. The employee shall deliver the grievance to the Department Head within five (5) working days of receipt of the response in Step One or within five (5) working days of the occurrence of the incident giving rise to the grievance if Step One was not applicable. The Department Head

shall meet with the employee within five (5) working days following receipt of the grievance and attempt to resolve the matter.

(2) If the employee is not satisfied with the response, the employee may elect to proceed to Step Three.

c. **Step Three** – Appointing Authority or Designee

(1) The employee shall reduce the grievance to writing and deliver the same to the Appointing Authority or Designee within five (5) working days of receipt of the response in Step Two. The Appointing Authority or Designee shall schedule a hearing within fifteen (15) working days of receipt. The Appointing Authority or Designee shall issue a decision within a reasonable time following the hearing.

(2) The decision of the Appointing Authority or designee shall be final and binding on all parties except as provided by law.

6. **General Procedures for Hearings:**

a. Grievances citing issues of law may be forwarded by the Department Head, County Administrator, Appointing Authority, or Board to the Prosecuting Attorney's Office for an opinion before proceeding, and all time limits shall be held in abeyance until such opinion is received.

b. The parties may extend time limits by mutual written agreement.

c. Complaints not processed to the next step of the procedure within the specified time limit or any extension, shall be considered to have been resolved on the basis of the decision at the previous step.

d. Any complaint not answered within the prescribed time limit or extension, shall be considered to have been answered in the negative and may be advanced to the next step.

e. A grievant may have an employee representative or witnesses present at any hearing. Employees, employee representatives, and employee witnesses shall not lose pay or benefits for time spent in hearings if held during the employee's normal working hours. The grievant shall notify the Department Head forty-eight (48) hours in advance of any employee participating in any grievance hearing to allow the employee to be released from duty.

f. Hearings shall be informal and the rules of evidence customarily applicable in court shall not apply. The Appointing Authority has the discretion to limit the evidence presented during an appeal of a disciplinary action to that already introduced in the pre-disciplinary conference.