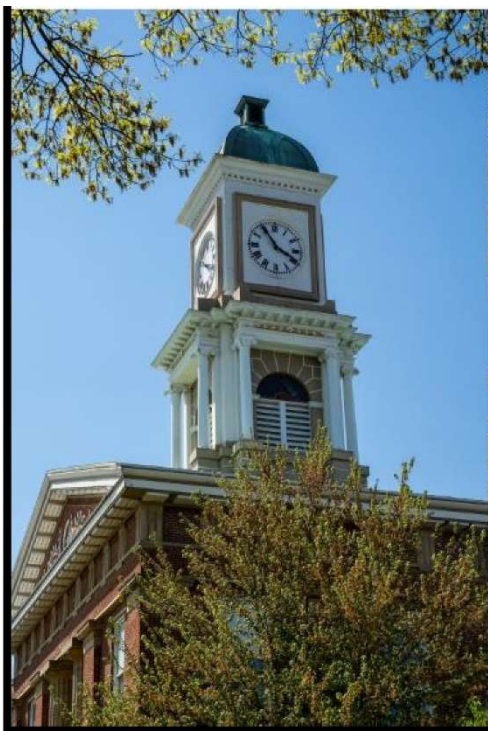




# Employee Handbook



<b>Chapter One .....</b>	<b>1</b>
1.01 Disclaimer.....	1
1.02 Conflict with Law .....	1
1.03 Policies .....	2
1.04 Objectives.....	2
 <b>Chapter Two.....</b>	 <b>3</b>
2.01 Scope of Coverage .....	3
2.02 Policy Amendments .....	4
2.03 Definition of Terms .....	4
2.04 Dissemination.....	10
 <b>Chapter Three .....</b>	 <b>12</b>
3.01 Management Authority .....	12
3.02 Employee Status .....	13
3.03 Classified and Unclassified Employment.....	13
3.04 Service Animals.....	14
3.05 Parking Guidelines .....	14
 <b>Chapter Four .....</b>	 <b>11</b>
4.01 Equal Employment Opportunity .....	15
4.02 Americans with Disabilities Act .....	15
4.03 Discriminatory Harassment .....	16
4.04 EEO/ADA/Anti-Discrimination Complaint Procedure .....	19
4.05 Job Vacancies: Announcements and Application.....	20
4.06 Evaluation of Applicants and Basis for Selection .....	21
4.07 Physical or Mental Examinations for Hire or Promotion.....	22

---

## TABLE OF CONTENTS

4.08	Temporary Assignments.....	23
4.09	Probationary Period.....	23
4.10	Performance Evaluations .....	24
4.11	Drug-Free Workplace Policy .....	24
4.12	Drug Testing Policy.....	26
4.13	Dilute Specimen Policy Pre-Employment Drug Test.....	27
4.14	Immigration Reform and Control Act Policy .....	29
4.15	Reemployment of Retiree .....	30
4.16	Whistleblower Policy .....	32
4.17	Fraud Reporting .....	33
<b>Chapter Five .....</b>		<b>34</b>
5.01	Compensation .....	34
5.02	Work Scheduling / Overtime .....	34
5.03	Inclement Weather .....	36
5.04	Pay Period .....	37
5.05	Payroll Deductions .....	38
5.06	Expense Reimbursement, Travel, and Meal Policy .....	39
5.07	Taxable Fringe Benefit.....	41
5.08	Insurance Coverage.....	42
5.09	Public Records Policy.....	44
5.10	Personnel Files.....	50
<b>Chapter Six.....</b>		<b>52</b>
6.01	Sick Leave Policy .....	52
6.02	Sick Leave Upon Retirement.....	55
6.03	Catastrophic Leave Donation Policy.....	55
6.04	Vacation .....	57
6.05	Personal Days .....	58
6.06	Bereavement .....	58

---

## TABLE OF CONTENTS

6.07	Holidays.....	59
6.08	Civil Leave Policy.....	60
6.09	Military Leave .....	60
6.10	Unpaid Leave .....	62
6.11	Disability Leave/Separation .....	63
6.12	Lactation Breaks .....	67
6.13	Unauthorized Leaves.....	67
6.14	Family and Medical Leave Policy .....	67
 <b>Chapter Seven .....</b>		<b>78</b>
7.01	Ethics of Public Employment Policy .....	78
7.02	Ethics of Public Employment Procedure.....	79
7.03	Appearance .....	80
7.04	Tardiness .....	80
7.05	Political Activity Policy .....	81
7.06	Use of County Owned Vehicles.....	83
7.07	Tools, Supplies, and Equipment.....	88
7.08	Use of Mobile Devices Policy .....	88
7.09	Bulletin Boards .....	90
7.10	Gambling .....	91
7.11	Substance Abuse.....	91
7.12	Garnishments .....	92
7.13	Outside Employment or Activities .....	92
7.14	Safety .....	93
7.15	Workplace Violence .....	94
7.16	Conviction of a Felony.....	97
7.17	Internet, Electronic Mail, and Online Services Uses Policy .....	98
7.18	Teleworking Policy .....	104
7.19	Concealed Weapons.....	106

---

## TABLE OF CONTENTS

7.20	Use of Communication Systems .....	107
7.21	Tobacco/E-Cigarette .....	108
7.22	Absences .....	109
7.23	Uses of Employer Proprietary Information.....	110
7.24A	Social Media.....	111
7.24B	Office/Agency Social Media (County Sponsored) .....	113
 <b>Chapter Eight .....</b>		<b>119</b>
8.01	Disciplinary Principles .....	119
8.02	Progressive Discipline Policy: Classified Employees .....	119
8.03	Pre-Disciplinary Conference .....	120
8.04A	Guidelines for Disciplinary Action and Penalties Policy .....	121
8.04 B	Guidelines for Disciplinary Action and Penalties Policy .....	130
8.05	Appeals of Personnel Actions .....	131
8.06	Complaint Procedure .....	132
 <b>Chapter Nine .....</b>		<b>134</b>
9.01	Resignation.....	134
9.02	Exit Interview.....	135
9.03	Layoff .....	135
 <b>Chapter Ten.....</b>		<b>137</b>
10.01	Nepotism.....	137
10.02	Solicitation.....	137
10.03	Contact with News Media/Residents.....	138
<b>Acknowledgement .....</b>		<b>139</b>

## **CHAPTER 1**

### **1.01 DISCLAIMER**

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.

This manual is not an employment contract, express or implied. It is presented as a matter of information only. Knox 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.

To the extent the Appointing Authority is not prohibited from doing so by law, the Appointing Authority retains the right to hire, discharge, set compensation, and manage unclassified employees without restriction, and the employer reserves the same rights regarding probationary employees. Knox County Appointing Authorities reserve the right to delete, modify, or amend the policies contained herein or to establish new policies as needed; however, Appointing Authorities agree to maintain as much consistency as possible. The Auditor's and Commissioners' Office shall be notified of any policy that varies from the Board of Commissioners' adopted manual.

For the most up-to-date version of the employee handbook, please visit the Human Resources tab on the County's website at [www.co.knox.oh.us](http://www.co.knox.oh.us).

### **1.02 CONFLICT WITH LAW**

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

### **1.03 POLICIES**

This manual contains policies set forth by the Appointing Authority of Knox County. Policies are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization. All personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of its contents. Furthermore, it is essential these policies are administered in a systematic, consistent, fair, and impartial manner. Undoubtedly, there will be situations which shall require administrative interpretations of the policies set forth herein. Every effort must be made to ensure that such decisions are made objectively, with the general intent of the policy in mind. As conditions shift within the structure, it may be necessary to add, delete, or revise specific policies affected by such change. Updated policies must be issued to all manual holders and communicated to all affected employees. This policy manual is a guide to be utilized by management to ensure uniformity and nondiscriminatory application of the conditions of employment.

### **1.04 OBJECTIVES**

- A.** Knox County Appointing Authorities recognize that competent, dependable personnel are indispensable to effective government.
- B.** The policies and procedures set forth in this manual are designed to:
  - 1. Promote high morale and foster good working relationships among employees by providing uniform personnel policies for advancement and consideration of employee needs.
  - 2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of a career with the County and encourage each of its employees to give his or her best efforts to the County and the public.
  - 3. Encourage courteous and dependable service to the public.
  - 4. Provide fair and equal opportunity for qualified persons to enter and progress in service based on merit and fitness determined through objective and practical personnel management methods.
  - 5. Ensure that all departmental operations are conducted in an ethical and legal manner to promote the county's reputation as an efficient, progressive body in the community and the state.
  - 6. Establish standards of performance which are to be applied fairly, consistently, and uniformly.

## **CHAPTER 2**

### **2.01 SCOPE OF COVERAGE**

These policies generally apply to all classified and unclassified employees employed by Knox County. Some employees serve in the unclassified civil service (see section 3.3), or occupy positions which have been exempted from the classified service. Such employees serve at the pleasure of the employer. Whenever used in this manual, the employer is defined as the Appointing Authority for that office. None of these policies establish for employee's tenure rights or contractual rights that are not required by law. Although Knox County subscribes to these policies, the employer may waive irregularities in policies or procedures.

Each Appointing Authority may have additional policies and procedures which each employee is required to follow. These policies will be in addition to the policies in this manual. Any additional policies will be posted or otherwise made available to all affected employees.

These policies supersede any previous conflicting policies. Also, some previous policies may have been deliberately omitted because the employer intends they no longer be in effect.

To the extent not prohibited from doing so by law, the employer retains the right to hire, terminate, set compensation, and manage unclassified and probationary employees without restriction, and the employer retains all such rights regarding classified employees as allowed by law.

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 these employees covered by the collective bargaining agreement.

In the event of a conflict between this manual and any applicable law, the law shall prevail, except where the Board of Commissioners or the Appointing Authority may supersede them and has intentionally done so as a matter of policy.



## 2.02 POLICY AMENDMENTS

- A. As conditions warrant, these policies may be amended, revised, or deleted by act of the individual Appointing Authorities. The Knox County Board of Commissioners may amend, revise, or delete policies by resolution and such amendments shall also apply to employees of those Appointing Authorities who adopt the amendments; however, Appointing Authorities agree to maintain as much consistency as possible. The Auditor's and Commissioners' Office shall be notified of any policy that varies from the Board of Commissioners' adopted manual.
- B. When the participating Appointing Authorities adopt a new policy or procedure, the policy or procedure shall be reviewed to determine whether it amends, revises, or deletes a section of this manual. If so, the affected manual section shall be entirely rewritten.
- C. The Board of Commissioners and the Auditor shall each maintain a master copy of the manual with each of the Appointing Authorities' changes and amendments. An electronic copy of the manual may be utilized by the Board of Commissioners or participating Appointing Authorities.
- D. Each time an Appointing Authority amends their manual a copy of the new section shall be given to the Board of County Commissioners and the Auditor, and to each participating Appointing Authority the policy applies to. Each Appointing Authority shall give a copy of the new section to each supervisor with a hard copy or by electronic means to be added to the manual.

## 2.03 DEFINITION OF TERMS

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

**Absent without leave:** Failure to report for work without authorization from the Appointing Authority or designee to be absent.

**Absenteeism:** The practice of a worker in failing to report for work for a period of one or more days or report within the prescribed time when he or she has been assigned to or scheduled for work. Misuse or abuse of sick leave regulations can be considered absenteeism.

**Active pay status:** Except where otherwise defined in this manual, active pay status is a period when an employee is eligible to receive pay directly from the employer and includes: hours worked, vacation leave, sick leave, holidays, paid administrative leave, compensatory time, paid military leave, and paid court leave. For the purpose of determining overtime or compensatory time for an employee who is eligible for overtime compensation, only hours actually worked count towards the calculation of overtime, unless otherwise specified by the Appointing Authority.

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

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

**Classified employee:** An employee who, after serving a probationary period, may only be disciplined for cause and pursuant to ORC section 124.34.

**Compensatory time:** Paid time off in lieu of monetary overtime compensation, at a rate of one and one-half (1½) hours of compensatory time for each hour of overtime worked. In addition, office holders may offer non-FLSA compensatory time.

**COBRA:** Consolidated Omnibus Budget Reconciliation Act.

**County:** The County of Knox, State of Ohio.

**DAS:** Abbreviation for the Ohio Department of Administrative Services.

**Department:** A county organizational unit directed and controlled by an 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; this would include in person, on the phone, electronic, and in written form.

**Dishonesty:** The disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity.

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

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

**Employer:** May also be defined as the Appointing Authority.

**Exempt employee:** An employee determined to be exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act, and who, therefore, does not have to legally be paid the statutory minimum wage and/or to be compensated, at premium rates, for excessive hours worked in the workweek.

**Excused absence:** Being absent from work with the approval of the Appointing Authority or designee (e.g., vacation, holiday, compensatory time, unpaid leave of absence, etc.).

**Failure of good behavior:** Failure by an employee to accept, adhere to, or maintain the expected levels of performance and/or conduct required by the employer.

**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:** Adjustment of an employee's work hours to avoid the employee working in excess of 40 hours in one (1) workweek or any other standard work period established in accordance with the FLSA.

**FLSA:** Abbreviation for the Fair Labor Standards Act.

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

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

**Incompetency:** Lack of ability, legal qualification, or fitness to perform tasks required of an employee.

**Inefficiency:** Quality of being incapable or indisposed to perform the tasks required of an employee.

**Insubordination:** State of being unwilling to do the things required of an employee. Refusal to obey an order issued by the employee's administrative superior (supervisor).

**Intoxication:** The condition of a person affected by the use of intoxicating drinks or other substances; the state of one who is under the influence of alcohol or controlled substances. The effect produced upon the person by drinking intoxicating liquors or ingesting another intoxicating substance to such an extent that the normal condition of the individual is changed and the person's capacity for rational action and conduct is substantially lessened.

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

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

**Neglect of duty**: Omission or failure to do a thing that can be done, or that is required to be done; an absence of care or attention in the doing; an omission of a given act; a designed 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 (1½) times their regular rate of pay for all hours worked in excess of 40 hours in an established workweek.

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

**Non-work area**: Those areas of the employer's property such as the employee's lounge and parking lot, or other areas where no official employer business nor operations are conducted.

**Non-work time**: Any time during an employee's workday where the employee is totally relieved of work duties, such as break time or lunch time; whether an employee is in active pay or no-pay status during these times is immaterial to the designation of non-work time.

**O.A.C.**: Ohio Administrative Code.

**OPERS**: Ohio Public Employees Retirement System.

**ORC**: Ohio Revised Code.

**Overtime**: Compensation paid to an employee at a wage rate of one and one-half (1½) times the employee's regular rate of pay for hours worked in excess of 40 hours in the established workweek. Knox County has elected to compute eligibility for overtime (including compensatory time) based on all hours actually worked.

**Position**: Any specific employment or job calling for the performance of certain duties, and the exercise of certain responsibilities by an individual. All of the slots in the organizational chart constitutes the positions within the department. The arrangement of these positions under different supervisors, sections, or crews constitute job assignments. Positions can be rearranged or reassigned, but the employee's classification remains the same unless reclassified.

**Probationary period**: A period of time (one hundred and eighty (180) days) at the beginning of an original appointment or immediately following a promotion, which

constitutes a trial or testing period for the employee, and during which he may be terminated (in case of original appointment) or reduced (in case of promotion). (Applies to classified appointments, not to unclassified.) Promotion: The movement of an employee from one position to a vacant position which is assigned to a different classification and a higher pay range, or higher salary where pay ranges do not exist. For the purposes of this definition, a higher pay range is determined by comparing the step one rates of the relevant pay ranges.

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

**SERB:** State Employee Relations Board.

**SPBR:** State Personnel Board of Review.

**Seniority:** The uninterrupted length of continuous service with the county. No employee shall acquire county seniority rights, however, until he or she has been continuously employed by a department for 180 calendar days, unless otherwise provided by law. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the approved leave, provided that the employee complies with the rules and regulations governing his or her leave of absence. For the purposes of layoffs, seniority is defined as a continuous service with the county, state, state-supported college or university, or health district within Ohio so long as a break in service does not occur. "Break in service" means an employee has had a separation from service of 31 days or more. An authorized leave of absence or any separation from service that carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted toward the calculation of retention points for continuous service. Employees who are reinstated from layoff within one (1) year of the layoff date will retain previously accumulated seniority, but will not be credited with seniority for the time spent on layoff. Seniority for the purposes of determining retirement benefits is defined by the provisions of the retirement system in which the employee participates. For all other purposes other than those specified above, seniority shall be defined as set forth in the provisions of the Ohio Revised Code.

**Sick leave abuse:** The use of sick leave for any purpose other than as provided by applicable law: calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or take care of personal business; setting a pattern of reporting off sick on certain days of the week or following regular days off over an extended period of time; failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

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

**State service:** Includes states, counties, and general health districts. State service does not include cities, city health districts, or city school districts (see "Service of the State").

**Supervisor:** An employee appointed by the Appointing Authority to direct and have responsibility over a group of employees or a department.

**Suspension:** Relieving an employee from duty without pay as a disciplinary measure aimed at improving the employee's conduct. A pre-disciplinary conference must be held prior to issuing a suspension. (See sections 8.3, Pre-disciplinary Conference, and 8.4, Guidelines for Disciplinary Action and Penalties.)

**Transfer:** The movement of an employee from one (1) position to another where there is no change in level of responsibility, classification, or salary.

**Unclassified service:** The civil service status of employees appointed without competitive examination to positions that are not subject to the discipline or removal provisions contained in O.R.C. section 124.34. This includes employees who receive intermittent or temporary appointments pursuant to O.R.C. section 124.30, those employees appointed to administrative staff positions for which an Appointing Authority is given specific statutory authority to set compensation, and the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals, clerical and administrative support employees exempted pursuant to O.R.C. section 124.11(A)(8), and other positions specifically exempted pursuant to O.R.C. section 124.11(A) or other sections of the Ohio Revised Code. Such employees serve at the pleasure of the Appointing Authority.

**Vendor:** Any individual or group engaged in or desiring to engage in the supply of goods, materials, or services to the employer and/or its employees, which goods, materials, or services are utilized in the conduct of public business.

**Verbal warning:** The discussion a supervisor holds with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or

her the need for improvement. This type of warning is also called an "instruction and cautioning." This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of date, time, and reason for a verbal warning must be kept in the employee's personnel file by the Appointing Authority. In the event the conduct of the employee does not improve, more severe disciplinary action is required (Form V).

**Work area:** Any office, room, vehicle, equipment, work site, or physical location where official employer business is transacted and/or operations of the employer are being conducted.

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

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

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

**Workweek:** Seven (7) consecutive 24-hour periods.

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

## **2.04 DISSEMINATION**

- A.** The Appointing Authority has the exclusive right and authority to create and issue policies and procedures.
- B.** All employees shall be required to be familiar with the policies and procedures contained in this manual.
- C.** All supervisory personnel responsible for administering policy shall receive or have electronic access to and be thoroughly familiar with this manual, administer each policy contained herein, and ensure that subordinate personnel do likewise.
- D.** This manual shall remain the exclusive property of the Appointing Authority and shall be surrendered upon request. Unauthorized reproduction is prohibited.

- E.** Each participating Appointing Authority may adopt or modify this edition of the manual in writing and, thereafter, sign and date each section of the manual.
- F.** An electronic copy of this manual will be made available on the County website under the Human Resources section. A copy will also be maintained in the Human Resources office. Each Appointing Authority shall have the right to require each employee to sign an acknowledgment (or the electronic equivalent) evidencing that he or she has been given notice of the existence of these policies and has been informed of the right to review them.



## **CHAPTER 3**

### **3.01 MANAGEMENT AUTHORITY**

Knox County Appointing Authorities maintain the authority to establish, interpret, and administer policies, and to direct the operation of their respective offices. Policies established by Knox County Appointing Authorities shall be consistent with all state and federal laws and applicable agreements. These policies include, but are not limited to:

1. To manage and direct employees including the right to select, hire, promote, transfer, assign, evaluate, lay off, or to reprimand, suspend, discharge, or otherwise discipline according to law.
2. To manage and determine the location, type, and number of physical facilities, equipment, programs, and the work to be performed.
3. To determine goals, objectives, programs, and services, and to utilize personnel in the manner designed to effectively meet these purposes.
4. To determine the organizational structure of their department.
5. To determine the hours of work and work schedules required to most efficiently operate.
6. To determine when job vacancy exists, the duties to be included in all classifications, and the standards of quality and performance to be maintained.
7. To determine the necessity to schedule overtime and the amount required thereof.
8. To maintain the security of personnel and financial records and other important data or information.
9. To maintain and improve the efficiency and effectiveness of the operations.
10. To determine and implement necessary actions in emergency situations.
11. To enforce ethics laws.

The exercise of any such right, power, authority, duty, or responsibility by the Appointing Authority and the adoption of such rules, regulations, or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law and any contractual agreement with employees under Ohio's collective bargaining law and also by the Appointing Authority's approved budget appropriations.

### **3.02 EMPLOYEE STATUS**

The Appointing Authority shall set the hours to be worked for both full-time and part-time employees. The Appointing Authority shall notify the Auditor of such designation.

**Full-time employees** are defined as employees who work at least 30 hours per week on a regularly scheduled basis. Full-time employees are entitled to all benefits provided by the County including health and life insurance, sick leave, vacation, funeral leave, civil leave, military leave, holiday pay, and other benefits as explained in this policy manual.

**Part-time employees** are defined as employees who work a regular schedule less than 30 hours per week. Part-time employees are entitled to sick leave, holiday pay provided the holiday falls on a regularly scheduled workday, and other benefits as explained in this policy manual.

**Seasonal employees** are defined as employees who work during a recurring portion of the year (e.g. summer, mowing season, etc) and may be on a full-time, part-time or intermittent basis. Seasonal employees are entitled to sick leave, holiday pay provided the holiday falls on a regularly scheduled workday, and other benefits as explained in this policy manual.

