

DELAWARE COUNTY POLICY MANUAL



2018

Delaware County Personnel Policy Manual



Adopted from

CORSA

BEST PRACTICES



**County Risk
Sharing Authority**

The County Risk Sharing Authority

209 East State Street, Columbus, Ohio 43215-4309

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DELAWARE COUNTY BOARD OF COMMISSIONERS ~ MISSION

Delaware County provides quality services to our residents, customers and the communities within the County in a fiscally responsible manner. We strive to be professional and disciplined in both our thoughts and actions and make focused decisions that are in the best interest of the public and our customers.

People: The Most Important Asset

It is our goal to recruit, train, and retain the most qualified and productive staff for Delaware County; to promote mutual trust and respect for each other; and practice open and timely communication with the expectation and confidence that people will do the right thing. The County will keep an open mind to new ideas and encourage innovation. We hope to provide an opportunity for all employees to develop their potential and make the best use of their abilities.

Success: Employees Make It Happen

To make the County’s goals happen, employees must share the same ideals and their actions must support those goals. Employees are the key to the success for themselves and the County as a whole. If employees are successful, the County will be also. In every decision made and every action taken, employees must consider the goals of their department, division, and the County and whether their thoughts and actions are moving those forward or moving them backwards.

Key tenets to success include:

- 1) Speed of Service – Providing service in a timely manner that positively affects the community and our customers.
- 2) Quality of Service – Providing quality services that positively impact the customers and the community.
- 3) Focused Decision Making – Decisions that impact positively on the community and our customers rather than personal satisfaction or gain; considering the big picture and the long-term impact that actions and decisions will have.
- 4) Disciplined People, Thought and Action – Following the policies, procedures, rules, or directions to get the job done correctly.

I. INTRODUCTION, APPLICABILITY AND ADMINISTRATION

The provisions of the Delaware County Policy Manual are applicable to all employees, except as specifically provided herein. This manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This manual is not a contract of employment or a guarantee of any rights or benefits, but is merely intended to be used to assist and guide employees in the day-to-day direction and performance of their duties. Any promises or statements made by any individual that conflicts with this manual is unauthorized, expressly disallowed, and should not be relied upon. Any questions relating to the purpose, goals, and/or interpretation of these policies should be directed to the Human Resources Department by calling (740) 833-2120.

The policies adopted in this manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this manual. All previous written personnel policies or operational guidelines that do not conflict with this manual shall continue in full force and effect. This manual is also intended to be construed in such a manner as to comply with all applicable federal, state, and civil service laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies and procedures.

The County will endeavor to give employees advance notice of any manual changes. However, the County may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices to the Director of Administrative Services by calling (740) 833-2120.

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

II. CLASSIFICATION STATUS

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

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

III. MANAGEMENT RESPONSIBILITIES

Delaware County appointing authorities are bound by law to exercise their authority in accordance with existing laws and rules of the United States and the State of Ohio.

Delaware County reserves all rights which are authorized under the Ohio Revised Code specifically including, but not limited to, the following:

1. The right to manage its business;
2. The right to determine the methods and means by which its operations are to be performed; and
3. To direct the workforce to conduct its operations in a safe and effective manner.

It is the policy of Management that all provisions of operations of the County will be applied to all employees following its respective responsibilities under County policy, Federal and State Civil Rights Laws, and Fair Employment Practice Acts.

IV. PROFESSIONAL CONDUCT

Employees are expected to maintain a satisfactory and harmonious relationship with fellow employees and the public to sustain normal and effective operations. Therefore, the County requires that all employees maintain high standards in interpersonal relationships with internal and external customers. Interpersonal skills include, but are not limited to, professional, positive and effective communication, active and efficient listening skills, positive attitudes and professional demeanor.

The County also believes that all employees should be able to work in an environment free of threatening speech or actions. Threatening behavior consisting of any words or actions that intimidate a staff member or cause anxiety concerning his/her physical well-being is strictly prohibited. Anyone who is found to have threatened a member of the staff or the public will be subject to discipline up to and including termination following applicable policies.

In order to maintain the integrity of Delaware County, and the confidence that the public has in it, and to provide an orderly, positive, and productive workplace, it is essential that employees of Delaware County observe a professional standard of conduct following all applicable policies set forth in the Delaware County Personnel Policy Manual and the established Standard Operating Procedures. Such a higher standard of conduct will benefit and protect both Delaware County and the employee, as well as provide the highest standard of service to the citizens for whom we are employed.

In pursuit of providing the highest quality standard of service to the customers, employees are expected to perform their duties within the policies, procedures and directives of management. Employees are expected to be efficient and to utilize their hours at work to conduct the public work. Employees are subject to disciplinary action for inefficiency and loss of production if personal issues interfere with productivity.

Employees must also professionally provide services to the public. Conduct that is abusive, discourteous, neglectful, purposefully performed incorrectly and against policy or standard procedure, or not performed when required will not be tolerated. Further, speech that is disparaging of the County, its officers, management or employees and not constitutionally protected shall not be tolerated. To be constitutionally protected, speech must:

- a) Address a matter of public concern, and
- b) Outweigh any governmental interests.

Speech that is purely job related or of purely personal interest is not a matter of public concern.

An employee's conduct or misconduct while not on duty that brings discredit to the County, interferes with the County's ability to provide services to the public, or violates any policy, procedure, or agreement of the County will not be tolerated.

An employee who is arrested for any criminal offense, including, but not limited to, any crime that constitutes a misdemeanor or felony and any arrest or charge of operating a motor vehicle while under the influence of drugs and / or alcohol must report that arrest immediately to his/her supervisor or department director who will inform Human Resources, or the employee may report the incident directly to Human Resources. Delaware County will carefully consider the impact that the arrest or criminal charge makes on its operations and consider any applicable employment decisions based on that impact.

Any employee found to be in violation of this Section shall be subject to possible disciplinary action up to and including removal and/or criminal prosecution.

Any employee who has a question as to whether or not his/her actions or activities are in violation of this Section should review the County Personnel Policy Manual, County and Ohio Ethics Policy and/or direct such inquiry to his/her immediate supervisor, department director, Human Resources or appointing authority.

V. EQUAL EMPLOYMENT OPPORTUNITY

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

The County condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to the department supervisor or office Director, Appointing Authority or Human Resources.

Please refer to the links below for additional information including reporting / investigation requirements:

<http://www.co.delaware.oh.us/index.php/policies>

<http://www.co.delaware.oh.us/hrdocuments/forms/HarassComplaint.pdf>

VI. AMERICANS WITH DISABILITY ACT

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

The County 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 the department supervisor, office Director or Appointing Authority, each of whom shall have the authority and responsibility to work directly with Human Resources 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.

Any employee who feels that his or her rights have been violated under this policy should submit a written complaint as set forth in the Unlawful Discrimination and Harassment Policy.

VII. UNLAWFUL DISCRIMINATION AND HARASSMENT

A. Policy

The County is committed to providing a facility that is safe and free from unlawful discrimination and harassment. Unlawful discrimination or harassment is behavior directed toward an employee because of his or her membership in a protected class such as: race, color, religion, sex, national origin, age, ancestry, disability, genetic information, or military status. Unlawful discrimination and harassment is inappropriate and illegal and will not be tolerated. All forms of unlawful discrimination and harassment are governed by this policy and must be reported and addressed in accordance with this policy.

B. Definitions

Unlawful discrimination occurs when individuals are treated less favorably in their employment because of their membership in a protected classification. An employer may not discriminate against an individual with respect to the terms and conditions of employment, such as promotions, raises, and other job opportunities, based upon that individual's membership in that protected class.

Harassment is a form of discrimination. Harassment may be generally defined as unwelcome conduct based upon a protected classification. However, harassment becomes unlawful where:

1. Enduring the offensive conduct becomes a condition of continued employment.
2. The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

C. Examples

By way of example, sexual harassment is one type of unlawful harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any

protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported.

4. Unlawful discrimination and harassment does not generally encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the work place. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

D. 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.

E. Workplace Romances

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their Director, Appointing Authority or Human Resources 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.

Disclosure Form: <http://www.co.delaware.oh.us/index.php/hr-forms>

F. Complaint Procedure

Employees who feel they have been subject to unlawful discrimination or harassment by a fellow employee, supervisor, or other individual otherwise affiliated with the County shall immediately report the conduct, in writing, to their Director, Appointing Authority or Human Resources, each of whom shall have the authority and responsibility to work directly with Human Resources to investigate and take appropriate action concerning the complaint. Similarly, employees who feel they have knowledge of discrimination or harassment, or who have questions or concerns regarding discrimination or harassment, shall immediately contact their Director, Appointing Authority or Human Resources. Late reporting of complaints and verbal reporting of complaints will not preclude the County from taking action. However, so that a thorough and accurate investigation may be conducted, employees are encouraged to submit complaints in writing and in an expedient manner following the harassing or offensive incident. All supervisors are required to follow up on all claims or concerns, whether written or verbal, regarding unlawful discrimination and

harassment.

Although employees may confront the alleged harasser at their discretion, they are also required to submit a written report of any incidents as set forth above. When the County is notified of the alleged harassment, it will timely investigate the complaint. The investigation may include private interviews of the employee allegedly harassed, the employee committing the alleged harassment and any and all witnesses. Information will be kept as confidential as practicable, although confidentiality is not guaranteed. All employees are required to cooperate in any investigation. Determinations of harassment shall be made on a case-by-case basis. If the investigation reveals the complaint is valid, prompt attention and disciplinary action designed to stop the harassment and prevent its recurrence will be taken.

G. Retaliation

Anti-discrimination laws prohibit retaliatory conduct against individuals who file a discrimination charge, testify, or participate in any way in an investigation, proceeding, or lawsuit under these laws, or who oppose employment practices that they reasonably believe discriminate against protected individuals, in violation of these laws. The law also prevents retaliatory conduct against individuals who are close personal friends or family members with an individual who engaged in protected conduct. The County and its supervisors and employees shall not in any way retaliate against an individual for filing a complaint, reporting harassment, participating in an investigation, or engaging in any other protected activity. Any employee who feels he has been subjected to retaliatory conduct as a result of actions taken under this policy, or as a result of his or her relationship with someone who took action under this policy shall report the conduct to their Director, Appointing Authority or Human Resources immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

H. False Complaints

Legitimate complaints made in good faith are strongly encouraged; however, false complaints or complaints made in bad faith will not be tolerated. Failure to prove unlawful discrimination or harassment will not constitute a false complaint without further evidence of bad faith. False complaints are considered to be a violation of this policy.

