

MIAMI COUNTY

PERSONNEL POLICY MANUAL

REVISED APRIL 1, 2019



THIS DOCUMENT IS NOT A CONTRACT

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INTRODUCTION/DISCLAIMER**SECTION 1.01**

- A. Policies are the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly written policies, consistently and fairly administered, are essential to the success of any organization.
- B. Written procedures provide members of the organization with administrative interpretation of the application of the organization's policies and explain the specific manner in which such policies are implemented.
- C. The policies set forth and adopted within this manual supersede all previous written and unwritten county personnel policies. These policies have been structured to comply with any applicable laws and agreements. In the event there is a conflict between the matters expressed in this manual and any applicable laws or agreements, the applicable law or full text of the written agreement will prevail.
- D. This manual is not an employment contract, express or implied. It is presented as a matter of information only. Miami County reserves the right to modify, revoke, suspend, terminate, or change these policies with or without prior notice. No representative of the employer has the authority to enter into an agreement with an employee that is contrary to the foregoing.

MISSION/OBJECTIVES**SECTION 1.02**

Miami County offers a wide variety of services to its residents and businesses. The employer recognizes that human resources programs that recruit and retain competent, dependable personnel are indispensable to effective government and the delivery of good, efficient services. The policies and procedures set forth in this manual are designed to:

- A. Promote high morale and foster good working relationships among employees by providing uniform human resources policies, equal opportunities for employment and advancement, and consideration of employee needs;
- B. Maintain recruitment and internal promotional practices that will enhance the attractiveness of public employment and encourage employees to give their best efforts to the organization and the public;
- C. Encourage courteous and dependable service to the public;
- D. Provide equal opportunity for qualified persons to enter and progress in their employment based on merit and fitness;
- E. Ensure that operations are conducted in an ethical and legal manner; and
- F. Establish acceptable minimum standards of performance which are to be applied fairly and uniformly.

DEFINITIONS/ABBREVIATIONS**SECTION 1.03**

Unless otherwise indicated, the following definitions and abbreviations apply to the below listed terms as used in this manual.

Active Pay Status: Active pay status is a period when an employee is eligible to receive pay directly from the employer and includes hours actually worked and various forms of paid leave.

Appointing Authority: The officer, commission, board, or body having the power of appointment to, or removal from, positions in any office, department, commission, board, or institution.

Appointment: The official action of an appointing authority to place an applicant or employee into a new or different classification, evidenced by writing.

Assignment: The official action of an appointing authority to direct an employee to perform specified job tasks in accordance with that employee's classification.

Board: Abbreviation for the Miami County Board of Commissioners.

Classification (Class): A group of positions that involve similar duties and responsibilities, require similar qualifications, and are properly designated by a common descriptive title indicating the general nature of the work. A classification may include only one (1) position in some circumstances.

Classification Plan (Class Plan): The official plan maintained by the appointing authority which groups positions that have similar duties, responsibilities, and qualifications under a common job description and descriptive title.

Classification Series: Those classifications which are closely related, grouped to form a career progression, and carry the same first four (4) digits in their five (5) digit state classification number.

Compensatory Time (Comp Time): Time off work granted to FLSA nonexempt employees in lieu of paying actual cash for overtime hours worked. Compensatory time is granted off at the rate of one and one-half (1 ½) hours for each hour of overtime.

County: The county of Miami, a political subdivision of the state of Ohio.

Day(s): Unless otherwise specified, means calendar day(s).

Designee: Any person authorized by the appointing authority to perform a function with or on behalf of the appointing authority.

Discourteous Treatment of the Public: Failure by an employee to treat any member of the general public with respect, in a polite and courteous manner, as otherwise defined under the O.R.C., or as otherwise determined by the appointing authority's policy and procedure.

Employer: The appointing authority, authorized by law to make appointments to positions. As context requires, employer may also mean any designee who is authorized to carry out certain duties on behalf of the appointing authority.

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

Failure of Good Behavior: Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required or reasonably expected by the appointing authority even in the absence of a written work rule or as otherwise defined under the O.R.C.

Fines: A form of disciplinary action whereby the appointing authority imposes a monetary penalty as a disciplinary measure aimed at improving the employee's conduct. Such fine shall not exceed five (5) days' pay and shall not reduce the employee's pay below the minimum wage established by the FLSA. Fines may also be assessed against accrued leave time when appropriate.

Flex-Time: An adjustment by management of an employee's work hours to prevent an employee from working in excess of 40 hours in one (1) seven (7) calendar day workweek or any other standard work period established in accordance with the FLSA.

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

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

Inefficiency: Being incapable of performing or indisposed to perform duties required of an employee within reasonable standards.

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

Malfeasance: A wrongful act which the actor has no legal right to do, or any wrongful act which affects, interrupts, or interferes with performance of official duty, or an act for which there is no authority at all, or the unjust performance of some act, which person performing it has no right to do.

Misfeasance: The improper performance of some act which a person may lawfully do.

Neglect of Duty: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act. A designed failure, refusal or unwillingness to perform one's duty.

Nonexempt Employee: An employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1 ½) times the employee's regular rate of pay for all hours worked in excess of 40 in an established seven (7) calendar day workweek or other standard work period established in accordance with the FLSA.

Nonfeasance: Nonperformance of some act which ought to be performed; the total omission to

perform a required duty; or the total neglect of duty.

Non-Work Area: Those areas of the county's property such as the employee's lounge and parking lot and other areas where, typically no official business is transacted nor operations conducted other than maintenance.

Non-Work Time: Any time during an employee's workday when the employee is relieved of work duties. Whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

Seniority: Generally, the uninterrupted length of continuous service with the county. More specific definitions of seniority for particular purposes are contained throughout this manual, and shall control for the particular purpose indicated.

Suspension: Relief of an employee from duty without pay, as a disciplinary measure aimed at improving the employee's conduct.

Work Area: Any office, room, or physical location where official business of the appointing authority is transacted and/or the operations of the appointing authority are conducted.

Work Time: All the time when an employee's duties require that the employee be engaged in work tasks, not including scheduled breaks or time before or after work.

Work Unit: An organizational unit directly lower than a division and charged with a specific work function which contributes to the accomplishment of the public service function of the appointing authority.

Workweek: Generally a period of seven (7) calendar days, beginning at 12 a.m. Saturday. Alternating work periods may be established by the appointing authority in compliance with the Fair Labor Standards Act.

SCOPE OF COVERAGE

SECTION 1.04

These policies apply to all employees, supervisors, and administrators (classified and unclassified) of the appointing authorities of Miami County who adopted this manual except where context indicates otherwise. In the event there is a conflict between the matters expressed in this manual and any other applicable laws, rules, regulations, or binding legal decisions rendered by a person or entity of competent jurisdiction, the applicable law, full text of the rules and/or regulations, or binding legal decisions rendered by a person or entity of competent jurisdiction shall prevail.

In the event there is a conflict between these policies and procedures and the provisions of a collective bargaining agreement, the collective bargaining agreement shall prevail. To the extent this manual confers benefits not granted by a collective bargaining agreement, the policy shall not apply to the employees covered by the collective bargaining agreement.

The appointing authority may issue additional directives, memos and/or standard operating procedures which each employee is required to follow. These directives, memos and/or procedures will be in addition to, but not in conflict with the policies in this manual. Any additional policies or procedures will be posted or otherwise made available to all affected employees.

Some policies may reference or leave matters to more specific plans or documents (such as the health care plan), in which case the more specific plans or documents will control. Undoubtedly, there will be situations which shall require administrative interpretations of the policies set forth herein. To that extent, the appointing authority may issue directives that clarify these policies in a manner more specific to certain county operations.

The appointing authority retains the right to hire, fire, set compensation, schedule and manage unclassified and probationary employees without restriction to the extent allowable by law. The appointing authority also retains all such rights regarding classified employees as allowed by law.

The employer has the exclusive right and authority to create and issue policies and procedures and reserves the right to add to, amend, delete, or revise the policies and procedures set forth in this handbook at any time upon notification, the employee is responsible for becoming familiar the updated policy or handbook material.

Each employee shall be given a copy of the employee handbook. The employee is required to sign the Acknowledgment of Receipt form which will be placed in the employee's personnel file. The employee handbook may be published in print, compact disk or other form and/or posted on an intranet or internal web site.

If any section or part of this manual or any amendment is invalidated by operation of law or by order of a tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this manual is restrained by a court, the remainder of this manual and any amendments shall not be affected and shall remain in full force and effect, unless the context of the manual as a whole indicates that another section should be invalidated as well to conform with the intent of the appointing authorities.

PERSONNEL ADMINISTRATION**SECTION 1.05**

The board has established a human resources department under the direction of the board. The human resources department is responsible for certain county-wide personnel and benefit functions (i.e., administration of the class plan, EEO compliance, benefit administration, workers' compensation, etc.) on behalf of the employer. The human resources department is also available to assist the appointing authorities with other personnel related functions (e.g., employee recruitment, selection and evaluation, interviews, orientation, etc.).

NONDISCRIMINATION**SECTION 2.01**

- A. Miami County is an equal opportunity employer. No human resources decisions concerning any term or condition of employment shall be unlawfully based upon race, color, religion, sex, national origin, age, genetic history, military or veteran status, or disability, except where such criteria constitutes a bona fide occupational requirement.
- B. The human resource director is the employer's EEO/ADA coordinator. The EEO/ADA coordinator is responsible for providing information regarding anti-discrimination employment laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination not resolved by the department head.
- C. The EEO/ADA coordinator shall be responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity. Department heads and supervisors shall maintain responsibility for their actions in regard to offering equal opportunity to each employee or job applicant and for attempting to resolve discrimination complaints within their respective departments not personally involving the department head.
- D. No inquiry shall be made as to gender, disability, religious, racial, military or veteran status, genetic history, or ethnic origin of the employee, except as necessary to gather equal employment opportunity or other statistics that, when compiled, will not identify any specific individual. Disclosure of this information by the employee is a voluntary action and should be filed separately from the employee's personnel file.
- E. It is the policy of the County to comply fully with all federal, state, and local nondiscrimination laws.
- F. County employees shall not discriminate against any other employee or anyone requiring services from the county because of that individual's race, color, gender, age, religion, familial status, disability, genetic history, national origin, military or veteran status, or marital status.

WORKPLACE ACCOMMODATIONS**SECTION 2.02**

- A. The employer supports the intent and purposes of the Americans with Disabilities Act (ADA) and will not unlawfully discriminate against qualified individuals with disabilities because of the disability of such individual in regard to job application procedures, hiring, advancement, discharge, compensation, job training, and other terms, conditions and privileges of employment.
- B. It is the employee's responsibility to request a workplace accommodation. If an employee needs to request an accommodation due to a serious physical or mental impairment, including those associated with pregnancy or childbirth, or an accommodation for a sincerely held religious practice, the employee must contact their immediate supervisor, department head or appointing authority immediately. The Employer will engage in an interactive process with the employee to help assess whether the employee's request can

be reasonably accommodated, taking into account the employer's business/operational needs, resources, the employee's job description, and other relevant factors. Employees have an obligation to assist their employer in assessing the reasonableness of their request. Failure to cooperate or to provide requested information or documents requested by the employer in order to assess an employee's request may lead to the request being delayed or denied. If the request for accommodation imposes an undue hardship on the employer, the request for accommodation will not be provided.

DISCRIMINATION AND HARASSMENT**SECTION 2.03**

It is the policy of Miami County to maintain an environment free from all forms of unlawful discrimination and harassment for all employees, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discrimination and harassment, whether committed by supervisors, coworkers, or members of the public, is strictly prohibited. This policy also prohibits workplace bullying.

- A. Harassment Definition: Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, genetic history, religion, military status, or disability. Sexual harassment includes, but is not limited to the following:
1. Repeated unwanted and/or offensive sexual flirtations, advances, or propositions;
 2. Repeated verbal abuse of a sexual nature;
 3. Graphic or degrading verbal or written comments about an individual, the individual's appearance, or the individual's sexual orientation;
 4. The display of sexually suggestive objects, pictures, or the display of same through other media;
 5. The implication or threat that an employee's or applicant's employment, assignment, compensation, advancement, career development, or other condition of employment will depend on the employee's or applicant's submission to sexual harassment in any form; and
 6. Any offensive, abusive, or unwanted physical contact.
- B. Responsibility:
1. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination harassment and bullying. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discrimination, harassment, or workplace bullying through the complaint procedure outlined in this policy. Any employee who observes any conduct that may constitute discriminatory harassment of any county employee, but fails to report same, may be subject to disciplinary action.

2. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive training regarding discriminatory harassment.

C. Complaint Procedure:

1. Any employee who believes that he/she has been the subject of discrimination, harassment, workplace bullying and/or any employee who has witnessed an incident, or incidents of same should immediately report the matter(s) to his/her immediate supervisor, department head, the EEO/ADA coordinator or the appointing authority. If the immediate supervisor or department head is the subject of the complaint, the employee should report to the next higher ranking person in the table of organization. The employee should report the complaint to the appointing authority if all lower positions in the chain of command are implicated in the complaint. Should the appointing authority be the subject of the complaint, the employee should report the matter to the EEO/ADA coordinator.
2. The employee shall place their complaint into writing using the appropriate Complaint Form provided by the appointing authority for that purpose. The employee should provide:
 - a. The employee's name;
 - b. The name of the subject of the complaint;
 - c. The act(s) complained of;
 - d. The date(s) of the act(s);
 - e. Any witnesses to the alleged acts; and
 - f. The remedy the employee is seeking.
3. If the employee is unwilling or unable to complete the Complaint Form, the complaint may be made orally and the Complaint Form shall be completed by the person to whom the verbal complaint was made.
4. Once a complaint has been received, or an instance has been reported, the employer will immediately investigate the matter.
5. If, after a thorough and prompt investigation, it is determined that discrimination, harassment, and/or workplace bullying has occurred, the employee who has been found to have committed such act(s) will immediately be disciplined, up to and including termination of employment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary decision.
6. If, after the investigation, it is determined that no discrimination, harassment

or bullying occurred, or that there is insufficient evidence to determine whether or not such discrimination, harassment or bullying has occurred, the complaining employee and/or reporting employee will be informed of same. Any employee that makes a false statement and/or false accusations during the investigation will be subject to appropriate discipline up to and including termination.

7. The charged party may be placed on paid administrative leave or temporarily transferred pending the final resolution of the complaint.
8. The County expressly prohibits any form of retaliatory action against any employee availing themselves of this complaint procedure or who served as a witness during the investigation. Retaliation is a separate violation of this policy and will result in disciplinary action, up to and including termination. If any employee believes they are being retaliated against, the employee is encouraged to immediately report the matter through the above complaint procedure. Management will promptly investigate claims of retaliation and will take prompt, remedial action when substantiated.

CLASSIFIED AND UNCLASSIFIED EMPLOYMENT**SECTION 3.01**

Employment with the employer is governed by the State of Ohio Civil Service laws. All positions within the County fall into one of following civil service categories: “classified” or “unclassified.”

- A. Unclassified: Unclassified employees serve at the pleasure of the appointing authority for the duration of their employment and therefore have no rights to appeal a suspension, demotion, or removal to the State Personnel Board of Review (“SPBR”) under R.C. Chapter 124. Unclassified employees need not take a civil service examination for initial appointment to or retention of their position. Unclassified employees are not prohibited from engaging in partisan political activity on their own time and away from areas in public buildings where official county business is transacted or conducted. .
- B. Classified: Classified employees may only be suspended, demoted, or removed for cause and by following the procedures set forth in R.C. Chapter 124, except during the employee’s probationary period. Probationary employees may be removed or reduced in pay and classification without a showing of cause. Most positions are considered to be in the classified service unless generally or specifically exempted by law, or by personal exemptions permitted in accordance with R.C. Section 124.11 or other section of the Revised Code. Classified employment status restricts an employee’s ability to participate in partisan politics.
- C. Employees appointed to positions in Miami County on a temporary or intermittent basis, are unclassified and serve at the pleasure of the appointing authority and therefore have no right to appeal any suspension or removal to the SPBR.

APPOINTMENT CATEGORIES**SECTION 3.02**

- A. In addition to being either classified or unclassified, all positions are categorized by type and duration of employment:
 - 1. Type of Appointment:
 - Full-Time: An employee who normally works 40 hours per week on a regularly scheduled basis. (Note: Eligibility for various benefits associated with employment may be based on a different number of hours.)
 - Part-Time: An employee who works less than 30 hours per week on a regularly scheduled basis.
 - Intermittent: An employee who works less than 1,000 hours per fiscal year or for the duration of a specific project or grant which may exceed 1,000 per year. Intermittent employees serve in the unclassified service by operation of law.
 - 2. Duration of Appointment:
 - Temporary: An employee appointed to a non-permanent position, on a full-time,

part-time or intermittent basis, for a specified period of time, not to exceed 120 days. Successive temporary appointments to the same position shall not be made unless such appointment has been made for reasons of sickness, disability, or other approved leave of absence and may continue during the period of sickness, disability, or other approved leave of absence. Temporary employees serve in the unclassified service by operation of law. The period of temporary service shall not be counted as a part of the probationary period in case of subsequent appointment to a permanent position.

Seasonal: An employee appointed to work where the nature of the work is such that the service is not continuous throughout the year, but recurs in each successive calendar year. Any person appointed to such seasonal position and who has been temporarily separated from service during the inactive season shall be entitled to employment in the same position in each ensuing year, provided the employee is not in the meantime disqualified for any cause. Any person not assigned to work for a period of one (1) year, due to lack of work or refusal of same, must reapply to be considered for reemployment.

Student: An employee who is a student at an educational institution and employed by the employer to provide training to the student employee or as a work opportunity for a student interested in public service. (Student appointments are in the unclassified service by operation of law.)

- B. Independent contract service providers and/or vendors are not considered to be employees and are not eligible for benefits provided by the county.
- C. Employees shall be informed upon appointment of their employment status.

POSITION CLASSIFICATION PLAN

SECTION 3.03

- A. Miami County operates under a Classification Plan. On behalf of the Board of Commissioners, the human resource director shall maintain position descriptions. A classification includes one (1) or more positions that are so similar they can be described by a common job classification title. Classifications are used to determine order of layoff and certified status.
- B. Department heads shall maintain copies of all position descriptions for their respective departments and any amendments thereto. Position titles shall be used in all personnel and payroll matters. Employees will be provided with the position description which describes the duties and responsibilities of the employee's classification.
- C. Employee Request for Reclassification: An employee who believes that substantial changes have occurred in the employee's job and justify reclassification may request such classification of the employee's job description. The procedure is as follows:
 - 1. The employee must submit a written request for reclassification to the department head.

2. The request for review must specify the work assignments and/or added responsibilities which the employee is performing and which the employee feels are justification for the reclassification. The request may also specify the classification to which the employee feels the position should be reclassified.
 3. The department head shall review the request and forward the request along with comments and/or a recommendation to the appointing authority. The appointing authority shall provide final approval of the department head's determination.
 4. The above procedures shall not be applicable to bargaining unit employees.
- D. Revisions: As positions are changed or new positions are added, the position description and/or position classification plan may need revised or written, respectively. Factors which may necessitate a revision to the plan are:
1. The addition of a new duty or responsibility to a position;
 2. The abolishment of a current duty or responsibility from a position;
 3. A change in the educational or experience requirements for the position;
 4. The reassignment of current duties or responsibilities between or among positions; and/or
 5. A new or revised licensure or certification requirement as dictated by law or a position.

When any of these factors occur, the department head shall submit a proposed revision to the appointing authority or designee, who shall review the request and make any appropriate changes or additions to the position description and/or table of organization. A copy of the revised position description shall be provided to the appointing authority or designee for final approval. Once approved, copies of all revisions will be provided to the department head, who shall maintain an updated copy of the position descriptions and notify any affected employees.