**Contract employees** refer to a bona fide employment relationship wherein the compensation, terms, and conditions of employment are spelled out in a written contract with the Appointing Authority. Contract employees are not entitled to any benefits.

### **3.03 CLASSIFIED AND UNCLASSIFIED EMPLOYMENT**

Employment within the County system is governed by the State of Ohio Civil Service laws. All positions in the civil service fall into one of two general categories: "classified" or "unclassified".

All employees of the County are presumed to be classified civil servants unless the position an employee occupies has been exempted from the classified service by a lawful request of the employer or by personal exemptions allowed by a County elected official(s) in accordance with O.R.C. Section 124 or other section of the O.R.C. Most classified employees may only be suspended, demoted, or removed for cause and by following the procedures set forth in O.R.C Chapter 124. Exceptions include probationary employees

who may be removed or reduced for unsatisfactory service during the probationary period without a showing of cause and certain employees covered by a collective bargaining agreement who have waived their rights under Chapter 124. Classified status does not restrict an employee's ability to participate in partisan politics.

Some County employees serve in the unclassified civil service, or occupy positions that have been exempted from the classified service. Employees such as deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals, or those who hold a fiduciary relationship to their principals, or other positions specifically exempted pursuant to O.R.C 124.11 (A) serve in the unclassified service. Employees appointed to administrative staff positions for which an Appointing Authority is given specific statutory authority to set compensation serve in the unclassified service. Such employees serve at the pleasure of the employer.

### **3.04 SERVICE ANIMALS**

Individuals may have the right to bring service animals into a public building. Service animals are those animals that are individually trained to do work or perform tasks for people with disabilities. Questions concerning a service animal should be presented to Human Resources.

### **3.05 PARKING GUIDELINES**

Regardless of time of day or week, vehicles must be parked in a legal parking space designated by painted parking lines. Parking in an area not designated as an employee parking space is prohibited. Employees are prohibited from parking in areas designated for the public. Failure to follow this policy may result in the towing of your vehicle per O.R.C 4511.681 & 4513.60.

## **CHAPTER 4**

### **4.01 EQUAL EMPLOYMENT OPPORTUNITY**

Knox County is an equal opportunity employer. No personnel decisions concerning any term or condition of employment shall be based upon race, color, religion, sex, national origin, age, military status, ancestry, disability, or genetic information except where such criteria constitute a bona fide occupational requirement.

The Human Resources Director is the County's EEO Coordinator. The EEO Coordinator is responsible for providing information regarding anti-discrimination laws to employees and others, and for reviewing and resolving complaints involving alleged discrimination.

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

No inquiry shall be made as to religious, racial, or ethnic origin of an applicant, 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 on the applicant's part.

### **4.02 AMERICANS WITH DISABILITIES ACT**

The employer supports the intent and purposes of the Americans with Disabilities Act (ADA), as amended from time to time, and will not 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. The employer will provide a reasonable accommodation to qualified individuals with disabilities who are employees or applicants for employment, unless to do so would cause an undue hardship.

The EEO Coordinator is responsible for providing information about the ADA to employees and others, and for reviewing and resolving complaints involving alleged discrimination against the disabled.

#### **4.03 DISCRIMINATORY HARASSMENT**

It is the policy of Knox County to maintain an environment free from all forms of discrimination, including gender-based discrimination due to sexual harassment. In order to maintain this environment, discriminatory harassment, whether committed by supervisors, coworkers, or members of the public, is strictly prohibited.

**Discriminatory harassment** is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, military status, ancestry, disability, genetic information, or other protected activity as defined by law.

Sexual harassment, which is a form of sex discrimination, 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 or applicant's submission to sexual harassment in any form.
6. Any offensive, abusive, or unwanted physical contact.

##### **Responsibility:**

1. It is the responsibility of all employees to aid the employer in maintaining a work environment free from discrimination, including sexual harassment. Therefore, it is the responsibility of each employee, including supervision and management, to immediately report any instances of discriminatory harassment to the proper authority (see reporting procedure below). Any employee who observes any conduct that may constitute discriminatory harassment of a coworker, but fails to report same, may be subject to disciplinary action. Moreover, any employee who receives a complaint alleging conduct which may constitute discriminatory harassment of any county employee, but fails to report same, may be subject to disciplinary action.

2. It is further the responsibility of each supervisor to ensure that all employees who report to the supervisor are aware of the policy against discriminatory harassment, that they are aware of the complaint and reporting procedures, and that they are aware of the consequences of engaging in discriminatory harassment.
3. It is the responsibility of management to maintain an environment free from discriminatory harassment. Management shall ensure that its supervisors are sufficiently trained in recognizing discriminatory harassment, the complaint and reporting procedures, the proper methods of investigating complaints of discriminatory harassment, and the disciplinary procedure regarding discriminatory harassment.

**Procedure:**

1. Once a complaint of discriminatory harassment has been received or an instance of discriminatory harassment has been reported, the complaint shall be immediately forwarded to the proper Appointing Authority for investigation (see reporting procedure below). The Appointing Authority or designee shall then immediately investigate the matter in accordance with the investigation procedure. The complaining employee and/or the reporting employee will be informed of the results of the investigation.
2. If, after a thorough and prompt investigation, it is determined that discriminatory harassment has occurred, the employee who has been found to have committed discriminatory harassment will immediately be disciplined in accordance with the disciplinary procedure for discriminatory harassment. The complaining and/or reporting employee(s) will be informed of the results of the disciplinary procedure.
3. If, after the investigation, it is determined that no discriminatory harassment occurred, or that there is insufficient evidence to determine whether or not discriminatory harassment has occurred, the complaining employee and/or reporting employee will be informed of same.
4. The Appointing Authority will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation.
5. The Appointing Authority will protect, as much as possible, employees involved as part of the investigation, from retaliation.

**Complaint Procedure:**

Any employee who believes that he or she has been the subject of discriminatory harassment, and/or any employee who has witnessed an incident or incidents of discriminatory harassment, shall report the matter to the proper Appointing Authority or designee immediately.

There will be no reprisals against any employee for making a report as provided in this section.

**Reporting Procedure:**

Any employee who believes that he or she has been the subject of or witness to discriminatory harassment should immediately report the alleged act(s) to his/her immediate supervisor or Appointing Authority.

If there is no one in the office or department to which the employee can report the alleged act(s) (for example, the immediate supervisor, member of management, or the appointing authority is the subject of the complaint), the employee should report to the County Administrator, Prosecutor, or Human Resources Director. Employees may also report allegations of inappropriate behavior directly to the Board of County Commissioners.

The employee alleging discriminatory harassment shall complete a written complaint form provided 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.
- f. The remedy the employee is seeking.

If the employee alleging discriminatory harassment is unwilling to complete the complaint, the matter should be addressed under the "duty to report" section and the form completed by the person to whom the verbal complaint was made.

This form should be completed by the employee as soon as possible. A copy of the form should be forwarded to the Appointing Authority. If it is alleged that the Appointing Authority is the subject of the complaint, then a copy of the form should be sent to the County Prosecutor.

**Investigation:**

After the complaint form has been completed, the complaint will promptly be investigated by the employee's Appointing Authority. If the Appointing Authority is the subject of the complaint, the investigation shall be conducted by the County Prosecutor or designee. If the County Prosecutor is the subject of the complaint, the investigation shall be conducted by the County Coroner or the Board of County Commissioners. Notwithstanding, the EEO Coordinator and/or County Prosecutor shall be notified of any such complaint.

The employer may place the charged party on paid administrative leave pending the investigation.

If the investigation reveals that the complaint is valid, prompt remedial action will be taken to end the harassment immediately.

Any employee who is found, after appropriate investigation, to have engaged in discriminatory harassment of another employee or a member of the public shall be subject to disciplinary action, up to and including termination.

Any employee who is found, after appropriate investigation, to have maliciously or intentionally filed a false claim of discriminatory harassment of another employee or member of the public shall be subject to disciplinary action, up to and including termination.

**4.04 EQUAL EMPLOYMENT OPPORTUNITY/ADA/ANTI-DISCRIMINATION COMPLAINT PROCEDURE**

Any person may file a complaint if they believe that another person has illegally discriminated against them under any local, state, or federal anti-discrimination law, including a violation of the ADA or conduct involving sexual harassment.

All complaints alleging illegal discrimination shall be filed on the EEO complaint form. This form shall be filed as soon as possible.

The EEO Coordinator shall investigate all complaints and respond to the complainant within 10 working days of the filing. If the complainant is not satisfied with the EEO Coordinator's response, he or she may file a complaint with the Appointing Authority. The Appointing Authority will investigate and respond within 10 working days of the filing. "Working days" are scheduled workdays for employees and business days for non-employees.



When reviewing complaints alleging a violation of the ADA, the EEO Coordinator and the Appointing Authority, if applicable, will determine:

1. whether the complainant is a "qualified person with a disability"
2. whether the employer may have discriminated against the complainant and if so,
3. whether the employer can "reasonably accommodate" the complainant or otherwise resolve his or her complaint.

Any employee who has been found by the Appointing Authority, after appropriate investigation, to have committed an act of illegal discrimination against another employee, job applicant, or other person will be subject to appropriate disciplinary action.

The general public (non-employees) found to have committed an act of illegal discrimination against an employee will be dealt with appropriately by law.

#### **4.05 JOB VACANCIES: ANNOUNCEMENT AND APPLICATION**

While it is appropriate for each Appointing Authority to select the most qualified candidate for their respective job openings, the Knox County Commissioners and Appointing Authorities recognize and are committed to supporting employee career growth, enrichment, and enhancement. As such, when appropriate, Appointing Authorities may post internally, following the job posting process for five (5) calendar days, vacancies above the entry level in classified positions which occur or are imminent within the organization, except in those cases where an employee is eligible for reinstatement from layoff to the vacant position.

The internal posting process and guidelines, wherever practicable, are as follows:

1. The department in which the posting exists may consider their own staff for vacancies prior to opening the application process internally.
2. Each announcement will include the approved position description outlining the nature of the job, required qualifications, salary range, and other pertinent information related to the posting.
3. Interested employees should submit an application through the current HRIS application system on or before the posting deadline. All applications must be completed properly to be considered.
4. The Appointing Authority or designee is not obligated to consider any applications received after the posting deadline.

5. External applicants may be accepted during the internal posting process and/or at the close of the internal posting process.
6. Internal applicants will be reviewed and considered prior to external applicants as long as the posting receives a qualified pool of internal candidates.
7. Unless otherwise indicated, job will remain posted until a qualified candidate is selected and hired for the position.

***Unclassified appointments are exempt from this section.***

#### **4.06 EVALUATION OF APPLICANTS AND BASIS FOR SELECTION**

The Appointing Authority or designee will evaluate all job applicants. Appointments to vacant positions, either from internal promotion or selection from outside job applicants, will be made based solely on the applicant's knowledge, skills, and abilities, and other job-related practical selection methods.

An applicant shall be eliminated from consideration if they:

1. Does not possess the knowledge, skills, and abilities necessary to effectively perform the duties of the vacant position.
2. Has made a false statement of material fact on the application form or supplements thereto.
3. Has committed or attempted to commit a fraudulent act at any stage of the selection process.
4. Is an alien not legally permitted to work.
5. Has been previously terminated for just cause except in unusual circumstances to be determined by the Appointing Authority or designee after review with the previous supervisor.

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

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

Each Appointing Authority is responsible for documenting that the person selected for employment is legally authorized to work in the United States (see section 4.14). All I-9 forms must be maintained in a file separate from the employee's personnel records.

Applicants must submit to reference checks, interviews, background checks, and/or other job-related evaluation procedures. An applicant shall be required to provide any non-medical information, upon request, provided the information is job-related.

The employer may also require a selected applicant to pass an appropriate examination as a condition of employment to determine whether the applicant can physically and/or mentally perform the essential functions of the job, with reasonable accommodation where necessary.

Pre-employment tests to determine current use of illegal drugs and alcohol that may affect the applicant's ability to perform the duties of the job in question may be conducted before a conditional offer of employment only for safety-sensitive positions.

#### **4.07 PHYSICAL OR MENTAL EXAMINATIONS FOR HIRE OR PROMOTION**

If the employer requires a physical or mental examination of applicants for hire or promotion, the employer will only require the physical or mental examination after selecting preferred applicant or applicants for appointment.

When such a requirement is valid, the examination requestor should send a job description to the licensed, qualified practitioner conducting the examination, and request that the practitioner indicate in writing whether the applicant can perform the essential functions of the job identified on the job description; and if not, what accommodation, if any, the applicant would require in order to do the job.

If the employer requires an employee or applicant to take a medical examination, the employer will pay for the cost of that examination.

The Appointing Authority shall select the licensed practitioner to administer the examination and shall pay the cost. Applicants may obtain, with approval of the Appointing Authority, a waiver of the medical examination requirement for the following reasons:

1. Verified religious opinion or affiliation.
2. Reinstatement within one (1) year of separation.

Any applicant requesting to waive the examination requirement for one (1) of the above reasons shall submit a written affidavit describing the applicant's state of health at the time of employment.

After hire, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the county. Such an examination is intended to ensure that the incumbents continue to be physically and mentally able to perform the duties of their position. Examples include, but are not limited to:

1. examination to certify eligibility for family and medical leave or other leaves of absence examination to assess eligibility for workers' compensation
2. examination required by occupational safety and health programs

A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence.

The Appointing Authority shall include GINA "safe harbor" language directed to the health practitioner conducting the medical examination.

#### **4.08 TEMPORARY ASSIGNMENTS**

A temporary assignment is defined as the assignment of an individual employee to a classification different from their own, which has substantially different duties than the employee would normally perform. A temporary assignment may be made by the Appointing Authority to meet the operational needs of the department due to illness, emergencies, or special circumstances, and shall not be done for disciplinary purposes.

All temporary assignments of classified employees shall be accomplished by a written letter of assignment delivered to the employee with copies to the auditor (if a pay adjustment is necessary). This temporary increase in pay does not apply to employees who are actively involved in training.

Classified employees temporarily assigned to a position with a lower rate of pay shall continue to receive their current rate of pay.

#### **4.09 PROBATIONARY PERIOD**

Newly hired employees in a full-time or part-time classified position with Knox County will be required to successfully complete a probationary period of at least 180 calendar days, with its effective date beginning the effective date of the appointment.

Part-time employees who work less than the normal number of working days per week shall serve a probationary period of 1,040 hours. Temporary and intermittent appointments do not serve a probationary period as they are in the unclassified service.

Certain classifications may have a longer probationary period.

If an employee is granted a leave of absence or is removed from active pay status for any period of time during their probationary period, the portion of time they are on leave will not be counted as part of the probationary period.

The Appointing Authority will retain only those employees who meet acceptable standards. A probationary employee may be separated at any time during the probationary period. Removal during the probationary period is not appealable to the State Personnel Board of Review.

Employees appointed to unclassified positions do not serve a formal probationary period since they continuously serve at the pleasure of the Appointing Authority.

#### **4.10 PERFORMANCE EVALUATIONS**

Written performance evaluations provide supervisors with an effective mechanism to measure and communicate levels of job performance to employees. It provides the employee with documented, constructive feedback concerning current job performance and provides two-way communication between the employee and supervisor. Documented performance evaluations serve as a basis for important management decisions regarding employee training needs, job assignments, promotions, and retention. Each permanent employee's work performance may be evaluated in accordance with established procedures.

As a best practice, it is recommended that employees serving initial probationary periods receive probationary evaluations after 30-days of employment, 90-days of employment, and/or at the end of their probationary period. Employees not meeting the expectations of the job and/or recommended for probationary removal may receive a final evaluation at the time of removal.

It is recommended as a best practice that non-probationary employees receive an annual evaluation.

#### **4.11 DRUG-FREE WORKPLACE POLICY**

##### **Knox County's Drug-Free Workplace Policy**

##### **Notice Upon Hiring**

As a condition prior to hiring, all prospective employees will receive a copy of the Knox County Drug Free Workplace Statement and Policy, and Drug Testing Policy, and will be required to sign a receipt which will become a permanent part of the employee's personnel file.

In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:

- a. They understand and support the Knox County Drug Free Workplace Policy.
- b. They agree to refrain from violating this policy while employed by the employer.
- c. They acknowledge, in advance, that they understand that the penalty for breach can be discharge, and agree that the penalty is appropriate when supported by evidence.
- d. They acknowledge that they have been warned that alcohol and drug testing of employees will be conducted in accordance with the county's policy where there is individualized reasonable suspicion of alcohol or drug use or drug impairment.

#### **Distribution of Drug Free Workplace Policy**

All current employees will receive a copy of the county's drug free workplace statement and policy, and will be required to sign a receipt for it, which will become a permanent part of the employee's personnel file.

All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of this policy.

All current employees will be given notice that the county reserves the right to order employees to submit to alcohol or drug testing where supported by an individualized reasonable suspicion of alcohol or drug use or drug impairment.

#### **Drug Free Workplace Policy definitions**

**Alcohol:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other lower molecular weight alcohols including methyl and isopropyl alcohol.

**Controlled substance:** Any controlled substance contained in Schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C. 812), or as defined in O.R.C. 3719.01.

**Conviction:** Any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal, state, or municipal criminal drug statutes.

**Criminal drug statute:** A criminal statute which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

For purposes of this policy all definitions will be consistent with O.R.C. 3719.01 et seq.

It is the policy of Knox County to maintain a safe and productive workplace free of alcohol and drugs and free of those individuals who use drugs and alcohol.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled substance by any employee which takes place in whole or in part in the workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.

Any employee convicted of any federal, state, or municipal criminal drug statute must notify the employer of that fact within five (5) calendar days of the conviction. Notification of the employee does not excuse the employee from possible disciplinary action under the county's personnel policy manual.

Any employee reporting for duty in an altered or impaired condition as a result of the illegal use of controlled substances or the abuse of legal substances will be subject to disciplinary action or discharge. Any decision to take such action may be held in postponed pending the completion by the employee of a drug rehabilitation program.

Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:

1. Terminated from employment.
2. Forever barred from future employment with Knox County.
3. Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

The County has a zero tolerance policy for employees who are under the influence of drugs or alcohol while at work. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.

#### 4.12 DRUG TESTING POLICY

##### **Knox County's Drug Testing Policy**

**Applicant drug testing:** Applicants for full- or part-time, year-round safety-sensitive positions shall be required to sign a written waiver and consent form and take a drug test as a condition of employment. Additional rules apply specifically for commercial driver's license (CDL) holders.

**Employee drug testing:** The employer reserves the right to set standards for employment and to require employees, as a condition of continued employment, to submit to physical examinations including breath or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

In cases in which the employer has a reasonable suspicion to believe that the employee is in an altered or impaired condition as the result of the influence of alcohol or the controlled substances referenced in Paragraph C above, the employer may require the employee to go to a medical clinic, at the employer's expense, to provide breath or urine specimens. For purposes of this policy, "reasonable suspicion" means suspicion based on personal observation by an employer representative. Employer representatives should document such reasonable suspicion by making written notations which may include descriptions of inexplicable or abnormal behavior, appearance, speech, or breath.

If requested, the employee will sign a waiver and consent form authorizing the clinic to examine a specimen of breath or urine and release the test results to the employer.

A refusal to sign a waiver and consent form or to provide either specimen will constitute insubordination and a presumption of impairment and may result in discharge.

Any employee tested in accordance with the above procedure may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.

The results of any such test will constitute medical information and will remain confidential, to the extent provided by state law.

An employee taking over-the-counter or prescribed medications which could impair his or her ability to perform the essential functions of his or her position safely may be referred by the Appointing Authority to a medical review officer for such a determination. A copy of the employee's job description should be sent to the medical review officer. A "medical review officer" is a licensed physician with certification and experience with substance abuse, diagnostic, or occupational health work. If the employee is unable to work, he or she shall be placed on the appropriate leave.



**Policy distribution:** Each employee will receive annually an information package containing:

1. Information concerning the dangers of drug abuse in the workplace.
2. A current copy of the County's published statement.
3. A current copy of the County's Drug Free Workplace Policy.
4. A current copy of the county's Drug Testing Policy.
5. Information concerning any available drug counseling, rehabilitation, and employee assistance programs.
6. Information concerning the penalties that will be imposed for the breach of the county's Drug Free Workplace Policy.
7. Notice to the employee that any work-related conviction of any federal, state, or municipal criminal drug statute must be reported in writing to the employer within five (5) calendar days after such conviction.

#### **4.13 DILUTE SPECIMEN POLICY PRE-EMPLOYMENT DRUG TEST**

In order to maintain a safe and healthful work environment, Knox County reserves the right to set standards for employment and to require prospective employees to submit to pre-employment physical examinations including urine tests for alcohol, illegal drugs or misuse of legal drugs.

In accordance with Knox County Board of Commissioners Resolution 841-2004 requiring a pre-employment drug screen for all prospective Knox County employees, a specimen with creatinine and specific gravity values lower than expected for human urine or more commonly, a specimen that is more “watery” or not as concentrated as expected for human urine will result in a re-collection.

A test deemed “negative dilute” by the Medical Review Officer of Mid-Ohio Corporate Care, Knox Community Hospital, or other approved collection facility will result in a second drug screen based upon the creatinine levels. Creatinine levels of more than five (5) mg/dL will be considered as a negative result and no additional testing will be required. Creatinine levels between two (2) and five (5) will be considered “negative dilute” and result in an additional drug screening. Prospective employees will be scheduled for a second drug screen but will not be given advanced notice. Creatinine levels less than 2 are not regarded as dilute as they are not consistent with human urine. If the second drug screen results in a negative dilute, the prospective employee will not be eligible for hire.