I. Corrective Action

If the County determines unlawful discrimination, harassment, or retaliation has taken place, appropriate corrective action will be taken, up to and including termination. The corrective action will be designed to stop the unlawful conduct and prevent its reoccurrence. If appropriate, law enforcement agencies or other licensing bodies will be notified. Any individual exhibiting retaliatory or harassing behavior towards an employee who exercised a right under this policy, or who is a close personal friend or family member of someone who exercised a right under this policy, will be subject to discipline, as will any employee who has knowledge of unlawful conduct and allows that conduct to go unaddressed.

J. Coverage

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.

Please refer to the links below for additional information including reporting / investigation requirements:

<http://www.co.delaware.oh.us/hr/forms/policy/DiscriminationProhibited%201%2019%2012.pdf>

<http://www.co.delaware.oh.us/hr/forms/HarassComplaintForm.pdf>

VIII. MEDICAL EXAMINATIONS AND DISABILITY SEPARATION

- A. The County may require an employee to take an examination, conducted by a licensed medical practitioner, to determine the employee's physical or mental capacity to perform the essential functions of his or her job, with or without reasonable accommodation. This examination shall be at the County's expense. If the employee disagrees with the County's licensed medical practitioner's determination, he may request to be examined by a second licensed medical practitioner of his or her choice at his or her own expense. If the reports of the two practitioners conflict, a third opinion shall be rendered by a neutral party chosen by the County and paid for by the County. The third opinion shall be controlling.
- B. If an employee, after examination, is found to be unable to perform the essential functions of his or her position with or without reasonable accommodation, he may request use of accumulated, unused, paid and unpaid leave benefits, if applicable.

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

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

IX. DRUG AND ALCOHOL POLICY

A. Drug-Free Workplace

Alcoholism and drug addiction are treatable diseases. Therefore, employees who believe that they may have an alcohol or drug addiction problem are encouraged to seek professional treatment and assistance. No employee who seeks such treatment or assistance prior to detection will have his job security, promotional opportunities, or other job conditions jeopardized by a request for treatment. The individual's right to confidentiality and privacy will be recognized in such cases. The County will reasonably accommodate a recovering employee's alcohol or drug addiction in accordance with federal and state law.

Treatment pursuant to this accommodation policy will not result in any special regulations, privileges, or exemptions from standard administrative procedures, practices, or policies including disciplinary action. The County may take disciplinary action for any violations of work rules, regardless of the effect of alcohol or drug abuse. Nothing in this policy shall be construed to condone or exonerate employees from their misconduct or poor performance resulting from a drug or alcohol problem.

The County maintains a drug and alcohol free workplace in order to eliminate the inherent risks and liability to the County, the affected employee, co-workers and the public. Employees are hereby notified that the manufacture, distribution, dispensing, possession, use or being under the influence of alcohol, drugs or other controlled substance is strictly prohibited during working hours at any location where employees are conducting County business. Employees may not consume alcohol, drugs or controlled substances while on paid or unpaid meal periods or breaks from their regularly assigned duties. Also prohibited is the illegal use of legal substances.

In order to further the County's objective of maintaining a safe, healthful, and drug-free workplace, the County may require an employee to submit to a urine and/or blood test if there is reasonable suspicion to believe that an employee is under the influence of a controlled substance or alcohol. Refusal to submit to a drug or alcohol test and/or to release the results of the same shall be considered insubordination and will be construed as a positive test result.

Employees are put on notice that an employee who is under the influence of drugs or alcohol may forfeit their right to obtain workers compensation benefits. The law establishes a rebuttal presumption that if an injured worker tests positive for the use of drugs or alcohol, the worker will have to prove the use of drugs or alcohol did not cause the accident. A refusal to test for the use of drugs or alcohol will also establish the presumption. Employees who are involved with a workplace accident may be required to undergo drug and/or alcohol testing in accordance with this policy.

B. Drug Policy

1. **Controlled Substance:** Means any controlled substance contained in Schedules 1 through V of Section 202 of the Controlled Substance Act (21 U.S.C. § 812; or as defined in § 3719.01 O.R.C.).
2. **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.
3. **Criminal Drug Statute:** Means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance. For purposes of this policy all definitions will be consonant with O.R.C. § 3719.01 *et seq.*
4. 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 work place is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.
5. Any employee convicted of any Federal or State criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction.
6. Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances and/or alcohol will be subject to disciplinary action up to and including removal. Any decision to take disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.
7. Any employee convicted of a drug or alcohol offense, who fails to timely report the conviction, may be terminated from employment and/or held civilly liable for any damage caused, including a loss of state or federal funds, resulting from the misconduct.

C. The Drug/Alcohol Testing Policy

1. In order to maintain a safe and healthful work environment, the County reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

2. Where the County has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the County's expense, to provide blood and/or urine specimens. Reasonable suspicion shall generally mean suspicion based on personal observation by a County representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.
3. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the County. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.
5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.
6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.
8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the County's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors.

D. Discipline

The County may discipline an employee, up to and including discharge, for any violation of this policy. Nothing herein shall be construed as a guarantee that the County will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a

prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided more than one opportunity at rehabilitation. The County's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g. injury, property damage, etc.) the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

E. Refusal to Test

Employees who refuse to submit to the required testing shall be subject to disciplinary action up to and including discharge. A refusal to test for purposes of this policy shall include:

1. Failure to provide a sufficient sample provided there does not exist a valid medical explanation as to why the employee was unable to do so;
2. Any conduct that attempts to obstruct the testing process such as unavailability, leaving the scene of an accident without proper authorization, or a delay in providing a sample; and
3. Failure to execute or release forms required as part of the testing process.

F. Prescription/OTC Medications.

Employees must inform the County if they are taking any medication that may impair their ability to perform their job. Employees on such medications must provide a written release from their treating licensed medical practitioner indicating that they are capable of performing their essential job functions, with or without reasonable accommodation. Employees are prohibited from performing any County function or duty while taking legal drugs that adversely affect their ability to safely perform any such function or duty.

Employee use of prescription or over-the-counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of the County or its employees, or result in criminal behavior.

X. TOBACCO USE POLICY

In order to promote a healthy and comfortable work environment County employees are prohibited from using tobacco throughout all County buildings and/or while performing duties related to County employment while traveling in County vehicles. This includes, but is not limited to: buildings; offices; restrooms; hallways; common work areas; garages; County vehicles; conference rooms; stairs; cafeterias/break rooms; storage areas; and all other undesignated County property or offsite locations. Designated smoking locations are provided outside all County buildings where smoking receptacles are provided. The receptacles must be far enough away from building entrances to prevent the smell of smoke from traveling into the building.

For the purpose of this policy tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. It also includes any product that delivers nicotine other than for purpose of cessation.

XI. LACTATION BREAKS

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

XII. JOB ASSIGNMENTS / TEMPORARY ASSIGNMENTS

Employees shall be expected to fully, dutifully, and conscientiously perform those tasks as assigned to them. Employees may be expected, from time to time, to complete job assignments which are typically not performed by them or contained in their job description. No employee can refuse a job assignment unless it would violate law or place him in an imminently harmful or life-threatening situation. If an employee objects to an assignment, he should complete the assignment first and then file a complaint under this manual.

XIII. PERFORMANCE EVALUATIONS

The County may complete annual performance evaluations. Evaluations may be conducted more frequently such as on quarterly or mid-year basis as determined necessary by the departmental director or Appointing Authority. Evaluations, if conducted, will be based upon defined and specific criteria and will generally be reviewed and signed by the employee's direct supervisor, and those superiors in the direct chain-of-command. The results will be discussed with the employee and the employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign. Employees may offer a written response to their performance evaluation. Such response, if given, will be maintained with the evaluation.

XIV. HOURS OF WORK AND OVERTIME

The County will establish the hours of work for all employees. Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the County will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked, but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, or allowing a time record to be altered by others will result in disciplinary action.

Generally, employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee’s regularly scheduled work day. Sick leave, vacation leave, personal days, compensatory time, and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Holiday hours shall be considered as hours worked towards the forty hours required for overtime calculations for non-exempt employees, only if the employee works on the holiday. Overtime shall be compensated at a rate of one and one-half times the employee’s regular rate of pay for actual overtime worked.

The County may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flexible schedule in a work week. For overtime eligible employees, a flexible schedule must occur within a single forty-hour work week.

A partial overtime exemption, or differing work schedule, may apply to certain employees, such as safety forces.

A. Overtime Exempt Employees

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

B. Compensatory Time – Non-Exempt Employees Only

Non-exempt employees: At the discretion of the Appointing Authority, certain non-exempt employees may be permitted to take compensatory time-off in lieu of overtime payment. Compensatory time, like overtime, shall accrue at a rate of at one and one-half times the hours actually worked and, for non-safety forces, applies only to hours actually worked in excess of forty (40) in any one work week. Compensatory time must be used within one hundred eighty (180) days of its accrual. Compensatory time will be used on a first-in, first-out basis. Compensatory time not used within the requisite time period will be paid out.

Non-safety force employees may not exceed the maximum accrual cap of two hundred forty (240) hours. Safety forces employees may not exceed the maximum accrual cap of four hundred eighty (480) hours.

The appointing authority may, at its sole discretion, require an employee to use his compensatory time prior to the employee reaching the one hundred eighty (180) day accrual limit. Additionally, the Appointing Authority may choose to pay out an employee's compensatory time. If an employee's compensatory time is paid out, the employee shall receive payment at the employee's regular rate of pay at the time of payment.

C. Earned Time-Off – Overtime Exempt Employees

Employees who are exempt from the overtime provisions of the FLSA shall not receive compensatory time. However, if approved by the appointing authority, a bona fide administrative or professional employee may receive earned time off. Earned time off shall not be approved for a bona fide executive employee or a highly-compensated employee as defined by applicable federal regulations, regardless of whether the highly-compensated employee performs the duties or responsibilities of an executive, administrative or professional employee. Earned time off may not be given on a time and one half basis, but may be given as an hour for hour trade for hours worked on a particular project. Earned time off shall not be paid out and shall either be used or lost.