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

RECRUITMENT PRACTICES**SECTION 3.04**

- A. The employer shall announce vacancies in the classified service by appropriate means.
- B. Each announcement, insofar as practical, shall specify the job title, compensation range, nature of the job, the required qualifications, and the deadline, method, and place of application. The announcement shall also include the essential functions of the job or contain a reference to a contact person or posting location that will advise applicants of the essential functions of the position or how to obtain a job description. For new positions, a

- job description shall be prepared prior to advertisement.
- C. The employer will attempt to fill vacancies in the classified service from among interested, current employees of the employer who meet the necessary qualifications and are able to perform the essential functions of the position provided such internal promotion is in the best interest of the county.
 - D. An Application for Employment must be properly completed and submitted before an applicant will be considered for employment. Current employees interested in vacant positions must also timely submit a formal Application for Employment to be considered for the vacant position.
 - E. The employer will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.
 - F. While current employees are encouraged to apply for vacancies, nothing in this section shall be construed to prevent the employer from advertising for external applicants concurrently with the internal advertising of vacancies.
 - G. Normally, employment applications will be accepted only when a vacancy exists or is imminent and has been announced. Applications will be considered active for a period not to exceed 60 days, after which a new application form is required.
 - H. The employer will not accept applications for positions that are not posted. The human resources department will send letters to people submitting unsolicited resumes or applications thanking them for their interest in Miami County and inviting them to check the job postings section of the county website and at the job center periodically for position postings.

EVALUATION OF APPLICANTS**SECTION 3.05**

- A. Appointments by the appointing authority to vacant positions by internal promotion or external selection are based on the applicant meeting the job-related qualifications and possessing the knowledge, skills, and ability to perform the essential functions of the position as ascertained through job-related selection methods. The appointing authority may consider other factors when making employment and promotional decisions.
- B. To help the employer determine the most qualified person for the position, applicants may be required to submit to any or all of the following: reference checks, background checks, job-related performance tests, interviews, criminal history checks, and other job-related selection procedures.
- C. Otherwise qualified applicants may be eliminated from consideration for a position if the applicant:
 - 1. Makes a false statement of material fact in the application/other hiring documents or examination;
 - 2. Has committed or attempted to commit a fraudulent act at any stage of the selection

process;

3. Is an alien not legally permitted to work;
4. Has previously been terminated for just cause, except in unusual circumstances to be determined by the employer;
5. Has been convicted of a felony or a crime involving moral turpitude;
6. Is addicted to drugs or alcohol;
7. Has a pattern of poor work habits and performance with previous employers; or
8. Has been guilty of infamous or notoriously disgraceful conduct.

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

- D. Once a conditional offer of employment has been made, the preferred candidate may be required to undergo a medical examination by a licensed practitioner to determine if the applicant can perform the essential functions of the position (see "Medical Examination" policy).
- E. The employer shall maintain a recordkeeping system reflecting the disposition of all job applicants. Such records shall be kept on file in accordance with the records retention schedule and shall include a completed job application and any examination data, test results, and/or other job-related information connected with the application.

MEDICAL EXAMINATION

SECTION 3.06

- A. In accordance with O.R.C. Sections 124.23 and 124.32, a medical examination by a licensed physician may be required by the appointing authority prior to appointment to evaluate selected job applicants' ability to perform the essential duties of the positions for which they are applying. Examinations may include any job-related examination determined to be a pre-employment requirement, including a drug and alcohol screening.
- B. No medical examination, including screening for use of illegal drugs for those positions determined to be safety-sensitive or requiring a CDL, will be conducted until after the employer has made the applicant a conditional offer of employment.
- C. The appointing authority or designee shall select the licensed practitioner to administer the examination and shall pay the cost.
- D. After hire, employees may also be required, in accordance with O.R.C. Sections 124.23 and 124.32, to submit to medical examinations for certain purposes during their period of employment with the county. Such an examination is intended to ensure that the employee continues to be physically and mentally able to perform the duties of his or her position. Examples include examination to certify continued eligibility for family and medical leave or other leaves, examination to assess eligibility for Workers' Compensation, examination

required by Occupational Safety and Health programs, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

ORIENTATION**SECTION 3.07**

- A. Upon appointment, all employees will be provided with an employee handbook, if published by the employer, which contains the general terms, conditions, benefits, policies, and procedures of employment in effect at that point in time. New employees shall also be required to sign all acknowledgements, forms, and documents required by law or the employer.
- B. All newly hired employees will participate in employee orientations regarding available benefits, the policies, procedures, and operations of the employer and the responsibilities of the employee's position. The orientations will be conducted by the human resources coordinator and department head or their designees.
- C. New employees will be required to sign a statement acknowledging receipt of certain required documents including the employee handbook.

PROBATIONARY PERIODS**SECTION 3.08**

- A. In accordance with O.R.C. Sections 124.27, each employee newly hired or promoted into a full-time or part-time classified position shall serve a probationary period. The appointing authority shall establish the length of the probationary period which will be at a minimum of 60 calendar days, but shall not exceed a period of one (1) year. The length of the probationary period established by the Board of Commissioners is 180 calendar days.
- B. The employer shall use the probationary period to closely observe and evaluate the employee's performance and aptitude for the job. Likewise, the employee is encouraged to bring questions or concerns to the department head and/or supervisor, to enhance the employee's performance. The department head has a responsibility to recommend to the employer the retention of those employees who meet acceptable work standards during the probationary period and to recommend removal of those employees who fail to meet such work requirements.
- C. Dismissal or reduction of a classified employee may be made for any reason and at any time during the probationary period, at the discretion of the appointing authority. Unclassified employees continue to serve at the pleasure throughout their employment.
- D. Employees serving promotional probationary periods may be reduced to the classification and salary held prior to the promotion, or otherwise treated as provided in R.C. 124 upon failure to successfully complete the promotional probationary period.
- E. The probationary period for full-time employees shall be based on calendar days from the date of original appointment. Part-time employees who work a portion of each normal working day shall have their probationary period determined by the number of calendar days following appointment in the same manner as full-time employees. Employees who

work an irregular schedule or who work less than the normal number of working days per week shall have their probationary period determined on the basis of time actually worked as described below:

1. 1,000 hours are equivalent to a 180 day probationary period.
 2. 2,000 hours are equivalent to a 365 day probationary period.
- F. Time on unpaid leaves of absence shall not be counted toward the completion of the probationary period.
- G. The appointing authority does not intend to waive any right to remove an unclassified, temporary, or intermittent employee, at the appointing authority's pleasure, by adopting this policy.

PERFORMANCE EVALUATION**SECTION 3.09**

- A. A documented performance evaluation serves as a basis for important management decisions regarding training needs, job assignments, promotion and retention of employees, and the setting of measurable goals for the next evaluation period. The work performance of each permanent employee shall be evaluated in accordance with established procedures.
- B. Each employee will be evaluated annually. The annual evaluation shall measure the employee's performance for the year immediately preceding the evaluation date or for that portion of the year after the completion of the employee's initial probationary period. Special evaluations may be made if authorized by the appointing authority or designee. Probationary employees will be evaluated at least once during the probationary period.
- C. Employees will be provided a copy of their performance evaluation. The supervisor will discuss the report with the employee and will counsel the employee regarding any improvement in performance which appears desirable or necessary.

REDUCTION**SECTION 3.10**

A reduction is the movement of an employee to a lower classification which has a lower level of responsibility and compensation. Reductions generally result from an employee's failure to perform the duties of their position at an acceptable level, failure to maintain required licensure or certification requirements, or as a result of discipline. Reductions may also be voluntarily requested by an employee or result from an accommodation of a qualified employee with a disability who is no longer able to perform the essential functions of the employee's position with or without a reasonable accommodation, but can perform the essential functions of a lower classification with or without a reasonable accommodation. Reduced employees shall also be reduced in pay to the rate recommended by the department head and approved by the appointing authority.

PRIOR SERVICE**SECTION 3.11**

- A. Generally: Seniority is generally defined as an uninterrupted length of continuous service as a full-time employee with the appointing authority. Where this definition produces the same seniority date for two (2) or more employees, previous service with Miami County will be considered to determine the more senior full-time employee. While prior service may be used to break ties in seniority and determine ranking on a seniority list, the previous service time shall not be added to the employee's full-time, continuous service time. Seniority has a different meaning for certain specific purposes, for example, layoff, vacation, or retirement.
- B. Authorized Leaves of Absence: An authorized paid or unpaid leave of absence does not constitute a break in service for applicable pay increases, layoff purposes, or for computing the amount of vacation leave service credit. Service credit continues to accumulate during the term of the leave, provided the employee complies with the rules and regulations governing the leave of absence and the employee is reinstated from the leave.
- C. Vacation Leave Prior Service Credit: Persons employed by the county, other than elected officials, and who are earning vacation credits currently shall have their individual total prior service with the state, any county or any other political subdivision of the state counted for the purpose of computing the amount of the employee's vacation leave. It is the employee's obligation to provide documentation of the service time.
- D. Retire-Rehire: An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state, shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167 of the Revised Code counted for the purpose of computing vacation leave.

LAYOFF**SECTION 3.12**

- A. In implementing layoffs, the appointing authority hereby adopts the following procedures. In adopting these procedures, the appointing authority intends to follow applicable laws but does not intend to impose upon himself any restrictions that are not required by applicable laws; and the board reserves the right to substantially comply with these procedures where permitted:
1. Employees may be laid off as a result of lack of funds (as determined by the board), lack of work (as determined by the appointing authority), or job abolishment (the need for which will be determined by the appointing authority).
 2. Positions ("jobs") may be abolished as a result of reorganization for the efficient operation of the county, for reasons of economy (determined at the time the appointing authority proposes to abolish the position), or for lack of work.
 3. The appointing authority shall decide in which classification or classifications the layoff or layoffs will occur and the number of employees to be laid off within each affected classification.

4. In the case of a layoff, or an abolishment, that results in a reduction of the workforce, the appointing authority shall follow the requirements under R.C. 124.321-124.327 and applicable administrative rules established by the Ohio State Personnel Board of Review (as they are amended from time to time).

RESIGNATION/RETIREMENT**SECTION 3.13**

- A. Employees may voluntarily resign by submitting a written letter of resignation to their appointing authority or designee in advance of the date of separation. All positions require at least a two (2) week advance notice unless waived by the appointing authority. Such written letter of resignation shall be a signed, dated statement indicating the desire to resign and the effective date of separation. Failure to give proper, timely notification shall render the employee ineligible for reinstatement or reemployment with the employer.
- B. The appointing authority hereby accepts a letter of resignation upon receipt of such by the designee, and will rely on having received it. A resignation may not, therefore, be revoked without permission from the appointing authority.
- C. A person who has resigned in good standing and has served the required probationary period may be reinstated, at the discretion of the appointing authority, in the employee's former classification within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the appointing authority's best interests.
- D. Employees who plan to retire shall notify the department head, in writing, at least 60 days in advance of their anticipated retirement date.
- E. The appointing authority or designee shall notify the county auditor of the separation so that payroll records may be updated and the appropriate documents processed. The appointing authority or designee should promptly provide a copy of the employee's separation letter to the human resources department so that appropriate adjustments in benefits can be made and appropriate notice can be issued by the COBRA administrator. The county termination form is sent to the county auditor's office for processing of payroll.

TRAINING**SECTION 3.14**

- A. Employee's Responsibility for Maintaining and Upgrading Job Skills: Each employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, to meet state requirements, and for upgrading skills as necessary to meet technological changes or to seek promotion. The appointing authority will facilitate those efforts and provide training, including on-the-job training, from time to time.
- B. Job-Related Training Programs: Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the department head assigns an employee to attend a training program or approves a specific request from an employee to attend a training program, the expense incurred shall be paid by the employer. Approval of expenses for any job-related training taken voluntarily by the employee shall be subject to the prior

approval of the department head. The employer will not pay for training when it is taken voluntarily and is not directly related to the employee's job duties in the employee's present position.

Training is directly "job-related" if it is designed to enable the employee to perform the employee's current job more effectively. Training is not job-related if it is designed to train the employee to perform a different job.

- C. Travel time is considered work time when an FLSA nonexempt employee is required to travel to and from an approved lecture, meeting, class, or training program outside the county. Department heads may consider using flex time or compensatory time for traveling employees.

NEW HIRE REPORTING**SECTION 3.15**

- A. Generally: In accordance with Ohio law, the employer must report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers' compensation payments.
- B. All newly hired, rehired, or returning employees' information must be submitted to the auditor's office within the 20 day deadline for submittal.
- C. Questions regarding Ohio New Hire Reporting should be directed to the auditor's office.

NOTICE OF PAYROLL CHANGES**SECTION 3.16**

- A. The department head shall complete a Payroll Change Notice Form each time a personnel action is implemented which affects payroll.
- B. Once the Payroll Change Notice has been completed and the change authorized by the department head's signature and date thereon, the department head shall make a copy of the form for the department files and forward to the appointing authority.
- C. The appointing authority shall approve or disapprove the change and sign and date the Payroll Change Notice only if approved.
- D. One (1) copy of the approved Payroll Change Notice shall be placed in the employee's personnel file, one (1) copy forwarded to the office of the county auditor for processing payroll, and one copy returned to the department head, who submitted it.

CRIMINAL RECORDS CHECK**SECTION 3.17**

- A. General Policy: The employer may conduct criminal records checks on applicants, prospective employees or current employees, to the extent permitted by law.

B. Policy for Positions Involving Care of a Child or Adult:

1. The employer shall request the Bureau of Criminal Identification and Investigation (BCII) to conduct a criminal records check with respect to any prospective employee who has applied for appointment or employment as a person responsible for the care, custody or control of a child or providing direct care to an adult.
2. The employer shall provide a prospective employee who has applied for appointment or employment in a position responsible for the care, custody or control of a child or providing direct care to an adult, with a copy of the BCII prescribed criminal records check form and a BCII standard impression sheet to complete and to provide fingerprint impressions.
3. If a prospective employee seeking appointment or employment fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the prospective employee shall not be employed.
4. The employer shall obtain the completed form and fingerprint impression sheet and forward them to BCII at the time the employer requests a criminal records check.
5. The employer may charge a prospective employee a fee for the costs incurred in obtaining the criminal records check, which shall not exceed the fee paid by the employer to BCII. The employer shall notify the person at the time of initial application of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment.

C. Criminal Charges and Convictions of Employees:

1. Employees shall notify the employer within 24 hours of any charge of any criminal offense that is brought against the employee. Failure to notify the employer within 24 hours of any charge of any of the crimes listed in Rule 5101:2-5-09 of the Administrative Code shall, upon discovery, be grounds for immediate dismissal from employment.
2. Conviction of any of the crimes listed in Rule 5101:2-5-09 of the Administrative Code while in the employ of the employer shall result in immediate dismissal from employment with the employer.

NEPOTISM**SECTION 3.18**

- A. The appointing authority will not hire immediate family members of employees in the same work unit where there is the potential for such family members to be in a direct supervisor/subordinate relationship, in order to avoid the appearance of impropriety and violations of Ohio's Ethic Laws.
- B. Following adoption of this policy, no employee shall occupy or be eligible to be considered for a position in which the employee could directly supervise or have influence in decisions concerning the conditions of employment of a member of the employee's immediate family. If such a situation arises after employment, the appointing authority or designee

may reassign either employee. If the appointing authority is not able to reassign either employee, the appointing authority may terminate one of the employees.

- C. “Immediate family” for the purpose of this section means an employee’s: parents, brothers, sisters, spouse, children (whether dependent or not), grandparents, or grandchildren; or any other person related by blood or marriage and living in the employee’s household.

IMMIGRATION REFORM AND CONTROL ACT	SECTION 3.19
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- A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended, and as a condition of employment, the employer will verify both the identity and employment eligibility of all applicants considered for employment.
- B. Pre-Employment Requirement:
1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9.
 2. If the applicant cannot produce the documents required by form I-9, the applicant must produce a receipt for an application for replacement documents within three (3) days of hire.
- C. Post-Hiring Requirements:
1. Within three (3) business days after the appointment of the applicant, the employer shall examine the documentation presented by the employee to ensure that the documents presented appear genuine and related to the individual, then complete the remaining portions of Form I-9.
 2. The employer shall retain Form I-9 and photocopies of the supporting documentation for three (3) years after the effective date of hire or for one (1) year from the date of the employee’s separation from service, whichever is later.
- If an employee’s authorization to work expires, the employer must immediately re-verify that the employee is still authorized to work, based on the employee’s documentation of continuing eligibility or new authority to work. The employer must review the document, and verify on the I-9 form, noting the document’s ID number and expiration date.
- D. Anti-Discrimination Policy: It is the intention of the employer not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The employer will not unlawfully discriminate against any citizen or national of the United States or against any alien authorized to work in the job at issue.

WHISTLEBLOWER	SECTION 3.20
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- A. In accordance with R.C. 124.341, if an employee in the classified or unclassified civil service becomes aware, in the course of employment, of a violation of state or federal

statutes or the misuse of public resources, and the appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the appointing authority. In addition to or instead of filing a report with the appointing authority, the employee may file a written report with the Office of Budgeting and Management's Office of Internal Auditing or file a complaint with the state of Ohio auditor's fraud-reporting system created under R.C. 117.03.

If the employee reasonably believes that the violation or misuse of public resources is a criminal offense, the employee, in addition to, or instead of filing a written report with the appointing authority, or the Office of Internal Auditing, may report it to the Miami County Prosecutor.

- B. Except as otherwise provided in section (C) of this policy, the appointing authority shall not take any disciplinary action against an employee for making any report authorized by section (A) of this policy.
- C. An employee shall make a reasonable effort to determine the accuracy of any information reported under division (A) of this policy. The employee is subject to disciplinary action, including suspension or removal, as determined by the appointing authority, for purposely, knowingly, or recklessly reporting false information under division (A) of this policy.

PAY PERIODS/PAYCHECKS**SECTION 4.01**

- A. There are normally 26 pay periods per year, each consisting of two (2) weeks. The biweekly pay period for employees begins at 12:01 a.m. Saturday and ends at 12:00 midnight the second succeeding Friday.
- B. Payday shall be Friday, one (1) week following the end of each two (2) week pay period. If a payday occurs on a holiday, paychecks will be issued on the preceding day, except under extenuating circumstances, in which case paychecks will be issued on the next following workday.
- C. Questions regarding pay shall be addressed to the payroll officer or supervisor.
- D. Only the employee or a person authorized in writing by the employee, with proper identification, may obtain an employee's paycheck. Employees must inform the employer's payroll officer in writing, in advance, of the identity of any person authorized to obtain the employee's check on the employee's behalf.
- E. If an employee is absent on payday, checks will be held until the employee instructs otherwise as to delivery or pickup.
- F. Direct deposit of payroll is available to employees upon the written authorization of the employee. The Miami County Auditor's Office will be responsible for the direct deposit of the employee's paycheck, once arrangements have been made for the direct deposit.

PAYROLL DEDUCTION**SECTION 4.02**

Certain deductions are made from an employee's pay as required by law and in accordance with employee benefit plans or as requested by the employee. Payroll deductions are itemized on the employee's pay statement.

Examples of payroll deductions are as follows:

- A. OPERS: The state law requires that employees and the employer contribute to the Ohio Public Employees Retirement System, rather than social security. Membership in the system is compulsory upon being employed except those persons specifically exempted under provisions of Section 145.03 of the Ohio Revised Code.
- B. Income Taxes: Federal and state laws and some city ordinances and school districts require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the county by the Internal Revenue Service, Ohio Department of Taxation, various Ohio cities, and school districts. The amount withheld varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the employer or auditor of any dependency change whenever such change occurs.

- C. Medicare: Both the employer and all employees hired after April 1, 1986, are required to contribute 1.45% of the employee's gross salary to Medicare in accordance with federal law. The employee's contribution is withheld through payroll deduction.
- D. Miscellaneous: Other deductions that may be made include wage garnishments, deferred compensation, child support, credit union, employee insurance contributions, etc.
- E. Deductions Required by Law: The Miami County Auditor may refuse to make any deductions not required by law.
- F. Authorization: All requests for health care related deductions shall be presented in writing by the employee to the human resources office. All requests for other deductions shall be presented in writing to the county auditor.
- G. Reporting Improper Salary Deductions: It is the County's policy to comply with the salary basis requirements of the Fair Labor Standards Act ("FLSA") and Ohio wage and hour laws. Therefore, we prohibit all improper salary deductions. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor or appointing authority. All reports of improper deductions will be reviewed promptly. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction in your next scheduled pay check.