Federal guidelines limit employers to a total of two tests (the original negative dilute result and one recollection). A recollection is not necessary in a positive dilute situation. This test should be treated the same as any other positive result. Therefore, a prospective employee testing positive dilute is not eligible for hire.

Prospective employees who refuse to submit to the required testing shall be deemed disqualified for employment with Knox County.

#### **4.14 IMMIGRATION REFORM AND CONTROL ACT POLICY**

**In general:** In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, and as further amended from time to time, the employer has adopted the policy set forth below.

1. The employer shall not knowingly hire or recruit or continue employment of any alien hired after November 6, 1986, without substantiating and documenting that alien's eligibility in accordance with provisions established by this policy.
2. The employer has established an employment verification system and shall retain appropriate records establishing that each employee hired after November 6, 1986 is lawfully authorized to work in the United States as either a U.S. citizen or as a properly "documented alien."
3. As a condition of continued employment, the employer shall verify both the identity and the employment eligibility of all applicants considered for employment in accordance with procedures set by USCIS.

##### **Post-hiring requirements:**

1. The employer shall complete the Form I-9 in accordance with federal guidelines.
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.
3. Form I-9 and copies of supporting documentation shall not be used for any purpose or provided to any employer or person other than for the purpose of complying with the requirements of the Act.
4. Should an employee be rehired or reinstated by the employer within one (1) year of the date of separation, the employer may use the original I-9 form and supporting documentation for the purpose of complying with the Act.
5. 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.

**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.

#### **4.15 REEMPLOYMENT OF RETIREE**

**Generally:** Based upon the Appointing Authority's operational needs, the Appointing Authority or designee at his or her discretion may initiate discussions with a retiree or a potential retiree regarding reemployment with the county.

**Definition:** Reemployment of a retiree occurs when such retiree returns to work in an OPERS-covered or another Ohio retirement system-covered position after retiring under OPERS or another Ohio retirement system retirement plan.

**Notification by reemployed retirees:** Reemployed retirees shall notify the Appointing Authority that they are receiving an Ohio Retirement System benefit. Retirees shall complete and submit to OPERS a Notice of Reemployment of an OPERS Benefit Recipient or a Notice of Reemployment of an Elected Office, if applicable. These notices can be found at [www.opers.org](http://www.opers.org).

**Certification by County:** The notice forms described above in shall be certified by the county fiscal officer, which is the Auditor. Such forms serve as an official notification to OPERS of the hiring of a reemployed retiree.

**Effect on retirement benefits:** If a retiree is receiving benefits from one (1) of Ohio's retirement systems and is reemployed in an OPERS position, his or her retirement benefit may be affected. Any employee who is considering reemployment with the County after retirement should contact the appropriate retirement system for clarification on how reemployment will affect his or her retirement benefits.

### **Public notice and public hearing:**

1. **Public notice:** The Knox County Board of Commissioners (hereinafter "board") must provide public notice for a person returning to the same position that is customarily filled by a vote of members of a board or commission or by the legislative authority of a county at least 60 days before the reemployment begins, that an individual is seeking to retire, draw a pension, and return to work in a position under the board.
2. **Public hearing:** The board must also hold a public hearing 15 to 30 days before the reemployment is to begin to discuss the issue of such retiree being reemployed. The date, time, and location of the public hearing must be included in the public notice as described in (1) above.

**Benefits following reemployment:** A reemployed retiree of any retirement plan offered by the state shall be permitted to earn vacation leave, sick leave, and longevity pay in accordance with county policies, as if he or she is a new employee with no prior service time. Such reemployed retiree shall also be eligible to receive select other county-provided benefits in accordance with the terms and conditions of the policies, which control such benefits.

1. **Vacation leave:** For purposes of computing vacation leave, an employee who has retired under any Ohio retirement system, and who is reemployed by a county after July 5, 1987, shall not have his or her prior service credit with the state or any political subdivision of the state counted.
2. **Sick leave:** If the retiree is hired by the County after May 1, 2008, he or she will not be eligible for payout of any accumulated, unused sick leave upon separation from employment unless the board adopts an alternative policy pursuant to O.R.C. 124.39(C).
3. **Longevity pay:** Longevity pay (if applicable) for a reemployed retiree shall be calculated based upon the retiree's date of reemployment.
4. **Health care:** If the retiree qualifies for the county's health care coverage, the county must make appropriate coverage available to the reemployed retiree and the reemployed retiree cannot waive such health care coverage. During the period of reemployment, the county's health care coverage is primary and OPERS coverage is secondary, if the retiree is participating in the OPERS health care program.

#### **4.16 WHISTLEBLOWER POLICY**

In accordance with O.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 employee's supervisor or Appointing Authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or Appointing Authority, the office of internal auditing, or with the Auditor of the State's fraud reporting system under O.R.C. 117.103. 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 supervisor, Appointing Authority, the office of internal auditing, or the state auditor, may report it to the county prosecutor.

Except as otherwise provided, no Appointing Authority shall take any action as prescribed in O.R.C. 124.341 against an employee in the classified or unclassified civil service for making any report authorized where applicable.

An employee in the classified or unclassified civil service shall make a reasonable effort to determine the accuracy of any information reported. The employee is subject to disciplinary action, including suspension or removal, as determined by the employee's Appointing Authority, for purposely, knowingly, or recklessly reporting false information where applicable.

If an Appointing Authority takes any disciplinary or retaliating action against a classified or unclassified employee for filing a report or complaint in accordance with O.R.C. 124.341 or this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the State Personnel Board of Review within 30 days after receiving actual notice of the Appointing Authority's action.

#### **4.17 FRAUD REPORTING**

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

Auditor of State's fraud contact information:

Telephone: 1-866-FRAUD OH (1-866-372-8364)

US Mail: Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

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

## **CHAPTER 5**

### **5.01 COMPENSATION**

Compensation practices in Knox County shall comply with sound personnel management principles and practices. Efforts will be made to compensate personnel fairly and equitably in accordance with federal and state laws, sound personnel practices, and merit and fitness.

Employees are responsible for reviewing their pay stubs. If an error has been made or an employee feels an improper deduction has occurred, the employee shall report such to the Appointing Authority. The Appointing Authority shall correct errors in compensation.

### **5.02 WORK SCHEDULING / OVERTIME**

**Work scheduling:** Each Appointing Authority shall establish the standard workday, workweek, and starting and quitting times for their employees and their offices in consideration of current and anticipated work load, public service needs, and other 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.

There are many different jobs in the county requiring different hours of work. An employee's work schedule will depend upon the department to which they are assigned and their particular classification within the department. The Appointing Authority may publish a schedule showing the working hours of each employee in the department. Employees are expected to work their designated work schedule unless they receive prior authorization from their supervisor.

**Starting time, lunch period, quitting time:** Nonexempt employees are not expected to perform assignments prior to the beginning or after the end of the regular scheduled workday unless previously approved by the employee's supervisor.

The lunch period is intended to be a non-work period, however, some employees may be required to stay in or around their work area. Nonexempt employees who choose to remain at their desk or work area are not expected to perform any work assignments during this time, and will not be compensated for any work performed during the lunch period unless previously approved by the employee's supervisor or an emergency situation.

Nonexempt employees must receive prior approval to work their lunch period. Employees are not permitted to work their lunch period and leave early unless they receive prior approval from their supervisor.

**Overtime hours' computation:** Knox County has elected to compute eligibility for overtime (including compensatory time) based upon all hours actually worked. Hours actually worked does not include any form of paid leave or compensatory time.

- 1 Employees whose regular scheduled workweek is less than 40 hours per week shall receive straight time pay or compensatory time off at straight time for all hours worked between their scheduled hours and up to 40 hours per week.
- 2 Any employee who actually works in excess of 40 hours per week shall receive compensation at one and one-half (1½) times his regular hourly rate or shall receive compensatory time off at one and one-half (1½) hours for each hour worked in excess of 40 hours per week.

**Overtime authorization:** Overtime is generally authorized by the Appointing Authority or designee and cannot be self-scheduled except in emergency situations. The supervisor or Appointing Authority will closely monitor any overtime not approved in advance. Overtime worked without prior authorization as outlined above may result in disciplinary action up to and including termination of employment.

**Employee classifications qualifying for overtime pay:** The overtime compensation provisions of the Fair Labor Standards Act only apply to hourly employees and those salaried employees who have been determined to be "nonexempt." Certain administrative, executive, professional, and other employees are exempt or non-covered from the FLSA and are not entitled to overtime compensation.

Any questions regarding an employee's status concerning overtime should be directed to the employee's Appointing Authority.

**Compensatory time:** With the approval of the Appointing Authority, a nonexempt employee shall be entitled to earn compensatory time pursuant to FLSA rules. Appointing authorities may limit the total number of hours of compensatory time which may be accumulated.

Compensatory time must be used within 180 days unless the appointing authority has, by rule or resolution, adopted a different standard. If a different standard is adopted, the appointing authority must provide written notice to each employee 10 days prior to the effective date pursuant to O.R.C 4111.03(D). Any compensatory time not used within the stated timeframe will be paid to the employee. Compensatory time must be used at a time mutually convenient to the employee and the appointing authority, in not less than one-quarter (1/4) hour increments.

Employees are not permitted to use compensatory time unless they have received advanced approval.



**Compensation for holidays:** Any employee required to work on one (1) of the recognized holidays will receive time and one-half (1½) their regular rate of pay for all hours worked, in addition to receiving their holiday pay (see Section 6.10). The overtime computation provision outlined above in Overtime Hours' Computation does not apply in this circumstance.

**Overtime application to exempt positions:** Employees in positions designated as exempt are not governed by this policy.

**Compensatory time for exempt positions:** Exempt employees are paid a salary and therefore are not eligible for compensatory time. However, each Appointing Authority may allow exempt employees hour-for-hour compensatory time for all hours worked beyond 40 hours per workweek. Compensatory time is limited to 40 hours at any given time, is given at straight time, and has no cash value upon separation or retirement. Employees may accrue and use their compensatory time on a fluctuating basis provided the balance at any given time does not exceed 40 hours, unless approved by the Appointing Authority.

**Public accountability for exempt employees:** For purposes of public accountability, exempt employees may be required to maintain a record of the hours they work and any paid leave utilized. Exempt employees may be absent, with approval of the employer, for part of a workday without a deduction from their accrued paid leave.

### **5.03 INCLEMENT WEATHER**

Whenever county offices are officially closed due to weather or other emergency conditions, employees will be paid for those hours they were scheduled to work.

Employees who are tardy, leave work early, or fail to report for work on days when county offices are not officially closed due to weather or other emergency conditions, shall be required to notify the Appointing Authority and will not receive compensation for the duration of the unexcused absence. Upon the approval of the Appointing Authority, such absences may be charged to the employee's available vacation or compensatory time.

Inclement weather is not a valid reason for the use of sick leave.

Employees not scheduled to work, on sick leave, scheduled vacation, or leave of absence, are not entitled to pay for the hours county offices are closed due to weather or other emergency conditions.

This policy does not apply to departments that operate on a continuous 24-hour basis (i.e. Engineer's Office, Sheriff's Office, Facilities, and EMA).

**Level 3:** When the Sheriff issues a Level 3 Emergency before 8:00 a.m., all county offices, with the exception of the Engineer's Office, the Sheriff's Office, Facilities, and the EMA department, will be closed and employees are not to report to work.

If the Level 3 Emergency is changed to a Level 2 or 1 before 12:00 p.m., employees are to report at noon or whenever possible.

If Knox County is not at a Level 3 and the county that an employee lives in declares a Level 3, the employee should not report and may use vacation or personal leave to cover their absence.

**Level 2 – Discretionary:** Decision must be made on a case-by-case basis by employee and employer.

Pursuant to Attorney General Opinion 86-023, the Sheriff of a county may declare a snow emergency and temporarily close county and township roads. Ohio Sheriffs have adopted guidelines for the purpose of issuing such declarations.

The policy is as follows:

**Level 1:** Roadways are hazardous with blowing and drifting snow. Roads are also icy. Drive very cautiously.

**Level 2:** Roadways are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the roadways. Contact your employer to see if you should report to work.

**Level 3:** All roadways are closed to non-emergency personnel. No one should be out during these conditions unless it is absolutely necessary to travel. All employees should contact their employer to see if they should report to work. Those traveling on the roadways may subject themselves to arrest.

#### **5.04 PAY PERIOD**

There are normally 26 pay periods per year. All employees are to be paid every other Friday for the two (2) week pay period immediately preceding payday.

If a Federal holiday occurs on a Friday on which a payday falls, paychecks will be issued on the preceding Thursday.

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

Pay advances of any kind are not permitted.

All paychecks will be direct deposited to the financial institution of the employee's choice. For further information, contact the Auditor's Office at (740) 393-6746.

## **5.05 PAYROLL DEDUCTIONS**

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans or as requested by the employee. All deductions must be approved by the Appointing Authority and the County Auditor. These deductions are itemized on the employee's pay statement which accompanies his or her biweekly paycheck.

Deductions include:

1. **OPERS<sup>1</sup>:** All employees must contribute to the Ohio Public Employees Retirement System rather than Social Security. The employer shall also make contributions as required by law. Reduced salary and/or fringe benefit pick-up may be implemented by the Appointing Authority in conjunction with OPERS.
2. **Income taxes:** Federal, state, and city governments, and some school districts may require that income taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished by the Treasury Department and the Ohio Department of Taxation and may vary 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 Appointing Authority or designee of any dependency change whenever such change occurs.<sup>2</sup>
3. **Medicare Tax:** A deduction of 1.45% will be required from each employee who is hired after April 1, 1986. The 1.45% withheld will be contributed to Medicare along with the employer's share of an additional 1.45%.
4. **Miscellaneous deductions:** Examples include garnishments, deferred compensation, health insurance, and other approved deductions.<sup>3</sup> The Auditor may refuse to make deductions below certain prescribed minimum amounts, or at regular intervals, or for other cause.

## 5.06 EXPENSE REIMBURSEMENT, TRAVEL, AND MEAL POLICY

County employees will be reimbursed for allowable expenditures made for a proper public purpose that are incurred while traveling on official county business. Employees are eligible for expense reimbursement only when travel has been authorized in writing prior to the trip by the Appointing Authority and with appropriate receipts documenting claimed expenses. Overnight travel expense reimbursement requires the advance approval of the employee's Appointing Authority.

The following items are reimbursable, subject to the regulations contained herein and compliance with the procedures:

1. **Commercial air flights:** Reimbursement is available for air flight expenses only when the automobile mileage reimbursement would cost more than the airfare or where travel time is of significance.
2. **Bus, limousine, or taxi:** Employees are to use the most economical means available when traveling on county business.
3. **Automobile:** Whenever possible, the Appointing Authority will assign a county vehicle for travel to and from meetings, conferences, and conventions. If no county vehicle is available and an employee is required to use his or her privately-owned vehicle, he or she shall be reimbursed at the current IRS mileage rate.

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 of two or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the Appointing Authority.

<sup>1</sup>Membership in the system is compulsory upon being employed except those employees specifically exempted under the provisions of section 145.012 and 145.03 of the Ohio Revised Code.

<sup>2</sup>Residents of certain municipalities and school districts are required to have income tax withheld from earnings. It is the employee's responsibility to notify the County Auditor's office of the need for the deduction.

<sup>3</sup>All requests for payroll deductions must be presented in writing to the Appointing Authority or designee for authorization.

- A. Lodging and Meals:** Lodging expenses incurred while traveling on official County business shall be reimbursed at a single room rate, including taxes and other fees, subject to the approval of the Elected Official or Appointing Authority. No advance payment for travel or meals will be made unless included in a registration fee.

An allowance shall be made for meals in an amount that shall be the lesser of the following with receipt when attending a day meeting (which shall be defined as any meeting that takes place between the hours of 8:00 a.m. and 4:00 p.m.) within the state. No meals served after 4:00 p.m. will be reimbursed.

Breakfast: \$13 or actual cost including 15% tip.

Lunch: \$15 or actual cost including 15% tip.

Dinner: \$26 or actual cost including 15% tip.

When the Employer authorizes an employee to travel on business for a full day and when overnight lodging is authorized, the Employer shall provide up to fifty-four dollars (\$54) per day for meals for the employee only (receipts required). If a meal or meals are included in the registration and an employee chooses to dine elsewhere, it is at the employee's expense. The meal allowance will be reimbursed even if the Employer is not required to pay for lodging. Any customary parking expenses shall be paid with provision of a receipt.

- B. Out of State Travel:** Expenses will be reimbursed in the same manner as "in state" travel but using the federal per diem rates set by the IRS plus gratuity not to exceed 15%. The rates are established by zip code and year.

See <https://www.gsa.gov/travel/plan-book/per-diem-rates> for your destination.

If a meal or meals are included in the registration fee for a conference, the amount listed in the chart for those meals will need to be deducted from the trip voucher.

Receipts for all expenses claimed are to be itemized and submitted within thirty (30) days after such expenses are incurred. *(Cost of alcoholic beverages will not be reimbursed.)*

To be eligible for reimbursement, all travel and related expenses must be approved in advance, by the Elected Official or Appointing Authority.

Reimbursement may be made to any County Official for entertainment of any guest of the County as approved in advance by the Board of Knox County Commissioners.

The County Auditor is hereby authorized and directed to reimburse employees or Officials for travel expense and other expenses in accordance with sections herein.

- C. **Phone calls:** Phone calls necessary for official county business are reimbursable.
- D. **Parking and tolls:** Expenses for parking, highway, bridge, and tunnel tolls are reimbursable. Parking expenses incurred within and outside Knox County are reimbursable providing the employee is on official county business.
- E. **Frequent flier miles/credit card points:** Pursuant to the Ohio State Auditor's office, employees are prohibited from taking advantage of frequent flier miles or credit card points for personal use when scheduling flights or hotel accommodations related to county business.

Employees should file expense reports detailing all costs and attaching receipts on a monthly basis or as set by the Appointing Authority. Documentation should include the amount, date, time, place, and business purpose.

#### 5.07 TAXABLE FRINGE BENEFIT

A Fringe Benefit is a form of pay for the performance of services including property, services, cash or cash equivalent. Fringe benefits for employees are taxable wages unless specifically excluded by a section of the Internal Revenue Code (IRC).

- A. **Clothing:** Clothing purchased by the county is a fringe benefit and must be reimbursed to the county or included on W-2 unless the clothing is specially required as a uniform and are not worn or adaptable to general usage as ordinary clothing. If a set amount of money is received by the employee for clothing, it is taxable. Safety items are excluded. Clothing to be non-taxable, **ALL four conditions must be met:** (1) the employee **MUST** wear it as a condition of employment, (2) the employee **MUST BE PROHIBITED** from wearing it off-duty, (3) the clothing **MUST HAVE** a readily distinguishable logo **AND** (4) the clothing **MUST NOT** be suitable for taking the place of regular clothing. Any clothing that is suitable for taking the place of regular clothing is to be included on the employee's W-2. Is it not enough that the employee is prohibited by policy from wearing the clothing outside work. **Polo shirts with County logos, scrubs, Carhart jackets, cargo pants, Dockers and blue jeans are considered to be suitable for everyday use and must be included on the W-2.** For an example, Carhart outerwear worn by maintenance crews can be worn as street-wear, so it is not considered to be a UNIFORM. If a similar item of clothing can be purchased from a retail store like Wal-Mart, then the clothing is considered to be suitable for everyday use. **THERE IS NO DE MINIMIS AMOUNT.** Even if the clothing is required to be turned back in at the end of the employee's employment, it is still to be included on the W-2 as a benefit. Additionally, the next employee who wears the clothing also has it included on the W-2, but at the "fair market value" for that used article of clothing (similar to the price that would be charged at a thrift store). Examples of UNIFORMS that can be excluded from the W-2: law enforcement officers, firefighters, letter carriers, professional athletes, deliver workers, health care workers, transportation workers (air, rail, bus, etc.) Protective of safety clothing (steel-toed boots, work gloves, hard hats, safety glasses) required by an employer, although it may have

some personal use, can be excluded from reporting on the W-2.

- B. County Owned Vehicles:** Personal use of a county vehicle is a taxable wage to the employee. Taxable wage can be computed on personal use based on miles driven. Commuting from home to work can be valued at \$1.50 each one-way if the vehicle is provided to the employee for business use. Exceptions to a county owned vehicle being taxable is clearly marked law vehicles, unmarked law enforcement vehicles used for undercover work, delivery truck with seating for only the driver, school or passenger bus with a capacity greater than 20 persons, a cement, dump or bucket truck and a specialized utility truck. **According to the IRS, one way to tell if personal use of a county vehicle is taxable is look at which retirement system he/she pays into. If he/she pays into OPERS he/she is NOT police or fire and personal use of the vehicle is taxable.**
- C. Meal Reimbursement:** Employers often reimburse employees for meals while traveling away from home overnight or while attending meetings. The taxability of these reimbursements or allowances depends on whether there is a valid business reason for the meals and whether the expenses are substantiated. **Meals away from work but not overnight are generally taxable as a wage to the employee because travel must be overnight to be excludable.** The IRS feels you would be eating lunch whether you were at your office or away at a meeting. Reimbursements for meal expenses directly related to professional association meetings are excludable from wages if the expenses of your attendance are related to your trade or business.

**Each department is responsible for reporting taxable fringe benefits.** When taxable fringe benefits are identified, departments are responsible for tracking and reporting the required information to the Payroll Administrator within the Knox County Auditor's Office. The Fringe Benefit Reporting Form is required to be submitted with the department's bi-weekly payroll submission. The Auditor of State or IRS can request to examine the detail. It is recommended that you retain the information in your office for 5 years. Should you not be able to provide the detail upon the IRS's request, they may consider the entire amount taxable to the employee.