D. Improper Deductions

The County intends to comply with all FLSA provisions. Improper deductions that are not in accordance with the FLSA are prohibited. Additionally, improperly classifying individuals as "exempt" from overtime is prohibited. Any deduction that is subsequently determined to be improper, or any exemption status later found to be improper, shall be reimbursed. Any employee who believes that he has had an improper deduction from his salary, or who believes he has been improperly classified under the FLSA, shall submit a complaint in writing to their appointing authority or designee who will investigate and see that a written response is provided in a timely manner to ensure a good faith effort to comply with the FLSA.

XV. REPORTING TO WORK AND TARDINESS

Employees are expected to report for and remain at work as scheduled and to be at their work stations at their starting time. Employees who call off work for personal reasons should call off in advance of their starting time in accordance with procedures established by their Appointing Authority or Department Director. Employees who call off must make contact with their supervisor or designee each day of their absence unless they have made alternate arrangements. Calling off work in accordance with this procedure will not necessarily result in an employee receiving approved leave for their absence. The County will consider the underlying reason for the absence in order to determine whether to grant approved leave.

An employee, who reports to work late, extends his / her lunch or break without authorization, or who leaves before the end of his or her scheduled shift, may be disciplined and docked pay. Pay will be docked in the lowest increments permitted by the County's timekeeping system, or in 15 minute increments.

XVI. LAYOFF

If it becomes necessary to reduce staffing levels, the County shall lay off employees in accordance with law. The County shall determine the number of positions and the classifications in which layoffs will occur. Layoffs and job abolishment may occur for lack of work, lack of funds, or reorganization.

XVII. PROBATIONARY PERIOD

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

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

Employees working irregular schedules and intermittent employees shall have their one year probationary period based upon the completion of one thousand forty (1040) hours in active pay status.

Employees in probationary status shall generally not be eligible for pay increases until successful completion of the probationary period. Pay increases are subjected to the approval of the Appointing Authority or designee and are not guaranteed.

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

XVIII. ETHICS/CONFLICTS OF INTEREST

The proper operation of a democratic government requires that actions of public officials and employees be impartial, that government decisions and policies be made through the proper channels of governmental structure, that public office not be used for personal gain, and that the public have confidence in the integrity of its government. Ohio Revised Code §§ 102.03 and 2921.42 prohibit public employees from using their influence to benefit themselves or their family members. In recognition of the above-listed requirements, the following Code of Ethics is established for all County officials and employees:

- A. No employee shall use his or her official position for personal gain, or shall engage in any business or shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his or her official duties.
- B. No employee shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the County, nor shall he use such information to advance the financial or other private interest of himself or others.
- C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation that is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall an employee accept any gift, favor or item of value that may tend to influence the employee in the discharge of his or her duties or grant, in the discharge of the employee's duties any improper favor, service or item of value.
- D. No employee shall represent private interests in any action or proceeding against the interest of the County in any matter wherein the County is a party.
- E. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independent judgment or action in the performance of his or her official duties. Neither shall other employment, private or public, interfere in any way with the employee's regular, punctual attendance and faithful performance of his or her assigned job duties.

Any employee having doubt as to the applicability of these provisions should consult his or her supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his or her supervisor of the gift offer. The supervisor will make a decision or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor or supplier doing business with the County, any material or service for the employee's private use.

State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney. Additional information may be found at:
www.ethics.ohio.gov.

<http://www.co.delaware.oh.us/hrdocuments/policies/ethics.pdf>

XIX. NEPOTISM

A. Hiring

The County will receive employment applications from relatives of current employees. However, the following four (4) situations shall prevent the County from hiring a relative of a current employee:

1. If one relative would have supervisory or disciplinary authority over another.
2. If one relative would audit the work of another.
3. If a conflict of interest exists between the relative and the employee or the relative and the County.
4. If the hiring of relatives could result in a conflict of interest.

B. Employment

An employee is not permitted to work in a position where his or her supervisor or anyone within his or her chain of command is a relative. If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or an accommodation acceptable to the County must be established. Termination of employment will be a last resort. If two employees marry, they will be subject to the same rules listed above as other relatives.

The provisions of O.R.C. §§ 102.03 and 2921.42 render it unlawful for a public official to use his or her influence to obtain a benefit, including a job for his or her relative. Any violation of these statutes may result in criminal prosecution and/or disciplinary action. For purposes of the Article, the term “relative” shall include: spouse, children, grandchildren, parents, grandparents, siblings, brother-in-law, sister-in-law, daughter-in-law, son-in-law, father-in-law, mother-in-law, step-parents, step-children, step-siblings, and a legal guardian or other person who stands in the place of a parent to the employee.

XX. OUTSIDE EMPLOYMENT

Employees are required to notify their Appointing Authority or Agency Head of any outside employment. No employee shall have outside employment which conflicts in any manner with the employee's ability to properly and efficiently perform his or her duties and responsibilities with the County. Employees are expected to be at work and fit for duty when scheduled.

Employees are prohibited from engaging in secondary employment during the hours for which they are normally scheduled to work for the county while on approved sick leave, disability leave, administrative leave or family medical leave. Employees may not engage in secondary employment during any period while on sick leave, disability leave, and FMLA if the employment can be reasonably construed to delay or preclude full recovery and return to work. Employees are strictly prohibited from engaging in or conducting outside private business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a County employee.

<http://www.co.delaware.oh.us/index.php/hr-forms>

XXI. POLITICAL ACTIVITY

- A. Although the County encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited for classified employees of the County whether in active pay status or on leave of absence. The following activities are examples of conduct permitted by classified employees:
1. Registration and voting.
 2. Expressing opinions, either orally or in writing.
 3. Voluntary financial contributions to political candidates or organizations.
 4. Circulating non-partisan petitions or petitions stating views on legislation.
 5. Attendance at political rallies.
 6. Signing nominating petitions in support of individuals.
 7. Displaying political materials in the employee's home or on the employee's property.
 8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
 9. Serving as a precinct official under O.R.C. § 3501.22.
- B. The following activities are examples of conduct prohibited by classified employees.
1. Candidacy for public office in a partisan election.
 2. Candidacy for public office in a non-partisan general election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office.
 4. Circulating official nominating petitions for any partisan candidate.
 5. Holding an elected or appointed office in any partisan political organization.
 6. Accepting appointment to any office normally filled by partisan election.

7. Campaigning by writing in publications, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
 8. Solicitation, either directly or indirectly, of any assessment, contribution or subscription, either monetary or in-kind, for any political party or political candidate.
 9. Solicitation for the sale, or actual sale, of political party tickets.
 10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
 11. Service as a witness or challenger for any party or partisan committee.
 12. Participation in political caucuses of a partisan nature.
 13. Participation in a political action committee that supports partisan activity.
- C. Unclassified employees whose jobs are funded in whole or in part by the federal government may also be subject to prohibitions against partisan political activity. Any employee having a question pertaining to whether specific conduct of a political nature is permissible should contact their immediate supervisor prior to engaging in such conduct.

XXII. INVESTIGATIONS AND DISCIPLINE

The County has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation.

Classified employees may be placed on a paid “administrative” leave of absence pending an investigation. A classified employee who has been charged with a violation of law that is punishable as a felony may be placed on unpaid “administrative” leave, for a period not to exceed two months, pending an investigation. However, a classified employee who is placed on unpaid leave and is later exonerated of a felony must be reimbursed for lost pay, plus interest, and lost benefits. Unclassified employees may be placed on paid or unpaid leave pending an investigation.

Employees who have completed their probationary period and who are in the classified civil services may only be disciplined for just cause. Disciplinary action will be commensurate with the offense. Discipline for minor infractions will normally be imposed in a progressive manner with consideration given to the nature of the offense, prior disciplinary action, length of service, the employee’s position, the employee’s record of performance and conduct along with all other relevant considerations. Nothing in the policy shall be construed to limit the County’s discretion to impose a higher level of discipline under appropriate circumstances.

The following forms of misconduct constitute grounds for disciplinary action: incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, nonfeasance or any other reason set forth in O.R.C. § 124.34.

The property and image of the County is to be respected at all times; as such, an employee’s off duty conduct that could reasonably negatively impact the County may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee’s immediate supervisor.

Employees have an obligation to immediately inform the County of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations. Employees will not be granted vacation leave in order to serve jail time.

The filing or prosecution of criminal charges or other civil administrative investigations against an employee for alleged misconduct or criminal activity shall not be determinative as to appropriate disciplinary action, if any, under this policy. The County may investigate the employee's alleged misconduct or activities and determine the appropriate discipline, if any, without regard to pending administrative or criminal charges. The disposition of such administrative or charge is independent of a disciplinary investigation. Although the County may utilize information obtained during other investigations, the County's decision to take appropriate disciplinary action may or may not correspond with the filing, or non-filing, of criminal charges or civil actions. A felony conviction while employed with the County is just cause for termination.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policies and Procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

When the County believes that discipline of a classified employee in the form of a paid or unpaid suspension, reduction or elimination of longevity pay, demotion or termination is possible, a pre-disciplinary conference shall be scheduled. Prior to the pre-disciplinary meeting, the employee will be provided with written notice of the charges against him. At the pre-disciplinary conference, the employee may respond to the charges or have his chosen representative respond. Failure to attend the pre-disciplinary conference shall be deemed a waiver of the conference.

Disciplinary files may not be destroyed and are subject to the Ohio Public Records Act. Disciplinary action shall remain in the employees personnel file for a period of twenty four (24) months after which time the documentation will be placed in a separate disciplinary file. Such discipline may be considered in any future action. After the twenty four month waiting period, employees must file a request to their Appointing Authority in writing asking that the disciplinary action be removed from their personnel file and be placed in a separate disciplinary file. Such action may be removed if no intervening discipline exists.

XXIII COMPLAINT PROCEDURE

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures and work rules. The County believes these questions and concerns must be heard promptly, and action taken to resolve or clarify a particular situation. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual and the Discrimination Prohibited Standard Operating Procedure.