EMPLOYEE STATUS UNDER FLSA (EXEMPT OR NONEXEMPT)	SECTION 4.03
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It is the primary mission of each Miami County employee to effectively and responsibly serve, and be accountable to, the citizens of Miami County. As such, County employees, including salaried exempt employees, are expected to work, at a minimum, a regularly scheduled workweek in accordance with their schedule of compensation.

- A. Exempt: Salaried employees determined to be exempt from the overtime requirements of the Fair Labor Standards Act (FLSA) shall not be eligible for overtime pay as defined in the FLSA. Full day pay reductions of a disciplinary nature may be made for a salaried exempt employee under FLSA. Pay reductions of a non-disciplinary nature may be made for salaried exempt employees when:
 - 1. An employee is absent from work for personal reasons other than sickness or accident;
 - 2. An employee is absent due to sickness or injury, on unpaid family and medical leave, and paid leave has been exhausted;
 - 3. Permission for leave has not been sought or has been sought and denied;
 - 4. An employee chooses to use leave of absence without pay;
 - 5. The employee has engaged in an infraction of certain workplace policy rules of

major significance;

6. The employee has received a disciplinary suspension without pay for violation of an established work rule and/or law; or
7. The employee has performed no work in a workweek.

Any full or partial day pay reduction of a salaried exempt employee shall be carried out according to the provisions of the FLSA, accompanying regulations including, but not limited to, 29 CFR Sections 541.5d and 541.118, and the Ohio Revised Code.

- B. Nonexempt: Most employees fall into the nonexempt status, that is, they are entitled to minimum wage and overtime.

WORK SCHEDULING**SECTION 4.04**

- A. The department head or designee, with approval of the appointing authority, shall establish the standard workday, workweek, and starting and quitting times for full-time and part-time employees in consideration of current and anticipated workload and other relevant factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the employer's right to restructure the workday or workweek.
- B. The department head or designee shall notify all full-time and part-time employees in advance of their scheduled workdays and scheduled work hours.
- C. Subject to the discretion of the employer, employees may be authorized to take a break period during the first half of each full working day and a second break during the second half of the full workday, provided such breaks do not interfere with the performance of the employees' duties. In no event may such breaks be used to extend lunch periods or to shorten the standard workday.

TIME RECORDS**SECTION 4.05**

- A. All FLSA nonexempt employees are required to record all hours worked for the employer, including all times the employee started work and stopped work each workday. Time clocks, timesheets, and other types of records may be used by the employer to document the hours worked by employees so that wages can be determined. Exempt employees may also be required to account for their hours worked. Failure to adhere to the reporting procedures adopted by the employer may result in disciplinary action and loss of pay for the hours of work the employer cannot verify.
- B. Employees using time clocks are responsible to clock in when they start work and clock out when they stop work. Employees shall only punch their own time card. An employee who punches another employee's time card shall be subject to discipline. Employees using time sheets instead of a time clock shall follow these same procedures but shall sign in and out.

- C. If a time clock is not working or if the employee is unable to clock-in or out, then the time card shall be taken to the supervisor for validation. No entries shall be made on the time card by anyone other than a supervisor or department head. The supervisor or department head shall be notified of any corrections which are necessary before the end of the employee's workday.
- D. Employees shall not line up at the time clock prior to their scheduled time to clock-out nor close down their work area or end their work activities early while waiting for their workday to end.
- E. Failing to report time worked, misrepresenting time worked, altering any time record, or allowing any time record to be altered by others may result in discipline up to and including termination.

STARTING/QUITTING TIMES**SECTION 4.06**

- A. Starting/Quitting Times: FLSA nonexempt employees are not permitted to commence work and/or sign/clock-in more than seven (7) minutes before their scheduled starting time or continue working and/or sign/clock-out more than seven (7) minutes after their scheduled quitting time without the advance approval of the department head, except in unusual or emergency situations where advance approval cannot be obtained.
- B. Meal Periods: FLSA nonexempt employees who are authorized a specified non-paid meal period each workday, shall be completely relieved from work assignments during this period, and will not be compensated for such period, unless approved in advance by the department head. Such employees shall sign/clock out at the beginning of the meal period and sign/clock in upon their return to work.

OVERTIME**SECTION 4.07**

- A. Any employee may be required to work in excess of the normal, scheduled workday or workweek to fulfill the operational demands of the County, agency or department. FLSA nonexempt employees shall be paid at the rate of one and one-half (1½) times the employee's regular hourly rate of pay for all hours worked in excess of 40 hours in any workweek.
- B. The standard workweek for employees will be seven (7) consecutive days, beginning Saturday 12:00 a.m. and continuing through Friday 12:00 midnight. Eligibility for overtime shall be based upon all hours actually worked in the normal workweek. Paid leave time, with the exclusion of sick leave and compensatory time, shall be counted in determining whether an employee has actually worked in excess of 40 hours.
- C. All employees holding employment in more than one position with Miami County must notify the department head in writing of such joint employment. All of the hours worked by the employee in two (2) or more regular (non-sporadic) positions of employment, must be added together to determine overtime eligibility.

- D. When a FLSA nonexempt employee incurs an overnight stay on county business, time spent overnight on official county business shall not be considered time worked for purposes of calculating overtime, except to the extent such time coincides with the employee's normal working hours or to the extent the employee is doing actual work (i.e., traveling, attending meetings).
- E. Overtime must normally be authorized by the department head or designee in advance of the overtime being worked. However, unusual or emergency circumstances (i.e., emergency call-outs) may require employees to work overtime without having prior authorization of the department head. Whenever such circumstances occur, the department head shall be notified by the next scheduled workday utilizing the Authorization to Work Non-Scheduled Hours form.
- F. Scheduled overtime which is subsequently cancelled for any reason shall not entitle the employee to overtime compensation.
- G. Overtime pay shall normally be paid to the employee on the same date the employee is paid for the regular hours worked in the same pay period. If the overtime hours cannot reasonably be calculated within this time frame, such overtime shall be paid with the next regular pay.

ON-CALL STATUS**SECTION 4.08**

- A. Certain employees may be required to be in "on-call status" during non-work hours. Employees in on-call status shall be provided with either a cellular telephone or other paging device (collectively "device"). The device is to be carried by the employee while on call. The employee shall respond by placing a telephone call to the Miami County Communication Center or as otherwise directed by their department, or contacting the department head or designee.
- B. Compensation for call-outs shall include payment for all time actually worked. If the employee who is called-out is required to report to their regular place/location of business, travel time to/from the employee's residence and the department's regular place/location of business is non-compensable commute time and is not considered time worked. However, if an employee who is called-out is required to report directly to another location/site instead of their regular place/location of business, time for travel to/from the employee's place of residence or wherever the employee was located when the call was received and the other location shall be compensable as time worked. Compensation stops upon completion of the call. Employees are required to accurately track and report all time actually worked during on-call status.
- C. Some departments may have additional policies.

COMPENSATORY TIME**SECTION 4.09**

- A. FLSA nonexempt employees may request to take compensatory time off in lieu of receiving cash payment for overtime worked, at the rate of one and one-half (1 ½) hours off for each hour of overtime worked. Employees may also request to take compensatory

time off in lieu of receiving cash payment for hours worked over the employee's normal weekly work hours but under 40 in a week, at the rate of one (1) hour off for each hour worked. Employees may accrue a maximum of 40 hours of compensatory time at any one (1) time. All overtime hours worked in excess of the 40 hour limit shall be paid in cash.

- B. An employee must inform the supervisor at the time overtime is worked whether the employee wishes compensation in the form of wages or compensatory time. Failure to request compensatory time will result in overtime compensation in the form of wages.
- C. The employer may schedule an employee to use compensatory time off at a time mutually agreeable to the employer and the employee. Compensatory time must be used within the time frame established by the appointing authority. If the compensatory time is not used within the established time frame, the employee will receive pay for the overtime worked. Accumulated but unused compensatory time balances may also be paid out upon approval by the appointing authority.

Employees shall request compensatory time off in writing on a Request for Leave of Absence form. Requests for compensatory time off of two (2) days or less should be requested at least 24 hours in advance. Requests for compensatory time off of three (3) days or more should be made at least two (2) weeks in advance.

- D. The employer shall grant requests for scheduling compensatory time off provided that the requested time does not create an unreasonable hardship to the employer.
- E. Bargaining unit employees shall be granted and may use compensatory time in accordance with the applicable collective bargaining agreement.

FLEX-TIME	SECTION 4.10
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The employer may use "time off" or flexible hours to avoid situations in which employees otherwise would work in excess of the standard workweek or 40 hours in a week (or other overtime hour limit). Flex-time must be scheduled by the department head. Flex-time must be used within the same week as it is incurred and may not be taken in subsequent weeks.

INCLEMENT WEATHER	SECTION 4.11
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On certain days it may be difficult for a scheduled employee to come into work due to excessive snow, ice, or other inclement weather. In such case, all employees are encouraged to make every reasonable effort to report to work even if they may arrive later than usual. If the board determines that inclement weather conditions exist, the following policy will be applied:

- A. Scheduled employees able to come to work shall be paid their regular wage for actual time worked. If such employees are unable to come to work they may either receive a leave of absence without pay or use accrued vacation, compensatory time, or personal leave. Inclement weather is not a valid reason for the use of sick leave. Employees unable to report to work due to inclement weather shall contact their supervisor no later than their scheduled starting time.

- B. Certain employees are encouraged to come to work regardless of weather conditions (i.e., emergency, safety, maintenance, snow removal personnel, etc.) When weather conditions are extremely severe, such employees may be contacted, and where possible, arrangements may be made to pick them up at their homes.
- C. If any employer building or department is declared closed due to an emergency, employees in such departments may be paid their regular wages for the day, solely at the discretion of the board.

NURSING MOTHERS BREAST FEEDING SUPPORT**SECTION 4.12**

It is the intent of Miami County appointing authorities to promote healthy choices for new mothers returning to work and their infants and recognizes the importance of breastfeeding for both mother and child. In compliance with the FLSA, employees identified as nursing mothers will be provided with a reasonable break time in a private location in order to express breast milk for up to one (1) year after the child's birth.

- A. An employee may utilize her allotted break/meal period per day in order to express breast milk. The employee may use her allotted time in spaced intervals throughout the workday [i.e., an hour lunch period can be used as a half hour lunch with two (2), 15 minute breaks for expressing milk or feeding her child].
- B. A private environment (not a restroom) free from intrusion from coworkers and the public for expressing milk will be provided (i.e., an office, or other private location). An effort will be made to accommodate the breastfeeding mother without inconveniencing other staff. The private environment will:
 - 1. Include an electrical outlet.
 - 2. Be in reasonable proximity to the employee's work area.
 - 3. Be in close proximity to a clean sink.
 - 4. Have comfortable seating and a table or other flat surface to hold the breast pump.
 - 5. Have a sign available that may be posted during the area's use by the employee stating "DO NOT DISTURB."
- C. After identifying herself as a nursing mother who has need to express breast milk throughout the workday, the employee shall provide her supervisor with the date of the child's birth, the approximate times during the workday when the employee anticipates needing to express breast milk, and the method by which the employee prefers to account for the time.

The employee shall keep the employer apprised of any needs for schedule changes for the purposes of expressing breast milk throughout the time period she remains a nursing mother.

SICK LEAVE**SECTION 5.01**

- A. Accrual: All employees, regardless of employment status, accrue .0575 hours of sick leave for each hour in active pay status, up to a maximum accumulation of 120 hours per year. Sick leave is not earned while on an unpaid leave of absence or if absent without approved leave. Employees may accumulate and carry over all sick leave accrued with no limits.
- B. Credit for Prior Public Service: Employees who transfer between county departments or Agencies, or who have previously worked for another public agency, or who are reappointed or reinstated, will be credited with the unused balance of accumulated sick leave, provided the time between separation, reappointment or transfer does not exceed ten (10) years and provided the employee has not cashed in any portion of that balance under O.R.C. 124.39. Villages, private industry councils, non-civil service townships, libraries organized as non-profit corporations, and other entities not required to provide sick leave under O.R.C. 124.38, 124.382 or 3319.141, are not “public agencies” for purposes of this policy. Further, any “person removed for conviction of a felony” within the meaning of O.R.C. 124.34 who is “subsequently reemployed” by the county is only qualified to accrue sick leave as if the person were a new employee receiving no credit for prior service.

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

- C. Usage: Upon approval of the employer, sick leave may be used for the following reasons:
1. Personal illness, injury, pregnancy-related condition, or exposure to contagious disease which could be communicated to other employees;
 2. Illness, injury, or pregnancy-related condition of employee’s immediate family where the employee’s attendance is reasonably necessary for the health and welfare of the affected family member;
 3. Death of a member of the employee’s immediate family (see Section 5.05); or
 4. Medical, dental, psychological, or optical examinations or treatment of employee, or of a member of the employee’s immediate family when the employee’s attendance is reasonably necessary and when such examination or treatment cannot be scheduled during non-work hours. Employees are encouraged to schedule routine health-related absences during non-working hours.
- D. Immediate Family: For purposes of this policy, “immediate family” is defined as the employee’s: mother, father, step-parent, brother, sister, step-sibling, child, step-child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, legal guardian, or other person who stands in the place of a parent.
- E. Charging Sick Leave: Employees absent on approved sick leave shall be paid at their

applicable hourly or salaried rate. Sick leave payment shall not exceed the employee's normal straight time hourly, daily, or weekly earnings. If an employee is paid for sick leave which is subsequently denied, the amount overpaid shall be deducted from the employee's next paycheck. Sick leave shall be charged in minimum increments of 15 minutes or one-fourth (¼) of an hour. Employees shall be charged for sick leave only for those days the employee would have otherwise been scheduled to work.

F. Written Statement for Approval: Employees are required to report any sick time used regardless of the length of time they are absent. The employee is required to provide a written statement justifying the use of sick leave. If medical attention is required by the employee or a member of the employee's immediate family, a medical practitioner's certificate is required. The employer may investigate the circumstances surrounding an employee's request for sick leave. A request for sick leave may be denied if:

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

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

G. Sick Leave Abuse: Sick leave is a benefit provided for a specified purpose and abuse of this benefit will not be tolerated. Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including dismissal. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or the excessive use of sick leave may result in sick leave denial and appropriate disciplinary action. While on sick leave employees are expected to limit their activities to those under a physician's order or direction, be home or hospitalized or be out on a medical-related errand or appointment.

H. Notification: An employee requesting sick leave for a scheduled medical appointment shall notify the employee's immediate supervisor as soon as possible and complete the appropriate Request for Leave of Absence form prior to the appointment. An employee requesting sick leave for other than a scheduled appointment must notify the department head or designee of the employee's absence and reason therefore as soon as possible and no later than the scheduled start of the employee's shift. Certain departments may require

an earlier notification period in order to obtain a replacement to cover the employee's absence. Employees must follow their department's notification requirement each and every day the employee will be absent, unless otherwise instructed by the department head.

- I. Any employee leaving work for sick leave purposes during scheduled work hours must obtain approval from the department head or supervisor prior to departure. Employees must sign/clock-out when leaving and sign/clock-in upon return.
- J. If the employee is unable to return to work and perform the duties of the position on the date specified by the physician expected in a medical practitioner's statement, the employee shall provide another medical practitioner's statement which indicates the new date when the employee will be able to return to work.
- K. The department head shall review the completed Request for Leave of Absence form and the circumstances surrounding the absence and either approve or deny the request for sick leave.
- L. The department head shall inform any employee whose sick leave request is denied of the reasons for such denial and thereafter take the necessary disciplinary action for the employee being absent without approved leave.
- M. If the employee's absence due to illness or injury exceeds accrued sick leave, the employee must seek and obtain approval for other accrued leave prior to exhausting all sick leave or will be considered absent without approved leave. Employees who have been granted family and medical leave shall not be considered absent without approved leave even though sick leave and other accrued paid leave may be exhausted.

SICK LEAVE CONVERSION**SECTION 5.02**

- A. County employees, at the time of service or disability retirement from active service with the county under the PERS or other state retirement system, may be paid for 25% of their accrued sick leave balance up to a maximum value of 30 days or 240 hours of pay. To qualify for such payment, the employee shall have had, prior to the date of retirement, ten (10) or more years of service with the county, state, or any of its political subdivisions, and be eligible to receive state retirement system benefits at the time of separation. Such payment shall be made once and shall eliminate all sick leave accrued by the employee.
- B. As used in this policy, "retirement" shall mean disability or service retirement under any state retirement system applicable to the employee. Sick leave conversion does not apply to any separation from employment other than retirement.
- C. Upon retirement the employee must initiate the above sick leave conversion procedures by submitting a written request to the department head.
- D. Payment to eligible employees shall be made based on the employee's normal workday and hourly rate at the time of retirement, and the documented hours of unused sick leave reflected in the records maintained by the county. Employees shall be compensated for each day based upon the number of hours in their normal workday at the time of retirement.

- E. Payment for accumulated sick leave as provided herein shall eliminate all sick leave accrued by the employee.
- F. Employees who plan on transferring their unused sick leave to another public agency should request that written verification of their sick leave balance be sent to the other public agency upon their separation from employment with the county.

VACATION**SECTION 5.03****A. Eligibility:**

- 1. Full-time: All full-time employees earn paid vacation leave and begin accruing such leave upon appointment. After one (1) full year of service, all vacation leave accrued is credited to the employee, who shall then be eligible to take such leave.
- 2. Part-time: All permanent part-time employees who are regularly scheduled to work more than 520 hours annually shall be eligible for vacation with full pay upon the attainment of the first year of employment and annually thereafter.
- 3. Other Appointment Categories: Intermittent, temporary, seasonal, and student appointments are not eligible to accrue vacation time.

B. Accrual:

- 1. Full-time employees who work 40 hours per week earn paid vacation leave according to the following schedule:
 - a. Date of hire through eight (8) years of service: .03875 hours of paid vacation leave earned for each hour in active pay status.
 - b. Eight (8) or more years of service completed: .0575 hours of paid vacation leave earned for each hour in active pay status.
 - c. 15 or more years of service completed: .0775 hours of paid vacation leave earned for each hour in active pay status.
 - d. 25 or more years of service completed: .09625 hours of paid vacation leave earned for each hour in active pay status.
- 2. Employees who work less than 40 hours per week in active pay status or who render less than 40 hours of service shall accrue vacation leave on a pro-rated basis. The ratio between the hours worked and vacation hours awarded shall be the same as the ratio between the hours worked and vacation hours earned by a 40 hour a week employee.
- 3. Vacation leave is credited each biweekly pay period for all hours in active pay status, except overtime hours worked, which shall not be counted for vacation accrual purposes.

4. At the completion of eight (8), 15, and 25 years of service with Miami County, including prior service credit as defined below, 40 hours shall be added to the employee's accrued balance and the employee shall begin earning additional vacation at the higher rate as specified in this policy.
- C. Prior Service Credit:
1. Persons employed by the county shall have the person's total prior service with the state of Ohio, any Ohio county, and any other political subdivision of the state of Ohio, including a regional council of government formed under Chapter 167, counted for the purpose of computing the amount of the employee's vacation leave. The anniversary date of employment for the purpose of computing the amount of the employee's vacation leave, unless deferred pursuant to the appropriate law, ordinance, or regulation, shall be the anniversary date of such prior service.