## **5.08 INSURANCE COVERAGE**

Only full-time employees as defined in section 3.02 of this manual are eligible for participation in the county medical insurance coverage program (health, vision, dental). Knox County offers single, employee plus one (1), and family coverage for eligible employees. Employees electing to participate in county medical insurance plans shall be required, through payroll deduction, to pay a portion of the monthly premium.

The county offers paid life insurance coverage to each eligible employee. This policy is a term life insurance and is in effect only as long as the full-time employee is employed with the county.

Employees are responsible for keeping the insurance carrier current on any changes

affecting their coverage, by notifying the Appointing Authority or designee of such (e.g., marriages, divorces, births, etc.).

Employees on an unpaid leave of absence that does not qualify as family medical leave or other approved leave, will not be covered by county medical insurance or life insurance, effective the first day of leave. However, the employee may choose to continue their coverage by assuming responsibility for payment of the insurance premium. Employees interested in continuing coverage in this manner should notify their Appointing Authority for details.

The Appointing Authority will initiate COBRA notices and continue coverage subject to the requirements of the law. The Human Resources office can provide additional information regarding COBRA coverage and coverage during family and medical leave.



## 5.09 PUBLIC RECORDS POLICY

- A.** Knox County will prepare and make available for inspection and/or copying "public records," as defined in O.R.C 149.43, upon the request of any member of the general public.
1. Public records inspection, release, and retention are subject to Knox County's Public Records Policy and will be processed accordingly.
  2. Questions of whether or not a record is a public record as defined in O.R.C section 149.43 should be determined by the County Prosecutor.
  3. Self-help to records prohibited:
    - a. Employees may not copy or remove any record or writing, even those regarded as "public records", without first obtaining advanced written permission from their Appointing Authority, or without going through the appropriate process for obtaining public records. This does not prohibit work related activity.
    - 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 Appointing Authority or making a valid public records request. This particular policy does not apply to matters obtained through formal "discovery" under the Rules of Civil Procedure.
    - c. In order to ensure confidentiality of certain issues and promote open communication between employees and management, no employees shall tape record any meeting, hearing, or appeal involving the county or representative of the county without the advanced written permission of the Appointing Authority. This policy is not intended to prohibit protected activity.
- B. Penalty for breach of this policy:** Any employee who is discovered to have violated any of the above enumerated policies will be subject to removal. Any former employee who is discovered to have obtained an unauthorized document or produced any unauthorized tape recording will be barred from re-employment by the county and may be subject to civil or criminal penalties.

**C** Knox County and its employees must follow Ohio law on responding to public records requests.

1. Providing access to public records for the public is part of the obligations and duties of each department. It should be given as much priority as possible.
2. Each department must make this policy readily available to any member of the public requesting to review it. Copies of this policy, like other public records, will be provided promptly upon request.
3. Public record requests can be made by any member of the public during regular business hours of the department.
4. Each department must post a poster describing its public records policy in a conspicuous place available to the public in its office and each of its branch offices.
5. Each department head will designate at least one (1) person in that department to be the custodian of the records for that department. All employees handling public records requests must sign a written acknowledgment that he or she has been given a copy of this policy. The department head will ensure that employees handling public records are well informed of the public records law and ensure that each employee completes training as required by law as necessary to ensure that the employees are kept well-informed of department obligations under the law.
6. All department records, public or non-public, must be maintained pursuant to a Records Retention Schedule (RC-2) that has been approved by the County Records Commission, the Ohio Historical Society, and the State Auditor. Each department head will create only those records required by Ohio law to be kept, and those that are necessary for adequate documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the department and for the protection of the legal and financial rights of the county and persons directly affected by the department's activities.
7. All records are the property of the department and must not be removed, destroyed, mutilated, transferred, or otherwise disposed of, in whole or in part, except as provided by law or under the rules adopted by the County Records Commission. Violations of the section of the policy may subject the county and its employees to a civil lawsuit. Each proven violation is subject to a \$1,000 fine.
8. Elected officials are required to attend or designate someone to attend three (3) hours of Certified Public Records Training for each term that the official serves in office. Under Ohio law certified training at this time means that it has been approved by the Attorney General's Office and that it has been approved for CLE credits by the Ohio Supreme Court.

**D. Procedure for inspection and release:** Each department will prepare, make available, and copy at cost, the public records of that department upon the request of any member of the public, as follows:

1. Anyone wanting to inspect or obtain copies of records maintained by the department must reasonably identify the records they wish to inspect or have copied.
2. When a request is made, employees are not permitted to request a person's identification making the written request for public records or the reason for the request unless that information is necessary to fulfill the request or unless it will assist in responding to the request.

**WHEN THE INFORMATION IS REQUESTED TO HELP IN IDENTIFYING, LOCATING, OR DELIVERING THE RESPONSE, THE EMPLOYEE MUST INFORM THE PERSON THAT THE INFORMATION IS NOT REQUIRED.**

3. When a request is not reasonably clear, the county employees must explain how the records are accessed in the ordinary course of business so that the person may revise the request. The employee may also assist the person to formulate the request so that it reasonably identifies the records.
4. If the employee knows that the records requested are held by another county department, the employee should direct that person to the department responsible for those records.
5. **Redaction:** (obscuring of information on a copy of a record to be provided pursuant to a public record requests because it is exempt from the public records law) redaction is considered a violation of a public records request unless the information is exempt from disclosure under the law. The person providing the public record to the requester should confer with the County Prosecuting Attorney's Office regarding what to redact, if anything.
  - a. Redaction is not to be done to the department original, but is done to a copy of that record in preparation for a response to a public record request.
  - b. All redactions should either be clearly visible to the requesting person or the person should be informed of what type of information was redacted.
  - c. Legal authority for a redaction must be provided. If the request was made in writing, the reason in legal authority must be given in writing. The legal authority must be accurate, and can be supplemented in the future if necessary.

6. To protect the records from potential damage, no person is to be permitted to make their own copies of the records requested. Employees wanting copies of public records are subject to the same policy as any other citizen. The employee should make his or her requests to another employee while not on working time. Employee self-help to records is grounds for discipline up to and including termination.
7. Providing access to public records for the public is part of the obligations and duties of each department. It should be given as much priority as possible. Responses to public records requests should be provided promptly based upon all the facts and circumstances of the request.
8. The county is not required to create a public record. If, however, the computers used by the department in question are capable of printing a "report" through its current software that satisfies a public records request, then the "report" is a record that is considered to exist already under Ohio Public Records law.

**E. Format of response:** The person making the request is allowed to request the records be produced in:

1. Paper format.
2. The same way that the department keeps it.
3. Any other medium that the department determines it reasonably can be copied as an integral part of the normal operations of the department.

**F. Transmission by mail:**

1. At the request of a person seeking public records, the department will transmit a response to a public records request via mail or other delivery service reasonably available to the office, but only upon prior payment of the actual costs of such delivery.
2. Mail requests are strictly limited to 10 per month unless the person making the request certifies in writing that he or she is not intending to use or forward the information on to be used for commercial purposes. Commercial purposes do not include:

- a. Reporting or gathering news.
- b. Reporting or gathering information to assist citizen oversight or understanding of the operation or activities of government.
- c. Non-profit educational research.

**G. Waiver of policy:** The department head may waive any or all provisions under this policy if a request to inspect or obtain copies is made:

- 1. By another government agency or its representative.
- 2. In complying with a court order.
- 3. In complying with the requirements of state laws or regulations.
- 4. As otherwise allowed by law.

**H. Retention schedule for electronic mail and other records:**

- 1. A department Records Retention Schedule (RC-2) is required by Ohio law. Each department is responsible for maintaining its records and maintaining an updated records retention schedule. Retention periods for records should be determined by evaluating the historical, administrative, legal, and fiscal (hereinafter "HALF") value of the records being scheduled. Care should be taken to title and list the description of each type of department record on a retention schedule. As the types of records are identified, the types of records should be added to the department retention schedule.
- 2. Because of the constant changes in technology, even the most current forms of electronic records preservations may be insufficient for long-term reliability. The retention schedule should be set based upon "HALF" value of the records. If the department cannot realistically maintain that record in electronic form for that period of time, that record should be maintained in paper or other appropriate format for the remainder of the retention period. Departments that maintain records in electronic format should have a detailed written documentation that supports the basis for its belief that technology and funding will remain sufficiently stable to satisfy the requirements of the retention period and public record law, and if possible have a written plan for how the electronic information will migrate to a different technological system when necessary.
- 3. Whenever feasible, continually updated documents should be scheduled as such and the annual copy should be printed and retained for the appropriate retention, under "HALF."

4. Particular care should be taken to ensure that electronic records are scheduled for destruction and destroyed pursuant to schedule. While this is also true of other formats of records, because of software and technology changes, the expense involved in attempting to comply with a public records request for an electronic copy that could have been destroyed, but was not, could be substantial.
  5. **E-mail and voicemail.** Because the costs of preserving electronic mail of enduring administrative value is cost-prohibitive, any e-mail records with enduring administrative values should be printed and retained in paper format in the appropriate paper file. Care should be taken to ensure that electronic mail and other documents are appropriately scheduled on the records retention schedule. In extraordinary circumstances, when the agency, in its opinion, believes a voicemail has enduring value, the agency should have it transcribed verbatim and record it in the form of an affidavit by the employee, and it should be appropriately notarized as to its accuracy. E-mails from and to private e-mail accounts involving the conduct of public business are public record. Each employee is responsible for ensuring that these types of e-mails are preserved according to the e-mail retention policy.
  6. The Electronic Mail Retention Schedule can be found in Section 7.17 of this Manual.
- I. Public record exceptions:** The law allows some records not to be, and in some cases prohibits, certain records from being released to the public. Determining the status of certain records can be difficult. The following is the list of more common exceptions to the public records law:
1. Medical records.
  2. Probation and parole records.
  3. Adoption proceedings.
  4. Information in the putative father registry.
  5. Trial preparation records.
  6. Confidential law enforcement investigatory records.
  7. Mediation communication.
  8. Records involving the collection of a disbursement of child support.

9. Peace Officer, Parole Officer, Probation Officer, Bailiff, Prosecuting Attorney, Assistant Prosecuting Attorney, Correctional Employee, Youth Services Employee, Firefighter, or EMT residential and familial information.
10. Information pertaining to the recreational activities of a person under the age of 18.
11. Most records of the Child Fatality Review Board.
12. All records prohibited from release by state or federal law.
13. Social Security number.

There are many other exceptions. Employees uncertain of the status of the record that has been requested should consult with the Knox County Prosecutor's office. When calling, the employee should specify whether there is a current public records request involving that record.

- J. **Cost of copies of public records:** By law, departments may only charge actual costs for copies of public records. "Actual costs" means the cost of depleted supplies; records storage, media costs; actual mailing, alternative delivery costs, or other transmitting costs; and any direct equipment operating and maintenance costs, including actual costs paid to private contractors for copying services. **It does not include labor costs** for the public employee to respond. Costs of copies for bulk commercial extraction will be provided as allowed by law.
- K. **Discipline:** Employees violating this policy may be subject to discipline, up to and including termination.
- L. **Changes and amendments:** This policy is subject to change without notice.

## 5.10 PERSONNEL FILES

- A. The Appointing Authority shall maintain official personnel files for all employees. Such files may include, but are not limited to: individual employment records; payroll information; work item schedules; records of additions or deductions paid; application forms; records retaining to hiring, promotion, demotion, transfer, layoff, discipline, termination, etc.
- B. Information determined by law to be confidential may not be used or divulged except for a lawful purpose when authorized by the Appointing Authority, or with the written consent of the affected employee. (Personnel files access is governed by O.R.C 149.43 and Chapter 1347).

- C.** Examples of confidential records include:
1. Social Security number.
  2. Medical records.
  3. Records pertaining to adoption, probation, and parole proceedings.
  4. Trial preparation records.
  5. Confidential law enforcement investigatory records.
  6. Other records that may be confidential under a specific section of law.
  7. Form I-9 completed for compliance with the Immigration Reform and Control Act.
  8. Home addresses of employees.
- D.** An employee has the right of reasonable inspection of his or her official personnel file as authorized by the Appointing Authority. As governed by law, certain records deemed inaccessible to the public, such as adoption records, parole records, etc., should be removed from the personnel file prior to public inspection. The employee shall be permitted to review his or her file and copy any reviewable document in the file and to attach letters of explanation to documents where the employee feels such explanation is necessary. The Appointing Authority need not permit the inclusion of explanations which are defamatory or scurrilous attacks upon any employee, any supervisor, or the Appointing Authority.
- E.** Employees must advise their immediate supervisor in writing of any change in: name, address, marital status, telephone number, number of exemptions for tax purposes, citizenship, selective service classification, or association with any government military service organization. Failure to report a change of address or telephone number may be cause for disciplinary action.
- F.** Each employee, following appointment, shall furnish his or her correct and legal birth date. If a birth date needs to be corrected for any reason other than clerical error, such change must be submitted by the employee by authorized affidavits. Any deliberate falsification of birth date shall be subject to appropriate disciplinary action. Submission of an incorrect birth date may also jeopardize certain retirement system benefits.



## **CHAPTER 6**

### **6.01 SICK LEAVE POLICY**

- A.** An employee may request sick leave for absences resulting from illness or funeral purposes as described below. Sick leave can only be used as described below and is not intended to be “extra days off.”

Sick leave may be requested for the following reasons:

1. Illness, injury, or pregnancy-related condition of the employee.
2. Exposure of an employee to a contagious disease which could be communicated to and jeopardize the health of other employees.
3. Examination of the employee, including medical, psychological, dental, or optical examination, by an appropriate licensed practitioner.
4. Death of a member of the employee’s immediate family\*. See Section 6.06 for additional information about Bereavement.
5. Illness, injury, or pregnancy-related condition of a member of the employee’s immediate family where the employee’s presence is reasonably necessary for the health and welfare of the employee or affected family member.
6. Examination, including medical, psychological, dental, or optical examination, of a member of the employee’s immediate family by an appropriate licensed practitioner where the employee’s presence is reasonably necessary.
7. Donation of leave to a coworker in accordance with leave donation programs established pursuant to Section 6.03 of the Personnel Policy Manual.

\*For purposes of sick leave the "immediate family" is defined as only: mother, father, brother, sister, child, spouse or significant other (one who stands in place of the spouse and resides with employee), grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepparents, stepchildren, stepsiblings, legal guardian, or other person who stands in the place of a parent.

- B. Proof of Illness.** Proof of illness, such as a doctor's excuse, may be required when the County believes absence to be excessive, chronic, patterned, or abusive. A satisfactory licensed medical practitioner's certificate may be required at any time, but will generally be required in each case when an employee has been absent more than three (3) consecutive days.

When a licensed medical practitioner's certificate is required, it must be submitted to the Supervisor before an employee will be permitted to return to work from leave. The licensed medical practitioner's certificate must be signed personally by the treating practitioner, and must verify that the employee was unable to work during the period in question, not simply that the employee was "under the doctor's care." For absences where a licensed medical practitioner's certificate is not required, the employee must submit a written document, as required, to the Supervisor explaining the nature of the illness.

Employees attending to ill or injured family members may be required to present a physician's statement specifying that such attention was reasonably necessary. Failure to provide such documentation may result in denial of sick leave.

Subsequent notification beyond the first day of absence will be governed by the nature of the circumstances and requirements established by the Appointing Authority. If the Appointing Authority believes an employee is abusing sick leave or demonstrates a patterned use, the Appointing Authority may require a physician statement for the use of any sick leave.

- C.** For each completed hour in active pay status, an employee earns .0575 hours of sick leave, or 4 6/10 hours per completed 80 hours. For purposes of this policy active pay status is defined as hours worked (including overtime), hours on vacation, hours on holiday leave, and hours in paid sick leave. Sick leave is not accrued during an unpaid leave of absence.

Sick leave can accumulate without limit.

- D.** Part-time employees accrue sick leave on a proportionate basis to the hours paid each pay period.
- E.** Sick leave shall be charged in minimum amounts of one-quarter (¼) hour.
- F.** Employees absent on sick leave shall be paid at the same basic hourly, daily, or biweekly rate as when they are working.
- G. Notification.** When an employee is unable to report to work due to illness or other acceptable sick leave reason, they shall notify their supervisor as instructed by the Appointing Authority or Department head within 30 minutes of the beginning of the workday.

Employees must continue such notification for each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted an approved period of leave. Failure to follow proper notification procedure may result in denial of sick leave and/or appropriate disciplinary action.

- H. Employees may request vacation leave for sick leave purposes once their sick leave is exhausted. Employees who have exhausted all sick leave, family medical leave, and vacation leave credits, may, at the discretion of the Appointing Authority, be granted a personal leave of absence without pay for a period of one to up to six (6) months. Illnesses exceeding six (6) months will be treated as disability leave as outlined in section 6.11 of this manual. Employees on extended sick leave or leave of absence, in excess of 30 days, shall give a status report to the Appointing Authority at least every 30 days.
- I. An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave records, shall be subject to disciplinary action in accordance with policies outlined in this manual. Employees found guilty of fraudulently obtaining such leave shall be required to reimburse the county the sick leave paid to them, and will be subject to appropriate discipline up to and including termination.
- J. **Sick Leave Abuse.** Application by an employee for sick leave through fraud or dishonesty will result in denial of such leave together with disciplinary action up to and including termination. Patterns of sick leave usage immediately prior or subsequent to holidays, vacation, days off and/or weekends or excessive sick leave usage may result in sick leave denial and appropriate disciplinary action. The County reserves the right to investigate allegations of sick leave abuse. The County reserves the right to question employees concerning their sick leave use. When an employee is on sick leave, they must be at home during their scheduled work hours or obtaining treatment or medication.

Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate termination.
- K. **Adoption leave:** An employee may use sick leave to cover an absence due to the placement of a child with the employee for adoption for up to 10 working days. When necessary and upon the approval of the Appointing Authority, additional sick leave may be used by the employee for this purpose. Employees requesting such leave should follow the usual procedure for requesting time according to the expectation of their Appointing Authority.

- L. Credit for prior public service:** An employee separated from public service who has previously accumulated sick leave shall be re-credited if re-employment in public service takes place within ten (10) years of the last termination from public service and the employee provides proof of the prior leave balance.

An employee who transfers from other public employment in Ohio to county employment shall be credited with the unused balance of their sick leave accumulated during prior service in accordance with the O.R.C. The employee is responsible for obtaining certification of the previously accumulated sick leave for County records and shall do so within ninety (90) days of employment.

- M. Sick leave procedure.** Employees requesting time off which meets the guidelines for sick leave should follow the appropriate procedure established by their Appointing Authority or designee. Any requests meeting the definition of the Family Medical Leave Act (FMLA) should also follow up with Human Resources or the Appointing Authority designee.

## **6.02 SICK LEAVE UPON RETIREMENT**

- A.** A county employee may elect at the time of retirement from active service and with 10 or more years of service with the state, any political subdivision, or a combination thereof, to be paid for one-fourth ( $\frac{1}{4}$ ) the value of the employee's accrued but unused sick leave credit not to exceed 30 days of accrued but unused sick leave. As used in this section, "retirement" means disability or service retirement under any state or municipal system in this state. Individuals who have retired and were subsequently hired by the County should refer to Section 4.15 for eligibility guidelines regarding payment of any accumulated, unused sick leave upon termination of employment.
- B.** Such payment shall be based on the employee's rate of pay at the time of retirement.
- C.** Such payment shall be made only once and shall eliminate all sick leave credit accrued by the employee.

## **6.03 CATASTROPHIC LEAVE DONATION POLICY**

- A. Purpose:** This policy is designed to assist employees who have exhausted paid time off due to a serious or catastrophic illness, injury or condition of the employee or an immediate family member. If an employee qualifies, other employees may donate sick leave to the affected employee allowing the affected employee to remain in paid status longer.
- B. Definition.** "Catastrophic" is defined as a significant financial hardship due to an illness, medical condition or injury that incapacitates or is expected to incapacitate an employee or an immediate family member requiring the employee to take unpaid time off from work for an extended period of time of at least 30 days.

- C. Qualification.** Upon the request of an employee and approval by the Appointing Authority or department head, sick leave may be transferred from one or more employees(donor) to another (recipient).

The recipient must meet the following conditions:

1. Must be a permanent full-time employee;
2. Must meet the definition of Catastrophic as defined in B;
3. Must have exhausted all paid time off;
4. Medical documentation may be requested to verify the condition.

All hours will be calculated at the recipient's rate of pay at the time of transfer.

A maximum of two hundred and forty (240) hours may be received by an employee during their employment with Knox County. Donated leave will only be applied to the employee's balance as needed.

- D. Donating Leave.** Employees may donate leave if the donating employee:

1. Voluntarily elects to donate leave;
2. Does not have an expectation that donated leave will be returned;
3. Donates a minimum of 8 hours and in one (1) day increments up to a maximum of 20 hours per calendar year.

Employees may donate up to 240 hours maximum over the course of their employment.

- E. Guidelines.** Donated leave will only be applied to the recipient employee's balance as needed. Unused time will be returned to the donor and added back to their accrual balance by the respective Appointing Authority or Department Head.

All approved donations shall be made on a Catastrophic Leave Time Grant form signed by the donor and approved by the recipient's Department Head.

#### 6.04 VACATION

- A. Full-time employees are entitled to paid vacation leave according to the following eligibility guidelines:

Full-Time	
Years of Service	Number of Hours Per Pay*
Hire to 8 years	3.08 hrs per pay
After 8 years	4.616 hrs per pay
After 15 years	6.152 hrs per pay
After 25 years	7.688 hours per pay

\*The accrual rate above is based on a 40-hour per week employee. The accrual rate may vary for full-time employees working less than 40 hours per week.