All employees shall have the right to file a complaint without fear of retaliation. No employee shall be disciplined, harassed or treated unfairly in any manner as a result of filing a complaint. A complaint is defined as a disagreement between an employee and County as to the interpretation or application of official policies, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to treatment or other conditions of employment. The following is the procedure to be followed when an employee has a complaint as defined above:

A. Step 1: Immediate Supervisor

An employee having a complaint shall file it in writing with his or her Immediate Supervisor, as outlined in the procedure for his or her work unit. The employee's Immediate Supervisor will review the complaint and attempt to resolve the complaint within a reasonable time and will provide the employee with a written response. Step 1 may be bypassed by either the employee or Immediate Supervisor if the Immediate Supervisor lacks the authority to make a change and/or the Immediate Supervisor is the subject of the complaint.

B. Step 2: Department Head

Where the employee is not satisfied with Step 1 response of the Immediate Supervisor, the employee may submit the original complaint to the Department Head within seven (7) calendar days of the supervisor's written response. The Department Head will review all material provided and provide the employee with a written response in a timely manner.

C. Step 3: Employer (Appointing Authority or Designee)

Where the employee is not satisfied with the Step 2 response, the employee may submit the original complaint to the Appointing Authority or Designee within seven (7) calendar days. The Appointing Authority or Designee will review all material provided and will provide the employee with a written response in a timely manner. The Step 3 response shall be final.

XXIV. SOLICITATION

Individuals not employed by the County are prohibited from soliciting funds or signatures, conducting membership drives, distributing literature or gifts, offering to sell merchandise or services (except by representatives of suppliers or vendors given prior authority), or engaging in any other solicitation, distribution, or similar activity on the premises or at a worksite.

The County may authorize a limited number of fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist these drives; however, participation is entirely voluntary.

The following restrictions apply when employees engage in permitted solicitation or distribution of literature for any group or organization, including charitable organizations:

- A. Distribution of literature, solicitation and the sale of merchandise or services are prohibited in public areas.
- B. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.
- C. Distributing literature in a way that causes litter on County property is prohibited.

The County maintains various communications systems to communicate County-related information to employees and to disseminate or post notices required by law. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.

Violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

XXV. COUNTY PROPERTY

A. General

Employees are prohibited from using County materials, tools, facilities, equipment and labor for personal or private use regardless of whether the use is during working or non-working time. Employees may not perform private work for themselves, co-workers, friends or family members during working time or while using County materials, tools, facilities, or equipment. All County tools and equipment must be used and operated within the laws of the State of Ohio and/or rules and regulations of the County. Employees who separate from service with the County are responsible for return of reusable County property in her possession.

Employees have no reasonable expectation of privacy in the use of County property and facilities. In order to safeguard employees and the workplace, and in order to maximize efficiency, safety and productivity, the County reserves the right, in its sole discretion and without notice to employees, to inspect, monitor or otherwise search County property and facilities or any other enclosed or open area within County property or facilities and to monitor or inspect any items found within such facilities. Employees are required to cooperate in any work place inspection. The County also reserves the right to inspect any packages, mail, parcels, handbags, briefcases, or any other possessions or articles carried to and from County facilities and job sites where permitted by law.

Employees required to answer the telephone as part of their assigned duties shall do so in a polite and courteous manner. No employee shall use foul or abusive language over the telephone or in any dealings with the public. The County reserves the right to monitor any phone at any time. Personal phone calls must be kept to an "on emergency basis" only. Toll calls and/or long distance for personal reasons shall not be charged to the County.

The County may issue electronic devices including but not limited to iPads, cellular phones, smart phones etc. to its employees. Electronic devices are not only capable of making and receiving phone calls, they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, County-issued electronic devices are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of electronic devices such as cellular phones, smart phones iPads, laptop computers, etc. while operating a motor vehicle (County-owned or personal) is prohibited.

B. Vehicles

Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator's license. An employee who operates a motor vehicle for work and who has his or her license suspended, but who has acceptable court-ordered driving

privileges, may nevertheless have his or her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his or her license suspended by a court with no work-related driving privileges.

Any County employee who operates a County-owned motor vehicle, or a privately owned motor vehicle in the discharge of official County business, shall at all times during the course of operation, fully utilize the front seat occupant restraint systems provided in the vehicles and require like use of said systems by any passengers in the vehicle. Employees who operate County vehicles must have appropriate insurance coverage as established by the County's Self Insurance Policy.

Use of a County-owned vehicle must be pre-approved by the employee's supervisor. Employees shall not use, or permit the use of County automobiles for any purpose other than official County business. Passengers not on official County Business (i.e. children, spouses, friends, etc.) are not permitted in County-owned vehicles. Employees, as representatives of the County, are expected to be courteous to the public and to obey all traffic laws. County employees should drive and conduct themselves as to enhance the reputation of the County and Department.

Employees who drive County vehicles or who drive their personal vehicles for County business are subject to periodic (at least annual) record checks at the Bureau of Motor Vehicles. Employees who utilize County vehicles are responsible for reporting to their supervisor any moving traffic violations obtained while on, or off, duty as an employee's personal driving record may impact his or her ability to be covered on the County's liability policy. Employees who drive on behalf of the County are subject to reassignment and/or discipline in the event of a license revocation, suspension or traffic offense conviction

Concerns regarding repairs or vehicle maintenance must be reported to the employee's immediate supervisor.

XXVI. COMPUTER USE POLICY

A. General

County computers and information systems are County property. They may be used only for explicitly authorized purposes. The County reserves the right to examine all data stored in or transmitted by their computers and systems. Without notice, the County and authorized County supervisors may enter, search, monitor, track, copy, and retrieve any type of electronic file of any employee or contractor. These actions may be taken for business-purpose inquiries including but not limited to theft investigation, unauthorized disclosure of confidential business or proprietary information, excessive personal use of the system, or monitoring work flow and employee productivity.

Employees have no right to privacy with regard to the Internet and email on County systems (public or private). Authorized designees (as referenced above) may access any files stored on, accessed via, or deleted from computers and information systems. When necessary, Internet, email, and Instant Messenger (IM) usage patterns may be examined for work-related purposes, including situations where there is a need to investigate possible misconduct and to assure that these resources are devoted to maintaining the highest levels of productivity. All software installed on any County computer must be licensed to the County. No County employee may install, uninstall, or reconfigure any software or hardware owned by the county without prior authorization from the County. The use of privately-owned or contractor-owned computers for official county business must be authorized in advance by the County.

B. Allowable Uses of Computer and Information Systems for Business Purposes

1. Facilitating job function performance.
2. Facilitating and communicating business information within the County network.
3. Coordinating meeting locations and resources for the County.
4. Communicating with outside organizations as required in the performance of employee job functions.

C. Prohibited Uses of Computers and Information Systems, Including But Not Limited To E-mail, Instant Messaging, and the Internet

1. Violating local, state, and/or federal law.

2. Harassing or disparaging others based on age, race, color, national origin, sex, sexual orientation, disability, religion, military status or political beliefs. Harassment and disparagement include but are not limited to slurs, obscene messages, or sexually explicit images, cartoons, or messages.
3. Threatening others.
4. Soliciting or recruiting others for commercial ventures, religious or political causes, outside organizations, or other matters which are not job related.
5. Using computers or information systems in association with the operation of any for-profit business activities or for personal gain.
6. Sabotage, e.g. intentionally disrupting network traffic or crashing the network and connecting systems or intentionally introducing a computer virus.
7. Vandalizing the data of another user.
8. Forging electronic mail and instant messenger messages.
9. Sending chain letters.
10. Sending rude or obscene messages (anything that would embarrass or discredit the County).
11. Disseminating unauthorized confidential or proprietary County documents or information or data restricted by government laws or regulations.
12. Browsing or inquiring upon confidential records maintained by the County without substantial business purpose.
13. Disseminating (including printing) copyrighted materials, articles, or software in violation of copyright laws.
14. Accessing the Internet in any manner that may be disruptive, offensive to others, or harmful to morale.
15. Transmitting materials (visual, textual, or auditory) containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on age, race, color, national origin, gender, sexual orientation, disability, religious or political beliefs.
16. Sending or soliciting sexually-oriented messages or images.
17. Using the Internet or instant messenger for political activity.

18. Using the Internet to sell goods or services not job-related or specifically authorized in writing by an approving authority.
19. Downloading and viewing non-work-related streaming audio or video (i.e. listening to radio stations, etc.) that is a distraction to the employee's work and to those around them.
20. Intentionally using Internet facilities to disable, impair, or overload performance of any computer system or network or to circumvent any system intended to protect the privacy or security of another user.
21. Speaking to the media or to the public within any news group or chat room on behalf of the County if not expressly authorized to represent the County.
22. Uploading or downloading games, viruses, copyrighted material, inappropriate graphics or picture files, illegal software, and unauthorized access attempts into any system.

NOTE: Whether on working time or not, these prohibitions apply at all times to county-owned computers and information systems. Personnel cannot expect that the information they convey, create, file, or store in County computers and information systems will be confidential or private regardless of the employee's intent.

Please remember that there is no expectation of privacy for anything sent by email or IM, and that others can view this information at any time.

D. Guidelines for Incidental/Occasional Personal Internet Usage

Generally, the Internet is to be used for work-related purposes. The County will permit personal use of the Internet with reasonable restrictions as to the amount of time devoted to personal usage and sites visited provided such use does not adversely affect business or productivity. Incidental/occasional use is comparable to time authorized for meals and reasonable breaks during the workday and those times only should be used to attend to personal matters. Personnel are not permitted to utilize the Internet for personal use equal to meal and break times and also take their scheduled meal and breaks. Agency Internet resources must be devoted to maintaining the highest degree of productivity. Personal Internet usage is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason or for no reason. Aside from scheduled breaks and unpaid lunch periods, employees are prohibited from engaging in personal use of the internet while on County time.

E. Securing Computer Equipment and Electronic Data

County employees who are responsible for or are assigned portable computer equipment and electronic media (i.e., laptops, flash memory devices, external hard drives, DVDs, CDs, etc.) shall secure those items when not in the office as these items may contain confidential and/or HIPAA information, which could be compromised if lost or stolen. If an employee loses a piece of equipment or it is stolen, they are required to immediately notify their supervisor. Failure to properly secure portable computer equipment and electronic data is subject to disciplinary action.