An employee who has retired in accordance with the provisions of any retirement plan offered by the state and who is employed by the state or any political subdivision of the state shall not have prior service with the state, any political subdivision of the state, or a regional council of government established in accordance with Chapter 167 of the Revised Code counted for the purpose of computing vacation leave.
 2. Newly hired employees must provide written notification of total prior service with all applicable public employers as soon as practicable, preferably within 60 days of appointment.
 3. Employees with at least one (1) year of prior service credit who are employed by the employer may use accrued vacation leave during the year in which it accrues.
- D. Usage: All scheduling of vacation shall be subject to the operational needs of the appointing authority of the employee's service but the privilege of taking vacation shall not be unreasonably restricted or curtailed by the county. Vacation may be taken in 15 minute increments or any other standard as determined by the appointing authority.
- E. Retention: Vacation leave must be taken within 24 months following the employee's anniversary date after which such leave has been earned. In special and meritorious circumstances as approved by the appointing authority, employees may be permitted to accumulate and carryover vacation for up to three (3) years. No vacation leave shall be carried over for more than three (3) years.
- F. Payment at Separation: Employees with one (1) or more years of service credit with Miami County, shall be paid for all earned but unused vacation leave, at the employee's then current rate of pay, upon separation from service. Upon request of the employee who has secured employment with the state of Ohio upon separation from the county, the county will transfer earned but unused vacation leave of the employee to the state appointing authority. Thereafter, the county will remove such unused vacation leave from the employee's balance and it will no longer constitute a claim by the employee or a charge upon the county. Employees who transfer employment to another county appointing authority, however, are not entitled to have their vacation leave transferred to the new

county appointing authority.

- G. Death of an Employee: In the case of the death of a county employee, the unused vacation leave and unpaid overtime to the credit of any such employee shall be paid in accordance with the Ohio Revised Code or to the employee's estate.
- H. Vacation Requests
1. Employees shall request vacation leave in writing on the appropriate form from the department head. Requests for leave of two (2) days or less must be requested at least 24 hours in advance. Requests for leave of three (3) days or more shall be made at least one (1) week in advance.
 2. Vacation scheduling is subject to approval of the employer based upon the operational needs of the department. Requests will be honored based upon the following procedure:
 - a. Vacation requests may be made on a rolling 12 month calendar. Requests more than one (1) year in advance will not be honored.
 - b. Vacation requests will be considered on a first come/first served basis except in the week prior to and following a legal holiday as defined under R.C. 325.19(D) (1) or a holiday authorized by the board of county commissioners.
 - c. Notwithstanding the above, vacation leave requested which includes a county recognized holiday will be considered at the discretion of the department head based upon the operational need of the department.

HOLIDAYS	SECTION 5.04
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- A. Eligibility: Full-time employees are entitled to the holidays as provided herein. Intermittent employees shall not be eligible for holidays.
- B. Holidays: The board recognizes the following holidays:
- New Year's Day (January 1)
 - Martin Luther King Day (third Monday in January)
 - Presidents' Day (third Monday in February)
 - Memorial Day (last Monday in May)
 - Independence Day (July 4)
 - Labor Day (first Monday in September)
 - Columbus Day (second Monday in October)
 - Veterans' Day (November 11)
 - Thanksgiving Day (fourth Thursday in November)
 - Christmas Day (December 25)

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

Saturday, it will be observed on the preceding Friday.

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

Employees using sick leave immediately preceding or following a holiday, must provide medical verification of the illness or injury from a licensed physician in order to qualify for holiday pay.

- C. Holiday Pay: Holiday pay shall be an employee's regular hourly rate of pay times the employee's normal daily work hours.
- D. Time Off on the Holiday: Employees eligible for paid holidays who are not required to work on the holiday, and eligible employees who are not required to report for their regular shift but are required to be on standby and available to respond to emergency calls, shall receive holiday pay as provided in subsection C above.
- E. Work on a Holiday: Employees eligible for paid holidays who are required to work their regular shift or to respond to emergency calls from their home or other locations on a holiday, shall receive pay at the applicable hourly rate for each hour worked on the holiday, in addition to the holiday pay provided in subsection C above.
- F. Employees on Vacation Leave or Sick Leave: If a holiday occurs while an eligible employee is on approved vacation or sick leave, the holiday will not be charged against the employee's vacation or sick leave balance.
- G. Part-Time Employees: Regular, part-time employees required to work on the day the holiday is observed shall be paid for all hours actually worked at the employee's regular rate of pay plus holiday pay for all hours worked. Part-time employees who do not work on a holiday shall not receive holiday pay.

FUNERAL LEAVE**SECTION 5.05**

- A. Eligibility: Full-time and regular, part-time employees may, upon approval of the appointing authority or designee, use accrued sick leave in the event of the death of an immediate family member as defined in the Sick Leave section of this manual. Days of leave shall be charged against the employee's accrued sick leave, and the employee shall receive the employee's regular rate of pay for such leave.
- B. Usage: Funeral leave of up to five (5) consecutive workdays may be used to attend the funeral, make funeral arrangements or attend to other matters directly related to the funeral. Funeral leave shall not be granted for any days following the date of the funeral unless approved by the department head or designee.
- C. Part-Time Employees: Part-time employees shall be eligible to use accrued sick leave as described herein and receive their respective regular rate of pay for such leave, only for the days and the number of hours each day that the employee would have been scheduled to work.

- D. An employee requesting funeral leave must submit a completed leave request form along with a copy of the family member's obituary or other proof of death to the appointing authority or designee.

COURT LEAVE**SECTION 5.06**

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

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

- B. Payment: Employees eligible for court leave shall pay all compensation received from the court to the county treasurer, and shall then be paid the employee's applicable hourly rate for the time on court leave. If any employee is called to appear in court or is called for jury duty outside of the employee's regularly scheduled working hours or while on authorized paid leave, all monies received as compensation for such court service shall be retained by the employee.
- C. Work Attendance: Employees on court leave shall report for work before or following such leave if two (2) or more hours remain in the employee's scheduled workday, unless the employee has chosen to take a preapproved leave of absence.
- D. Employees shall submit a Request for Leave of Absence form with a copy of the subpoena or summons to the department head as soon as possible after receipt.

MILITARY LEAVE**SECTION 5.07**

- A. General Policy: Military leave is a complex issue that is governed by both federal (The Uniformed Services Employment and Reemployment Rights Act or USERRA) and state law.
- B. Supervisors and employees should contact the appointing authority or designee regarding military leave and reinstatement issues.

LEAVE OF ABSENCE WITHOUT PAY**SECTION 5.08**

- A. Eligibility: Any employee may request a leave of absence from employment without pay. Approval of such request is solely at the discretion of the appointing authority, and each request will be determined on its own merits. A leave of absence without pay shall not exceed six (6) months.
- B. Return from Leave: Upon returning from an approved leave of absence, the employee shall be placed in the employee's original position or another position in the same classification should the employee's original position be unavailable.

- C. Failure to Return: Failure to return to work after the scheduled end of a leave of absence without acceptable justification amounts to absence without approved leave and shall be treated accordingly for purposes of disciplinary action..
- D. Effect on Employment: Sick and vacation leave are not earned by employees while on an authorized leave of absence without pay. A leave of absence without pay shall not be considered a break in service for seniority purposes.

No employee shall have secondary employment while the employee is on a leave of absence.

- E. All requests for leaves of absence without pay shall be submitted in writing to the department head indicating the specific reason for the requested leave and with all supporting documentation attached.

ABSENCE WITHOUT APPROVED LEAVE	SECTION 5.09
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- A. Any employee who fails to report to work as scheduled without having such absence approved in advance by the employer (i.e., vacation; court leave, military leave, etc.), shall be considered to be “absent without approved leave.”
- B. Employees with an illness or injury qualifying for sick leave, who have sufficient accrued sick leave to cover the period of absence, may notify their department head or designee in writing and request approval of said absence after its occurrence.

If the employee’s absence due to illness or injury exceeds accrued sick leave, the employee must seek and obtain approval for other accrued leave (e.g., vacation or compensatory time) or will be considered absent without approved leave. Employees who have been granted family and medical leave or disability leave shall not be considered absent without approved leave even though sick leave and other accrued paid leave may be exhausted.

- C. Any employee absent without approved leave shall be subject to disciplinary action including possible removal from employment with the county.

DISABILITY SEPARATION	SECTION 5.10
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An employee may request, or the appointing authority may impose, a disability separation after determination that no reasonable accommodation can be made that would allow the employee to perform the essential functions of their position or that of an available vacant position for which the employee is qualified.

An appointing authority may require an employee submit to a medical or psychological examination prior to involuntary disability separating the employee unless the employee is already hospitalized at the time such action is to be taken.

- A. Medical and Psychological Examinations: The appointing authority may require that an employee submit to medical or psychological examinations. Such examinations shall be conducted by one (1) or more licensed practitioners selected

by the appointing authority. Prior to any examination, the appointing authority shall supply the examining practitioner with facts relating to the illness, injury, or condition, and shall supply additional information including physical and mental requirements of the employee's position, duty statements, job classification specifications, and position descriptions. The cost of the examinations shall be paid by the appointing authority. Both the appointing authority and the employee shall receive the results of any examination and related documents.

- B. Employee's Failure to Appear for Examinations: An employee's refusal to submit to an examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination amounts to insubordination, punishable by the imposition of discipline up to and including removal.
- C. Voluntary Reduction: When an employee becomes physically or mentally unable to perform the essential functions of the employee's position even with a reasonable accommodation, but is still able to perform the duties of a vacant lower level position, the employee may voluntarily request reduction to the lower level position. Such request shall be in writing, shall state the reason for the request, and, if approved by the appointing authority, will be attached to the implementing personnel action.
- D. Pre-separation Conference: When an appointing authority has received the results of a medical or psychological examination and initially determines that an employee is incapable of performing the essential job duties of the employee's assigned position due to a disabling illness, injury, or condition, the appointing authority shall institute pre-separation proceedings. Under those proceedings, a conference shall be scheduled and advance written notice of at least 72 hours shall be provided to the employee. Unless the employee waives the right to a conference, then at that conference the employee has a right to examine the appointing authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf.
- E. Determination of Ability to Perform Essential Functions: If the appointing authority determines, after weighing the testimony and evidence presented at the pre-separation conference, that the employee is unable to perform his or her essential job duties, then the appointing authority shall issue an involuntary disability separation order.
- F. Effective Date of Separation: The effective date of separation, for the purpose of reinstatement, shall be based on the date in which the employee was no longer in active work status due to the disabling illness, injury, or condition. .
- G. Voluntary Disability Separation: Employees who are unable to perform the essential job duties of their position due to a disabling illness, injury, or condition may also request a voluntary disability separation.

The appointing authority may grant an employee's request for voluntary disability separation or may require the employee to submit to a medical or psychological

examination. If the examination supports the employee's request, the appointing authority shall grant the employee's request for voluntary disability separation. If the medical examination does not support the employee's request, the appointing authority shall not approve the employee's request for voluntary disability separation.

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

- H. Re-instatement from Disability Separation: An employee may make a written request to the appointing authority for reinstatement from a disability separation no later than two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition. The employee's request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential portions of the employee's job duties.

Upon receipt of the employee's request for reinstatement and supporting medical evidence, the appointing authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination in accordance with subsection A above.

- I. Pre-reinstatement Proceedings: The appointing authority shall institute pre-reinstatement proceedings if it has received the results of the medical examination and initially determines that the employee remains incapable of performing the essential job duties of the employee's assigned position. The Pre-reinstatement Proceedings shall proceed under the same notice and procedure as a "Pre-separation Conference" set forth above.

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

- J. Reassignment to Classification: Once an appointing authority determines that the employee is to be reinstated, then the employee has a right to be assigned to a position in the classification the employee held at the time of disability separation. If the classification the employee held at the time of disability separation no longer exists or no longer is utilized by the appointing authority, then the employee shall be placed in a similar classification. If no similar classification exists, the employee may be laid off.
- K. An employee who fails to apply for reinstatement within two (2) years from the date that the employee was no longer in active work status due to the disabling illness, injury, or condition shall be deemed permanently separated from service.
- L. An employee who has been granted disability benefits by a state retirement system who fails to apply for reinstatement within five (5) years from the date that the

employee was no longer in active work status due to disability illness, injury, or condition shall be deemed permanently separated from service.

GROUP HEALTH INSURANCE**SECTION 5.11**

- A. Eligibility: Employees who are otherwise eligible under the Affordable Care Act may participate in the employer's health insurance program under the cost sharing arrangement described herein. The employer's insurance carrier reserves the right to determine the eligibility of any employee and the employer shall not be liable for the rejection of any employee for coverage. The employer further has the exclusive right to select or change such insurance carrier.
- B. Election: Employees may elect coverage under the insurance plan by notifying the human resources coordinator within 30 days of employment or may apply for coverage during any open enrollment thereafter. Employees declining coverage shall sign a waiver of coverage at commencement of employment.

Employees declining enrollment for themselves or their dependents (including their spouse) because of other health insurance coverage, may in the future be able to enroll themselves or their dependents in the health insurance plan, provided they request enrollment within 30 days after their other coverage ends. In addition, if the employee has a new dependent as a result of marriage or birth, adoption, or placement for adoption, the employee and/or dependent(s) may be able to enroll in the health insurance plan provided the request for enrollment is submitted within 30 days after the marriage, birth, adoption, or placement for adoption occurs.

- C. Coverage: Eligible newly hired employees shall become covered on the first day of the month following the completion of 30 calendar days of employment.
- D. Payment: The Board shall determine the portion of the insurance premium to be paid by the employer and the portion to be paid by the employee.
- E. Paid Leave/Family and Medical Leave: The employer will continue to pay its share of the health insurance premium for employees on all paid leaves of absence for so long as the employee is in active pay status, as defined in the definitions section of this manual, or on leave covered by the Family and Medical Leave Act.
- F. Insurance during Unpaid Leave: If an employee is granted an unpaid leave after exhausting all available paid leave and/or family and medical leave, the county's obligation to pay any portion of insurance premium costs shall cease the last day of the last month in active pay status. .
- G. Insurance after Returning from Unpaid Leave: Employees who are contemplating applying for unpaid leave should consult with Miami County's insurance provider regarding the procedure for an employee to reapply for insurance coverage.
- H. Insurance is cancelled the last day of the month in which an employee terminates employment.

CONTINUED GROUP HEALTH INSURANCE COVERAGE**SECTION 5.12**

- A. Under COBRA, employees, spouses, and dependent children who are covered under the county's health insurance plan shall be offered the opportunity to continue health insurance coverage for statutory periods of time, at their own expense, after the occurrence of certain triggering events, including but not limited to, the employee's termination, reduction in hours causing the employee to be ineligible for continued health insurance coverage, death of the employee, divorce or legal separation. :
- B. Full-time employees, spouses, and dependent children shall be notified of the provisions of COBRA as follows:
1. Employees shall be notified of this policy at the time they begin coverage under the county's health insurance plan or in the event they are either terminated or reduced.
 2. Spouses shall be notified of this policy at the time family or spouse coverage begins under the county's health insurance plan or in the event the employee is either terminated or reduced.
- C. Each employee shall be responsible for notifying the human resources manager of any action which might trigger a spouse's or dependent child's eligibility for continuation of insurance coverage under this policy, e.g., divorce, legal separation, or loss of dependent eligibility under the county plan.
- D. As used in this policy, termination shall include any separation from employment, except those instances where an employee has been separated for acts of gross misconduct, but including layoff, resignation, voluntary or involuntary leave without pay, discharge, and any other termination which results in the employee's ineligibility for continued health insurance benefits. Employees who are separated in accordance with civil service law for gross misconduct are not eligible for continuation of health insurance plan coverage.

OTHER INSURANCES AND BENEFITS**SECTION 5.13**

- A. The employer may provide group term life insurance and offer other insurance benefit programs at the employer's and/or employee's expense including but not limited to basic life insurance, dental, vision, and flexible spending accounts. Employees should see the human resources coordinator for eligibility requirements and an explanation of currently available insurance benefits, programs, and costs.
- B. The terms of the insurance program and degree of employer participation in its cost are subject to change without notice.

WORKERS' COMPENSATION**SECTION 5.14**

- A. General Policy: Workers' compensation is a complex issue that is governed by the Ohio Constitution and R.C. Chapters 4121 and 4123.
- B. Supervisors and employees should contact the appointing authority or designee regarding

workers' compensation issues.

RETIREMENT PLAN**SECTION 5.15**

- A. All employees, except for certain students, are required by law to participate in the Ohio Public Employees Retirement System (OPERS). Both the employee and the employer are required to contribute to OPERS, in amounts set by state law. The employee's contribution is collected through payroll deduction.
- B. Questions regarding the OPERS program and retirement plans should be directed to:

Ohio Public Employees Retirement System
277 E. Town Street Columbus, Ohio 43215
800-222-7377

FAMILY AND MEDICAL LEAVE**SECTION 5.16**

- A. Introduction: Family and medical leave is a leave of absence, taken for specified reasons, during which the employer shall maintain the employee's health insurance in the same manner as if the employee remained in active pay status. During the leave, however, employees must continue to pay their share of the health insurance premium.
- B. Eligible Employees: Employees who meet the following conditions shall be eligible for family and medical leave: (1.) have been employed by the county for a total of at least 12 months; (2) have worked at least 1,250 hours during the previous 12 month period and (3.) work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
- C. Entitlement to Leave: Eligible employees will be generally entitled to a total of 12 workweeks of family and medical leave during a rolling 12 month period measured forward from the date the employee's first family and medical leave begins. Employees may take the leave for any of the following reasons, as defined by the FMLA's statutes and regulations (hereinafter "Act"):
1. Birth of a child of the employee and to care for the newborn child;
 2. Placement of a child with the employee by way of adoption or foster care;
 3. To care for the spouse, child, parent, or one who stood in place of a parent of the employee, if that person has a serious health condition;
 4. Because of a serious health condition that renders the employee unable to perform any of the essential functions of the employee's position; or
 5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, or a daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces in support of a contingency operation in a foreign country. The maximum amount of leave

available for rest and recuperation is 15 calendar days.

- D. Military Caregiver Leave: An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member, as defined by the Act, shall be entitled to a total of 26 workweeks of leave during a 12 month period to care for the service member. The leave described in this paragraph shall only be available during a single 12 month period.

During the single 12 month period described above, an eligible employee shall be entitled to a combined total of 26 workweeks of leave.

- E. Utilization of Accumulated Paid Leave: Employees are required to utilize available, accumulated paid leave, for which they otherwise qualify, concurrently with their use of leave under the FMLA. Accrued sick leave shall be utilized in this manner only for conditions that would normally qualify for the use of sick leave. Remaining unpaid FML shall be authorized after all eligible accrued paid leaves have been exhausted concurrently with FML.

- F. Spouse Available Aggregate Total: When both spouses are employed by Miami County, they are entitled to an aggregate total of 12 weeks of FML for childbirth, adoption placement, or foster care. This limitation does not apply to FML taken by either spouse for other covered reasons. .

- G. Intermittent/Reduced Leave:

1. Leave due to the serious health condition of the employee or the employee's spouse, child, or parent may be taken intermittently or on a reduced leave schedule when medically necessary. The employer may require an employee taking leave in this manner to transfer temporarily to an alternative position which has equivalent pay and benefits and better accommodates the recurring periods of leave.
2. Leave due to the birth or placement of a son or daughter with the employee shall not be taken on an intermittent or reduced leave schedule.

- H. Benefit Accrual during Leave: An employee granted family and medical leave shall continue to accrue seniority during any period of such leave provided the employee follows the proper procedure for requesting such leave and returns to work at the expiration of the leave. Vacation, sick leave, and other paid leave will not accrue during any unpaid portion of the leave period.

- I. Reinstatement: When an employee returns from family and medical leave, the employee will be restored to the position held by the employee when the leave began or a similar position with equivalent pay and benefits. If the employee is returning from FML due to a serious health condition of the employee, the employee's physician must certify the employee is able to resume work and perform the essential functions of the employee's position as a condition of return to employment.

- J. Failure to Return:

1. If the employee fails to return from the leave, the employee shall reimburse the employer for the total insurance premium paid by the employer for the period of family and medical leave during which the employee was not in active pay status, unless the failure to return is due to:
 - a. Continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under the FMLA; or
 - b. Other circumstances beyond the employee's control.