- B. Upon hire, employees shall begin accruing vacation per pay period in accordance with the vacation schedule above. Vacation accrued is not earned and is ineligible for use or payment upon separation until the employee has completed six (6) months of employment. Upon completion of six (6) months of employment, employees are permitted to use accrued vacation.

For the purpose of computing vacation, one (1) year of service shall be considered 26 biweekly pay periods.

- C. Active pay status is defined as hours actually worked, paid sick leave, vacation leave, and authorized paid holidays. Vacation credits are not earned while an employee is in inactive service such as leaves of absence, disciplinary suspensions, etc.
- D. Additional vacation leave is not accrued through the accumulation of paid overtime.
- E. Vacation scheduling is subject to the approval of the Appointing Authority.
- F. Generally, vacation shall be taken by an employee within the twelve (12) month period following the employee's anniversary date. No vacation leave shall be accumulated or carried over which is in excess of the employee's accrual for one (1) year.

Exceptions may be approved by the Appointing Authority under special circumstances if the employee submits a written request and receives a written approval. **Employees forfeit their right to take or be paid for any accumulated vacation leave to their credit, which is in excess of the amounts specified in the above schedule, unless approved in writing by the Appointing Authority.**

- G. An employee may not take their vacation leave prior to it being earned.
- H. Employees who resign or retire are entitled to compensation at their current rate of pay for any authorized earned but unused vacation leave to their credit at the time of separation. This may also apply to employees who accept a position within another Knox County Appointing Authority.

#### **6.05 PERSONAL DAYS**

Each calendar year, all full-time non-bargaining unit employees shall be entitled to 2 (two) regularly scheduled work days of personal time.

Newly hired employees receive personal time based on their hiring date and upon approval of the Appointing Authority and/or the employee's supervisor:

<u>Hire date</u>	<u>Personal Time</u>
On or after 1/1 – 4/30	2 work days
On or after 5/1 – 9/30	1 work day
On or after 10/1 - 12/31	N/A

Personal time must be used in whole day increments and may be used at the employee's discretion. Personal time not used during the calendar year is forfeited.

Personal time is subject to the approval of the employee's supervisor based on operational needs of the department. The County may revoke approval of the use of time if required for operational reasons.

At no time shall an employee receive a payout for unused personal time.

#### **6.06 BEREAVEMENT**

Eligible employees may use sick time for bereavement purposes as outlined below:

1. Death of a member of the employee's immediate family\*. Such usage shall be limited to reasonably necessary time, not to exceed three (3) days. The Appointing Authority may grant additional sick time off on a case-by-case basis.

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

\*Immediate family is defined as only: mother, father, brother, sister, child, spouse or significant other (one who stands in place of the spouse and resides with employee), grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, stepparents, stepchildren, stepsiblings, legal guardian, or other person who stands in the place of a parent.

## **6.07 HOLIDAYS**

- A.** All full-time employees are entitled to the following legal holidays:

New Year's Day .....	January 1
Martin Luther King Day.....	Third Monday in January
President's Day. ....	Third Monday in February
Memorial Day .....	Last Monday in May
Juneteenth .....	June 19
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
Day after Thanksgiving.....	Fourth Friday in November
Christmas Day. ....	December 25

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

If a holiday occurs while a full-time employee is on vacation or sick leave, vacation or sick leave will not be deducted from the employee's accrued balance.

In observance of each authorized holiday, employees will normally be granted the day off work. Full-time employees shall receive straight time pay for each authorized holiday, based upon the number of hours normally scheduled for that day.

Part-time and seasonal employees shall receive holiday pay when it falls on the employees' regularly scheduled workday.

- C.** An employee must be on an approved leave status before and after the holiday in order to be eligible to receive the holiday pay. Employees on an unpaid leave of absence are not eligible for holiday pay.



- D. Any employee required to work on one (1) of the recognized holidays will receive one and one-half times (1½) their regular rate of pay for all hours worked, in addition to receiving their holiday pay. The overtime computation provision outlined in Section 5.02 does not apply in this circumstance.

#### 6.08 CIVIL LEAVE POLICY

- A. **Jury Duty.** Employees will be excused from regularly scheduled work for jury duty. If an employee's jury duty is concluded prior to the completion of the employee's regularly scheduled workday, they must return to work for the remainder of the workday.

The County will compensate an employee who is called to, and reports for, panel and/or jury duty, at the employee's straight-time hourly rate for the hours scheduled on that day. Employees must provide appropriate prior notice of jury duty to the County.

In order to receive their regular pay, the employee must pay the jury duty fee to the County unless the employee is called for jury duty or subpoenaed to testify in a court of law outside of their regularly scheduled working hours.

- B. **Work Related Proceedings.** Employees who are required by the County to appear in court or other proceeding on behalf of the County will be paid at their appropriate rate of pay for hours actually worked. Employees must obtain prior approval from their supervisor before appearing in court or administrative proceedings on behalf of the County. Employees who receive a subpoena for work-related matters and have a concern regarding that subpoena should seek assistance from their supervisor, who may then contact the Prosecuting Attorney's Office.
- C. **Personal Matters.** Employees who are required to appear in court on personal matters, or on matters unrelated to their employment with the County, must seek an approved vacation leave or unpaid leave of absence.

#### 6.09 MILITARY LEAVE

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

- A. **Paid Military Leave**

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

Pursuant to O.R.C. 5923.05, employees are authorized up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a federal fiscal year. During this period, employees are entitled to receive their regular pay in addition to compensation from military pay.

Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours in a federal fiscal year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, employees are entitled to be paid a monthly amount equal to the lesser of:

1. The difference between the employee's gross monthly wage and their gross monthly uniformed pay and allowances received for the month, or
2. Five hundred dollars (\$500).

No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee's gross wages from the County for that period.

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

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours in a federal fiscal year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave.

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

*Also see Family and Medical Leave Act Policy*

## **6.10 UNPAID LEAVE**

Upon the written request of a permanent employee, the Appointing Authority may grant the employee a leave of absence without pay. The following guidelines apply:

- A.** The maximum duration of a leave of absence without pay for personal reasons of the employee shall not exceed six (6) months.
- B.** The maximum duration of a leave of absence without pay for purposes of education, training, or specialized experience which would benefit county service, or for other related reasons, shall not exceed two (2) years.
- C.** The authorization of a leave of absence without pay is solely a matter of administrative discretion, and each request will be decided by the Appointing Authority based upon its own merits.
- D.** Any employee on an approved leave of absence is eligible to remain active on the group health insurance plan and will be required to maintain payment for the employee portion of the premium.
- E.** Upon returning from a leave of absence, the employee is to be placed in his or her original position, or another position at a similar level of responsibility and with the same pay rate should the original position be abolished.
- F.** When an employee fails to return to work upon the expiration of an authorized leave of absence without pay, that employee shall be considered as having resigned from the position.
- G.** An employee who has received an authorized leave of absence without pay does not earn sick or vacation leave credit. However, time spent on the leave of absence is to be considered in determining length of service for purposes where tenure is a factor.
- H.** If it is determined that an employee is abusing the leave of absence and not actually using the leave for the purposes specified, the Appointing Authority may cancel the leave and provide the employee with a written notice directing the employee to report for work.
- I.** All leaves of absences are to be submitted on the request for leave form with any supporting documentation attached.

## 6.11 DISABILITY LEAVE/SEPARATION

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

- A. Voluntary reduction:** When an employee becomes physically 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.
- B. Involuntary disability separation or termination for failure to report for work:** Involuntary disability separation is effective in the following cases:
  - 1. If an employee becomes unable to perform the essential job duties of the employee's position, subject to the Americans with Disabilities Act, and if the employee has exhausted Family and Medical Leave and other available leaves, the Appointing Authority may separate employment under involuntarily disability separation.
  - 2. If an employee on disability leave is unable to return to work when the employee's disability leave is exhausted, then the Appointing Authority shall involuntarily separate (for disability) the employee if the employee cooperates under this procedure, or remove the employee for being absent without leave if the employee does not cooperate. The Appointing Authority shall do so by completing an O.R.C. 124.34 order indicating the reasons as "incompetency, neglect of duty, and nonfeasance" with an adequate explanation to make clear the underlying reasons are the employee's failure to report for work due to their inability to perform the essential functions of the employee's position. However, if the employee refuses to submit to an examination or to provide proof of disability, grounds for terminating employment shall be neglect of duty, nonfeasance, and failure of good behavior for failure to report for work without approved leave.
- C. Medical examination:** Medical examinations are either required or permitted in relation to involuntary disability separation as follows:
  - 1. **When required:** When requested by an Appointing Authority, a medical or psychological examination conducted by a licensed practitioner selected by the Appointing Authority, substantiating the disabling illness, injury, or condition, shall

be required prior to involuntarily separating the employee unless the employee is hospitalized at the time the employee is involuntarily separated. The Appointing Authority shall bear the cost of the examination. Both the Appointing Authority and the employee shall receive the results of that examination and related documents, subject to division (C)(1) of O.R.C. 1347.08.

2. **When permitted:** An Appointing Authority may require an employee to submit to a medical or psychological examination in order to determine the employee's capability to perform the essential job duties of the employee's position with or without a reasonable accommodation. Such examination shall be conducted by a licensed practitioner as determined by the Appointing Authority. Prior to the examination, the Appointing Authority must supply the examining practitioner with facts relating to the perceived disabling illness, injury, or condition and must supply additional information including physical and mental requirements of the employee's position, duty statements, and position description. The cost of the examination shall be paid by the county. Both the Appointing Authority and the employee shall receive the results of the examination and related documents, subject to division (C)(1) of O.R.C. 1347.08.
3. **Failure to appear for examination or refusal to submit:** The refusal to submit to the examination, the unexcused failure to appear for an examination, or the refusal to release the results of an examination will subject the employee to removal, as explained in subsection (C)(2) above.

**D. Right to pre-separation conference rights of appeal:**

1. The Appointing Authority shall institute pre-separation proceedings when the results of a medical or psychological examination conducted as provided by subsection D have been received and the Appointing Authority initially determines an employee is incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, and initially determines the employee is not eligible to receive benefits under a program provided by the Appointing Authority. Under such proceedings, a conference shall be scheduled and a 72-hour advanced written notice shall be provided to the employee. If the employee does not waive the right to the conference, then at the conference the employee has a right to examine the Appointing Authority's evidence of disability, to rebut such evidence, and to present testimony and evidence on the employee's own behalf.
2. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-separation conference, that the employee is capable of performing the essential job duties, then the pre-separation conference shall cease and the employee shall be considered to be fit to perform the essential job duties of the employee's position. If the Appointing Authority

determines, after weighing the testimony presented and the evidence admitted at the pre-separation conference, that the employee is unable to perform the essential job duties, then the Appointing Authority shall issue to the employee an O.R.C. 124.34 order of involuntary disability separation, as described in subsection (B)(2) above.

3. An employee so separated shall have the right to appeal in writing to the State Personnel Board of Review within ten (10) days following the Appointing Authority's service upon the employee of the order of involuntarily disability separation.
4. The Appointing Authority shall notify the employee, at the time of the involuntary disability separation, of the required procedures to apply for reinstatement.

**E. Right to reinstatement rights of appeal:**

1. An employee may make a written request to the Appointing Authority for reinstatement from an involuntary disability separation. The request shall be accompanied by substantial, credible medical evidence that the employee is once again capable of performing the essential functions of the employee's job. Such requests shall be made not more than once every three (3) months and not later than two (2) years following the beginning of the disability separation, or a leave of absence followed by a disability separation.
2. When an involuntarily separated employee presents to the Appointing Authority substantial, credible medical evidence as provided by (E)(1) above, showing the employee is once again capable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation, the Appointing Authority shall either reinstate the employee or require the employee to submit to a medical or psychological examination conducted as provided by subsection (C)(2) above.
3. The Appointing Authority shall reinstate the employee after receiving the results of the examination if the Appointing Authority determines the employee is once again capable of performing the essential duties of the employee's assigned position with or without a reasonable accommodation.
4. The Appointing Authority shall institute pre-reinstatement proceedings if the Appointing Authority has received the results of the examination and initially determines the employee remains incapable of performing the essential job duties of the employee's assigned position with or without a reasonable accommodation. Under these proceedings, a hearing shall be scheduled and adequate advanced written notice shall be provided to the employee. If the employee does not waive the right to the hearing, the employee has a right at the

hearing, to examine the Appointing Authority 's evidence of continuing disability, to rebut such evidence, and to present testimony and evidence on the employee's own behalf.

5. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is once again able to perform the essential job duties of the employee's assigned position with or without a reasonable accommodation, then the Appointing Authority shall reinstate the employee. If the Appointing Authority determines, after weighing the testimony presented and evidence admitted at the pre-reinstatement hearing, that the employee is not able to perform the essential duties of the employee's assigned position with or without a reasonable accommodation, then the Appointing Authority shall not reinstate the employee.
6. If the Appointing Authority determines an employee, who has been involuntarily separated, has committed an act which is inconsistent with the employee's disability, illness, or injury, then that act may be considered by the Appointing Authority when determining an employee's eligibility for reinstatement.
7. Once an Appointing Authority properly determines an employee is to be reinstated, the employee has a right to be assigned to a position in the classification the employee held at the time of involuntary disability separation. If the classification the employee held at the time of involuntary 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 in accordance with the layoff procedures outlined elsewhere within this manual and may exercise any displacement rights which may exist under such procedures.
8. If the employee has been granted disability benefits by a state retirement system, the requirements of this rule shall apply for up to five (5) years, except a licensed practitioner shall be appointed by the Ohio Public Employee's Retirement Board and application for reinstatement shall not be filed after the date of service eligibility retirement.
9. An employee refused reinstatement as provided in subsection (E)(5) shall be notified in writing of the refusal to reinstate and of the right to appeal in writing to the State Personnel Board of Review within thirty (30) days of receiving notice of the refusal to reinstate.
10. An employee who fails to apply for reinstatement within two (2) years following an involuntary disability separation, or a leave of absence followed by an involuntary disability separation, shall be deemed permanently separated from service except as otherwise provided in subsection (E)(8) above.

## **6.12 LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one (1) year after the child's birth. The employee will be provided appropriate space, other than a bathroom, that is shielded from view and free from intrusion from workers and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee.

## **6.13 UNAUTHORIZED LEAVES**

Any county employee who is absent from duty without authorized leave and notice to the Appointing Authority or designee, shall be subject to disciplinary action up to and including termination.

## **6.14 FAMILY AND MEDICAL LEAVE POLICY**

- A. Statement of Policy.** Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.
- B. Definitions.** As used in this policy, the following terms and phrases shall be defined as follows:
  - 1. **Family and/or medical leave of absence:** An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
    - a. Upon the birth of an employee's child and in order to care for the child.
    - b. Upon the placement of a child with an employee for adoption or foster care.
    - c. When an employee is needed to care for a family member who has a serious health condition.
    - d. When an employee is unable to perform the functions of his position because of the employee's own serious health condition.
    - e. Qualifying service member leave.



2. **Service Member Leave:** The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty.” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12) month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12) month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. **Per year:** A rolling twelve (12) month period measured forward from the date an employee uses any leave under this policy.
4. **Serious health condition:** Any illness, injury, impairment, or physical or mental condition that involves:
  - a. Inpatient care
  - b. Any period of incapacity of more than three consecutive calendar days that **also involves:**
    - i. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
    - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
  - c. Any period of incapacity due to pregnancy or for prenatal care.
  - d. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
  - e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e., terminal stages of a disease, Alzheimer’s disease, etc.).

- f. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three (3) days absent medical intervention. (i.e., chemotherapy, dialysis for kidney disease, etc.).
- 5. **Licensed health care provider:** A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
- 6. **Family member:** Spouse, child, parent or a person who stands “in loco parentis” to the employee.
- 7. **Covered Service Member:** Means either:
  - a. A member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
  - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five (5) years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
    - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under conditions other than dishonorable prior to March 8, 2012, the period of October 28, 2009 and March 9, 2012, shall not count toward the determination of the five (5) year period for covered veteran status.
- 8. **Outpatient Status:** The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
- 9. **Next of Kin:** The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
- 10. Serious injury or illness, for purposes for the 26-week military caregiver leave means either:
  - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was

incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

- b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
  - i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
  - ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or
  - iii. a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
  - iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

**11. Covered Active Duty or Call to Covered Active Duty:**

- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country, (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country).

- b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.
- 12. **Deployment to a foreign country:** Deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.
- 13. **Qualifying Exigency** (for purposes of the twelve (12) week qualifying exigency leave) includes any of the following:
  - a. Up to seven (7) days of leave to deal with issues arising from a covered military member's short notice deployment, which is a deployment on seven (7) or fewer days' notice.
  - b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
  - c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
  - d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
  - e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
  - f. Rest and recuperation leave of up to fifteen (15) days to spend time with a covered military member who is on short-term, temporary, rest and

recuperation leave during the period of deployment. This leave may be used for a period of fifteen (15) calendar days from the date the military member commences each instance of Rest and Recuperation leave.

- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

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

- 1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
- 2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
- 3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
  - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
  - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

**D. Use of Leave.** The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. **Generally:** An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. **Birth of an Employee's Child:** An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. *(Note: See section E below for information on disability leaves.)*
3. **Placement of a Child for Adoption or Foster Care:** An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.
4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his or her serious health condition or the serious health condition of his or her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

**E. FMLA and Disability/Workers' Compensation.** An employee who is eligible for FMLA leave because of his or her own serious health condition may also be eligible for workers' compensation if the condition is the result of a workplace accident or injury.

Regardless of whether the employee is using worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require him or her to do so, while the employee is receiving compensation from such a program.

- F. Procedures for Requesting FMLA Leave.** Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the employer. The employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the employer's operations.

- G. Certification of Need for FMLA Leave for Serious Health Condition.** An employee requesting FMLA leave due to his family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

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

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

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

- H. **Certification for Leave taken because of a Qualifying Exigency.** The employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.
- I. **Intermittent/Reduced Schedule Leave.** When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Appointing Authority. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Appointing Authority or designee to discuss the intermittent or reduced schedule leave. An employee who requests and is



granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

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

The employer will not continue to pay the employer portion of premiums for any life, medical, dental, and vision insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his or her portion of the premium is late by more than thirty (30) days; the employer shall provide the employee written notice, by mail, fifteen (15) days prior to ceasing the premium payment. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the employer may seek reimbursement from the employee for any amounts paid by the employer for insurance benefits the employee received through the employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leave times (i.e., sick, vacation, personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

- K. Reinstatement.** An employee on FMLA leave must give the employer at least two (2) business days' notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated

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

An employee will not be laid off as a result of exercising his or her right to FMLA leave. However, the employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during their FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his or her position, with or without reasonable accommodation.

- L. Records.** All records relative to FMLA leave will be maintained by the employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

## **CHAPTER 7**

### **7.01 ETHICS OF PUBLIC EMPLOYMENT POLICY**

- 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 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.
- B.** In recognition of same, no employee shall:
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 without proper legal authorization.
  3. Solicit or accept anything of substantial value as defined by the Ohio Ethics Commission, 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 any 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.
  7. Receive or agree to receive outside compensation for services rendered in a matter before any office or department of the county unless excepted 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.

## 7.02 ETHICS OF PUBLIC EMPLOYMENT PROCEDURE

**Purpose:** This policy is designed to protect the interests of the citizens of Knox County by ensuring that only official county business is transacted in the various work areas during employee work time.

**Non-employee solicitation and distribution:** There shall be no solicitation or distribution by non-employees at any time on county property or in any work area. This section does not apply to vendors as defined in the definition section of this policy.

**Employee no solicitation rule:** Employees shall not solicit other employees or non-employees during working time. Employees may solicit other employees during non-working time in non-working areas.

**Employee no distribution rule:** There shall be no distribution during working or non-working time in work areas. Employees may distribute goods and written materials during non-working time in non-working areas. For the purpose of this policy the following definitions shall apply:

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

**Employee:** Any person in the employ of the county in any status.

**Non-work area:** Any area on or off county property not designated as a work area.

**Non-work time:** Any time during an employee's workday where the employee is totally relieved of work duties, such as break time and lunchtime; whether an employee is in paid or unpaid status during these times is immaterial to the designation of non-work time.

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

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

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

**Work time:** All the time when an employee's duties require that he or she be engaged in work tasks, but does not include an employee's own time before or after a work shift.

Any department head in doubt as to the application of this section or other ethics laws or regulations may seek the advice of the Knox County Prosecutor, who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.

Employees shall be provided with a copy of Ohio's Ethics Laws at commencement of employment. The laws are also available at [www.ethics.Ohio.gov](http://www.ethics.Ohio.gov).

### **7.03 APPEARANCE**

- A.** The Appointing Authority reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interest of the county.
- B.** The Appointing Authority requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, and should present a favorable public image, and be in conformity with regulations established by the employer due to the specialized nature of service provided or the employment position maintained.
- C.** Clothing shall be conducive to the safe and effective performance of required job duties.

### **7.04 TARDINESS**

- A.** Tardiness on a regular basis is inexcusable and shall not be tolerated. Tardiness is defined as any situation where an employee reports to work after his or her scheduled starting time. Whenever an employee is tardy, that employee may be subject to a reduction in pay corresponding to the amount of time he or she was late unless he or she offers to the supervisor a written reason for being late deemed acceptable by the supervisor. In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action unless he or she offers to the supervisor a written reason for being tardy deemed acceptable by the supervisor.
- B.** Employees shall be responsible for reporting to work at the place designated by their immediate supervisor.
- A.** Employees shall not leave their work area and quit working prior to their scheduled quitting time. Violation of this policy may subject the employee to disciplinary action.
- B.** Although FLSA-exempt employees shall not suffer any loss of pay under this policy, every FLSA-exempt employee is required to report to work promptly at their scheduled starting time. Exempt employees who are late will be subject to appropriate disciplinary action.