XXVII. SOCIAL MEDIA POLICY

A. Social Media Limitations

The County supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action.

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.

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 or her 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.

XXVIII. CONCEALED CARRY

Consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon or ordnance onto the property of the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto these premises. Law enforcement officers specifically authorized to carry a firearm are exempted from this provision and may be permitted to carry a concealed weapon.

County employees are prohibited from carrying firearms any time they are working for the County or acting within the course and scope of employment. These situations include, but are not limited to attending training sessions or seminars, wearing a County identification badge, uniform, or other County issued paraphernalia that an employee is required to wear relative to their employment and working in resident's homes or other sites off County premises. Except for law enforcement officers, no employee or member of the public may carry, transport, or store a concealed weapon, firearm, or ammunition in a County owned vehicle.

This policy does not prohibit employees, possessing a valid license to carry a concealed handgun, from transporting and/or storing a firearm or ammunition in their personal vehicle at work locations where their personal vehicle is otherwise permitted to be (e.g. County Parking Lot). However, the employee must leave the firearm and ammunition in their personal vehicle. Employees are neither permitted to remove their firearm or ammunition from their personal vehicles while at work locations nor are they permitted to bring a concealed firearm or ammunition into a County owned building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Concealed Carry statute. The firearm and ammunition must be in a locked vehicle either in the glove compartment, a lock box or the trunk.

Employees shall immediately contact a supervisor if they suspect an employee or member of the public is carrying a concealed weapon, firearm, or ammunition on County premises. Employees are required to immediately contact a supervisor if they suspect an employee to be carrying a concealed weapon or firearm in violation of this policy at any time while they are working for the County, acting within the course and scope of employment, or acting as a representative of the County.

XXIX. WORKPLACE VIOLENCE

A. Zero Tolerance

The County is committed to providing a work environment that is safe, secure and free of harassment, threats, intimidation and violence. In furtherance of this commitment, the County enforces a zero tolerance policy for workplace violence. Consistent with this policy, threats or acts of physical violence, including intimidation, harassment, and/or coercion which involve or affect employees, or which occur on County property or at a worksite, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline and possible criminal prosecution, depending on the nature of the offense.

B. Prohibited Acts of Violence

Prohibited acts of workplace violence include, but are not limited to, the following: (1) hitting or shoving; (2) threatening harm to an employee or his or her family, friends, associates, or property; (3) intentional destruction of property; (4) harassing or threatening telephone calls, letters or other forms of written or electronic communications, including email and website postings; (5) intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule; (6) willful, malicious and repeated following of another person, also known as “stalking” and/or making threats with the intent to place another person in reasonable fear for his or her safety (7) suggesting or otherwise intimating that an act to injure persons or property is “appropriate”, without regard to the location where the suggestion or intimation occurs; and (8) unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on County property.

C. Warning Signs and Risk Factors

The following are examples of warning signs, symptoms and risk factors that may indicate an employee’s potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating, threatening, or menacing statements; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5) acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

XXX. CONTACT WITH NEWS MEDIA/CITIZENS

Any employee contacted by the news media or a citizen on a matter related to County operations should direct the caller to contact the Department Director, Appointing Authority or designee. This policy is designed to avoid duplication, assure accuracy, and protect employees and the County from the dissemination of misstatements and misinformation.

This policy does not prohibit employees from making a public statement, in their off duty hours, on matters of public concern. However, this policy does prohibit employees from making unauthorized public statements during their working hours and from making public statements about matters of private concern that negatively impact the County.

XXXI. SICK LEAVE

All employees shall be entitled to sick leave in accordance with §§ 124.38 and 124.39 of the Ohio Revised Code as follows:

A. Accumulation

Each employee shall be entitled for each completed eighty (80) hours of service to sick leave of four (four) and six-tenths (6/10) hours of pay, and unused sick leave may be accumulated without limit. Previous accumulated sick leave of an employee who has separated from public service shall be re-credited if reemployment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance. An employee is expected to provide proof of a prior sick leave balance within ninety (90) days of commencing employment with the County. An employee who transfers from one public agency to another shall be credited with up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

B. Use

Sick leave may be used by employees and upon approval of the County for absences due to the following:

1. Illness, injury, or pregnancy-related medical condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed medical practitioner.
4. Death of a member of the employee's immediate family. Such usage shall be limited to reasonably necessary time, not to exceed five (5) days. The County may grant additional time off on a case by case basis.
5. Illness, injury, or pregnancy-related medical condition of a member of the employee's immediate family where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Medical, dental or optical examinations or treatments of an employee or of a member of an employee's immediate family where the employee's care and attendance is reasonably required.

Elective cosmetic surgeries or other procedures that are not medically necessary do not constitute an appropriate usage of sick leave. Other appropriate leaves of absence, such as vacation, may be requested for such purposes.

For purposes of sick leave, immediate family is defined as: grandparent; great-grandparents; brother; sister; brother-in-law; sister-in-law; daughter-in-law; son-in-law; father; mother; father-in-law; mother-in-law; spouse; child; step-child; step-parent; grandchild; legal guardian; or other person who stands in place of a parent.

Grandparent-in-law, aunts and uncles shall also be considered immediate family for bereavement leave purposes. Such usage shall be limited to reasonably required time, not to exceed one (1) day. The County may grant additional time off on a case by case basis not to exceed three (3) days.

C. Employee Notification

When an employee is unable to report to work due to illness or other acceptable sick leave reason, he or she shall notify his or her supervisor by calling the supervisor and speaking directly with the supervisor or, if unavailable, with another supervisor in their department. Employees are not permitted to leave messages, text or email their supervisor when notifying them of their absence. Absences must be reported at least one half hour prior to the employee's scheduled shift. An employee must continue such notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

D. Written Statement

Proof of illness, such as a doctor's excuse, may be required when the County believes the absence(s) to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time, but will generally be required in each case when an employee has been absent more than three (3) consecutive days. When a licensed medical practitioner's certificate is required, it must be submitted to Human Resources before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify the nature of the illness, and that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." For absences where a licensed medical practitioner's certificate is not required, the employee must submit a written statement to Human Resources explaining the nature of the illness.

E. Sick Leave Abuse

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 termination. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The County reserves the right to investigate allegations of sick leave abuse. The County reserves the right to question employees concerning their sick leave use. Whenever an employee is on sick leave he or she must be at home during his or her scheduled work hours or obtaining treatment or medication.

F. Uses of Other Leave

Other accumulated unused leaves may be used for sick leave purposes, at the discretion of the Appointing Authority.

G. Sick Leave Charge

Sick leave shall be charged in minimum increments of one-quarter (1/4) hour. When sick leave is used it shall be deducted from the employee's credit on the basis of one hour of sick leave for every one hour of absence from previously scheduled work. Sick leave payments shall not exceed the normal scheduled workday or workweek earnings. Employees may utilize sick leave only for the hours and days on which they are scheduled to work.

H. Sick Leave Upon Retirement

An employee may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of his accrued, but unused, sick leave balance accumulated with Delaware County. The total value of the sick leave paid, earned with Delaware County, as severance pay shall not exceed the value of 60 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

An employee, who has a sick leave balance that has accumulated with the state of Ohio, or any other political subdivision of state, may elect at the time of disability or service retirement under the Public Employees Retirement System, to be paid in cash for one-fourth of the value of his or her accrued, but unused, sick leave. The total value of the sick leave paid, earned with another political subdivision, as severance pay shall not exceed the value of 30 days paid leave. The payment shall be based on the employee's rate of pay at the time of retirement.

To qualify for this severance benefit, the employee must meet the requirements for a disability or service retirement and have at least 10 years of service with the state, any political subdivision of the state, or any combination of such service.

The total value of the sick leave paid under this policy, earned with Delaware County and another political subdivision combined, as severance pay shall not exceed the value of 60

days paid leave. Payment for sick leave will eliminate all sick leave credit accrued by the employee at that time.

I. Sick Leave Upon Death

Upon the death of an employee in the active service with Delaware County, unused accumulated sick leave shall be paid to the employee's spouse, children, or parents, if any, in that order or to his or her estate. Payment for sick leave accumulated while in the employ of Delaware County shall be based on the employee's straight- time hourly rate at the time of death and will be paid in cash for one-fourth of value of his/her accrued, but unused sick leave balance , with no limit.

J. Medical Information

The County will maintain employees' medical information in a separate medical file and will treat the information in a confidential manner. Employees who are concerned that their medical information is not being treated in a confidential manner should report such concerns to the Director of Administrative Services by calling (740) 833-2120.

XXXII. FAMILY MEDIAL LEAVE ACTIVE (“FMLA”)

To ensure that the Delaware County Offices/Departments comply with the federally mandated Family and Medical Leave Act (FMLA) of 1993, the National Defense Authorization Act of 2008 and 2010. This policy meets the applicable federal standards. Additional/other leaves of absences may be approved by the appointing authority pursuant to County policy.

A. Definitions

1. *COVERED EMPLOYER* is all public employers, regardless of the number of employees employed, and all private employers with fifty (50) or more employees for each working day during each of twenty (20) or more calendar workweeks in the current or preceding calendar year. (Twenty (20) calendar weeks do not need to be consecutive.)
2. *ELIGIBLE EMPLOYEE* is a person:
 - a. employed by the County for twelve months, which need not be consecutive; however, employment periods prior to a break in service of seven years or more need not be counted unless the service was caused by fulfillment of his or her National Guard or Reserve military obligation (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA) or unless specified differently in a collective bargaining agreement;
 - b. has worked or been in a paid status (e.g. vacation, sick leave, holiday pay, compensatory time, previous FMLA leave, etc.) at least 1250 working hours in the twelve (12) month period prior to the date on which leave is to commence, and
 - c. is employed at a worksite where fifty (50) or more employees are employed by the employer or the employer employs fifty (50) or more employees within seventy-five (75) miles of the worksite.
3. *PAID STATUS* is time away from work with pay or FMLA leave, (e.g. vacation, sick leave, holiday pay, compensatory time, previous FMLA leave, etc.).
4. *UNPAID LEAVE* is time taken away from work without pay. FMLA leave may be unpaid leave, but will be classified as paid status although the employee will not accrue service time or seniority during unpaid FMLA. Unpaid leave not qualified as FMLA leave will not be classified as paid status.
5. *INTERMITTENT LEAVE* is leave taken by an employee in blocks of time, or by reducing their normal weekly or daily work schedule.
6. *SERIOUS HEALTH CONDITION* means an illness, injury, impairment, or physical or mental condition that involves either:
 - a. Hospital Care

Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection to such inpatient care; OR

b. Continuing treatment by a health care provider, which includes:

A period of incapacity lasting more than three consecutive, full calendar days (including any subsequent treatment or period of incapacity relating to the same condition), that also involves:

- Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); OR
- One Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment (i.e., an in-person visit within 7 days of the first day of incapacity with a continuing regimen of treatment such as prescription medication, physical therapy, etc.

c. Pregnancy

- Any period of incapacity due to pregnancy or prenatal care.

d. Chronic Conditions Requiring Treatments

A chronic condition which:

- Requires periodic visits of at least two visits per year for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;
- Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.)

e. Permanent/Long Term Conditions Requiring Supervision

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, severe stroke, or the terminal stages of a disease.

f. Multiple Treatments (Non-Chronic Conditions)

Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Incapacity means inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom.

Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

A regimen of continuing treatment includes, for example, a course of prescription medication (e.g. an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

Conditions That Typically Are Not Serious Health Conditions Under the FMLA

- a. Cosmetic treatments, such as for acne or plastic surgery, except after an injury or removal of a cancerous growth or if complications develop.
- b. Common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraine), or routine dental or orthodontia problems, unless complications develop.
- c. Allergies or mental illness resulting from stress unless all requirements of serious health condition are met.
- d. Substance abuse unless absence is for treatment.

7. *HEALTH CARE PROVIDER* means:

- a. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or
- b. Podiatrists, dentists, clinical psychologists, optometrists and chiropractors (limited to manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice, and performing within the scope of their practice, under state law, or
- c. Nurse practitioners, nurse-midwives and clinical social workers authorized to practice, and performing within the scope of their practice, as defined under state law; or
- d. Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or
- e. Any health care provider recognized by the employer or the employer's group health plan benefits manager.

8. *IMMEDIATE FAMILY MEMBER* includes a spouse, parent, or son or daughter under eighteen (18) unless disabled. It does not include non-disabled adult children, unmarried partners, in-laws, siblings, grandparents, or other relatives, unless the person stood in *loco parentis* to the employee before the employee reached the age of majority.

9. *ACTIVE DUTY*.—The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

10. *COVERED SERVICE MEMBER* - The term “covered service member” means a current 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 or the aggravation of an existing or pre-existing injury, of an active duty service member of the armed forces. A "covered service member" also includes veterans undergoing treatment, recuperation or therapy for an illness or injury incurred in the line of duty as long as the veteran was a member of the Armed Forces, National Guard or Reserves within five years of requiring care.
11. *OUTPATIENT STATUS*. - The term “outpatient status”, with respect to a covered service member, means the status of a member of the Armed Forces assigned to:
 - a. a military medical treatment facility as an outpatient; or
 - b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.
12. *NEXT OF KIN*.—The term “next of kin”, used with respect to an individual, means the spouse, son, daughter, parent or nearest blood relative of that individual.
13. A “serious injury or illness”, for purposes of the 26 week military caregiver leave means either:
 - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; or
 - b. In the case of a covered veteran, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
 - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
 - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

B. Policy

Leave Entitlement

1. In accordance with the federal Family and Medical Leave Act of 1993 and the National Defense Authorization Act, an eligible employee is entitled to an unpaid leave of absence of up to twelve (12) workweeks during any (12) twelve month period measured backward from the date the leave commences for one of the following reasons:
 - a. for the birth and care of the newborn child of the employee;
 - b. for placement with the employee of a son or daughter for adoption or foster care;
 - c. to care for an immediate family member including a spouse, child under 18 years of age or child 18 years or older if incapable of self-care because of mental or physical disability, or the employee's parent (but not parent in-laws), of the employee, with a serious health condition;
 - d. to take medical leave when the employee is unable to work because of a serious health condition; or
 - e. for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the Regular Armed Forces, National Guard or Reserves.
2. Spouses employed by the same employer are limited to a combined total of 26 workweeks in a single 12 month period if the leave is to care for a covered service member.

Spouses employed by the same employer are jointly entitled to a combined total of 12 workweeks of family leave for the birth and care of the newborn child, for placement of a child for adoption or foster care, and to care for an immediate family member who has a serious health condition.
3. Leave for birth and care of a newborn, or placement of a child for adoption or foster care must conclude within 12 months of the birth or placement.
4. Under certain circumstances, employees may take FMLA leave intermittently either by taking leave in blocks of time or by reducing their normal weekly or daily work schedule.
 - a. If FMLA is for birth and care of a newborn or placement of a child for adoption or foster care, use of intermittent leave is subject to the employer's approval.
 - b. FMLA leave may be taken intermittently only when there is a medical need for leave **and** the need is best accommodated via intermittent leave in order to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
 - c. FMLA leave may be taken intermittently to care for a covered service member with a serious health condition or injury or for a qualifying exigency arising out of active duty status or call to active duty of a covered military member.
 - d. Intermittent or reduced schedule leave may be taken by the employee in any size increments, and Delaware County shall charge intermittent or reduced schedule FMLA leave against the employee's twelve (12) workweek or twenty-six (26) work week (where eligible) total by the quarter hour (15 minute) increment.
 - e. Employees using any form of intermittent leave for planned medical treatment must make reasonable efforts to schedule medical treatment so as not to unduly disrupt business operations.
 - f. Employees using intermittent leave due to chronic conditions may be asked to provide re-certification every thirty (30) days in connection with an absence.

5. If leave to care for an immediate family member or for the employee's own serious health condition is planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt the County's operation or interfere with the employee's work schedule.
6. All employees shall be required to substitute all accrued but unused compensatory time, vacation, personal, family, or sick leave for unpaid FMLA leave with the following limitations:
 - a. Employees shall not utilize sick leave to be substituted for FMLA leave unless the situation involves a serious health condition. Under the FMLA, sick leave shall not be used for the birth or placement of a child unless it is used for the employee's own recovery after giving birth or for care of an ill family member.
 - b. The utilization of sick leave for the care of an ill family member following birth or placement of a child shall only be approved when medical evidence of a serious health condition is provided on the proper form (U.S.D.O.L. Form WH-380 F, Certification of Health Care Provider).
 - c. Employees shall substitute paid leave for unpaid FMLA leave in the following order:
 - for the birth and care of the newborn child of the employee:
 - sick leave shall be utilized for the extent of inpatient care in the hospital and continued to the extent as certified by a qualified health care provider as a serious health condition,
 - thereafter, all accrued compensatory time shall be utilized until exhausted or the employee returns to work,
 - all accrued vacation leave shall be utilized until exhausted or until the employee returns to work,
 - requests for leave must follow employee's department procedures and may be approved or denied accordingly.
 - for placement with the employee of a son or daughter for adoption or foster care:
 - all accrued compensatory time shall be utilized until exhausted or the employee returns to work,
 - all accrued vacation leave shall be utilized until exhausted or until the employee returns to work,
 - requests for leave must follow employee's department procedures and may be approved or denied accordingly.
 - to care for an immediate family member of the employee with a serious health condition or for the employee's own serious health condition:
 - sick leave shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
 - all accrued compensatory time shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
 - all accrued vacation leave shall be utilized until exhausted or until the employee or his/her immediate family member no longer has the serious health condition,
 - requests for leave must follow employee's department procedures and may be approved or denied accordingly.

- d) for "qualifying exigency" leave, accrued leaves shall be utilized in accordance with County policy. Requests for leave must follow employee's department procedures and may be approved or denied accordingly.

- 7. Even if the employee does not designate or request that absence be covered under the FMLA, the County may, upon proper notification, designate a qualifying absence as FMLA leave.

When an employee seeks leave due to a FMLA qualifying reason for which the employer has previously provided the employee FMLA protected leave, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

- 8. "Next of Kin" / Military Caregiver Leave: In accordance with the National Defense Authorization Act of 2008 and 2010, an eligible family member of a covered service member will be able to take up to 26 workweeks of leave in a "single 12-month period" measured forward from the date the leave commences to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This 26 workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal 12 weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons and may be taken intermittently.

This type of leave may be used by family members of veterans to care for veterans undergoing treatment, recuperation or therapy for a serious illness or injury incurred in the line of duty, as long as the illness or injury was within five years of the date of treatment, recuperation or therapy. The coverage applies even if the injury or illness manifested itself after the service member's discharge from military service.

The National Defense Authorization Act of 2010 also expands military caregiver leave so that employees may use FMLA to care for a covered service member's serious injury or illness incurred because service on active duty aggravated an existing or preexisting injury or injuries.

- 9. "Qualifying Exigency" Leave: This military leave entitlement helps families of members of the regular armed forces when deployed to a foreign country, as well as members of the National Guard and Reserves manage their affairs while the member is on active duty. This provision makes the normal 12 workweeks in a rolling calendar year of FMLA job-protected leave available to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty, or has been notified of an impending call or order to active duty. "Qualifying Exigency Leave" may be taken intermittently when necessary.

- a. Qualifying Exigencies:

- i. Short-notice deployment of 7 days or less;
- ii. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- iii. To arrange for childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility,

and attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;

- iv. To take care of financial and legal affairs and matters for a covered military family member;
 - v. To attend non-health care provider counseling arising from active duty in the military or the call to active duty status of the covered military member;
 - vi. Up to fifteen days to spend time with a covered military service member on rest and recoupment leave during deployment;
 - vii. Attending to certain post deployment activities including attending arrival ceremonies, reintegration briefings, and events and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status and addressing issues arising from the death of a covered military member.
 - viii. Additional activities not encompassed in the other categories, but agreed to by Delaware County and the employee.
10. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA qualifying reason during the "single 12 month period". Only 12 of the 26 weeks total may be for a FMLA qualifying reason other than to care for a covered service member.