In such a case, the employer may require medical certification by request. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid during the non-paid portion of the leave by the employer.
 2. If an employee (1) is not on approved paid leave or family and medical leave, (2) does not report to work and (3) does not request and receive approval for disability leave after any applicable family and medical leave expires, the employee will be absent without leave and will be subject to appropriate disciplinary action, including possible termination of employment.
- K. Secondary Employment and Conduct during Leave: No employee shall work secondary employment while the employee is on a paid or unpaid leave of absence, to include family and medical leave, where benefits may be maintained. In addition, no employee will engage in conduct inconsistent with the purpose of the leave.
- L. Paid Leave: If an employee requests paid leave that also qualifies for family and medical leave, the employer shall notify the employee that the paid leave will count toward and run concurrently with the employee's family and medical leave. Such notice will be provided to the employee as soon as practicable after the employer acquires knowledge that the paid leave also qualifies for family and medical leave. Employees who are utilizing paid leave benefits concurrently with family and medical leave must also comply with all normal notice and policies applicable to the paid leave provisions.
- M. Personal Notice: Upon request for family and medical leave or upon determination that a request for paid leave constitutes family and medical leave, the employer will provide the employee with detailed written notice of:
1. The employer's expectations and obligations of the employee, such as:
 - a. The right or requirement to substitute paid leave;
 - b. Requirement for the employee to make premium payments to maintain health benefits;
 - c. Any requirement for the employee to present a fitness-for-duty certificate;
 - d. Employee's right to restoration to same or equivalent job upon return from

- leave;
- e. Employee's potential liability for payment of health insurance premiums paid by the employer during the employee's unpaid FMLA leave if employee fails to return to work after such leave; and
 - f. No employee shall have secondary employment while the employee is on paid or unpaid leave of absence, including family and medical leave, where benefits may be maintained.
2. The consequences of an employee's non-compliance;
 3. "Key employee" status;
 4. The fact that the leave will be counted against the employee's annual entitlement and how it is measured; and
 5. The requirements regarding medical certification.
- N. Employee's Notice Responsibility: Eligible employees requesting family and medical leave shall notify the employer not less than 30 days prior to the date such leave is to begin by completing a Request for Family and Medical Leave form. However, where the need for leave is not foreseeable, the employee shall complete a Request for Family and Medical Leave form and provide as much advance notice as practicable. A delay in notice without valid excuse may result in a delay of the leave of up to 30 days after the notice has been received.
- O. Initial Certification of Serious Health Condition:
1. Employees who request family and medical leave must provide the employer with certification of the condition from a health care provider in cases involving serious health conditions by utilizing the appropriate Certification of Health Care Provider form.
 2. Upon receipt of the certification, the employer may, at its expense, require the employee to obtain a second opinion from a health care provider selected by the employer. The employer will not seek additional information from the initially certifying practitioner, but may seek clarification of information provided.
 3. If the second opinion differs from the first, the employer may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by the employer and the employee. This third opinion shall be final and binding.
- P. Subsequent Certification:
1. For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider, the employer may request recertification every 30 days while the employee is on leave. However, if circumstances described

in the previous certification change significantly (i.e., the severity of the condition, complications, etc.), the employer may immediately request recertification.

2. If the minimum duration of the incapacity specified on an initial certification is more than 30 days, or if the leave is taken on an intermittent or reduced schedule basis, the employer may request recertification upon the expiration of the duration specified unless one of the conditions of paragraph 3 is met.
 3. For circumstances not covered by paragraphs 1 or 2, the employer may request recertification at any reasonable interval (but not more often than every 30 days), unless:
 - a. The employee requests an extension of leave; or
 - b. Circumstances described by the previous certification have changed significantly (i.e., duration or nature of the illness, complications, etc.); or
 - c. The employer receives information that casts doubt upon the continuing validity of the certification.
 4. If one of the conditions of paragraph 3 occurs, the employer may immediately request recertification.
- Q. Certification Deadline: Employees shall provide requested certification within 15 calendar days unless this time limit is not practicable. Failure to provide this certification may delay the leave or result in leave being denied.
- R. Certification for Leave Taken Because of a Qualifying Exigency: An employer may require that leave for a qualifying exigency be supported by a certification from the employee.
- The certification may include, among other things, a statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs.
- S. Certification for Covered Service member Leave: When leave is taken to care for a covered service member with a serious injury or illness, an employer may require an employee to obtain a certification completed by an authorized health care provider of the covered service member.
- T. Employee's Failure to Pay Insurance Premium: Upon commencement of family and medical leave, the employer shall continue the employee's health insurance as if the employee was not on leave. During any unpaid portion of the leave, the employer's

obligation shall cease if the employee is more than 30 days late in tendering the employee's share of the premium.

ON-THE-JOB INJURIES**SECTION 5.17**

The employer urges injured employees to be prudent in seeking medical attention as soon as possible.

A. Accident/Incident Reports: Any employee injured during the course of their employment shall immediately notify the employee's supervisor and shall complete an Injury/Accident Report form. This report shall be completed, regardless of apparent seriousness of the injury, and regardless of whether medical attention is required. Such report shall be forwarded to the immediate supervisor no later than the end of the employee's scheduled work shift. The supervisor or department head shall investigate the cause of the accident, review and complete the form, and forward it to the Human Resources Department.

B. Serious Injury: In the event of work-related injury, the injured employee's supervisor will document the incident and will notify the appointing authority immediately so that an investigation may be initiated. A workers' compensation claim for an unreported injury will not be certified, unless the injury required immediate medical attention and was documented by the supervisor.

If an injury requires medical attention, a workers' compensation form will be completed by the attending licensed practitioner. The completed report must be forwarded to the Human Resource Department at the earliest possible date.

C. Return to Work: The employee is responsible for notifying the appointing authority or designee of his/her condition and the expected date of return.

The appointing authority or designee must be advised and continually updated on the status of the employee at least once per pay period, if the employee continues to be absent due to a work-related injury. The department head shall immediately notify the appointing authority when an employee is able to return to work.

D. Documentation: It is the responsibility of the employee to obtain, complete, and return all required forms. All documents received from the injured employee, the employee's physician, hospital, or the state regarding any workers' compensation claim shall be forwarded immediately to the appointing authority, who will then forward it to the Human Resources Department. It is important that the employee sign and date the HIPAA compliant medical release forms to avoid any delays in processing the claim.

E. Wages on Injury Date: Employees injured in the line of duty, who must leave work before completing their work, shall be required to use sick leave for the remainder of their regularly scheduled workday.

F. Use of Sick/Vacation Leave: An injured employee may elect to use accrued sick leave and/or vacation leave prior to receiving payments from workers' compensation. An employee is prohibited from receiving payment for sick leave while simultaneously

receiving payment from workers' compensation. Questions regarding the use of sick leave and workers' compensation should be directed to the employee's supervisor and/or the appointing authority.

TRANSITIONAL WORK**SECTION 5.18**

- A. This policy is limited in its application to injuries and/or illnesses suffered during the course of employment and for employees who are limited in their ability to work due to pregnancy. The purpose of transitional work is to provide such pregnant or injured employees, who cannot effectively perform the essential functions of their position due to a work related illness/injury, the opportunity to continue working for a limited duration, with transitional work (i.e., modified duty), during such period of temporary partial disability.
- B. The temporary assignment to transitional work is made at the discretion of the appointing authority. The appointing authority may require the employee to provide medical certification from a licensed practitioner, as to the nature and extent of the employee's injury/illness and the probable length of time the employee needs to be assigned to transitional work. Refusal to submit to a medical examination or the unexcused failure to appear for the examination will result in automatic denial of the employee's request for the transitional work assignment.
- C. During the transitional work period employees shall continue to be paid their regular rate of compensation and accrue all benefits, in the same manner as before. Placement into transitional work does not constitute a break in continuous service, nor does it affect the employee's status.
- D. Transitional work shall be agreed upon in advance. Only after authorization from the appointing authority has been received, however, may the employee begin to perform transitional work (i.e., modified duty). A transitional work period is a temporary assignment of limited duration, not to exceed 160 hours. The appointing authority may extend the transitional work assignment if compelling medical evidence is presented by the employee from a properly licensed physician or certified medical provider. If no such transitional work assignment exists, the appointing authority is not obligated to create a work assignment for the employee.
- E. The properly licensed physician or certified medical provider makes the ultimate decision to determine an employee's capability to return to work within the scope of transitional work as defined in this policy.

The physician or medical provider will evaluate the transitional work job duties to ensure that the employee will not be required to perform duties that would further aggravate their condition.

- F. The appointing authority is not obligated to continue any transitional work assignment or create a modified work assignment.
- G. After the transitional work period has expired, the employee shall return to the employee's original position. If the employee is still unable to perform the essential functions of the

position, then the employee shall be subject to an involuntary disability separation.

INJURY LEAVE**SECTION 5.19**

- A. Eligibility: All non-bargaining unit employees who suffer an occupational injury or illness in the scope of their employment and are absent for eight (8) days or more may choose between keeping their workers' compensation subsistence payments or using accumulated sick leave for the period of leave and thereafter repurchasing the used sick leave with their workers' compensation subsistence payments. Employees choosing to use their accumulated sick leave shall follow the procedure contained below.
- B. Payment: Employees who choose to use accumulated sick leave for a compensable injury under workers' compensation shall receive their regular hourly rate for each hour absent from the employee's regularly assigned shift for a period not to exceed 12 weeks or until all accumulated sick leave is used, whichever occurs first.
- C. Repurchase: Employees choosing to use sick leave hereunder shall have a proportionate amount of their used sick leave reaccredited upon receipt by the employer of the employee's workers' compensation payments. In the event the employee's claim is denied by the Bureau of Workers' Compensation, all sick leave used shall remain deducted from the employee's sick leave balance.
- D. An employee desiring to use and repurchase accumulated sick leave for an occupational injury of eight (8) days or more shall complete an Injury Leave Agreement directing all workers' compensation payments to the employer, within ten (10) days of the injury, and submit same to the appointing authority or designee for approval. The employer reserves the right to refuse the granting of sick leave reimbursement for any injury or illness believed not to be the result of an occupational injury or illness, or the result of any negligent, reckless, or self-inflicted act of the employee.

TRAVEL EXPENSE REIMBURSEMENT**SECTION 6.01**

- A. Generally: Employees shall be reimbursed for the following expenses incurred while traveling on official employer business. This policy applies to employees of the board of county commissioners and to those offices and departments whose travel policies are under the direction and control of the county commissioners.
- B. Meetings, Conferences, and Conventions: Upon prior written authorization of the board of county commissioners, employees may attend meetings, conferences, and conventions related to the employee's position. The board will reimburse employees for the necessary and reasonable expenses (as defined herein) incurred to attend such authorized meetings, conferences, and conventions. The employer may prepay registration fees when such prepayment is required. Employees will not be reimbursed for unattended meetings, conferences, or conventions.
- C. Mileage, Parking, Tolls, and Vehicle Rental:
1. Employees shall be reimbursed for actual miles driven in their personal vehicle, on official employer business, at the designated rate set by the board of county commissioners. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one (1) of the two (2) or more employees traveling on the same trip, in the same automobile.
 2. Charges incurred for parking at the destination, and any highway tolls, are reimbursable at the actual amount.
 3. Charges incurred for vehicle rental or taxi service at the destination, if necessary, are reimbursable at the actual amount for business purposes only, not for "entertainment" travel.
 4. No expense reimbursement is paid for travel between home and work.
 5. Receipts for parking costs, highway tolls, vehicle rentals, or taxi services are required.
- D. Airfare and General Travel Benefits:
1. Air transportation for the official travel of employees shall be arranged pursuant to the policies and procedures of the board, solely on the basis of the cost and efficiency of the same, and without regard to the particular provider of the same or any incidental benefit which may arise therefrom.
 2. Necessary official travel by employees, which is arranged for and conducted in compliance with the policies and procedures of the board, is for a public purpose which is of benefit to the county and to its citizens.
 3. Any benefit which accrues to an employee as a result of official travel so arranged

and conducted, including frequent flyer miles and credit incentive bonus points, is incidental to a public purpose. Any such incidental benefits are *de minimus* in nature and are found, declared, and determined by the board to be an additional part of the compensation of said employee which he or she may retain for his or her personal benefit and use.

4. An elected official or his or her employees traveling on county business may elect to request either an advance check for all hotel registration expenses or to use a personal credit card and request reimbursement.

E. Meals and Associated Tips:

1. For a Full Day of Travel

- a. The actual cost of meals to a maximum of \$50.00 per day, per person;
- b. A full day of travel is a day both preceded and followed by an overnight stay or if travel is out of state;
- c. A full day of travel does not require an allocation for breakfast, lunch and dinner. Meal reimbursement in that amount may be allocated for meals as the employee chooses.

2. For Less Than a Full Day of Travel

For less than a full day of travel, reimbursement for meals on the day of departure and day of return is limited to:

- a. The actual cost of meals to a maximum of \$25.00 per day, per person;
- b. A less than full day of travel does not require an allocation for breakfast, lunch or dinner. Meal reimbursement in that amount may be allocated for meals as the employee chooses.

3. All Meals

- a. Must be either associated with an overnight stay or the meal is farther than 45 miles from the employee's headquarters.
- b. Original itemized receipts that are signed by the employee are required for reimbursement of all meal expenditures.
- c. Gratuities for meals shall not exceed 20%. The gratuity shall be included in the maximum reimbursement amount and the applicable meal rate. Any gratuity in excess of 20% shall not be reimbursed and shall be the sole responsibility of the employee.
- d. There will be no reimbursement for alcoholic beverages.

- F. Lodging: Upon prior written authorization of the board, the actual cost of a motel room (single room rate for one (1) employee, double room rate for two (2) employees who share a room) will be reimbursed in full when an employee travels on official employer business and such travel requires an overnight stay.
- G. Telephone Calls: Employees shall be reimbursed for telephone expenses for business purposes only.
- H. Non-Reimbursable Items: The following items or services are not reimbursable:
1. Tips for other than meals or tips for meals in excess of 20%;
 2. Alcoholic beverages;
 3. Entertainment;
 4. Laundry and dry cleaning;
 5. Room service charges except for meals, business calls and other allowable expenses articulated in this section;
 6. Expenses for spouse or other family member traveling with employee;
 7. Movies (in room or otherwise);
 8. Traffic violations; and
 9. Any allowable expense where no receipt is provided.
- I. Sales Tax Exemption: Employees shall submit a sales tax exemption form to restaurants and hotels when applicable, to eliminate the need to pay sales tax when traveling on employer business.
- J. Receipts: Itemized receipts for all reimbursable expenses must be kept by employees and submitted with requests for reimbursement.
- K. Credit Card: Certain employees traveling on county business may be authorized by the board to use a county credit card. If credit card usage is authorized, credit card receipts for all expenditures shall be submitted to the county auditor with a brief explanation of what the expenditure was for.
- L. Any employee desiring to attend a meeting, conference, convention, or otherwise incurring expenses on official employer business shall make advance written application using a Travel Expense Reimbursement Application form.
- M. After returning from any meeting, conference, convention, or other official employer function wherein reimbursable expenses have been incurred, an employee shall submit an

Employee Travel Expense Report and all original, itemized receipts and other documentation to the department head for approval. The report shall be reviewed by the commissioner's office and either approved for reimbursement or returned to the employee for adjustment or further documentation. Once the report has been approved, copies of the report shall be forwarded to the county auditor for payment.

- N. Travel will be reimbursed in accordance with limits set by the board of county commissioners.
- O. This policy supersedes policy on limitation of miles established by Resolution No. 97-05-673 and Resolution adopted March 25, 1993 and amended October 21, 1993.
- P. Offices and departments that are exempt from approval of travel expenses per Resolution No. 93-10-1552 adopted by the board on October 21, 1993, will follow the same procedures in this section.

Child Support, Fund 103
 Job and Family Services, Fund 106
 Office of the Sheriff, Fund 001 Department
 231 West Central Juvenile Detention Center

USE OF EMPLOYER-OWNED VEHICLES	SECTION 6.02
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- A. All employees assigned or authorized to drive a county vehicle or privately-owned vehicle while conducting county business shall be subject to the following requirements:
 - 1. Employees operating any vehicle in service to the county must be at least 18 years of age and possess a current, valid Ohio driver's license. A copy of the license must be maintained in the employee's personnel file or with a list of drivers, with said list maintained by the appointing authority or department head.

Failure of an employee to obtain, renew, and/or maintain a current and valid Ohio driver's license with necessary endorsement (CDL, etc.) will subject the employee to suspension from driving privileges until a proper license has been obtained. Prolonged or intentional delays in securing the necessary Ohio driver's license and/or required endorsements may subject the employee to disciplinary procedures including dismissal.

Any employee whose driver's license has been suspended or revoked must immediately notify his/her appointing authority and provide a copy of any court or administrative order of such. Failure to report a suspension/revocation shall subject the employee to disciplinary action.

An employee whose driver's license has been suspended or revoked shall not be permitted to operate any vehicle in service to the county for the period of the suspension/revocation unless occupational driving privileges have been granted. Such employees are subject to suspension without pay or dismissal, depending upon the length of disqualification and the inherent demands of the department

involved.

Employees required to hold and maintain a Commercial Driver's License (CDL) shall comply with all applicable requirements of the O.R.C. and department policies governing CDL.

2. Hitchhikers are not permitted in vehicles being operated in service to the county, nor are passengers who are not on official county business. Spouses or persons from other political subdivisions traveling to the same meeting may be permitted as passengers only (not drivers) on preapproved, authorized trips to meetings, conferences, and conventions.
3. The operation of county vehicles shall be strictly controlled to insure that use is for business purposes only, in accordance with Section 307.43 of the Ohio Revised Code. In cases of abuse, penalties including fines or imprisonment may be imposed pursuant to Section 307.99 O.R.C. County vehicles shall be utilized by employees whenever possible on approved county business. However, they are not to be used for employee travel to and from work, nor are they to be used overnight, unless authorized in writing by the employer.
4. County fleet vehicles are assigned on a first-come/first-served basis, using forms which are available at the Safety Building Switchboard. Scheduled vehicle use may be canceled only by the employee to whom the vehicle is assigned and/or the department head.
5. Employees involved in motor vehicle accidents, arrests, citations for moving traffic violations, or operating a county motor vehicle while under the influence of alcohol or drugs or while operating a privately-owned vehicle while conducting county business shall report the incident to their immediate supervisor as soon as possible, but no later than 24 hours following the event, unless physically unable to do so.
6. All employees who operate privately-owned vehicles on county business must possess automobile insurance in amounts which satisfy Ohio financial responsibility laws. Those who drive daily shall maintain a level of coverage which will provide for adequate liability protection (i.e., 100,000/300,000/50,000). Each employee will be required to provide proof of personal auto insurance once annually, a record of which will be maintained on file in the employee's personnel file.
7. In accordance with state law and safe driving procedure, all county employees and passengers shall wear safety belts at all times in any vehicle so equipped.
8. Additional policies and procedures for use of county-owned vehicles are maintained by the county engineer and the sheriff's department.
9. Drivers of county-owned vehicles shall be responsible to report all safety, service, maintenance or mechanical defects/issues.
10. No alcoholic beverages, illegal drugs or federally controlled substances, including

marijuana (regardless of whether it is being used medically under Ohio law or not) are permitted in or on a vehicle except as a function of law enforcement or medical emergency vehicles.

No employee shall operate a vehicle under the influence of alcohol, illegal drugs or federally controlled substances, including marijuana (regardless of whether it is being used medically under Ohio law or not), or illegal use of prescription drugs. Use of alcoholic beverages immediately prior to the operation of a county-owned vehicle is prohibited.

11. Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm, are prohibited from carrying firearms in any county-owned vehicle.
 12. Turn signals and warning signals shall be utilized by all vehicle operators. Vehicle headlights shall be used during periods of limited visibility or any time the vehicle windshield wipers are in use.
 13. Vehicle operators are responsible for the appearance, interior and exterior cleanliness, and general condition of the vehicle.
 14. Operators of county vehicles, or of privately-owned vehicles being used on the county's behalf, shall obey all traffic and motor vehicle laws.
 15. No smoking, including e-cigarettes or "vaping", is permitted in any county-owned vehicle.
 16. While operating a county-owned vehicle or a personal vehicle for county business, the use of cell phones, smart phones and other hand held devices ("device") shall be limited for business purposes only, and only when it is safe to use the device for purposes of telephone communication. Using the device for other purposes, including text messaging, checking emails, or internet browsing while operating a vehicle for county business is strictly prohibited. Employees may use the full functions of the device for business purposes when the vehicle is parked safely out of traffic. The use of devices for personal use while operating a county-owned vehicle is prohibited.
 17. Parking, moving violations, and other fines received while operating a county vehicle are the responsibility of the operator.
 18. Operators involved in accidents when operating a county vehicle in a non-approved manner, in addition to discipline, will be subject to appropriate legal action to recover costs.
- B. An annual Motor Vehicle Records (MVR) check will be conducted to evaluate the non-work driving records of all those employees whose job functions include operation of a motor vehicle in service to the county. All newly-hired employees whose job functions are to include driving will also have their driving performance for the previous 36 month term assessed. The County Risk Sharing Authority (CORSA) has a free Motor Vehicle Record

Service available.

SECONDARY EMPLOYMENT**SECTION 6.03**

- A. Time Conflicts: Full-time employment by Miami County shall be considered an employee's primary occupation and take precedence over all other occupations. Full-time employees shall not have other employment which presents a "time conflict." A time conflict for purposes of this section exists when the working hours of a secondary job directly conflict with an employee's scheduled working hours or mandatory overtime obligations, if any, or when the demands of a secondary job prohibit adequate rest or otherwise affect the employee's job performance.
- B. Interest Conflicts: No employee, regardless of employment status, shall have other employment which presents an "interest conflict" with their position. An interest conflict exists when an employee engages in any secondary employment which tends or may appear to compromise the employee's judgment, actions or job performance or conflict with the policies, objectives, and operations of the employer.
- C. Employees shall notify the appointing authority or designee in writing of any secondary employment (preferably prior to accepting such employment). The employer will confer with the employee to determine whether the secondary employment presents a conflict.
- D. If the appointing authority or designee feels an employee's secondary employment presents a conflict, the appointing authority may demand, or recommend, the employee terminate the secondary employment relationship. Failure to follow such demand or recommendation will be cause for discipline up to and including termination.
- E. No employee shall work at any secondary employment while the employee is on a paid or unpaid leave of absence, including family and medical leave, where benefits may be maintained.

SAFETY AND HEALTH**SECTION 6.04**

- A. Generally: The employer is concerned about the safety and health of every employee. The department heads and employees are responsible for maintaining a safe workplace.
- B. Department Head's Responsibility: Each department head is responsible for safety in the area under the department head's control and will be given the assistance, authority, and support necessary to fulfill this responsibility. Every work related accident shall be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The department head is responsible for correcting unsafe conditions. The department head, as well as the supervisor, should ensure that each employee complies with all rules and regulations, and that safe working methods are used by employees under the department head's supervision.
- C. Employee Responsibility: Employees are responsible for maintaining a safe workplace. Employees shall obey all workplace safety rules and shall report all equipment malfunctions, violations of workplace safety rules, or potential or evident workplace safety

- problems to the department head or supervisor immediately.
- D. Employees shall report all workplace accidents or incidents to the department head and/or supervisor immediately but in no case later than 24 hours from the accident or incident, utilizing the employer's Occupational Illness or Injury Accident Form.
 - E. Failure to utilize or wear safety equipment and/or personal protective equipment where it has been deemed necessary shall subject the offending employee to disciplinary action.
 - F. The employer may adopt health and safety policies and procedures that are beyond the scope of this manual.

PERSONNEL FILES**SECTION 6.05**

- A. The official personnel file shall be kept by the appointing authority except those personnel files for employees of the Department of Job and Family Services shall be kept by the director of the department. The County will maintain complete and accurate personnel files. These records shall include, but may not be limited to, such information as:
 - 1. Personal data;
 - 2. Employment application documents;
 - 3. References;
 - 4. Medical reports;
 - 5. Documentation pertaining to an employee's change of status;
 - 6. Performance evaluations;
 - 7. Communications or disciplinary actions; and
 - 8. Records of all approved leaves of absence.

Medical and Family and Medical Leave Act files are not considered public records.

- B. The human resources generalist is responsible for and maintains the personal information in the personal information system for the Board of Commissioners.
- C. Employees will be allowed to review the contents of their file(s), in the presence of the employer. The employee must obtain advance permission of the department head and schedule the review of the personnel file during normal business hours.
- D. If an employee disputes any information contained in their personnel file, they may request the employer to investigate the disputed information. The employer will investigate and notify the employee of the result. The employer will remove any information it cannot verify or found to be inaccurate. The employer may permit the employee to include a brief statement of their position on any disputed information. The employer also reserves the right to place a statement in the file rebutting the employee's statement.

REPORTING CHANGES IN PERSONNEL FILES**SECTION 6.06**

- A. Employees' failure to report changes in their personnel files may prevent them from obtaining or maintaining valuable employee benefits or services. It is each employee's responsibility to report any change of personal information within three (3) calendar days of the occurrence of the change. Notification shall be made by the employee in writing to the department head.
- B. For the purposes of this section, a change in personal information shall include but not be limited to the following:
1. Name change;
 2. Address change;
 3. Telephone number change;
 4. Marital status change;
 5. Changes which may affect employee benefits (i.e., insurance and pension(s) such as changes in dependents or beneficiaries);
 6. Citizenship;
 7. Association with a government military service organization; or
 8. Any changes in licensure or insurability relevant to the employee's job.
- C. On-call personnel are required to notify the Miami County Communications Center of all temporary changes in telephone and address when on-call.
- D. Employees shall normally report personal information changes as soon as possible but shall report no later than three (3) days after the change occurs. The department head will make certain that notification of any change affecting payroll or benefits is forwarded to the proper authorities. Failure to report changes that affect fringe benefits may result in the denial of the affected benefits.

PUBLIC RECORDS**SECTION 6.07**

- A. Purpose: Openness leads to a better informed citizenry, which leads to better government and better public policy. It is the mission and intent of Miami County to at all times fully comply with and abide by both the spirit and the letter of Ohio's Public Records Act.
- B. Definitions: A "record" is defined to include the following: A document in any format paper, electronic (including, but not limited to, business e-mail) – that is created, received by, or comes under the jurisdiction of Miami County that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the office. A "public record" is a "record" that is being kept by this office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal

law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

- C. Electronic Records: Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
1. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.
- D. Response Timeframe: Public records are available for inspection during regular business hours, with the exception of designated holidays or by action of the legislative authority of the office. Public records will be made available for inspection promptly. Copies of public records will be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

It is the goal of Miami County that all requests for public records should be acknowledged in writing or, if feasible, satisfied within three business days following the office’s receipt of the request.

- E. Handling Requests:
1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity to allow the office to identify, retrieve, and review the records.
 2. The requester does not have to put a records request in writing, and does not have to provide his or her identity or the intended use of the requested public record(s). However, the office may ask for a written request, the requester’s identity, and/or the intended use of the information requested if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the office’s ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester’s identity or intended use.
 3. In processing the request, the office does not have an obligation to create new records or perform a search or research for information in the office’s records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the office’s standard use of sorting, filtering, or querying features.
 4. In processing a request for inspection of a public record, an office employee may accompany the requester during inspection to make certain original records are not taken or altered.

F. Denial and Redaction:

1. If the requester makes request for a record that is not maintained by the office, the requester will be notified of same. If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the office cannot reasonably identify what public records are being requested, the request may be denied, but the requester shall have the opportunity to revise the request and may be informed of the manner in which records are maintained and accessed by the office. Further, requests may be denied if the release is prohibited or exempted by state or federal law.
2. If the office withholds, redacts, or otherwise denies requested records, it will provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation will also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted and the rest will be released. When making public records available for public inspection or copying, the office shall notify the requester of any redaction or make the redaction plainly visible.

G. Copying and Mailing Costs: Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is **.05** cents per page. Two-sided photocopies are charged at **.10** cents per page. The charge for electronic file downloads, video, audio, or other type of media shall be the replacement or actual cost of reproducing or copying same. Reproduction costs shall only be charged if a commercial or professional service is contracted to provide the copy.

1. A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester will be supplied with the office's best estimate of the anticipated cost of copying and mailing. The requester may choose whether to have the record duplicated upon paper where such duplication is feasible and consistent with the manner in which the record is maintained or upon the same medium on which the public record is kept or any other medium on which the office determines that the record can reasonably be duplicated as an integral part of the office's normal operations.
2. If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailed documents.
3. In accordance with Ohio Revised Code §149.43(B)(7), the County limits the number of requested public documents which may be transmitted through the United States Mail to a maximum of ten (10) records per month per requestor unless the requestor certifies that the records or information in them will not be used for commercial purposes. The phrase "commercial purposes" shall be narrowly construed and does not include reporting or gathering news, reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government, or non-profit educational research.

- H. Managing Records: Miami County's records are subject to records retention schedules. The office's current retention schedules are available at each office, department or location which maintains public records and are readily available to the public as required by Ohio Revised Code §149.43(B)(2).

COUNTY PROPERTY, TOOLS, SUPPLIES, AND EQUIPMENT**SECTION 6.08**

- A. The employer provides certain tools, supplies, lockers, desks, vehicles, computers, internet, phones, cellular phones, technology, software, and equipment to employees for the performance of their job duties ("assets"). All employees are responsible for using and maintaining such assets in a safe and proper manner.
- B. Loss, misuse, neglect, abuse, or theft of employer assets is strictly prohibited, and may result in discipline, up to and including termination, and/or demand for payment to the employer for the cost to replace or repair such asset(s).
- C. Employer-Owned Assets:
1. Use of employer-owned assets for other than work purposes is prohibited unless such use has been authorized in advance by the appointing authority or designee in writing.
 2. Presence in, or use of, employer facilities (i.e., garage, office, etc.) during non-work hours by employees is prohibited, unless authorized by the department head or in the event of an emergency.
 3. Pass codes and access may be authorized for employees of the facilities and maintenance department and the office of the sheriff when needed for work purposes, with authorization of the department head.
- D. Employees should have no reasonable expectation of privacy in the use of county property or assets or regarding any personal information, documents, materials, or other personal items kept in any employer-provided locker, vehicle, desk, file, computer, cellular telephone, or other employer-owned property or assets. The employer shall have the right to search, review, audit, intercept, access, and monitor all county assets at any time, with or without employee notice. Such access may occur before, during or after working hours.
- E. The employer shall have the right to search and review any files, e-mails, websites, etc., maintained or accessed by the employee on any computer provided by the employer for the employee's use. The employer shall have complete access to any telephone records, cellular telephone logs, or other information maintained on any employer-provided cellular telephone.
- F. Supplies will be maintained as determined by the department head. Employees are responsible for using supplies in a safe, proper, and non-wasteful manner.

BULLETIN BOARDS**SECTION 6.09**

- A. Bulletin boards may only be used for the posting of notices or written material which has been authorized for posting by the department head or designee.
- B. Notices or written material posted by the department head or other management personnel shall only be removed by such individuals.
- C. Employees desiring to post information on employer bulletin boards shall submit such information to the department head or designee for approval in advance of posting.
- D. Any employee with a legitimate need for a copy of any notice or written material posted on the bulletin board shall obtain approval from the department head prior to copying such notice or materials.

SELF HELP TO RECORDS PROHIBITED**SECTION 6.10**

- A. Employees may not copy or remove any record or writing, even those regarded as “public records,” without first obtaining advanced written permission from the employer, or without going through the process for obtaining public records.
- B. No employee may copy, or use any agency writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the employer. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.
- C. No employee shall tape record any meeting, hearing, or appeal involving the employer or a representative of the employer without the advance written permission of the employer.
- D. Except for official agency business, employees may not have any agency writing or document in their possession, unless obtained through this policy.

MEDICAL RECORDS OF EMPLOYEES**SECTION 6.11**

To provide guidance to department heads, supervisors, and employees concerning the privacy of medical records which involve employees of Miami County.

- A. Miami County will, to the extent required by law, protect medical records it receives about employees or other staff in a confidential manner. Generally, only those with a need to know the information will have access to it, and even then, they will only have access to as much information as is minimally necessary for the legitimate use of the medical records.
- B. All medical records of employees will be kept in separate files apart from the employee’s general employment file. These records will be secured with limited access by management.
- C. In accordance with the Privacy Rule of the Health Insurance Portability and Accountabilities Act, medical records that are not considered employment records will be

treated in accordance with the safeguards of the Privacy Rule with respect to their use and disclosure.

- D. Employment records are not considered to be protected health information (PHI), subject to HIPAA safeguards. This includes certain medical records of employees that are related to the job. Employment records not covered under HIPAA include but are not limited to: information obtained to determine my suitability to perform the job duties (such as physical examination reports), drug and alcohol test obtained in the course of employment, doctor's excuses provided in accordance with the attendance policy, work related injury and occupational exposure reports, and medical and laboratory reports related to such injuries or exposures, especially to the extent necessary to determine workers' compensation coverage.

If you have any questions about how medical information is used and disclosed by Miami County, please contact the Board of Commissioners' office.

USE OF ELECTRONIC RECORDING EQUIPMENT

SECTION 6.12

A. Use of Camera Phones and Other Electronic Recording Equipment:

1. To safeguard confidential information, to eliminate self-help to public records, to eliminate violations of Revised Code 2933.52, to safeguard HIPAA protected information, to eliminate violations of the Fair and Accurate Credit Transactions Act of 2003, and to reduce opportunities for harassment, the employer regulates the use of electronic equipment used to capture/record audio, video or images such as camera/video on phones or on hand-held devices, camera PDAs, video equipment, cameras, handheld scanners, flash drives, and any other device capable of capturing or storing an image ("device"), in its facilities and at its worksites.
2. Employees are prohibited from using any type of device capable of recording images or audio recordings while on the employer's premises or at any employer worksite without prior approval from the employer. These types of devices are prohibited even when not in use in areas where personal privacy is generally acknowledged, such as dressing rooms, bathrooms, etc. Employees are forbidden from creating or transmitting confidential, offensive, harassing, vulgar, obscene, or threatening images or communications to any other employee or member of the public regardless of whether the employee is on or off duty. Similarly, employees shall not create or transmit private, personal images or communications of third-parties (including co-workers and private citizens) obtained while working for the County to any other employee or member of the public.
3. Electronic equipment on the employer's premises or at an employer worksite may not be used to defame, embarrass, or disparage the employer, employees, members of the public, visitors, or vendors.
4. Privileged or confidential materials or communications are not to be photocopied, scanned, photographed, or otherwise copied or recorded except as authorized by the employer.

5. Any unauthorized recording of any type is strictly prohibited.
 6. Any employee that utilizes an employer owned or provided electronic device capable of recording or storing confidential information, customer information, or other personally identifying information must store these devices in a secure place when not in use.
- B. Any employee who has a question regarding the use of electronic recording devices capable of making audio or visual recordings should request clarification of the employer's policy before risking a possible violation.

TELEPHONES AND CELLULAR PHONES**SECTION 6.13**

A. Employer Telephones:

1. Telephones are provided for business use only and shall normally not be utilized to make personal phone calls. Local personal phone calls are permitted provided they are kept to a minimum and do not adversely affect the employee's work performance. Employees should inform their family members and friends that incoming calls shall be limited to essential or emergency calls only. Non-emergency personal calls which must be made during working hours shall be made during lunch time or break time.
2. All employees, including department heads, should limit calls made to essential business calls. When traveling outside the county or in an area where roaming or long distance charges apply, calls should be limited as much as possible to avoid unnecessary additional expense.
3. Long Distance Telephone Calls: Employees will be issued a long distance access code, for use in making long distance telephone calls. Employees shall not charge any non-business long distance telephone calls to the county unless specifically authorized in advance by the department head. Employees so authorized shall reimburse the county for the non-business long distance telephone calls. Employees will be billed and will pay for charges for any personal long distance calls. Employees may opt instead and are encouraged to use their own personal cellular telephones when possible or practical for making personal long-distance calls.

B. Employer Provided Cellular Telephones:

1. Certain employees are provided cell phones to assist them in the performance of their required duties for the county.
2. The employer shall have the right to review and/or intercept any cell phone calls, voicemail, and text messages made on county-owned cell phones.
3. Employees shall not take their county-issued cell phones with them when they are on vacation unless authorized, or directed, by their department head.

4. Employees should limit the use of employer supplied cell phones to communications related to legitimate county activities and within job assignments or responsibilities. Calls or communications of a personal nature are discouraged except in emergency situations.
5. All communications using employer supplied cell phones — verbal, written, or other must meet professional standards of conduct.
6. Employer supplied cell phones shall not be used for illegal, disruptive, unethical, pornographic or unprofessional activities, or for personal gain, or for any purpose that would jeopardize the legitimate interests of Miami County.
7. Employer issued cell phone devices are not to be used to access social networks including but not limited to MySpace, LinkedIn, Facebook, Snapchat. Employees shall not access or post comments to any social network site with an employer issued cell phone device.
8. Employees are not to operate cell phones while operating a motor vehicle. The use of the following features while driving is prohibited: hand-held cell phone to talk, text, e-mail, or use the Internet while driving. All employer cell phones are issued with a hands free device; such a device must be used while operating a vehicle.
9. Cellular phones may be provided to certain employees to photograph or record work related subjects in the course and scope of employment. In no case, however, shall any photograph, video, digital, or other media be published in any manner, including on social media, without the express permission of the employer.
10. When an employer provided cell phone is damaged, lost, or stolen, such incidents must be reported immediately to the appointing authority or department head.

C. Employee Personal Cellular Telephones:

1. The use of personal cell phones for personal reasons, including text messaging, during work hours is discouraged and shall be limited to matters requiring the employee's immediate attention. As with any personal matter, employees are encouraged to use work breaks for these purposes.
2. Employees shall not use personal cell phones during work hours or while on employer business for any illegal, disruptive, unethical, pornographic or unprofessional activities, or for personal gain, or for any purpose that would reflect negatively on the appointing authority or on Miami County.
3. Personal cell phones can be a distraction in the workplace. To ensure the effectiveness of the workplace, employees are asked to either turn phone off, or at a minimum to "vibrate" mode.

D. Cellular Phones and Administrative Investigations:

1. Employees who elect to carry either employer issued or personal cellular phones

during work hours shall provide telephone usage records during administrative investigations, when requested. These records shall be either for the dates and times of working hours or regardless of the time of usage when the usage concerns an allegation of misconduct that is “directly, narrowly and specifically related to the employee’s performance of duty or fitness to perform”.

ETHICS OF PUBLIC EMPLOYMENT**SECTION 7.01**

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

LATE ARRIVAL**SECTION 7.02**

- A. Late arrival on a regular basis is inexcusable and will not be tolerated. Late arrival is defined as any situation where an employee reports to work after the employee's scheduled starting time (including returning late from a scheduled lunch or break period), and such tardiness is not approved for sick, vacation, or other authorized leave, or excused by the department head.
- B. Late arrival will only be excused for good cause shown, as determined in the sole discretion of the employer, and if the employee notified the employer as soon as possible that the employee would be late.
- C. Whether the late arrival is excused or not, employees who are late by more than seven (7) minutes shall not be paid for the period of time the employee is late. Time and pay shall be deducted for this purpose to the next quarter ($\frac{1}{4}$) of an hour (i.e., eight (8) minutes to 15 minutes late equals deduction of $\frac{1}{4}$ hour, 16 to 30 minutes late equals deduction of $\frac{1}{2}$ hour, etc.).
- D. In addition, employees who have unexcused late arrivals shall be subject to progressive disciplinary action. In applying this policy, the employer shall only consider the employee's tardiness record over the previous 12 months in active pay status from the date of the most recent occurrence.