## **7.05 POLITICAL ACTIVITY POLICY**

This policy is meant to comply with O.R.C. 124.57. Appointing Authorities shall inform employees of any federal funding restrictions on political activity.

All employees are encouraged to exercise their constitutional rights to vote. References in this policy to politics and political activity refer to partisan activities, campaigns, and elections involving primaries, partisan ballots, or partisan candidates. The following are examples, but the lists are not necessarily all-inclusive.

**A.** Examples of permissible activities for employees in the classified service include, but are not limited to the following:

1. Registration and voting.
2. Expression of opinions, either oral or written.
3. Voluntary financial contributions to political candidates or organizations.
4. Circulation of nonpartisan petitions, petitions that do not identify with any particular party, or petitions stating views on legislation.
5. Attendance at political rallies.
6. Signing nominating petitions in support of individuals.
7. Display of political materials in the employee's home or on the employee's property.
8. Wearing political badges or buttons, or the display of political stickers on private vehicles.
9. Serving as a precinct election official under section 3501.22 of the Ohio Revised Code.

**B.** The following activities are prohibited to employees in the classified service:

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 the circulation of nominating petitions identified with a political party.

3. Filing of 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, by distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.
  8. Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate.
  9. Solicitation of the sale, or actual sale, of political party tickets.
  10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
  11. Service as witness or challenger for any party or partisan committee.
  12. Participation in political caucuses of a partisan nature.
  13. Participation in a political action committee which supports partisan activity.
- C.** An employee in the classified service who engages in any of the activities listed in paragraphs (B)(1) to (B)(13) of this policy is subject to removal from his or her position in the classified service. The Appointing Authority may initiate such removal action in accordance with the procedures in section 124.34 of the Ohio Revised Code.

Any employee desiring to seek or accept any public position or office should inform their Appointing Authority, who may request an opinion in advance from the Knox County Prosecuting Attorney.

## **7.06 USE OF COUNTY-OWNED VEHICLES**

- A.** This policy is for the use of any motor vehicles owned or leased by the Board of County Commissioners or any county office, if applicable, for the use of the County Commissioners or any department, commission, board, office, or agency under its direct supervision, or for the use of any elected county official and/or their employees. For the purpose of this policy, the term "employee" hereinafter means the persons comprising of the Board of County Commissioners, any employee of any department, commission, board, office, or agency under its direct supervision or jurisdiction, and any elected official and/or their employees using a vehicle provided by the board of county commissioners.
- B.** No person who is not a compensated employee of Knox County, Ohio may operate a county-owned or leased vehicle unless specifically authorized by the Board of County Commissioners. The Board of County Commissioners will consider exceptions to this requirement for law enforcement purposes, emergency response, and other like circumstances upon the request of the Sheriff, Emergency Management Agency Director, or County Coroner. No county official or employee shall use or permit the use of any vehicle or any supplies for it, except in the transaction of public business or work of the county (ORC 307.42, 307.43 and 124.71). Under Ohio law, however, the County Commissioners have the authority to determine the meaning of and the manner of which employees and elected officials use vehicles owned or leased by the Board of County Commissioners for the transaction of public business, work of the county, or commuting.
- C.** The Board of County Commissioners recognize that to efficiently and effectively carry out the transaction of public business or work of the county, a reasonable amount of related use may have to be conducted in a county-owned or leased motor vehicle for incidental but closely-related business use (i.e., rest and lunch breaks), provided that the employee or elected official does not deviate from the route to the next work site. Any and all county-owned or leased vehicles will not be provided as a means of compensation. Only passengers on official county business shall be permitted in all county-owned or leased vehicles except as approved and/or authorized under O.R.C. 1551.25, (Ride Sharing).

Elected officials may permit spouses as passengers if the elected official is operating the vehicle for a purpose directly related to their official duties (e.g., attending annual meetings, township meetings, and chamber of commerce meetings). Additionally, no county employees employed by counties other than Knox shall be permitted in county owned or leased vehicles.



- D. It is not the policy of the Board of County Commissioners to provide fleet and/or pool vehicles for the transaction of public business whenever an elected official or department head authorizes travel by automobile. Vehicles owned or leased shall not be used for commuting to and from work, except as permitted by the Board of County Commissioners, County Engineer, County Sheriff for vehicles assigned to the Sheriff specifically for the performance of a law enforcement activity, or the County Coroner for vehicles assigned to the Coroner for related county business purposes, if any.
- E. It is recommended that a county official and/or employee operating a county-owned or leased vehicle drive to a safe location and park the vehicle prior to using a mobile phone, laptop, pager, or other communication device which could distract the driver.
- F. Smoking is prohibited in all county-owned or leased vehicles.
- G. All operators and passengers in county-owned vehicles will comply with the following:
  - 1. **Operator's license:** All operators of any county-owned or leased vehicles must have a valid state-issued operator's license, which includes the specific class of vehicle being operated.
    - a. **Suspended License:** Suspension of a county official and/or employee's operator's license will result in a suspension of any and all county-approved driving privileges until proof of valid license without restrictions is received. Any official and/or employee who is authorized to use a county-owned or leased vehicle and whose operator's license is suspended, must notify their immediate supervisor of this fact at the earliest of the following: day of suspension or next working day. An elected official, department head, or supervisor must notify the Board of County Commissioners within the same time limitations.
    - b. **Driving under a suspended or revoked license:** An employee convicted of driving under suspension or revocation shall be excluded for six (6) months, beginning on the date of the offense, from operating a county-owned or leased vehicle. An employee must provide proof of a valid license without restrictions and successfully complete an approved DDC class to lift exclusion after the six (6) month period.
  - 2. **Seat belts:** As required by the Ohio Revised Code, all front seat passengers of a county-owned or leased vehicle or privately-owned vehicle, while being operated in the transaction of public business or work of the county, shall wear safety belts at all times while the vehicle is in operation. Rear seat passengers shall also wear safety belts, except in emergency medical or law enforcement vehicles. The vehicle operator is responsible for ensuring all passengers wear safety belts. Failure by any employee to comply with this provision must be reported to the

appropriate supervisor.

3. **Alcohol and other substances:** All county elected officials, county employees, and/or other persons authorized to use a county-owned or leased vehicle shall not operate any county-owned or leased vehicle while under the influence of any alcohol or any controlled substances. Alcoholic beverages, controlled substances, and/or illegal drugs are not to be used or transported in or on any county-owned or leased vehicles, except as permitted in emergency medical or law enforcement vehicles. Legally prescribed medications are permissible only when their use does not adversely affect the official's or employee's driving ability and safe operation of the vehicle.
  - a. **OVI (operating a motor vehicle under the influence):** Any employee convicted of OVI or any other drug or alcohol related driving offense shall be excluded for twelve (12) months, beginning on the date of the offense, from operating a county-owned or leased vehicle. An employee must provide a valid license without restrictions and complete an approved DDC class to lift the exclusion after the twelve (12) month period.
4. **Accident reporting/traffic citations:** In the event of an automobile accident, the vehicle operator is responsible for contacting the appropriate law enforcement agency immediately, or as soon after the accident as is practical.

All accidents shall be reported to the operator's respective supervisor as immediately as is practical. Accident reports are to be completed and submitted to the supervisor who will report the information to the Board of County Commissioners as soon as possible, but in no event beyond 24 hours of the event or, if the event occurs on a holiday or weekend, on the next working day.

All parking, moving violations, penalties, and/or other fines received during the operation of a county-owned or leased vehicle are the full responsibility of the operator.

Operators of any county-owned or leased vehicle that establish poor driving records may be directed to attend a defensive driving and/or a driver training course by the Board of County Commissioners and/or by their immediate supervisor if they are to maintain authorization to operate a county-owned or leased vehicle. The determination for an official or employee to attend the above referenced classes shall be in the sole discretion of the Board of County Commissioners and/or their designee.

- a. **Fleeing and Eluding and Leaving the Scene of an Accident:** An employee convicted of fleeing and eluding or leaving the scene of an accident shall be excluded for twelve (12) months, beginning on the date of the offense,

from operating a county-owned or leased vehicle. The employee must provide proof of a valid license without restrictions and complete a mandatory CORSA approved DDC class to lift the exclusion following the twelve (12) month period.

- b. **Vehicular Homicide/Manslaughter:** An employee convicted of vehicular homicide or manslaughter shall be excluded from operating a county-owned or leased vehicle from the time of the offense until clear of standard MVR based on the State of Ohio Bureau of Motor Vehicles reporting system.
- 5. **Preventive maintenance and service:** All county-owned or leased vehicles shall receive preventative maintenance according to standards established by the Board of County Commissioners and/or by the department head. All elected officials or department heads who have vehicles assigned to their department, office, or agency are responsible for ensuring required maintenance and service is scheduled. Any vehicle operators shall immediately notify their supervisor should they detect any unsafe or hazardous condition in or upon any and all county-owned or leased vehicles. The supervisor shall, in turn, be responsible to schedule such service. All county-owned or leased vehicles shall be fueled in accordance with the policy set forth by the Board of County Commissioners and/or by the elected official or department head. County gasoline credit cards shall be used to purchase gasoline, oil, etc., for all county-owned or leased vehicles on official county business only unless other arrangements have been made and approved by the elected official and/or department head. All operators of any county-owned or leased vehicle shall be responsible for the appearance (interior and exterior) of the county vehicle they are using and/or which has been assigned to them.
- 6. No employee shall text, or check or send e-mail while driving a county-owned or leased vehicle.
- 7. **Insurability:** All employees required to drive a county-owned vehicle, or drive their own vehicle on county time, must be insurable under the county's liability insurance plan. Any employee deemed uninsurable by such insurance company may be disciplined up to and including termination.
- H. **Use of personal vehicles for county business:** All county employees who are required to, or who choose to use their personal vehicles in the transaction of public business or work of the county, will be reimbursed on a mileage basis at the authorized county rate subject to approval by the appropriated department head and submission of transaction or public business or work of the county. All officials and employees must maintain their own liability insurance as required by law, subject to the limits prescribed by the county's vehicle insurance plan.

The employee's personal insurance shall be considered primary coverage. All officials and employees may be requested to provide proof of automobile insurance and a valid driver's license. Employees operating their own vehicles on county business are subject to the same conditions as outlined in this section.

- I. **Recordkeeping:** All county officials, appointees, and county employees, prior to operating a county-owned or leased vehicle or a personal vehicle in the transaction of county business or work, shall be given a copy of the Knox County Vehicle Use Policy and acknowledge receipt of the same. The elected official and/or department head shall maintain these records.

Each vehicle operator shall be responsible for maintaining the appropriate vehicle logs. The type of log used may be specific to the function of the vehicle. Vehicles' use logs must be reviewed by the elected official or department head monthly. Logs must contain date of trip, purpose of trip, place of trip, and beginning/ending odometer readings.

- J. **External marking of county vehicles:** All county-owned vehicles shall bear the approved external markings.

All vehicles used by the Sheriff shall bear the approved Sheriff's and/or law enforcement markings.

Vehicles may be unmarked in the interest of the public safety as determined by the Sheriff, or by the nature of the public business conducted as determined by the Board of County Commissioners upon written application by the elected official or department head, and subject to the administrative approval of the Board of County Commissioners.

In accordance with O.R.C. 307.42, all county-owned or leased vehicles shall be plainly and conspicuously lettered as the property of the county.

- K. **Penalties:** Whoever violates O.R.C. 307.42 may be subject to penalties pursuant to O.R.C. 307.99. Violation of this policy by county-elected officials and/or employees is subject to revocation of the use of any county-owned or leased vehicle.
- L. Any and all elected officials, department heads, and/or all other county employees who fail to comply with the vehicle policies and procedures and/or who misuse or abuse any county-owned or leased vehicles or equipment may be subjected to disciplinary actions which may include, but is not limited to, the following:

1. Written notice of the violation.
2. For recurring traffic violations or accidents, the person may be assigned to attend a defensive driving or driving instruction class.

3. Loss of driving privileges – not permitted to drive county-owned or leased motor vehicle.
- M.** In those cases where the county official's and/or employee's job requires driving a county-owned or leased vehicle, suspension of the employee's driver's license may result in reassignment or termination of employment.

#### **7.07 TOOLS, SUPPLIES, AND EQUIPMENT**

- A.** When tools, supplies, and equipment needed to perform job duties are provided by the employer, it is the responsibility of supervisors to see that they are properly used and maintained. Employees, however, should notify the supervisor if the equipment being used does not work properly, is excessively noisy, or appears to be unsafe.
- B.** Misuse, neglect, theft, and abuse of tools, supplies, or equipment is prohibited. Breakage or damage of equipment or supplies by an employee will necessitate an investigation and may be cause for disciplinary action (see section 8.3). Loss of tools on more than one (1) occasion may require payment by the employee for those items lost, at the discretion of the Appointing Authority.
- C.** Employees shall not use or permit the use of county-owned tools, supplies, and/or equipment for any purpose other than official county business. Personal use of county-owned tools, supplies, and/or equipment is strictly prohibited.
- D.** Employees may bring in personal equipment to use on county work with permission of the Appointing Authority. However, the Appointing Authority is not responsible for any damage or repair to the equipment.

#### **7.08 USE OF MOBILE DEVICES POLICY (INCLUDES LAPTOPS, PAGERS AND OTHER ELECTRONIC DEVICES)**

- A. Scope:** This policy applies to all employees of the County who possess and use a mobile device purchased and/or provided by Knox County. Mobile devices include, but are not limited to, laptops, mobile phones, pagers, tablets, iPads, etc.
- B. Purpose:** This policy defines the conditions of use and expectations for which the county will provide a mobile device to an employee as well as the expectations for proper use of such county-issued equipment, and identify how personal use of such county equipment will be reimbursed by the employee if required.
- C. Policy:** Knox County recognizes that mobile devices have become a valuable tool for county officials and employees to enhance their productivity while working on behalf of the county. This communications tool can provide an effective and efficient means to coordinate work activities, provide and/or receive needed information, deliver public

services with minimal delay and assure personal and public safety; therefore, the mobile devices may be provided for use regarding official county business to those officials and/or employees whose jobs require the ability to have constant contact, in accordance with this policy. The county expects all officials and/or employees to exercise care in the appropriate and reasonable use of all county-owned mobile devices.

- D. Procedure:** It is the responsibility of each county agency or department head to determine who, in their respective offices, shall be assigned a county-owned mobile device for official use. No official and/or employee shall be automatically eligible to receive a county-owned mobile device based solely upon position, title, or classification.

In order to be eligible, the official and/or employee must meet at least one (1) of the following:

1. **Public safety:** The county official and/or employee requires immediate and direct communication with local emergency responders in order to provide for the safety of the public.
2. **Accessibility:** The county official and/or employee, while working outside of the office, must initiate immediate and direct communication with their office and/or other public or private entities or persons to access information in order to conduct official county business in a timely fashion where there is a likelihood that conventional telephones will not be readily accessible.
3. **Responsiveness:** It is routinely necessary for other county officials and/or employees or members of the general public to reach this individual immediately and directly to discuss official county business when they are out of the office.

Once a mobile device has been provided, the recipient shall acknowledge in writing that they have received the equipment and a copy of this policy.

If a county mobile device is damaged, lost, or stolen, it must be reported by the employee to their immediate supervisor as soon as possible; the immediate supervisor shall notify the Appointing Authority, who will make the necessary arrangements for termination of service and/or arrange a replacement.

When an employee no longer needs a mobile device or terminates employment or otherwise loses the authorization to possess or use a county mobile device, the employee shall return all county-provided equipment and/or accessories immediately.

- E. Proper and improper use:** County mobile devices are primarily provided for official county business. The frequency and duration of personal use and/or such unofficial communication must be kept to a minimum and should be in accordance with any applicable service plan.

No mobile device shall be used to make any communication of an obscene, threatening, harassing, or otherwise offensive nature that would be illegal, prohibited, or inappropriate as defined by law or which would be in violation of any other county policy.

Officials and/or employees are advised that all communications including, but not limited to, voicemails, pages, texts, photographs, and/or e-mail communications, are not confidential and are subject to review for the purpose of enforcing the policies herein with or without notice.

## **7.09 BULLETIN BOARDS**

- A.** It is the policy of the county to provide and maintain county bulletin boards as a means of communicating information to employees. All required postings shall appear on county bulletin boards and material shall only be removed by the Appointing Authority or his or her designee.
- B.** All county notices, federal and state required notices, and legal notices shall be posted in an area visible to all employees on the county bulletin board described in "A" above. Information of a general interest to employees may be posted by employees with the approval of their Appointing Authority provided the material to be posted does not contain:
  - 1. Personal attacks upon any employee or public official.
  - 2. Scandalous or derogatory attacks upon any employee, public official, or governmental unit/agency.
  - 3. Attacks on and/or unfavorable comments regarding a candidate for public office.
  - 4. Attacks on any organization or group.
- C.** Employees and non-employees wishing to have material posted on a county bulletin board shall submit a written request to their Appointing Authority or designee for prior approval. This request shall include the name of the person making the request to post the material, a copy of the material to be posted, and the period of time the material is requested to be posted. Material posted in violation of this policy shall be removed from the county bulletin board. Employees in violation of this posting policy shall be subject to disciplinary action.

## **7.10 GAMBLING**

The County does not permit gambling in any form by its employees during work hours (meaning games of chance where the organizer profits — NCAA pools where all money is paid out to participants and/or donated to a charity is permissible). For the purpose of this policy, work hours include regular working hours, lunch periods, cleanup time, and other breaks. Violation of this policy will be cause for disciplinary action as prescribed in section 8.01.

## **7.11 SUBSTANCE ABUSE**

- A.** Knox County Appointing Authorities recognize substance abuse as a disease which is treatable and they encourage those employees who suspect that they may have a drinking problem to seek professional treatment.
- B.** For the purpose of this policy, a substance abuse problem exists when an employee's alcohol consumption or drug abuse begins to interfere with his or her job performance.
- C.** This policy is intended to ensure that no employee with a substance abuse problem will have his or her job security or promotional opportunities jeopardized by a request for treatment prior to any disciplinary action. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with substance abuse problems will be preserved in the same manner as all other medical records and consistent with Ohio's Public Records' Laws. This policy does not preclude or supersede any discipline outlined or arising out of violation of the Drug Testing Policy for reasonable suspicion or random testing
- D.** Knox County Appointing Authorities and supervisors shall not attempt to diagnose alcoholism or drug addiction. A referral, initiated by the Appointing Authority or supervisor, for diagnosis and treatment shall be based strictly on unsatisfactory or deteriorating job performance resulting from apparent medical or behavioral problems, whatever their nature.
- E.** It will be the responsibility of the employee to comply with the referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as for all other illnesses when job performance continues to be adversely affected.



## **7.12 GARNISHMENTS**

- A.** A court-ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt and served by the constituted legal authority is a garnishment and must be recognized and executed by the County Auditor and the employer's payroll officer. Repeated garnishments on the wages of an employee may result in disciplinary action. However, no employee may be terminated because of only one (1) successful garnishment during any (twelve) 12-month period.
- B.** No employee will be disciplined for garnishments where the employee has demonstrated a willingness and effort to resolve the employee's financial problems.

## **7.13 OUTSIDE EMPLOYMENT OR ACTIVITIES**

- A.** Under no circumstances shall a Knox County employee have other employment or activities which conflict with the objectives, interests, or operation of Knox County.
- B.** Two (2) common conflicts which may arise are:
  - 1. Time conflict:** Defined as when the hours required for outside employment or activities directly conflict with the scheduled working hours of an employee's job with the county, or when the demands of outside employment or activities prohibit adequate rest, thereby adversely affecting the quality of the employee's job performance with the county.
  - 2. Interest conflict:** Defined as when an employee engages in outside employment or activities which tend to compromise his or her judgment, actions, and/or job performance with the county.
- C.** Should the Appointing Authority feel that an employee's outside employment or activities are adversely affecting the employee's job performance with the county, the Appointing Authority may take appropriate action. Any conflict, policy infraction, or other specific offense which is the direct or indirect result of an employee's participation in outside employment or activities, shall be disciplined in such a manner that is consistent with the policy set forth in section 8.01 of this manual.
- D.** Use of county equipment and/or facilities in conjunction with outside employment is prohibited.

## 7.14 SAFETY

- A. County responsibility:** The Knox County Board of Commissioners is always concerned with the safety and health of every employee. The County will comply with all applicable state and federal safety codes and regulations.
- B. Appointing Authority responsibilities:** Each Appointing Authority will be responsible for safety in the area under control and will be given assistance, authority, and support needed to fulfill responsibility. Every accident will be investigated promptly and thoroughly with the aim of preventing the same or a similar accident in the future. The Appointing Authority will correct unsafe conditions. The Appointing Authority will ensure that each employee complies with all rules and regulations and that safe working methods are used by employees under their supervision.
- C. Employee responsibility:** All employees will be expected to comply with all safety rules and regulations and use all safety equipment provided by the county.
- D.** Each employee will be expected to cooperate in the safety program, in the investigation of all on-the-job accidents, and assist in making the work environment safe for themselves and coworkers.
- E. Accident reporting:**
  - 1. All accidents (e.g., employee injury, third party, property damage, etc.) must be reported to the Appointing Authority or designee immediately by telephone or in person.
  - 2. The Appointing Authority should notify the Risk Manager of the accident as soon as possible. Within 24 hours, the Appointing Authority or designee shall complete a written report and provide a copy to the Risk Manager. At no time is knowledge of an accident to be delayed or withheld.
  - 3. Each supervisor is responsible for reporting accidents and for designating an employee to handle the procedure when the Appointing Authority is not available.
- F.** Violation of, or failure to comply with, safety practices and rules is subject to disciplinary action.