Maintenance of Health Benefits

1. As required under the FMLA, Delaware County will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. If applicable, arrangements will be made for employees to continue to pay their share of health insurance premiums while on leave. Payment must be made by the first day of each month with a thirty (30) day grace period or benefits shall terminate.
2. If the employee chooses not to continue coverage while on leave, upon proper return to work, the employee shall be reinstated into the plan on the same terms as prior to commencement of leave.
3. As allowed under the FMLA, Delaware County shall make every effort to recover premiums it paid to maintain health coverage for an employee who fails to return to work from FMLA leave without medical justification.

Job Restoration

1. Upon return from FMLA leave, an employee must be restored to the employee's original job, or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment. An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

2. In addition, an employee's use of FMLA leave cannot result in the loss of any employment benefit that the employee earned or was entitled to before using FMLA leave, nor be counted against the employee under a "no fault" attendance policy. This includes salary increases that are across the board or for cost of living received by all employees in the same job classification.
3. If paid leave is substituted for FMLA, then the employee shall continue to accrue service time during that paid status. If FMLA is unpaid leave, the employee shall not accrue service time or seniority during the unpaid status.
4. Under specified and limited circumstances where restoration to employment will cause substantial and grievous economic injury to its operations, Delaware County may refuse to reinstate certain highly paid "key" employees (highest paid 10% of all employees) after using FMLA leave during which health coverage was maintained. In order to do so the Delaware County must:
 - a. Notify the employee of his/her status as a "key" employee in response to the employee's notice of intent to take FMLA leave;
 - b. Notify the employee as soon as the employer decides it will deny job restoration, and explain the reasons for this decision;
 - c. Offer the employee a reasonable opportunity to return to work from FMLA leave after giving this notice, and
 - d. Make a final determination as to whether reinstatement will be denied at the end of the leave period if the employee then requests restoration

Other Provisions

1. Salaried executive, administrative, and professional employees of covered employers who meet the Fair Labor Standards Act (FLSA) criteria for exemption from minimum wage and overtime under Regulations, 29 CFR Part 541, do not lose their FLSA-exempt status by using any unpaid FMLA leave.

Procedure for Administration

In accordance with the federal Family and Medical Leave Act of 1993 and the National Defense Authorization Act, an eligible employee is entitled to an unpaid leave of absence of up to twelve (12) workweeks measured backward from the date the leave commences or twenty six (26) workweeks measured forward from the date the leave commences (if the leave is for military caregiver leave).

(The Supervisor should provide his/her employee with a copy of the FMLA policy including the appropriate U.S. Department of Labor's certification form and notify Human Resources when the employee misses work or will miss work due to one of the following reasons):

1. for the birth and care of the newborn child of the employee;
2. for placement with the employee of a son or daughter for adoption or foster care;
3. to care for an immediate family member (spouse, child under 18 years of age or child 18 years or older if incapable of self-care because of mental or physical disability, or the employee's parent (but not parent in-laws) of the employee with a serious health condition; or
4. to take medical leave when the employee is unable to work because of a serious health condition.
5. military caregiver leave;
6. qualifying exigency leave.

- A. Employees must provide notice when a qualifying event occurs and/or is planned to occur as follows:
1. For foreseeable need for leave, including prenatal visits, the employee must provide thirty (30) days notice to the employer; if thirty (30) days is not possible, then as soon as practical, or
 2. For unforeseeable need for leave, employees must notify the employer as soon as practical.
 3. An employee must complete the appropriate leave form and submit it to their supervisor, director or appointing authority for approval along with the appropriate FMLA forms.
 4. If the employee has been absent from work for one of the qualifying reasons without providing the above notice, that leave may be considered as part of the 12 work week period (or 26 workweek period for military care giver leave) upon the employer discovering the qualifying event depending upon the reason for the failure to provide proper notice. Any further leave the employee is entitled to take under this policy will be for 12 workweeks (or 26 workweek period for military care giver leave) less the amount of such absent time previously taken.
 5. The employee should provide notice by completing the appropriate forms as indicated within this policy. (Form A, Application for Family or Medical Leave).
 6. If the employee has incurred previous absences for one of the qualifying reasons, he/she shall complete Form A1, Explanation of Prior Leave.
 7. Failure to honestly complete FMLA forms in the prescribed manner may result in FMLA leave being rejected or revoked and the possibility of disciplinary action up to and including termination.
- B. Upon receipt of an Application for Family or Medical Leave, Delaware County shall either approve FMLA leave or require medical certification of the initial need for leave of an employee's annual FMLA entitlement. The County will give this indication of approval or request for appropriate medical, qualifying exigency or military caregiver certification by completing the appropriate U.S.D.O.L. Certification Forms. The County will notify the employee of eligibility / ineligibility within five (5) business days after leave is requested or it has knowledge the leave is for an FMLA reason, absent exigent circumstances. If the employee will use paid time for the majority of the leave, the employee must complete a "Leave Request Form" and submit the form to his/her supervisor. If the majority of the employee's leave will be unpaid, a request for leave form and an employee action form with appropriate approvals must be completed.
1. The employee shall provide such certification to Delaware County within fifteen (15) days after receiving the requirement to provide such certification. The employee shall use U.S.D.O.L. Form WH-380 E (employee) or F (family), Certification of Health Care Provider to provide this certification in cases involving a serious health condition of the employee or eligible family member. In cases involving serious injury or illness of a covered service member for military family leave the employee must use U.S.D.O.L Form WH-385 or use Form WH-384 for certification of qualifying exigency for military family leave. All entries within the certification must be answered sufficiently and completely.
 - a) Delaware County Human Resources may contact the employee's doctor or service provider directly to authenticate / clarify the certification.
 - b) Delaware County may request subsequent certifications every 30 days, upon expiration of the period specified in the certification, when circumstances change, or when the validity of the certification is in doubt.

- c) Failure of the employee to provide a complete and sufficient certification in a timely manner may result in:
 - For foreseeable leave, leave may be denied until a complete and sufficient certification is received,
 - For unforeseeable leave, continuation of leave may be denied, and
 - If certification is never received, if the certification is incomplete or is insufficient FMLA leave will be denied.
 - d) Expenses for all such certifications, including subsequent certifications and clarifications, shall be paid by the employee or by insurance, if covered.
2. Delaware County may obtain a second medical opinion from a health care provider of Delaware County's choice at the expense of Delaware County.
 3. If the employee's medical certification and the second medical opinion disagree, Delaware County may require a third, final, and binding evaluation of the employee by a health care provider selected mutually by Delaware County and the employee. The cost of the third evaluation shall be borne by Delaware County.
- C. Prior to an employee's return to work for FMLA leave due to his/her own serious health condition, the employee shall provide a fitness-for-duty certification from a health care provider showing that the employee can perform the functions of his/her position. The employee or health care provider must submit the fitness-for-duty certification directly to Human Resources. The employee shall not return to work until such certification is provided and may be terminated at the expiration of leave if fitness-for-duty certification is not provided and the employee does not have other leave (*e.g.*, sick leave, compensatory, vacation, or personal leave, if granted) to cover further absence. The employee shall utilize Form C, Health Care Provider's Certification of Ability to Return to Work, as the fitness-for-duty certification.

Employer Responsibilities

- A. The County will post an approved Department of Labor FMLA notice in a conspicuous place.
- B. The employer will provide a copy of this policy to each employee and provide training periodically as needed on the employee's rights and responsibilities under the FMLA.

XXXIII. CIVIC DUTY LEAVE

A. Jury Duty

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

B. Work Related Proceedings

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

C. Personal Matters

Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the County, must seek an approved vacation leave or unpaid leave of absence.

XXXIV. VACATION AND PERSONAL LEAVE

A. Vacation Leave Accrual

1. Full-time permanent County employees shall be entitled to vacation after completion of one full year of public employment in Ohio. Vacation time is credited each bi-weekly pay period at rates as established below in accordance with O.R.C. §§ 325.19 and 124.13 as applicable. An employee who is not in active pay status for part of a bi-weekly pay period shall earn a pro-rated amount of vacation leave for that period.

Completed Years of Service	Credit Earned Per Eighty (80) Hours Worked	Vacation Credit Earned for Yearly Hours	Equivalent Work Days
Less than one year	0	0	0
1 through less than 8 years	3.1	80	10
8 through less than 15 years	4.6	120	15
15 through less than 25 years	6.2	160	20
25 plus years	7.7	200	25

2. Employees after one year of public employment in Ohio who are regularly scheduled to work less than eighty (80) hours in a pay period will accrue vacation at a prorated amount of the standard rate multiplied by the ratio of his or her regular scheduled hours in a pay period to eighty (80) hours. Under no circumstances will an employee accrue vacation at a greater rate than the standard rate.
3. Vacation leave will accrue during periods of authorized paid leaves of absence but will not accrue while an employee is on unpaid leave status.
4. In accordance with O.R.C. § 9.44, employees may be entitled to prior service credit for time spent with the State of Ohio or any political subdivision of the State. It is the employee’s responsibility to provide necessary documentation of prior service.

B. Vacation Leave Use

1. Vacation leave must be taken within twelve (12) months following an employee’s anniversary date. An Appointing Authority, at its sole discretion, may permit an employee to accumulate vacation for a period not to exceed three (3) years.

Accrued vacation leave that is not taken within the time period permitted under this policy is forfeited.

2. Vacation requests should generally be received by the employee's immediate supervisor in advance. Vacation requests will be granted on a first-come, first-serve basis and are subject to operational needs. Vacation time may be taken in one-quarter (1/4) hour increments.
3. The County may revoke vacation leave that has been approved if required by operational reasons.

C. Unused Vacation Leave

Upon separation from service with at least one (1) year of recognized public service, an employee is entitled to compensation at their current rate of pay for accrued but unused vacation.

D. Personal Days

Each calendar year beginning January 1, 2013, all non-bargaining employees in continuous employment with Delaware County for one full year of service shall be entitled to two personal days. Personal leave may be taken in increments of two-hours up to a full day. Personal days are subject to the approval of employee's supervisor based upon the operational needs of the department. To be eligible, the employee must have a banked balance of at least 120 hours of sick leave at the time the personal day is taken. Personal days will be deducted from the employee's sick leave balance. Personal days not used during the calendar year are forfeited and remain in the employee's accrued sick leave balance. At no time shall an employee receive a payout for unused personal days with the exception of applicable sick leave pay out provisions established by policy.

XXXV. HOLIDAYS

Full-time permanent employees are entitled to the following holidays with pay.