ABSENTEEISM AND NOTIFICATION OF ABSENCE**SECTION 7.03**

- A. Absences: Absenteeism increases the workload of other employees and affects the quality of services. An employee is absent for purposes of this section if: (1) the employee fails to report to work for an entire scheduled workday or leaves work prior to the scheduled quitting time; and (2) such absence has not been approved or sick leave has been denied. Employees shall be subject to progressive discipline for absences pursuant to the following schedule:

<u>Absences</u>	<u>Discipline</u>
1 time	Written Reprimand
2 times	Three (3) day suspension without pay
3 times	Up to and including removal

- B. Voluntary Resignation: Employees failing to report to work at their regularly scheduled time and remaining absent for three (3) or more consecutive workdays without reporting such absence may be subject to removal for neglect of duty. The employer will attempt to contact the employee at the employee's last known address and notify the employee that failure to immediately return to work will be deemed neglect of duty. If the employer cannot locate the employee, or if the employee, after notification, fails to return to work, the employer will deem such action neglect of duty and will initiate disciplinary action to remove the employee.
- C. Notification: Absent employees must report to the department head or designee as soon as possible and prior to the employee's scheduled starting time on each day of absence, and

explain the reason for the absence. Upon return to work, the employee shall report to the department head to further explain the reason for the absence and to provide documentation, if any is needed, to substantiate the absence. Documentation must be completed and submitted within eight (8) hours after returning to work and in no case later than 8:30 a.m. on Monday following the end of the pay period.

SOLICITATION AND DISTRIBUTION**SECTION 7.04**

- A. Non-Employee Solicitation and Distribution: There shall be no solicitation or distribution by non-employees at any time in any work area. This section shall not apply to vendors.
- B. Employee No Solicitation Rule: There shall be no solicitation by employees of any other employee or non-employee during work time. Employees may solicit other employees during non-work time in work areas and during non-work time in non-work areas.
- C. Employee No Distribution Rule: There shall be no distribution by employees during work or non-work time in the work area. Employees may distribute goods and written materials during non-work time in non-work areas only.

PERSONAL APPEARANCE/DRESS CODE/UNIFORMS**SECTION 7.05**

- A. The employer reserves the right to prescribe appropriate dress and personal grooming in the county's best interest. Individual departments may establish their own personal appearance/dress codes.
- B. The employer requires that an employee's clothing, grooming, and overall appearance be appropriate, present a favorable and professional public image.
- C. The supervisor and/or department head will meet with employees who are determined to be inappropriately dressed. Minor violations will be handled by asking the employee not to wear such inappropriate attire to work again and documenting the date and nature of the discussion. In addition to discipline, serious dress code violations will be handled by sending the employee home to change clothes. Time spent away from the job will not be paid. Serious, willful, or repeated violations of the dress code policy will result in disciplinary action.
- D. Employees with questions regarding their department's dress code or what would be considered appropriate attire should request clarification by the department head or supervisor before wearing an outfit which might be in violation.
- E. Uniformed Employees: Uniforms will be provided to those employees required by the employer to wear a specified uniform. Uniforms shall not be worn by employees for other than official employer related business and while commuting to and from work. All uniforms remain the property of the employer or the employer's supplier and shall be returned upon termination.

ALCOHOL AND DRUG USE, ABUSE AND TESTING**SECTION 7.06**

- A. Generally: The employer is concerned with the effects that alcohol and drug abuse can have on employees, their families, and employees' abilities to perform their work safely and efficiently. The employer believes that it is important, as a public entity, to establishing a policy prohibiting the manufacture, distribution, dispersal, possession or use of controlled substances in the workplace. The following policy is designed to meet the above objectives and comply with the provisions of the Federal Drug-Free Workplace Act of 1988
- B. "Zero Tolerance": Any use of illegal drugs or federally controlled substances, the misuse of lawfully obtained prescription or over-the-counter drugs, reporting to work under the influence of alcohol (i.e., .04 BAC or higher), or the on-duty consumption of federally controlled substances, illegal drugs or alcohol, in violation of this policy, will not be tolerated and will result in termination of the offender's employment. For purposes of this policy manual, the term "federally controlled substances" includes marijuana regardless of whether it is being used medically under Ohio law.
1. The sale, purchase, manufacture, transfer, or possession of any illegal drugs or federally controlled substances or unlawfully obtained prescription drugs will be reported to the appropriate law enforcement authority and will result in termination of the employee's employment.
 2. Furthermore, any employee who is unable to perform the essential functions of his/her position due to a drug or alcohol related offense which results in the loss of a required license or certification, shall be terminated from employment.
- C. The employer may require drug or alcohol testing of employees. All employees can be tested on the basis of "reasonable suspicion." CDL operators, nurses, or other employees who are in safety sensitive positions are also subject to pre-hire, post-accident and random testing.
- D. "Reasonable suspicion" that an employee is under the influence of or has used or is using a federally controlled substance or alcohol in an unlawful or abusive manner may be based upon, but is not limited to, any of the following:
1. observable behavior, such as the direct observation of drug or alcohol use or possession, and/or the physical symptoms of being under the influence of a drug or alcohol;
 2. a pattern of abnormal conduct or erratic behavior, including abnormal leave patterns;
 3. arrest or conviction for a drug or alcohol related offense, or the identification of an employee as the focus of a criminal investigation into illegal drug or alcohol possession, use, or trafficking;
 4. information provided either by reliable and credible sources or independently corroborated;
 5. evidence that an employee tampered with a previous drug or alcohol test; and

6. facts or circumstances developed in the course of an authorized investigation of an accident or unsafe working practice.
- E. Process for Testing: If the Employer has reasonable suspicion that an employee is using alcohol, an illegal drug or substance or a federally controlled substance, the employee will be transported to the testing facility used by the Employer and shall be immediately relieved of duty pending the results of the drug and alcohol test.
1. A urine or other appropriate specimen will be collected and tested in accordance with the facility's established chain of custody. If the initial test is positive, a confirmation test will be conducted to verify the results of the initial test. The results of the testing will be provided to the Employer and to the employee tested.
 2. The employee will provide the testing facility with a signed release for disclosure of the testing results to the Employer. Failure to sign a release will be considered insubordination, and the employee will be subject to discipline, up to and including termination.
 3. A test for a federally controlled substance will be considered positive when it meets or exceeds the positive threshold established for the substance by the U.S. Department of Health and Human Services.
 4. An alcohol test will be conducted in accordance with the standards established by the state of Ohio for detecting drivers who operate motor vehicles while under the influence of alcohol. A test for alcohol will be considered positive when the employee's blood alcohol concentration meets or exceeds .04 percent.
 5. If the screening test and confirmatory test are positive, the Employer may discipline the employee. A positive test will generally result in termination.
- F. Drug and Alcohol Abuse: If the initial and confirmation drug tests produce a positive result, or if the alcohol test determines that the employee is under the influence of alcohol, at the employer's discretion, the employee may, in lieu of disciplinary action, be permitted to participate in a rehabilitation or detoxification program. Any discipline called for as a result of the test conclusions will be deferred pending successful rehabilitation of the employee.
1. An employee who participates in a rehabilitation or detoxification program will be placed on leave without pay for the period of the rehabilitation or detoxification program. Prior to being placed on leave without pay, the employee may use accrued sick or vacation leave.
 2. Upon satisfactory completion of the program, as verified in writing by the treatment facility, the employee will be returned to his former or a similar job classification. Such employee may be subject to random periodic retesting upon his return to work for a period of 1 year from the date of his return.
 3. If the employee refuses to start or complete rehabilitation or detoxification, or if the employee tests positive during a retesting within one (1) year after return to work from such a program, the employee shall be subject to termination of

employment.

G. CDL Drivers and Safety-Sensitive Personnel Drug Testing:

1. All CDL drivers and other employees whose duties have been determined to be safety-sensitive in nature are subject to random testing. All federal and state laws and regulations for CDL holders will apply. For purposes of this policy, safety-sensitive positions include:
 - a. Those who have a direct involvement in drug interdiction.
 - b. Those who are required to carry firearms.
 - c. Bus drivers.
 - d. Bus repairpersons.
 - e. Truck drivers.
 - f. Those who dispatch safety vehicles.
 - g. Those who operate heavy equipment such as jet trucks, tractors, and backhoes.
 - h. Those who supervise operators of heavy equipment and who may also occasionally test such equipment.
 - i. Police officers.
 - j. Nurses.
 - k. Probation and parole officers.
2. In addition to reasonable suspicion testing, CDL Drivers and safety-sensitive employees will be required to submit to testing for alcohol and/or federally controlled substances under the following circumstances:
 - a. Preemployment Testing: Applicants will be tested for alcohol and federally controlled substances. The applicant will not be permitted to perform safety-sensitive functions unless the alcohol test results in a concentration of less than .02% and the federally controlled substance test results are negative.
 - b. Post-Accident Testing: As soon as practicable following an accident in which a fatality occurs or in which the safety-sensitive employee receives a citation for a moving violation arising from the accident, or where property damage occurs, the employee shall be tested for alcohol and federally controlled substances.

- c. Random Testing: A minimum number of safety-sensitive employees (currently 10% for alcohol and 50% for controlled substances) annually and a minimum number of CDL Drivers (currently 10% for alcohol and 50% for controlled substances) annually will be randomly selected using a scientifically valid method in which each driver will have an equal chance of being tested each time selections are made. The dates for testing shall be unannounced and spread throughout the calendar year. When an employee is selected for testing, he shall cease doing the safety-sensitive function and proceed to the test site immediately.
- H. Refusal by any employee to submit to an alcohol or drug test, or refusal to sign a release for disclosure of testing results to the Employer, will constitute insubordination and a presumption of impairment and will result in disciplinary action, including termination. Tampering with the specimens and/or testing process, including providing a fraudulent specimen, will result in a presumption of impairment and discharge.
- I. The cost of drug and alcohol testing shall be borne by the Employer, except that any test initiated at the request of the employee will be at the employee's expense. The results of any drug or alcohol test will constitute medical information and will remain confidential except for its use in official safety investigations or any action necessary to defend the discharge or other discipline of the employee.
- J. All employees are responsible for reporting suspected drug or alcohol use by other employees that would violate this policy.

GARNISHMENTS	SECTION 7.07
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A court ordered legal claim against the wages of an employee by a creditor for non-payment of a debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the appointing authority. Repeated garnishments on the wages of an employee may result in disciplinary action if the employee fails to demonstrate a reasonable effort to resolve his/her financial problems.

POLITICAL ACTIVITY	SECTION 7.08
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- A. General: According to O.R.C. 124.57, classified employees are prohibited by law from engaging in certain political activities as identified herein. However, all employees are encouraged to exercise their constitutional right to vote.
- B. Permitted Activities but not limited to:
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 petition(s) stating views on legislation;

5. Attendance at political rallies;
6. Signing nominating petitions in support of individuals;
7. Displaying political materials at home or on your property;
8. Wear political badges or buttons, or display political stickers on private vehicles; and
9. Serve as a precinct election official under O.R.C. 3501.22.

C. Prohibited Activities include but are not limited to:

1. Candidacy for public office in a partisan election;
2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through circulation of nominating petitions identified with a political party;
3. Filing petitions meeting statutory requirements for partisan candidacy to elective office;
4. Circulation of official nominating petitions for any candidate participating in a partisan election;
5. Service in an elected or appointed office in any partisan political organization;
6. Acceptance of a party-sponsored appointment to any office normally filled by partisan election;
7. Campaigning by writing for publications, distributing political material, or by writing or making speeches for a candidate for partisan elective office, when such activities are directed toward party success;
8. Direct or indirect solicitation of any monetary or in-kind assessment, contribution, or subscription for any political party or candidate;
9. Solicit or sale of political party tickets;
10. Partisan activities at the election polls;
11. Serve as witness or challenger of any party or partisan committee;
12. Participation in a partisan political caucus; and
13. Participation in a political action committee that supports partisan activity.

- D. Any employee who desires to campaign for or accept appointment to a political office which may not be considered partisan, and where no declaration of political party affiliation is made, (i.e., village councils, school boards, etc.), should notify the employer in advance.

- E. All employees, including unclassified employees, must notify the employer of any intent to declare and campaign for a political office. If, in the opinion of the employer, the employee's candidacy is in conflict with the employee's current position or violates this policy, the employee may be required to resign their position with the county in order to seek election to such office.
- F. Unclassified employees are not forbidden from engaging in political activity unless it is specifically forbidden by federal, state constitutional or statutory provisions.
- G. Employees who serve as a precinct election official and receive poll worker pay may also receive regular employment compensation if vacation or compensatory time is used.

SMOKING**SECTION 7.09**

- A. Smoking is prohibited in all areas inside any Miami County facility. Smoking also is prohibited in all Miami County vehicles, and at or near any location where there exists a danger of fire or explosion.
- B. Smoking is prohibited in any area immediately adjacent to locations of ingress or egress to any Miami County facility, or in any area at which smoke may enter a Miami County facility through entrances, windows, ventilation systems, or other means.
- C. Smoking is prohibited in any area, regardless of its nature, which has been designated by Miami County as a no-smoking area.
- D. Any activity which will lead to violation of the terms and provisions of Section 3794.01 through 3794.09 of the Ohio Revised Code, or any regulations properly adopted pursuant thereto is prohibited.
- E. Employees who choose to smoke during working hours shall do so in a manner consistent with this policy, and shall not be entitled to any additional breaks or to take their breaks in any different intervals in order to smoke.
- F. For purposes of this policy, the term "smoking" also includes the use of e-cigarettes or "vaping."

WORKPLACE VIOLENCE**SECTION 7.10**

- A. Zero Tolerance Policy: The employer 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 employer 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 county employees, or which occur on county property, will not be tolerated. Employees who are found to have committed acts of workplace violence will receive discipline, up to and including termination, 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 an individual.
 2. Threatening to harm an individual or his family, friends, associates, or property.
 3. The intentional destruction or threat of destruction of county property.
 4. Making harassing, intimidating or threatening telephone calls, or sending harassing, intimidating or threatening letters or other forms of written or electronic communications, including e-mail, texts, or through social media.
 5. Intimidating or attempting to coerce an employee to do wrongful acts, as defined by applicable law, administrative rule, policy, or work rule.
 6. The willful, malicious and repeated following of another person, also known as “stalking,” and making threats with the intent to place another person in reasonable fear for his own safety.
 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.
 8. Unauthorized possession or inappropriate use of a weapon on county property or area associated with county employment.
- C. Any person who makes threats, exhibits threatening behavior, or engages in prohibited acts of violence shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The employer will initiate an appropriate response.
- D. All incidences of suspected or potential violence should be reported to the employee’s immediate supervisor or the department head. All reports will be investigated immediately and kept confidential to the extent possible, except where there is a legitimate need to know. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a county controlled site, or is associated with county employment. Do not take the position that the incident is too minor to report or that it does not appear to be a “real problem.” Do not wait until it is too late to be proactive.
- E. When any actual, potential, or suspected incident of violence is brought to the employer’s attention, the employer shall:
1. Remove the person from the workplace.
 2. Contact and report the incident to the appropriate law enforcement agency where applicable.
 3. Conduct an administrative investigation of the incident.

4. Discipline the employee(s), as appropriate.
- F. All employees who apply for, obtain, or are the subject of a restraining order which lists department locations as being protected areas, must provide to their department head a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

INTERNET, ELECTRONIC MAIL, AND ONLINE SERVICES USE	SECTION 7.11
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A. Purpose:

1. The purpose of this policy is to establish guidelines and minimum requirements governing the acceptable usage of county-provided Internet, electronic mail, and online services. By establishing and maintaining compliance with this policy, risks and costs to Miami County government as a whole can be reduced while the valuable potential of these resource tools are realized.
2. Each department may also choose to develop or further refine acceptable and unacceptable uses of these resources.

B. Scope of the Policy:

1. Access to the Internet, electronic mail, and online services is provided for the purpose of encouraging and promoting improved use of technology and information services in the areas of:
 - a. Gathering information and data relevant to county business;
 - b. Communicating with other users who have related business interests;
 - c. Increasing employee and contractor efficiency by utilizing skills which will enhance overall job performance; and
 - d. Encouraging collaboration and resource sharing among other counties, state, and federal agencies.

C. User Responsibility and General Standards of Conduct:

1. Users should be aware that when access to the Internet, electronic mail, and online services are accomplished using Internet addresses and domain names registered to Miami County, they may be perceived by others to represent Miami County. Users shall not use the Internet, electronic mail, or online services for any purpose which would reflect negatively on the county or its employees.
2. Because of the security, legal, and productivity issues referenced in this policy, each user is responsible for:

- a. Following existing policies and procedures in their use of Internet, electronic mail, and online services and shall refrain from any practices which might jeopardize the county's computer systems and data files, including, but not limited to virus attacks, when downloading files from the Internet;
- b. Learning about Internet, electronic mail, and online service etiquette, customs, and courtesies, including those procedures and guidelines to be followed when using remote computer services and transferring files from other computers;
- c. Familiarizing themselves with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials and confidential information;
- d. Being careful not to duplicate, download, transmit, or use software not in compliance with software license agreements, unauthorized use of copyrighted materials, or another person's original writing;
- e. The downloading or uploading of files/programs/data onto county computers for personal use from the Internet or installation disks without advance permission is prohibited. Permission must be obtained in advance from the appointing authority; and
- f. Conducting themselves as a representative of Miami County government as a whole. This means that users shall not use the Internet, electronic mail, and online services to:
 - (1) View or distribute offensive or harassing statements, or to disparage others based on race, national origin, sex, sexual orientation, genetic history, age, disability, political, or religious beliefs;
 - (2) View, distribute, transmit, download, print, or solicit items displaying materials, pornography, nonforensic nudity, nonforensic sexually explicit content, or nonforensic items that are racist, sexist, or harassing in a sexual or religious manner, or any actual, graphic, animation or other depiction, in any other form, of these items;
 - (3) View, distribute, or participate in chain letters;
 - (4) Engage in any private business transaction;
 - (5) Engage in a business transaction online. This includes buying, selling, bartering, including but not limited to, the use of personal credit cards;
 - (6) Any use of county computers or online computer services to facilitate illegal activity is prohibited;

- (7) Disruptively display digital photos on paid time; or
 - (8) Engage in Internet time loss activities such as eBay, online gambling services, social media, etc.
 - (9) Engage in activity that would violate any other policy of the County, including but not limited to workplace violence, bullying, harassment and discrimination.
3. Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-county owned software of any kind.
4. Employees are prohibited from posting, or in any other way broadcasting, without prior employer approval, information on the Internet, or other medium of communication, including social media, the business of this agency to include but not limited to:
 - a. Photographs/images relating to any work related matter.
 - b. Video or audio files related to any work related matter.
 - c. Video, audio, photographs, or any other images, etc. which memorialize any work related action of the employer.
 - d. Logos/uniforms/badges or other items which are symbols associated with the employer.
 - e. Any other item or material which is identifiable to the employer.

D. Security:

1. Electronic message systems may not be secure. Employees should be aware of potential electronic messaging security problems before transmitting private or confidential messages. Disclosure may occur intentionally or inadvertently when an unauthorized user gains access to electronic messages. Disclosure may occur when messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.
2. Use caution when sending classified information. Always display "CONFIDENTIAL" on the subject line when sending confidential information. Confirm that encryption has been enabled before sending confidential or classified information. Be aware that even if you encrypt your data, anything you electronically transmit over the Internet, electronic mail, or online services are subject to interception, reading, and copying by other people.

3. The Internet may not be secure. Employees should take this into account before receiving or transmitting information and messages. Employees should be aware that it is possible to identify visitors to Internet sites (i.e., all Internet browsers furnish a trail to trace all Internet site visits), and should exercise conservative judgment when accessing information on the Internet.
4. Users of county computers and electronic services are to protect themselves and others by not issuing or releasing confidential information, addresses, passwords, or telephone numbers.
5. Employees shall not use a code or a password, access a file, or retrieve any stored information unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission except as authorized by the appointing authority to monitor use of the computer and/or electronic services. All computer passwords or pass codes used on the county's equipment must be provided to supervisors. No password or pass code may be used that is unknown to the employer.
6. County Internet, electronic mail, and online services are considered County property. As such, employees should have no expectation of privacy in their usage of same. All county employees using county equipment to access the Internet, electronic mail, and online services are subject to having activities monitored by system or security personnel.