## **7.15 WORKPLACE VIOLENCE**

- A.** The safety and security of employees, clients, contractors, and the general public are of vital importance to Knox County. Therefore, threats, threatening behavior, or acts of violence made by an employee or anyone else against another person's life, health, well-being, family, or property will not be tolerated. Employees found guilty of violence will be subject to disciplinary action up to and including termination of employment.
- B.** The purpose of this policy is to provide guidance to employees of Knox County should they encounter a situation that they believe is or could result in an act of violence.
- C.** The word “violence” in this policy shall mean an act or behavior that:
  - 1. Is physically assaultive.
  - 2. A reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property).
  - 3. Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another.
  - 4. Would be interpreted by a reasonable person as carrying a potential for physical harm to the person.
  - 5. A reasonable person would perceive as intimidating or menacing.
  - 6. Involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening.
  - 7. Consists of a communicated or reasonably perceived threat to destroy property.
- D.** The employer prohibits the following:
  - 1. Any act or threat of violence by an employee against another person's life, health, well-being, or property.
  - 2. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.
  - 3. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.
  - 4. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.

5. Use or possession of a weapon on the employer's premises, on a county-controlled site, or an area that is associated with county employment except as allowed by law and/or required in the line of duty (i.e., law enforcement).

E. The most common situations where workplace violence is likely to occur are as follows:

1. **Dealing with the public:** Violent situations could occur in employee contact with the public. While the employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.
2. **On-the-job:** Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.
3. **Off-the-job:** An employee could become involved in a personal non-criminal dispute with a coworker, family member, or neighbor during the employee's non-working hours. The employer prohibits any act of violence by an employee towards any other employee while off-duty. If the situation escalates, individuals sometimes secure restraining orders from the courts. If an employee requests such a restraining order, the employee should include the work location as well as the employee's place of residence in the order. Information about the restraining order should also be provided to the employer as soon as practically possible.

F. The possession or use of dangerous weapons is prohibited on employer property, in employer vehicles, or in any personal vehicle which is used for employer business or is parked on employer property, except as hereinafter provided.

1. A dangerous weapon is defined as:
  - a. A loaded or unloaded firearm.
  - b. A weapon, device, electronic stun weapon, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
2. **Exceptions:** Individuals may possess a firearm on employer property if the individual is employed in the capacity of a law enforcement officer and is engaged in law enforcement activities. This policy is not intended to restrict individuals with a valid concealed handgun license from transporting or storing a firearm or ammunition inside the person's privately owned vehicle in accordance with O.R.C 2923.126 and 2923.1210. For further information, see Knox County's Concealed Weapons policy in Section 7.20.

- G. Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on the employer's property shall be removed from the premises as quickly as safety permits and shall remain off the premises pending the outcome of an investigation. The employer will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person(s) involved.
- H. It is a requirement that all employees report, in accordance with this policy, any behavior that compromises the employer's ability to maintain a safe work environment. All reports will be investigated immediately and kept confidential, 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.
- I. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the department head. Do not take the position that the incident is too minor to report or that it does not appear to be a "real problem." Do not wait until it is too late to be proactive.
- J. **Supervisor responsibilities:** Supervisors and department heads are responsible for assessing situations, making decisions on the appropriate response, and responding to reports of or knowledge of violent activities that have occurred in the workplace or that involve an employee of the employer.
- K. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the department head, the department head or designee shall evaluate the severity of the situation immediately and have the individual reporting the incident fill out a Workplace Violence Incident Report form. If it is concluded that an actual act of violence has occurred or if there is a likelihood that violence could result, the department head or designee shall:
  - 1. Discuss the situation with the employee(s) and attempt to find out what caused the situation.
  - 2. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:
    - a. Assigning a different employee to the area or job.
    - b. Talking with the disgruntled client or employee(s).

- c. Discussing the incident and offer suggestions for appropriate actions.
  - d. Referring the affected employee(s) to professional help or counseling.
  - e. Disciplining the employee(s), up to and including termination of employment.
- L** 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.

#### **7.16 CONVICTION OF A FELONY**

- A** Conviction of a felony while employed in the civil service is a separate basis for reducing in pay or position, suspending, or removing an employee, even if the employee has already been reduced in pay or position, suspended, or removed for the same conduct that is the basis of the felony. An employee may not appeal to the State Personnel Board of Review any disciplinary action taken by an Appointing Authority as a result of the employee's conviction of a felony. If an employee removed under this section is reinstated as a result of an appeal of the removal, any conviction of a felony that occurs during the pendency of the appeal is a basis for further disciplinary action under this section upon the employee's reinstatement.
- B** Any employee convicted of a felony while employed in the civil service 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.
- C** 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 Ohio Revised Code.
  - 2. A felony that is a felony drug abuse offense as defined in section 2925.01 of the Ohio 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.
  5. A felony that is a violation of section 2921.05, 2921.32, or 2921.42 of the Ohio Revised Code.
- D.** Any person removed for conviction of a felony is entitled to a cash payment for any accrued but unused vacation leave as authorized by county policy. If subsequently reemployed in the public sector, such person shall qualify for and accrue sick and vacation leave in the manner specified by county policy for a newly appointed employee and shall not be credited with prior public service for the purpose of receiving these forms of leave.

#### **7.17 INTERNET, ELECTRONIC MAIL, AND ONLINE SERVICES USE POLICY**

The use of the Internet, electronic mail, and online services has great potential to enhance the productivity of Knox County employees in all departments. At the same time, as in the case with all county resources made available to employees, abuse is possible.

- A. Purpose:** 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 as well as establish guidelines for the retention of electronic mail records. By establishing and maintaining compliance with this policy, risks and costs to Knox County government as a whole can be reduced while the valuable potential of these resource tools are realized. The objectives of this policy are to assure that:

1. Disruptions to county government activities from inappropriate use of county-provided Internet, electronic mail, and online service access are avoided.
2. Users are provided guidelines describing their personal responsibilities regarding confidentiality, privacy, appropriate retention, and acceptable use of county-owned Internet, electronic mail and online service access.

Knox County promotes Internet use that enables employees to achieve their various departmental missions and goals and to improve Knox County government in general. These resources are intended to assist in the efficient and effective day-to-day operations of Knox County government.

**B. Background:** The Internet is the rapidly expanding worldwide network of networks connected to each other using, primarily, the Internet Protocol (IP). The Internet provides for file transfer, remote login, electronic mail, news, and other services. Electronic Mail is the transmission of memos and messages over electronic networks, including, but not limited to the Internet. Online Services provide subscribers with a variety of reference and information exchange services, which typically include connection to the Internet.

**C. Scope of the policy:** 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:

1. Gathering information and data relevant to county business.
2. Communicating with other users who have related business interests.
3. Increasing employee and contractor efficiency by utilizing technology which will enhance overall job performance.
4. Encouraging collaboration and resource sharing among other counties, state, and federal agencies.

The following county employees are covered by this policy:

1. Full or part-time employees of the county.
2. Volunteers who are authorized to use county resources to access the Internet, electronic mail, and online services.
3. County contractors who are authorized to use county equipment and facilities.

**D. Department responsibilities:** Appointing Authorities or department heads (or designee) will have the final authority in determining whether an employee requires access to the Internet, electronic mail, and online services to accomplish their assigned duties. Departments have the responsibility for:

1. Acquiring Internet, electronic mail, and online service accounts for their personnel who need access to conduct the official business of the county.
2. Ensuring that all personnel who have access to the Internet, electronic mail, and online services are aware of their responsibilities as outlined in the department's "Agreement of Responsibility: Internet, E-mail and Online Service Use", Appendix A and have signed the agreement.



3. Assuming the responsibility for making the final determination as to the appropriateness of their employees' use of the Internet, electronic mail, and online services.
4. Assisting their employees with making the final determination as to the proper electronic records retention period using the definitions under the "Electronic Mail Classification and Retention Schedule" section contained within this policy as a guideline.
5. Contacting the Knox County IT staff to research suspected violations and inappropriate use of Internet, electronic mail, or online service accounts.

**E. User responsibilities:** 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 Knox County, they may be perceived by others to represent Knox 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.

Because of the security, legal, and productivity issues referenced in this policy, each user is responsible for:

1. 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.
2. 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.
3. Familiarizing themselves with any special requirements for accessing, protecting, and utilizing data, including Privacy Act materials and confidential information.
4. 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.
5. Being careful not to open electronic mail messages and file attachments from unknown or untrusted sources. If you are unsure whether an electronic mail message and/or file attachment is of a legitimate nature, please contact the IT staff for guidance before opening the suspected message and/or attachment.

6. Managing electronic mail messages within their electronic mail box by removing unnecessary mail, expired mail, or mail deemed no longer useful following the guidelines set forth under the “Electronic Mail Records” and “Electronic Mail Classification and Retention Schedule” section within this policy document. Users allowing their electronic mail boxes to exceed a reasonable size will be informed of their need to manage and remove unnecessary electronic mail by the Knox County IT staff who periodically review electronic mailbox size. Should the problem persist, the user’s supervisor will be contacted to take appropriate action.
7. Conducting themselves as a representative of Knox County government as a whole. This means that users shall not use the Internet, electronic mail, and online services to:
  - a. Distribute offensive or harassing statements; disparage others based on race, national origin, sex, age, ancestry, veteran’s/military status, disability, genetic information, or religious beliefs.
  - b. Distribute or solicit sexually-oriented messages or images.
  - c. Distribute or participate in chain letters. This means e-mail that says something like “send this to 10 people” or “send this to as many people as possible”, etc.
  - d. Connect to or download music or Internet radio programs that may impact the County’s network services. Please see IT for guidance.
  - e. Use of instant messaging that negatively impacts the work employee’s work performance.
  - f. Visit casino or gambling sites.
  - g. Download any unauthorized software that does not relate to county business. Limited personal use of network and e-mail services is permissible so long as it is appropriate in content and does not negatively impact the employee’s work performance.

## F. 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 confidential information.** Always display "CONFIDENTIAL" on the subject line when sending confidential information. Confirm that encryption has been enabled before sending confidential 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. **Enforcement and violations:** 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 with or without notice.

Clear violation of this policy and its attachments will result in disciplinary action, including, but not limited to, notification of employee's supervisor, termination of Internet, electronic mail, and online service privileges.

5. **Electronic mail records:** All county employees must be aware that electronic mail messages that meet the definition of a record under Ohio Revised Code section 149.011(G), like paper records, must be retained and destroyed according to established records management procedures. ORC section 149.011(G) states:

Records' includes any document, device, or item, regardless of physical form or characteristic, created, or received by or coming under the jurisdiction of any public office of the state or its political subdivisions, which serves to document the organization, functions, policies, decisions, procedures, operations, or other activities of the office.

Retention or disposition of e-mail messages must be related to information they contain or purpose they serve. The content, transactional information, and any attachments associated with the message may be considered a record if they meet the definition of a record under O.R.C section 149.011(G) mentioned above. The user must appropriately retain a record according to their record retention schedule. If the user is unsure whether an electronic mail message qualifies as a record or which retention period the electronic mail message should fall within, it is the responsibility of the user to ask their supervisor for assistance. One simple way to manage the retention and deletion of electronic mail messages is to separate as much as possible by broad category, by topic, and then by year. When the retention expiration time period passes, simply delete the mailbox or folder containing the outdated records. It would be best to separate the major categories and attach a year to them. Reliance on system backup of the e-mail system onto tapes or other media or purging all messages after a set amount of time are not appropriate strategies for managing electronic mail records.

**G. Electronic mail classification and retention schedule:**

1. **Non-records electronic mail:** May be deleted at any time. These electronic mail messages do NOT meet the definition of a record under O.R.C section 149.011(G) mentioned above. Examples include, but are not limited to, personal correspondence such as “let’s do lunch”, non-state publications, promotional material from vendors, and similar materials “publicly available” to anyone, list serve messages, unsolicited promotional material, “spam” files copied or downloaded from Internet sites.
2. **Transient retention electronic mail:** Retain until no longer of administrative value, then delete. Meeting notifications, informal conversations (compare to telephone or office hallway conversations), limited documents which serve to convey information of temporary importance, or employee activities. These records do not set policy, establish guidelines, or procedures.
3. **Record electronic mail:** After three (3) years, appraise for continuing retention purposes and print material to be kept in appropriate file. These electronic mail messages are of more significant administrative and legal or fiscal value but not scheduled to be transient. General and internal correspondence, notes containing business information, requests for information, requests for local interpretation, weekly or monthly reports which document the status of ongoing projects and issues, or advising supervisors of various events and issues. Executive correspondence containing agency policy, fiscal information, or personnel matters, minutes and supporting records documenting internal policy decisions, or correspondence dealing with significant aspects of the administration of the agency. Attachments requiring longer retention should be printed and filed with appropriate record service.

## 7.18 TELEWORKING POLICY

- A Purpose:** The purpose of this policy is to establish requirements and guidelines for employees engaging in authorized teleworking or telecommuting. “Teleworking” or “Telecommuting” is a work flexibility arrangement under which an employee performs their work duties and responsibilities from an approved worksite other than the location from which the employee would otherwise work.
- B Scope:** This policy applies to all employees specifically authorized by the Employer to perform teleworking or telecommuting. This Policy is effective immediately and until rescinded by the Employer.
- C Requirements**
1. **Location of Work.** Employees must provide the Employer the physical address and telephone number of the location at which they will be teleworking.
    - a. The workspace must be safe and free from hazards.
    - b. The workspace must be reasonably free from interruptions and distraction that would affect work performance.
    - c. The workspace must allow the employee to preserve the confidentiality of sensitive or non-public information. Any employer provided material or equipment shall not be removed from the workspace while the employee is teleworking.
    - d. For employees who must verbally communicate with others as part of their duties, the workspace must be quiet and allow for professional communications during those times.
    - e. Teleworking employees shall not meet with the public or clients in their home office in any official capacity or connected with the employer’s business. The employer is not responsible for any injuries to family members, visitors and others in the employee’s home.
    - f. The employer is not responsible for any loss to the employee’s property whether caused by physical damage, computer virus attacks or other intrusions via the internet.
    - g. Employees utilizing employer equipment while teleworking must protect the equipment from damage.

2. **Hours of Work.** Non-Exempt Employees are authorized to engage in teleworking during their normally scheduled workdays and hours, or on days/times pre-approved by their supervisor. Non-Exempt Employees may not work outside of those days and hours without prior supervisor approval. Non-Exempt Employees are responsible for accurately reporting their time worked each day.
  3. **Reporting for Work.** Employees must communicate with their supervisor via e-mail when beginning the workday, upon leave for and returning from lunch and when they are done with work at the end of the day. Employees who do not work for all or a portion of a day they are expected to telework are responsible for requesting to use appropriate leave. The employer is not responsible for paying employees while teleworking if they are unable to perform work due to operational or technological issues such as the availability of an adequate internet connection.
  4. **Communication.** While teleworking, employees must be reachable by the employer during their normal working hours and any other times designated by the employer. If the employee becomes aware of or anticipates any disruption in technological communication during their normal working hours, they are to immediately notify their supervisor.
  5. **Security and Confidentiality.** While working remotely, employees must take steps to preserve the security and confidentiality of employer information. Employees must keep confidential documents and materials in secure locations. Employees must maintain password protection to the same extent as required at the workplace, and keep confidential documents and records securely stored. If working on personal devices, employees must have valid up-to-date anti-virus software and appropriate computer and internet security installed and activated. Any suspected hacks or breaches of security must be reported to the employer immediately.
- D. Policies.** This teleworking arrangement does not change the basic terms and conditions of employment, including rate of pay and benefits. Employees are expected to abide by all employer policies, procedures and performance standards.
- E.** The employer retains the right to investigate alleged abuse of this teleworking policy and may cease or modify an employee's approval for telework at any time.

## 7.19 CONCEALED WEAPONS

In the interest of protecting the safety of employees and citizens of Knox County, the Knox County Commissioners adopt the following policy:

Effective April 8, 2004, as required by Ohio Revised Code 2923.121, the following sign (or language substantially similar) will be posted at the entrance of every county-owned building, and at the entrance to the portion of any non-county-owned building which is being leased by the county:

*Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person's control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. A valid license does not authorize the licensee to carry a concealed handgun onto these premises.*

Employees and Officials of Knox County, other than law enforcement officers specifically authorized to carry a firearm,\*\* are prohibited from carrying firearms into any county building, in any county vehicle, or at any time while they are acting within the course and scope of their employment.

Pursuant to Ohio Revised Code Sections 2923.126 and 2923.1210, a County employee or official with a valid license to carry a concealed handgun may bring a handgun onto County land (including parking lots), but must leave the handgun in their own locked vehicle, either locked in the glove compartment, locked in the trunk, or locked inside a gun case. The employee's vehicle must be parked in a permitted area. An employee or official with a valid license to carry a concealed handgun may remove the handgun from their own vehicle parked on County property only for the purpose of transporting it to and from the trunk of that vehicle for storage.

The County shall be immune from liability for any injury, death, or loss to person or property that was caused by or related to a licensee bringing a handgun onto the premises or property of the County.

Any county employee or official who violates this policy is acting outside the course and scope of their duties. Knox County will not defend or indemnify such actions by any county official or employee. Any county employee found to be in violation of this policy will be subject to disciplinary action, up to and including termination. County employees who use a firearm in such a way that intimidates, harasses, coerces, or threatens another county employee will be subject to disciplinary action, up to and including termination.

**\*\*This language is intended to include all County employees and officials who currently are authorized and trained to carry a weapon within the scope of their duties.**

## **7.20 USE OF COMMUNICATION SYSTEMS**

**A. Purpose:** To establish guidelines for the use of county-owned, leased, licensed, or paid communications services and equipment in order to promote a professional and cost efficient work environment.

**B. Definitions:**

1. **Communications equipment and services:** Communications equipment and services include mail, electronic mail, courier services, facsimiles, telephone systems, computer networks, online services, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards.
2. **County stationery:** Any letter, form, record, or other document which would give the appearance that the information contained on it is the policy, view, or intent of Knox County government. This shall include the use of professional title on a document for personal gain.

**C. Scope of policy:**

1. It is the policy of Knox County to provide or contract for the communications services and equipment necessary to promote the efficient conduct of its business.
2. Supervisors are responsible for instructing employees on the proper use of the communications services and equipment used by the county for both internal and external business communications.
3. Most communications services and equipment have toll charges or other usage-related expenses. Employees should be aware of these charges and should consider cost and efficiency needs when choosing the proper vehicle for each business communication. Employees should consult their supervisor if there is a question about the proper mode of communication.
4. All county communications services and equipment, including the messages transmitted or stored by them, are the sole property of the county. The county may access and monitor employee communications and files as it considers appropriate. Communications equipment and services include mail, electronic mail, courier services, text messages, photos, facsimiles, telephone systems, computer networks, online services, computer files, telex systems, video equipment and tapes, tape recorders and recordings, pagers, cellular phones, and bulletin boards.



5. Limited personal use of county communications services is permissible so long as it is appropriate in content and does not negatively impact the employee's work performance. However, whenever possible, personal communications that incur user charges should be placed for collection or charged directly to the employee's personal credit card or account.
6. County communications property or equipment may not be removed from the premises without written authorization from the employee's supervisor.
7. Employees who do not have direct access to a county telephone should make provisions to have emergency or other necessary incoming calls routed to their supervisor. Although the County will attempt to deliver personal messages to employees, it cannot and does not accept responsibility for the prompt or accurate relay of these messages.
8. Employees should exercise care so that no personal correspondence appears to be an official communication of the County. Personalized county stationery and business cards may only be issued by the county. Employees may not use county stationery or postage for personal letters.
9. Improper use of County communications services and equipment may result in discipline, up to and including termination. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

#### **7.21 TOBACCO USE/E-CIGARETTE**

By resolution of the Board of County Commissioners, Knox County, Ohio, Knox County is hereby establishing a policy for total tobacco, e-cigarette, and smoke free facilities and properties which includes all county grounds, facilities, and vehicles, owned or leased, on county property or when posted as such in county parks or the county fairgrounds, pursuant to Ohio Revised Code 3794 which prohibits smoking in a public place or place of employment; therefore, smoking or use of any tobacco product by any person in any county facility including entrances and exits and vehicles is prohibited.

Smoking or lighting of cigarettes, e-cigarettes, cigars, pipes, or other substances is prohibited on county property; the use of smokeless tobacco products, including chew and snuff, is prohibited on county property, including but not limited to:

1. All buildings, offices, meeting rooms, storage areas, restrooms, stairways, hallways, warehouses, garages, and county-owned vehicles.
2. Any enclosed area, with a roof or other overhead covering of any kind with walls and side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one (1).
3. Any areas that are immediately adjacent to entryways.
4. Any area in which smoke could enter a building through entrances, windows, ventilation systems, or other means.

"No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be conspicuously posted in all county buildings and facilities where smoking is prohibited by this policy, including at each entrance. All signs shall contain a telephone number for reporting violations.

All ashtrays and other receptacles used for disposing of smoking materials shall be removed from any area where smoking is prohibited by this policy.

Employees who violate any provision of the tobacco, electronic cigarette, and smoke free workplace policy shall be subject to proper progressive disciplinary action, as determined by the County Commissioners or their Appointing Authority.

Citizens who violate the tobacco, electronic cigarette, and smoke free workplace policy shall be asked to dispose of their tobacco/smoking materials properly and leave the county's property or be reported to the Ohio Department of Health, as determined by the Appointing Authority or security personnel.

## **7.22 ABSENCES**

Every employee is important to the successful operation of the county. Regular and predictable attendance and punctuality are essential functions of every employee's job.