New Year's Eve Day (1/2 day holiday ~ County offices close at noon)
New Year's Day
Martin Luther King Day
President's Day
Memorial Day
Independence Day
Labor Day
Little Brown Jug Day (1/2 day holiday ~ County offices close at noon)
Veterans Day
Thanksgiving Day
Day after Thanksgiving Day
Christmas Eve Day (1/2 day holiday ~ County offices close at noon)
Christmas Day

Part time permanent employees shall be paid holiday pay (for above listed holidays) the average number of regularly scheduled hours per week prorated over five days (Example: an employee who averages 30 hours per week is entitled to six hours of holiday pay for a full day holiday and three hours for a half day holiday).

For non-continuous service employees, if the holiday falls on a Saturday, it shall be observed on the preceding Friday; if the holiday falls on a Sunday, it shall be observed on the following Monday. If the holiday occurs while an employee is on vacation leave, the vacation day will not be charged against such leave. An employee shall receive holiday pay rather than paid sick leave for any holiday which occurs when he is absent on sick leave. Holiday pay will not be given to any employee who is on a leave of absence without pay. An employee must be on approved leave status before and after the holiday in order to be eligible for holiday pay.

If the employee is required to work on a holiday, he/she shall receive his or her holiday pay plus pay for the time actually worked on the holiday. Holiday hours shall be considered as hours worked towards the forty hours required for overtime calculations for non-exempt employees, only if the employee works on the holiday.

XXXVI. UNPAID LEAVE

Employees may request an unpaid leave of absence for professional, educational, or other personal reasons. The County has sole discretion to grant or deny the leave. A personal leave of absence may be granted for one day to six months for any reason the County deems appropriate. Upon completion of approved unpaid leave, the employee will be returned to his or her former position or to a similar position within the same classification.

While on leave without pay status, an employee shall not accumulate paid leave or holiday pay. An employee on a non-FMLA unpaid leave of absence will be given COBRA notification regarding his or her health insurance benefits.

The County may revoke an unpaid leave of absence for business reasons upon one week's written notice to the employee that he / she must return to work. An employee on an unpaid leave of absence who is determined to be using the leave for purposes other than for which the leave was granted may be subject to disciplinary action and ordered to return to work immediately.

XXXVII. MILITARY LEAVE

Military leave is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).

A. Paid Military Leave

County employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military leave must submit a written request to the County as soon as they become aware of such orders. Employees must provide the published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. § 5923.05, employees are authorized up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours in a year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee's gross monthly wage and his or her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.

Employees, who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours in a year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

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

Also see Family and Medical Leave Act Policy

XXXVIII. PERSONNEL FILES

The County shall maintain personnel files for all County employees. Such files may include individual employment data, payroll information, schedules, records of additions or deductions, application forms, and records pertaining to hiring, promotion, demotion, transfer, layoff and termination. Personnel files shall be available to members of the public in accordance with the law. An employee shall have a right of reasonable inspection of his or her official personnel file. No personnel records shall be removed from the official records unless in accordance with state or federal law or in accordance with the County's retention of records policy.

When a public records request is made for an employee's records, the County will endeavor to inform the employee of the request in advance of the release of records. The County will make reasonable efforts to redact personal information, and other non- public information, from the files before release. Notifying the employee of the release may not result in an unreasonable delay in releasing the records pursuant to an appropriate request. Employees are responsible for taking legal action in the event they wish to prohibit release of the requested documents to the requesting individual or entity.

Employees must timely advise the County of any change in name, address, marital status, telephone number, number of tax exemptions, citizenship, or association with any government military service organization.

<http://www.co.delaware.oh.us/hrdocuments/policies/records.pdf>

XXXIX. REHIRING RETIRED OPERS MEMBERS

A. County Employees Who Take OPERS Retirement May Be Rehired Subject To The Following

1. In accordance with O.R.C. §145.381, if the retiring employee is subject to hire through a Board, then sixty (60) days prior to rehire in the same job from which the employee retired, the hiring Board must give public notice of the employee's intent to rehire. The hiring Board must then hold a public hearing on the issue between fifteen (15) and thirty (30) days prior to the retired employee's rehire date.
2. At the time of retirement, the employee must be paid all accrued vacation time. When rehired, the employee will begin accruing vacation as a new employee. The employee will not receive credit for prior years' service in determining the vacation accrual rate.
3. If the employee requests payment of sick leave upon retirement, the employee will start with a zero balance and accrue sick leave as a new employee. The employee will not be eligible for any future payment of unused sick leave earned during post-retirement employment.
4. If the employee does not request payment of sick leave upon retirement, he may retain the sick leave balance for use when rehired provided his or her rehire date is within ten years of his or her retirement. If the employee chooses not to request payout upon retirement, he shall not be eligible for any payment of unused sick leave upon separation from the post-retirement employment.
5. Employees who are rehired subsequent to taking OPERS retirement will receive no credit for prior service. Rehired employees will start a new period of classified service for the purpose of calculating service credits in the event of layoff or other action affecting their employment.
6. Employees are required to notify their employer of their retirement date. The County reserves the right to start a rehired employee at a newly negotiated rate of pay.

XXXX. AUDITOR OF STATE FRAUD REPORTING SYSTEM

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

Telephone: 1-866-FRAUD OH (1-866-372-8364) US Mail: Ohio Auditor of State's Office
Special Investigations Unit
88 East Broad Street
P.O. Box 1140
Columbus, OH 43215
Web: www.ohioauditor.gov

XXXXI. EMPLOYEE INFORMATION AND RECORDS

A. Employee Information

The appropriate Appointing Authority shall establish and maintain a personnel file for each employee. The employee is responsible for providing the employer with the following information: the employee's legal name, address, telephone number, social security number, tax exemptions, affiliation with any branch of the armed services, the name and phone number of a person to contact in case of an emergency, loss of licensure or insurability, if applicable, and, any other requested information. In addition to providing this information, the employee is also responsible for promptly reporting any change in the information.

In the event the employer must send correspondence or other documentation to an employee who is on leave, the employer will mail the document to the last known address listed in the employee's personnel file. An employee will be considered to have constructive notice of any correspondence or documentation mailed to his last known address.

B. Release of Records

With the exception of certain law enforcement entities, the County, as well as, its employees is subject to the mandates of Chapter 1347 of the Ohio Revised Code regarding personal information systems. The County maintains records that are manually stored and records that are stored using electronic data processing equipment. Records maintained by the County include personal information (i.e. employee information required above).

Each County office shall appoint a Record's Custodian who is directly responsible for the office's personal information systems. The County understands that it creates, receives, and maintains sensitive and private information, and will ensure that it collects, maintains, and uses only personal information that is necessary and relevant to the functions of the County. Personal information maintained by the County shall not be modified, destroyed, or disclosed without the approval of the Record's Custodian. The County will continually monitor the personal information system, and make necessary adjustments to ensure the system's accuracy. Employees will be trained on the use of personal information, including review of this policy. Employees who use personal information in an unauthorized manner shall be subject to the County's disciplinary policy.

Records maintained by the County that are not defined as "public records" in §149.43 of the Ohio Revised Code or other applicable provisions of law, shall not be released from an employee's personnel file unless specifically authorized by such employee in writing. Pursuant to applicable law, medical records are not public records and are maintained in a separate file. Records maintained by the County that are defined as public records shall be released in accordance with law. The County will attempt to give employees at least twenty-four hours notice before releasing their personal information in response to a public records request.

C. Review of File

Each employee shall have the right, with reasonable notice, to examine his personnel file. Such examination shall be made on non-work time or at some other mutually agreeable time. If an employee disputes the accuracy, timeliness, relevance, or completeness of documents in her file, he may submit a written request that the appointing authority investigate the current status of the information. The appointing authority will make a reasonable investigation to determine the accuracy, timeliness, relevance, and completeness of the file, and will notify the employee of the results of the investigation and any plans the appointing authority has to take action with respect to the disputed information.

Employees are not permitted to alter, add or remove documents or other information contained in their personnel files absent express authorization from the appropriate appointing authority. An employee who alters, adds or removes documents or information from his personnel file without prior approval may be subject to discipline. Employees may submit a statement to be attached to any disputed document.

RECEIPT FOR COUNTY POLICIES

I have received my copy of the Delaware County Personnel Policy Manual, which includes the following policies:

- Classification Status
- Management Rights
- Professional Conduct
- Equal Employment Opportunity
- Americans With Disability Act
- Unlawful Discrimination And Harassment
- Medical Examinations And Disability Separation
- Drug And Alcohol Policy
- Tobacco Use Policy
- Lactation Breaks
- Job Assignments / Temporary Assignments
- Performance Evaluations
- Hours Of Work And Overtime
- Reporting To Work And Tardiness
- Layoff
- Probationary Period
- Ethics/Conflicts Of Interest
- Nepotism
- Outside Employment
- Rehiring Retired OPERS Members
- Auditor Of State Fraud Reporting System
- Political Activity
- Investigations And Discipline
- Complaint Procedure
- Solicitation
- County Property
- Computer Use Policy
- Social Media Policy
- Concealed Carry
- Workplace Violence
- Contact With News Media/Citizens
- Sick Leave
- Family Medical Leave Act (“FMLA”)
- Civic Duty Leave
- Vacation And Personal Leave
- Holidays
- Unpaid Leave
- Military Leave
- Personnel Files
- Employee Information and Records

INITIAL

I agree that I am responsible for knowing its contents.

I understand if I have any further questions, I will contact my supervisor or the Human Resources Department.

I understand that these policies are not all inclusive of the policies that I must follow as a Delaware County employee.

I understand that each department / elected official has departmental specific policies and I will become familiar with the policies that I am required to follow.

I understand that the Personnel Policy Manual and the Delaware County Standard Operating Procedures, which contain additional policies for the departments operating under the Board of County Commissioners, is available online for my review at <http://www.co.delaware.oh.us/index.php/policies>

I acknowledge and understand that this manual does not create a contract of employment with the County for any purpose.

I agree and understand that any and all provisions of this manual may be modified or eliminated, without advance notice to me, at any time.

Print Name _____

Signature _____

Date _____

Please sign and return to:
Delaware County Human Resources, 10 Court Street, 2nd Floor, Delaware, Ohio 43015
Questions? Contact 740/833-2120