SOCIAL NETWORKING**SECTION 7.12**

- A. Purpose: The purpose of this policy is to make employees aware of prohibited conduct and its impact on the appointing authority when using social media sites on and off duty.

This policy is also intended to ensure efficient use of employee time and to minimize any distraction from an employee's assigned tasks and duties. Employees shall remember they are paid by public funds and the public holds them to a high standard of professionalism.
- B. Scope: All employees will be subject to and held accountable for any conduct outlined in Social Networking policy. This policy works in conjunction with other related personnel policies and procedures (e.g., discriminatory harassment).
- C. Consent: An employee's use of such technology constitutes consent to being monitored by the employer.
- D. Defined: Social networking refers to the use of websites such as, but not limited to, Facebook, Myspace, Twitter, LinkedIn. For purposes of this policy, blogs and other Internet forums of communication will also be considered incorporated. Nothing in this policy is meant to prohibit access to any website or blog which may be work-related.
- E. Policy:
 1. On Duty Conduct: While at work, an employee may only access social networking websites, blogs, and/or other Internet forums of communication during non-

working time. This includes access from a personal mobile device (e.g., BlackBerry device, smartphone, iPhone, etc.).

2. On/Off Duty Conduct: An employee has no expectation of privacy in information posted into cyberspace even while off duty. This includes anything posted to a social networking website, blog, or other similar Internet forum of communication. Although information may be posted to a “private” webpage, the employee should be aware this information can still be accessed by the public and other sources in a number of ways. Because of this, an employee needs to use “common-sense” when posting comments, photos, opinions, or any other information related to his or her employment. Examples of prohibited conduct include, but are not limited to, the following:
 - a. Posting one’s photograph while wearing the employer’s uniform (or other similar attire, which could be misidentified as the official uniform).
 - b. Posting pictures, videos, or comments that are insubordinate with respect to the employee’s employment.
 - c. Posting pictures, videos, or comments that constitute or could be construed as unlawful behavior.
 - d. Knowingly or recklessly posting false information about the appointing authority, supervisors, coworkers, public officials, or those who have a relationship with the appointing authority’s office. This also includes disparagement of a fictitious character or computer-generated likeness that resembles the above.
 - e. Posting, transmitting, or disseminating any pictures or videos of official training, activities, or work-related assignments without the express permission of a supervisor.
 - f. Posting pictures, videos, or comments that are sexual, violent, offensive, harassing, or pornographic in nature along with any reference to the agency or individual’s employment.
 - g. Engage in activity over social media that would violate any other policy of the County, including but not limited to the workplace violence, bullying, harassment and discrimination policy.
3. Employees shall not imply they are speaking on behalf of the employer and shall include a disclaimer when speaking on certain matters affecting the Board of Commissioners or the employee’s employment.
4. Confidential Information: An employee shall not disclose any work-related confidential or proprietary information on any social networking website, blog, or other Internet forum of communication. This can include information that may eventually be obtained through a valid public records request.

NEWS MEDIA/PUBLIC FORUMS**SECTION 7.13**

- A. All contacts made with the news media regarding the county shall be handled by the Miami County Board of Commissioners, appointing authority, or their designees.
- B. All news releases must be approved by the board, appointing authority, or their designees.
- C. Employees shall not make postings in any public forum, online forum, social networking, etc. that are made with a reckless regard for the truth, detrimental to the effective operations of the employer, potentially libelous to the employer, or of a personal nature not addressing matters of public concern.
- D. If the news media should contact any employee for a comment about county policies, procedures, rules, etc., the employee shall refrain from commenting and refer the person to the board, appointing authority, or their designees. After the intent of the contact has been determined, the employer may refer or ask for the employee's technical help in responding.
- E. Due to the numerous services the county offers to the community, county staff are often asked to make speeches to various clubs, organizations, and civic groups. Prior to making a commitment to do a speech, all requests should first be cleared through and approved by the department head or designee.

GAMBLING**SECTION 7.14**

- A. It is the primary mission of each Miami County employee to effectively and responsibly serve, and be accountable to, the citizens of Miami County. As such, job performance and personal conduct of each employee impact directly on the public trust. Employees are expected to conduct themselves in a manner that reflects well on the appointing authority at all times, whether on duty or off duty.
- B. The employer does not permit the organizing and/or running of games of chance for the individual profit of the organizer (gambling) by employees during workdays or on employer property. For the purpose of this policy, the workday includes regular working hours, lunch periods, clean-up time, and other breaks.
- C. The employer prohibits any games of chance that are illegal under the laws of the state of Ohio.
- D. Employees may be permitted to organize and participate in activities such as office pools and group lottery ticket purchases with the prior approval of the appointing authority or his designee. Such activities will be permitted at the discretion of the appointing authority and may be disallowed without notice if the time spent organizing and conducting the activity affects the productivity of the participating employees.
- E. Employees are not permitted to participate in games of chance or purchase lottery tickets in public places during the workday while they are identifiable as employees of the appointing authority.

WEAPONS CARRY/CONCEALMENT**SECTION 7.15**

The safety and security of employees, visitors, contractors and the general public are of vital importance to Miami County. Therefore, consistent with the Ohio Revised Code, no employee, contractor, client or other individual may carry, possess, convey or attempt to convey a deadly weapon, firearm or ordnance onto property and premises owned and/or controlled by the County. A valid concealed carry license does not authorize an individual to carry such a weapon onto such property and 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 who possess 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. 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, leased or operated building. The employee's firearm and ammunition must be stored in their personal vehicle in accordance with the storage provisions of the Ohio 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 displaying weapons and/or firearms while participating in a strike and/or picket will be terminated, whether they are on or off duty at the time. Employees using and/or possessing a weapon or firearm while in the employment and/or duty of the County will not be defended or indemnified by the Employer.

Employees shall immediately contact a supervisor if they suspect a 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.

Any employee observing any person (whether an employee, visitor, contractor or the general public) displaying or showing a strong indication that they may pose a safety threat while carrying, or believed to be carrying, a weapon or firearm shall immediately notify the County Sheriff's office and/or local police department.

DISCIPLINE**SECTION 8.01**

The employer believes that a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings regarding disciplinary matters.

- A. Employees will generally be advised of expected job behavior, the types of conduct that the employer has determined to be unacceptable, and the normal penalties for such unacceptable behavior.
- B. The forms of discipline include: (1) verbal warning, (2) written warning, (3) suspension (with or without pay), (4) termination of employment. Discipline will usually be progressive, but depending on the nature of the violation and severity of the offense, may proceed immediately to a different level of discipline on the initial infraction, including termination.
- C. Discipline should be applied uniformly and consistently.
- D. Nothing within this policy nor any other policies contained in this manual shall be construed or interpreted as a waiver of the employer's right to suspend or remove an unclassified employee at the discretion of the appointing authority.
- E. This manual provides general guidelines for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, and serve merely as a non-binding guide.
- F. The guidelines for discipline provided in this manual do not preclude the application of a more or less severe penalty for a given infraction by any employee.
- G. All active records of discipline shall be maintained in the employee's personnel file. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.
- H. Supervisors may recommend and/or the department head may issue verbal warnings and written reprimands. Only the appointing authority has the authority to reduce in classification or pay, fine, suspend, or remove an employee. Prior to such discipline, a predisciplinary conference will be held if it involves a classified employee.
- I. Administrative Leave: When the appointing authority determines it is necessary to temporarily remove an employee from the workplace to protect the health or safety of the employee, other employees, or of any person, or property entrusted to the employee's care, the appointing authority may immediately authorize an administrative leave of absence with or without pay. Such leave shall normally last only until the investigation, predisciplinary conference, and corrective action is completed, if corrective action is determined necessary.

GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES**SECTION 8.02**

- A. O.R.C. Section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, fine, or removal of a classified employee. Those forms of misconduct are:
1. Neglect of duty;
 2. Incompetency;
 3. Inefficiency;
 4. Dishonesty;
 5. Drunkenness;
 6. Immoral conduct;
 7. Insubordination;
 8. Discourteous treatment of the public;
 9. Any other failure of good behavior;
 10. Any other acts of misfeasance, malfeasance, nonfeasance;
 11. Any violation of employer work rules; or
 12. Conviction of a felony.
- B. The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct and guidelines for determining the appropriate level of discipline for classified employees.
- C. Unclassified employees shall also be prohibited from committing those offenses listed herein other than the prohibitions regarding political activities. However, unclassified employees shall not be governed by any particular grouping of the offenses or the progressive discipline procedures.
- D. In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary impact against the organization unless such acts are compounded over time.
- E. Group II Offenses may be defined as those infractions which are of a more serious nature than the Group I Offenses and which, in turn, cause a more serious and longer lasting disruption to the organization in terms of decreased organizational productivity, efficiency and/or morale. Group II Offenses, if left undisciplined by proper authority, can cause a more serious and longer lasting impact against the organization than the Group I Offenses.

- F. Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature and/or which cause a critical disruption to the organization in terms of decreased productivity, efficiency and/or morale. Group III Offenses, if left undisciplined by proper authority, may have a long lasting and serious adverse impact on the organization.
- G. THIS DISCIPLINE POLICY IS A GENERAL GUIDELINE ONLY. THE FOLLOWING EXAMPLES OF SPECIFIC OFFENSES ARE NOT ALL INCLUSIVE, AND ARE NOT INTENDED TO BE BINDING ON THE EMPLOYER.

GROUP I OFFENSES

FIRST OFFENSE	Verbal warning (Record of Verbal Warning)
SECOND OFFENSE	Written reprimand (Record of Written Reprimand)
THIRD OFFENSE	A suspension with or without pay; or a fine not to exceed five (5) days pay.
FOURTH OFFENSE	Up to and including termination of employment

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

1. Failure to properly and completely clock/sign in or out (inefficiency, neglect of duty, or failure of good behavior).
2. Failure to properly "report off" work for any absence or failure to timely notify the proper party of absence (neglect of duty, failure of good behavior, or nonfeasance).
3. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).
4. Failure to timely report to work or to commence duties at the beginning of the work period or after a lunch or break period, or leaving work prior to the end of a work period (neglect of duty, failure of good behavior, or nonfeasance).
5. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior).
6. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).
7. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).
8. Distracting the attention of others, unnecessary shouting, use of profane or other

- inappropriate language, misuse of two-way radios, or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior).
9. Malicious mischief, horseplay, wrestling, or other undesirable or potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior).
 10. Interfering with the work performance of subordinates/other employees or causing other disruptions of the workplace (inefficiency, neglect of duty, or failure of good behavior).
 11. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 12. Neglect of or careless failure to observe employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 13. Excessive garnishments (failure of good behavior or nonfeasance).
 14. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior).
 15. Unauthorized use of the employer's telephone for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 16. Obligating the employer for any minor expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
 17. Neglect of or careless failure to care for employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 18. Inefficiency (e.g., lack of application or effort on the job, unsatisfactory performance, failure to maintain required performance standards, etc.) (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 19. Neglect of, or careless failure to, prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 20. Failure of a supervisor to administer discipline as provided herein or to otherwise enforce the rules, regulations, policies, and procedures of the employer (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 21. Failure to commence duties at the beginning of the work shift, or leaving work prior to the end of the work shift without authorization (inefficiency, neglect of duty, or failure of good behavior).
 22. Leaving the job or work area during the regular working hours without authorization (neglect of duty, failure of good behavior, or nonfeasance).

23. Making preparations to leave work without specific prior authorization before the lunch period, any official break period or specified quitting time (neglect of duty, failure of good behavior, or nonfeasance).
24. Establishing a pattern use of sick leave or other misuse or abuse of sick leave (neglect of duty, malfeasance, and failure of good behavior).
25. Violation of any county policy contained in this manual or otherwise.

GROUP II OFFENSES

FIRST OFFENSE	A suspension of one (1) to three (3) days with or without pay; or a fine not to exceed three (3) days pay
SECOND OFFENSE	Five (5) to fifteen (15) day suspension with or without pay; or a fine up to five (5) days pay
THIRD OFFENSE	Up to and including termination of employment

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

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

- employees, residents, the employer, or its operations (dishonesty, failure of good behavior, or malfeasance).
9. Solicitation or distribution on employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
 10. Willful disregard of the employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).
 11. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
 12. Neglect or carelessness in the use of employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 13. Obliging the employer for a major expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
 14. Unauthorized use of employer property or equipment, including the unauthorized reproduction of this manual or the employee handbook (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
 15. A traffic violation or accident while driving an employer vehicle which evidences recklessness by the employee (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
 16. Refusing to provide testimony in court, during a public hearing (SPBR, SERB, etc.) or any other official hearing, investigation, or proceeding involving the employer (insubordination, failure of good behavior, or nonfeasance).
 17. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance).
 18. Possession or storage of alcoholic beverages on the employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
 19. Unauthorized presence on the employer's property (failure of good behavior or misfeasance).
 20. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
 21. Willful failure to timely complete required reports and documents (inefficiency,

- neglect of duty, failure of good behavior, or nonfeasance).
22. Unauthorized posting or removal of notices or documents on or from bulletin boards (failure of good behavior, misfeasance).
 23. Violation of any county policy contained in this manual or otherwise.

GROUP III OFFENSES

FIRST OFFENSE

Up to and including termination of employment

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

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

- other person (malfeasance, failure of good behavior).
10. Committing an act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
 11. Failure to report any act of discrimination, sexual harassment, or engaging in conduct giving insult or offense on the basis of race, color, sex, age, religion, national origin, or disability (immoral conduct, neglect of duty, failure of good behavior, or nonfeasance).
 12. Fighting with, or attempting to injure a client, resident, employee, or other person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
 13. Insubordination by refusing to perform assigned work or to comply with the written or verbal instructions of a supervisor (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
 14. Providing false testimony, statements, or information in any official employer, court or administrative investigation, hearing, or proceeding (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
 15. Providing false information, making a false statement, committing a fraudulent act, or withholding pertinent information in the employment application process (dishonesty, failure of good behavior, misfeasance, or malfeasance).
 16. Gambling during work hours in violation of the county policy (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
 17. Stealing or similar conduct, including destroying, damaging, concealing, or converting any property of the employer or of other employees (dishonesty, failure of good behavior, or malfeasance).
 18. Dishonesty or dishonest action. Examples of “dishonesty” or “dishonest actions” are: theft, pilfering, making false statements to secure an excused absence, or justify an absence or tardiness. These are examples only and do not limit the terms dishonesty and dishonest action (dishonesty or malfeasance).
 19. Engaging in unauthorized political activity as provided in the Political Activity section of this manual (failure of good behavior, malfeasance).
 20. The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance which takes place in whole or in part in the workplace (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance).

21. Driving a motor vehicle on duty or employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
22. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
23. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
24. Intentional misuse of employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
25. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment or tools of the employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
26. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee, or otherwise using one's position, identification, name, photograph, or title for personal gain, or otherwise violating the employer's code of conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
27. Engaging in off-duty employment activities which the employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
28. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance).
29. Misusing, removing, or revealing documents or information of a confidential nature or revealing such information without prior and appropriate authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
30. Misuse, removal or destruction of employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
31. Intentional violations of official safety rules or common safety practices which results in injury to any person or damage to property (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
32. Conviction of certain felonies.
33. Failure to observe official safety rules or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
34. Failure to report accidents, injuries, or equipment damage (inefficiency, neglect of

duty, failure of good behavior, or nonfeasance).

35. Committing violations of the employer's Internet, Electronic Mail, and Online Services Use policy (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
36. Violation of any county policy contained in this manual or otherwise.

PREDISCIPLINARY CONFERENCE CLASSIFIED EMPLOYEES**SECTION 8.03**

- A. Whenever the appointing authority or designee determines that a classified employee may be disciplined for cause (suspensions, fines, reductions, or terminations), a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation for the alleged misconduct.
- B. Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Employer will provide to the employee a written outline of the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his or her defense; or (2) elect in writing to waive the opportunity to have a predisciplinary conference.
- C. At the predisciplinary conference the appointing authority or designee will ask the employee to respond to the allegations of misconduct which were outlined to the employee. The employee must answer all questions truthfully. If it is proven in a subsequent hearing that the employee's responses to questions were not truthful, such dishonesty may result in disciplinary action. Employees refusing to answer direct questions may be subject to additional disciplinary action for insubordination.
- D. The appointing authority will decide what discipline, if any, is appropriate.

CONVICTION OF A FELONY**SECTION 8.04**

- A. Conviction of a felony is a separate basis for the reduction in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by an appointing authority as a result of the employee's conviction of a felony.
- B. If an employee who was removed from employment for any other reason is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action upon the employee's reinstatement.
- C. Any employee convicted of a felony immediately forfeits the person's status as a classified employee in any public employment on and after the date of conviction for the felony. If an employee is removed under this section as a result of being convicted of a felony or is

subsequently convicted of a felony that involves the same conduct that was the basis for the removal, the employee is barred from receiving any compensation after the removal notwithstanding any modification or disaffirmance of the removal, unless the conviction for the felony is subsequently reversed or annulled.

- D. As used in this policy, “felony” means any of the following:
1. A felony that is an offense of violence as defined in Section 2901.01 of the Revised Code;
 2. A felony that is a felony drug abuse offense as defined in Section 2925.01 of the Revised Code;
 3. A felony under the laws of this or any other state or the United States that is a crime of moral turpitude;
 4. A felony involving dishonesty, fraud, or theft; or
 5. A felony that is a violation of Section 2921.05, 2921.32, or 2921.42 of the Revised Code.

COMPLAINT PROCEDURE**SECTION 8.05**

Miami County believes that every employee has the right to discuss and/or disagree with management about the work environment, work relationships, and/or performance issues.

A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written statement to his/her immediate supervisor requesting a more formal procedure.

- A. When a conflict exists in the workplace, the parties to the conflict must first attempt to resolve their dispute informally.
- B. If the parties cannot settle the dispute informally, an employee may file a written complaint using the complaint form. Complaints shall generally be submitted within five (5) working days of the occurrence of the incident giving rise to the complaint.
- C. Any complaint regarding alleged violations of civil rights (discrimination on the basis of race, age, religion, sex, national origin, ancestry, military or veteran status, genetic information, or disability) will be brought to the attention of the appointing authority or the designated EEO officer.
- D. The decision of the employer shall be final and binding on all parties, except as otherwise provided by law.

**MIAMI COUNTY
PERSONNEL POLICY MANUAL**

EMPLOYEE ACKNOWLEDGMENT

**FORM2
PAGE 1 OF 1**

Name of Employee: _____

I hereby acknowledge that I have been provided access to the Miami County personnel policy manual. The personnel policy manual exists to provide me with a general understanding of the personnel policies, work rules, and an overview of benefits. I understand that the personnel policy manual is for a matter of information only and is not an employment contract or an agreement for employment for any specified period of time.

I further acknowledge that I am responsible for reading and becoming familiar with the policies and procedures contained within the personnel policy annual and that I will comply with all of the policies and procedures applicable to my position. I understand that the employer reserves the right to make changes, revisions, additions, or revocations ("modifications") to the personnel policy manual with or without advance notice to me. I agree to comply with any and all such modifications. If I have any questions regarding any policy within the personnel policy manual or any subsequent modifications, I will contact my supervisor or other member of management for clarification.

I hereby specifically acknowledge that I have received and read a copy of my employer's policy and procedures on a drug free workplace, which establishes my obligations as an employee. By my signature below, I hereby acknowledge that I understand this policy, and agree to support and comply with its terms and conditions. I further understand that if I breach this policy or acknowledgment, I could be subject to criminal prosecution and/or discipline including termination of my employment.

Signature of Employee

Date

THIS FORM MUST BE COMPLETED, SIGNED, AND RETURNED TO YOUR IMMEDIATE SUPERVISOR WITHIN 30 DAYS OF THE ISSUANCE OF THIS MANUAL OR ISSUANCE OF THE REVISED PAGES FOR THE MANUAL.