- A.** Absenteeism increases the workload of other employees and affects the quality of services. An employee is absent for purposes of this section if the employee fails to report to work for an entire scheduled workday and such absence has not been excused (as defined herein), or does not qualify for family medical leave. When utilizing sick leave or unpaid leave, it is the responsibility of the employee to request that the leave be charged against family and medical leave, and/or to provide sufficient and necessary information and documentation to the employer so that the leave (family and medical leave) may properly be charged.

- B.** When an employee begins to show patterns or trends of absences, the supervisor should review and address these individuals using the disciplinary process.
- C.** FLSA nonexempt employees will not be paid for the period of time the employee has been absent if such absence has not been covered with approved leave. Employees are required to use their sick time for an absence if they have time in their bank. Supervisors may make exceptions for employees who might make up time missed for a physician appointment within that same day. There are exceptions where to deduct pay for FLSA-exempt employees.
- D.** Absences without adequate and proper notification to the supervisor, as discussed herein, will result in an employee being counseled, disciplined, and subject to termination in accordance with county policy.

### **7.23 USES OF EMPLOYER PROPRIETARY INFORMATION**

- A.** All information obtained by employees in the course of their employment with the employer and all employer data shall be considered confidential and proprietary. Personal information which employees obtain during the normal course of their employment shall not be discussed nor disclosed to anyone other than those individuals who have a need to know for legitimate business purposes.
- B.** In order to protect against inappropriate use of information or data maintained by the employer, all employees are required to comply with the following regulations:
  - 1. Accessing confidential/proprietary information or data, other than as required for work purposes, is prohibited.
  - 2. Removal of information or data from the employer's premises without advance approval is prohibited.
  - 3. Discussion of such information with unauthorized persons is prohibited.
- C.** Using confidential/proprietary information or employer data for any purpose other than as required to complete assigned work tasks, discussing such confidential/proprietary information or data with anyone other than for work purposes, or removal of such information or data from the employer's premises without authorization, will result in discipline of the employee, including possible removal from employment.
- D.** Any employee who has a question regarding the use of confidential/proprietary information or data maintained by the employer should request clarification of the employer's policy before risking a possible violation.

## 7.24A SOCIAL MEDIA

- A. Purpose:** The purpose behind this policy is to make an employee aware of his or her privacy rights and prohibited conduct with respect to an employee's actions and its impact on the employer 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. It will allow the employer to ensure that employer rules are followed and all employees are treated fair and consistent. Use of such technology constitutes consent to being monitored by the employer for compliance.

Employees shall remember they are paid by public funds and the public holds them to a high standard of professionalism. The employer has an overriding interest and expectation in deciding what is "spoken" on behalf of the employer. This policy is not meant to infringe on one's right to free speech, rights under O.R.C. 4117, or any other protected activity.

- B. Scope:** All employees will be subject to and held accountable for any conduct outlined in the Social Media policy. This policy works in conjunction with other related personnel policies and procedures (e.g., harassment).

- C. Social media:** Refers to the use of websites such as, but not limited to, Facebook, Myspace, Twitter, Flickr, LinkedIn. For purposes of this policy, blogs and other internet forums shall also be covered. Nothing in this policy is meant to prohibit access to any social media website or blog which may be work-related.

- D. Policy:**

1. **On-duty conduct:** While at work, an employee may only access social media websites, blogs, and/or other internet forums of communication during their lunch or breaks. This includes access from a personal mobile device (e.g., BlackBerry device, smartphones, iPhone, iPad etc.) during an employee's compensated hours of work.
2. **On and off-duty conduct:** An employee enjoys no expectation of privacy to information posted into cyberspace even while off-duty. This includes anything posted to a social media 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. Any social media activity which portrays the employer in a negative light will be evaluated and may result in disciplinary action up to and including termination. Examples of prohibited conduct include, but are not limited, to:

- 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 employer, supervisors, coworkers, public officials, or those who have a relationship with the employer. 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, obscene, violent, offensive, harassing, or pornographic in nature along with any reference to the employer or individual's employment.
- 3. Employees shall not imply they are speaking on behalf of the employer unless authorized to do so. Should an employee speak on matters of employment, the employee shall include a disclaimer.
  - 4. **Confidential information:** An employee shall not disclose any work-related confidential or proprietary information on any social media website, blog, or other internet forum of communication. This can include information that may eventually be obtained through a valid public record's request.
  - 5. Employees are encouraged to follow the internal complaint procedure and not take to the internet to voice work-related complaints.
  - 6. Employees found to have violated any part of this policy may be subject to discipline up to and including termination.
  - 7. Any deviation from the above policy shall be approved by the employer in writing.
  - 8. Any questions regarding the policy should be directed to the employee's immediate supervisor. Employees shall take note of the following: **DELETE DOES NOT MEAN DELETE**. Once something is posted into cyberspace it remains there.

## **7.24B OFFICE/AGENCY SOCIAL MEDIA (COUNTY SPONSORED)**

- A.** The purpose of this policy is to establish Knox County general standards and responsibilities for the acceptable use of social media as it pertains to Knox County sponsored social networking websites. The policy governs the use, administration, management, monitoring, and retention of County sponsored social media and social media content, consistent with state and federal laws and regulations. This policy applies to all uses of County sponsored social media by any person, including, but not limited to employees, contractors, interns and volunteers, that maintains, uses, or provides oversight of County sponsored social media tools.

This policy also applies to members of the public who comment or otherwise interact with the County through its social media websites. All content created, received, transmitted, stored on, or deleted from County information technology systems is exclusively the property of the County or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to that content.

- B.** When used in accordance with applicable laws, regulations, and policies as well as prudent operational, security, and privacy consideration, web-based social media tools can (at little to no cost):

1. Enhance the speed, reach, and targeting of communications (particularly during disaster/emergency incidents);
2. Facilitate customer service and collaboration;
3. Improve information exchange between residents and employees;
4. Increase citizen engagement and dialogue;
5. Streamline processes;
6. Foster productivity improvements; and
7. Increase the County's ability to broadcast messages to the widest possible audience (county, city, region, nation, and world).

**C. Definitions:**

1. "Social media" means and includes internet technologies that facilitate and promote interactive communication, participation, and collaboration. Examples of social media include, but are not limited to, the websites and applications Blogger, Facebook, LinkedIn, Twitter, Tumblr, Flickr, YouTube, Yelp, and Wikipedia, and the interactive tools and functions they provide to users.

2. “Authorized social media user” or “authorized user” means and includes a County employee, contractor, consultant, vendor, and any other person responsible for the use, administration, management, monitoring, and/or retention of social media, social media tools or websites, and/or social media content, in the name of or on behalf of Knox County or any Knox County agency, department, or office.
  3. “Social media content” means and includes any materials, documents, photographs, graphics, videos, and other information that is created, posted, distributed, or transmitted using social media internet sites or social media tools.
- D.** All uses of social media on behalf of the County or any County agency, department or office, or in any manner that appears to represent the County or constitute communication by the County, must comply with the following standards:
1. Agencies, departments or offices:
    - a. Agencies, departments or offices using social media shall designate one or more employees to be the authorized social media user(s) for the agency, department or office. Only the designated authorized social media user(s) shall be authorized to post social media content on the agency’s, department’s or office’s social media account(s) and may have access to the agency’s, department’s or office’s social media accounts that permit such posting.
    - b. No information or link (hyperlink) to any internet site or other materials or communications may be posted, or approved for posting, on an agency, department or office social media account that is not directly related (as determined by the agency, department or office head) to the mission, services, and business objectives of the agency, department or office.
    - c. Agency, department or office social media pages must clearly identify the pages as created and managed by the agency, department or office, of Knox County, Ohio.

2. Employees:

- a. No County employee may establish any social media account in the name of or on behalf of the County or any County agency, department or office unless:
  - 1. the user's agency, department or office head has approved the account;
  - 2. all information to be posted on the account follows in accordance with subsection (D)(1.) above.

This requirement applies regardless of whether the account is established, accessed, or used by means of the County information technology systems or by means of the employee's or others' information technology systems, and regardless of whether the account is established, accessed or used from County or non-County premises.

- b. Social media accounts established by a County agency, department or office are to be used for County and agency, department or office business purposes only. Use for communications and postings that are not directly related to County business purposes is prohibited.
- c. Employees must report unauthorized uses of County social media or County social media accounts to the head of their agency, department or office.
- d. Employees are expected to be attentive and careful in their use of County sponsored social media sites. Employees should be aware that their use of social media may be perceived as representing the County and County government, and should tailor their use accordingly.
- e. Unacceptable uses include, but are not limited to, the following:
  - 1. Using social media in a manner that does not comply with federal, state, and local laws and regulations, and with County policies.
  - 2. Using social media in a manner that:
    - a. Violates the copyright, trademark, or other intellectual property rights of any person or entity, or otherwise violates their legal ownership interests;



- b. Includes slurs based on any individual characteristic (e.g., ethnicity, gender, race, religion, disability); profanity, personal insults; material that is harassing, defamatory, fraudulent or discriminatory; or other content or communications that would not be acceptable in a County workplace under County policy or practice;
- c. Displays sexually explicit images, cartoons, jokes, messages, or other material in violation of the County Personnel Policy Manual;
- d. Contains confidential information or information that compromises the security of the County offices, networks, or information technology systems; or
- e. Violates the terms of use governing the social media account.

This list is not exhaustive. Questions about particular uses of social media or particular social media content should be directed to the agency, department or office head.

**E.** A County agency, department or office social media site or page may be a “limited public forum” if visitors to the site are able to post comments or other communications. Where permitted by the operator of the site, the comments and similar functions should be disabled on County social media pages, unless the agency, department or office head determines that permitting or encouraging interactive communications with site users is necessary or beneficial to carry out the business objectives of the agency, department or office in creating the site.

- 1. A comment posted by a visitor on any County agency, department or office social media site is the opinion of the visitor only, and publication of a comment does not imply endorsement of, or agreement by, the County agency, department or office, nor do such comments necessarily reflect the opinions or policies of Knox County government as a whole.
- 2. Comments posted to a social media site will be monitored during regular business hours, including comments requesting responses and in violation of this policy, and may be removed if they are in violation of this policy. Knox County reserves the right to deny access to its social media sites for any individual, who violates the Knox County Social Media Policy, at any time without prior notice.
- 3. Knox County reserves the right to remove inappropriate comments containing, but not limited to the following types of content:

- a. Vulgar, profane, obscene, violent or offensive language and sexually explicit content or links to;
  - b. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, age, religion, sex, national origin, military status, disability, genetic information, or sexual orientation;
  - c. Comments not related to the original topic, including random or unintelligible comments;
  - d. Spam or solicitations of commerce, including, but not limited to, advertising of any business or product for sale;
  - e. Content that advocates illegal activity in violation of any federal, state or local law;
  - f. Endorsements or advertisements of a vendor's products or services;
  - g. Content that supports or opposes political views, candidates, campaigns, or ballot measures;
  - h. Infringement upon copyright, trademark or other intellectual property rights;
  - i. Defamatory or personal attacks;
  - j. Threat to any person or organization; and
  - k. Other comments as deemed inappropriate by the County agency, department or office.
4. If interactive communications (e.g. comments) are permitted, terms of use for visitors to the site must be posted on the site, unless prohibited by the terms of use governing the social media account or prevented by the site. The terms must include:
- a. A clear description of the topic(s) that the site is intended to address and that may be addressed in comments, with a statement that user postings will be removed if they are not directly related to those topics.
  - b. Statements substantially similar to the following:
    - 1. Communications posted by visitors on this site may not contain ethnic slurs or profanity; material that is harassing, defamatory,

fraudulent, discriminatory or sexually explicit; or any material that infringes copyright, trademark or other intellectual property rights;

2. Any advertisements appearing on the site are not controlled by the County or the agency, department or office;
3. Opinions expressed by visitors to the site do not reflect an endorsement or opinion on the part of the County or the agency, department or office; and
4. Visitors to the site should have no expectation of privacy or confidentiality with respect to any content they post to the site, and the County or the agency, department or office have no responsibility for maintaining any such privacy or confidentiality.
5. The content of communications posted by site users may not be edited or otherwise modified; removal is the only action that may be taken, and then only for communications that violate the terms of the statements under subsections 3 and 4 above.

- F.** County agency, department or office heads are responsible for all social media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or on behalf of the County agency, department or office.

Social media content is subject to the Ohio Public Records Act and Record Retention Schedules (RC-2) established by the County Records Commission for the agency, department or office. Agencies, departments or offices are responsible for making and retaining such postings, as required by the agency's, department's or office's Record Retention Schedule.

Any County agency, department, or office that uses social media should avoid posting primary source material on social media sites. The content any county agency, department, or office that uses social media posts should be a secondary copy of information posted on the County website or contained in an electronic copy or a hard copy.

- G.** Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment.

## **CHAPTER 8**

### **8.01 DISCIPLINARY PRINCIPLES**

Knox County Appointing Authorities believe a clearly written discipline policy will serve to promote fairness and equality in the workplace, and will minimize potential misunderstandings among employees in disciplinary matters. Further, the Appointing Authorities believe certain basic principles, set forth below, must consistently be applied in order to effectively and fairly correct unsatisfactory job behavior. These disciplinary principles apply to classified employees only. Unclassified employees are not subject to the provisions herein and serve at the pleasure of the Appointing Authority.

- A.** Employees shall be advised of expected job behavior, the types of conduct that the County has determined to be unacceptable, and the penalties for such unacceptable behavior.
- B.** Immediate attention, while considering all the facts, shall be given to policy infractions.
- C.** Discipline shall normally be applied uniformly and consistently throughout the county, and any deviation from standard procedures should be well justified and documented.
- D.** Each offense shall be dealt with as objectively as possible.

An employee's immediate supervisor and/or the Appointing Authority shall be responsible for administering discipline.

### **8.02 PROGRESSIVE DISCIPLINE POLICY: CLASSIFIED EMPLOYEES**

- A.** While progressive discipline is not required by the O.R.C. 124.34, Knox County Appointing Authorities and supervisors shall normally follow an established system of progressive discipline as a means to prove "notice" when correcting job behavior for all classified employees. Unclassified employees are not subject to the provisions of this policy.
- B.** This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, but serve merely as a guide.
- C.** The standard penalties provided in this policy do not preclude the application of a more or less severe penalty for a given infraction when specific circumstances exist.
- D.** The Appointing Authority may issue a fine or working suspension under certain circumstances, for example, to discipline an FLSA-exempt employee without jeopardizing the employee's exempt status, or to impose discipline when the Appointing Authority is understaffed.

- E.** Records of discipline will be kept for at least seven (7) years or for the period of time designated in the county's public record retention schedule, whichever is longer.
- F.** Only the Appointing Authority has the authority to reduce in classification or pay, fine, suspend, or terminate an employee. Prior to such discipline, a pre-disciplinary conference must be held if it involves a classified employee.
- G.** Suspensions or fines of more than 24 hours' pay, reductions, or removals of classified employees not exempt from overtime must be filed with DAS on an Order of Removal, Suspension, or Reduction ADM 4055 form in accordance with O.R.C. section 124.34. Requirements for overtime-exempt classified employees are "more than 40 hours."
- H.** Reduction in classification or pay, suspension, fine, or removal of an unclassified employee does not require an ADM 4055 form and may be executed at the discretion of the Appointing Authority. A written notice shall be provided to the employee. While a pre-disciplinary conference is not legally required for unclassified employees, it is recommended that the Appointing Authority meet with the employee to provide the employee with an opportunity to respond regarding the alleged infraction, prior to reducing, suspending, fining, or removing the employee from public service.
- I.** The Appointing Authority may place an employee on administrative leave with pay, equal to the employee's hourly rate of pay, in circumstances where the health or safety of the employee, other employees, or of any person or property entrusted to the employee's care could otherwise be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is granted. For example, in a disciplinary situation such leave might extend until the county completes an investigation of the matter, conducts a pre-disciplinary conference, and takes action, or decides not to do so.

### **8.03 PRE-DISCIPLINARY CONFERENCE**

- A.** Whenever the Appointing Authority or designee determines that a classified employee may be disciplined for cause (including all suspensions, fines, reductions, or terminations), a pre-disciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct. The employer must hold a pre-disciplinary conference prior to signing a last chance agreement also.
- B.** Pre-disciplinary conferences will be conducted by the Appointing Authority or designee.
- C.** At the pre-disciplinary conference, the Appointing Authority or designee will provide to the employee a written outline of the charges which may be the basis for disciplinary action.
- D.** At the pre-disciplinary conference, 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.

- E. At the pre-disciplinary conference, the employee may present testimony or documentation which explains whether or not the alleged misconduct occurred.
- F. The Appointing Authority will decide what discipline, if any, is appropriate.

#### **8.04A GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES POLICY**

- A. The Ohio Revised Code section 124.34 sets out the forms of misconduct which are the legal basis for reduction, suspension, 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, and nonfeasance.
  - 11. Violation of any policy or work rule of the employer.
  - 12. Conviction of a felony while employed in the civil service.
- B. The offenses set forth in Groups I, II, and III below are non-inclusive examples of the above forms of misconduct which the SPBR has historically judged to warrant the penalties established for that group.

- C. 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.
- D. 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 serious and longer lasting impact against the organization than the Group I offenses.
- E. 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.
- F. 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**

- 1. **First offense:** Verbal instruction and cautioning
- 2. **Second offense:** Written reprimand
- 3. **Third offense:** Working suspension of 24 hours; a fine of 24 hours' pay; or a suspension without pay for 24 hours
- 4. **Fourth offense:** Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to five (5) days' pay
- 5. **Fifth offense:** Up to and including termination

Following are examples of **Group I** offenses. Following each offense in parentheses are the applicable O.R.C section 124.34 misconduct types:

1. Failure to properly and completely 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. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping (inefficiency, neglect of duty, or failure of good behavior).
4. Failure to observe official safety rules (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
5. Inattention to the needs of the public (discourteous treatment of public or failure of good behavior).
6. Distracting the attention of others, unnecessary shouting, use of profane or other inappropriate language, or otherwise causing disruptions on the job (inefficiency, neglect of duty, or failure of good behavior).
7. Malicious mischief, horseplay, wrestling, or other potentially harmful conduct (inefficiency, immoral conduct, discourteous treatment of public, or failure of good behavior).
8. Interfering with the work performance of subordinates or other employees (inefficiency, neglect of duty, or failure of good behavior).
9. Failure to cooperate with other employees (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
10. Neglect of, or careless failure to observe, employer rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
11. Excessive garnishments (failure of good behavior or nonfeasance).
12. Use or possession of another employee's working equipment or property without approval (dishonesty or failure of good behavior).
13. Unauthorized use of the employer's telephone for other than business purposes (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).



14. Obliging the employer for any minor expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
15. Neglect of, or careless failure to care for, employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
16. Disregarding job duties by neglect of work (e.g., reading for pleasure, playing cards, viewing T.V., etc.) during work hours (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. 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).
18. Neglect of, or careless failure to, prepare required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
19. 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).
20. Violation of any other county policy contained in this manual or otherwise.

### **GROUP II OFFENSES**

1. **First offense:** Working suspension of less than 24 hours; a fine less than 24 hours' pay; or a suspension without pay for less than 24 hours
2. **Second offense:** Five (5) to fifteen (15) day working suspension or suspension without pay; or a fine up to five (5) days' pay
3. **Third offense:** Up to and including termination

Following are examples of **Group II** offenses. Following each offense in parentheses are the applicable O.R.C section 124.34 misconduct types:

1. Sleeping during work hours (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
2. Reporting to work or working while unfit for duty (incompetence, or failure of good behavior).

3. Failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
4. Leaving a post of continuous operations prior to being relieved by employee of incoming shift (neglect of duty or failure of good behavior).
5. Willful refusal to sign in or out when required (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
6. Performing private work on employer time (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
7. Neglect or careless failure to observe official safety rules, or common safety practices (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
8. Failure to report accidents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
9. Discourteous treatment of the public (discourteous treatment of public or failure of good behavior).
10. Threatening, intimidating, or coercing subordinates or other employees (inefficiency, neglect of duty, or failure of good behavior).
11. Use of abusive or offensive language toward subordinates or other employees (immoral conduct, insubordination, failure of good behavior, or malfeasance).
12. The making or publishing of false, vicious, or malicious statements concerning other employees, the employer or its operations (dishonesty, failure of good behavior, or malfeasance).
13. Solicitation or distribution on employer property in violation of the solicitation and distribution policy (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
14. Willful disregard of the employer's rules, regulations, policies, and procedures (inefficiency, neglect of duty, failure of good behavior, misfeasance, malfeasance, or nonfeasance).

15. 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).
16. Neglect or carelessness in the use of employer property or equipment (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
17. Obliging the employer for a major expense, service, or performance without prior authorization (dishonesty, neglect of duty, failure of good behavior, or misfeasance).
18. Unauthorized use of employer property or equipment, including the unauthorized reproduction of this manual (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
19. Failure to report equipment damage (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
20. 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).
21. 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).
22. Refusing to provide testimony or information concerning any investigation (insubordination, failure of good behavior, or nonfeasance).
23. Possession or storage of alcoholic beverages on the employer's premises (neglect of duty, drunkenness, failure of good behavior, or malfeasance).
24. Unauthorized presence on the employer's property (failure of good behavior or misfeasance).
25. Habitual neglect of timely completion of required reports or documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
26. Willful failure to timely complete required reports and documents (inefficiency, neglect of duty, failure of good behavior, or nonfeasance).
27. Violation of any other county policy contained in this manual or otherwise.

### **GROUP III OFFENSES**

1. **First offense:** Up to and including termination

Following are examples of **Group III** offenses. Following each offense in parentheses are the applicable O.R.C section 124.34 misconduct types:

1. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, sympathy strike, call-in, slowdown, 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).
2. Refusal, without legitimate reason, to work during emergency situations or conditions (insubordination, neglect of duty, failure of good behavior, or nonfeasance).
3. Signing or altering other employees' time records, altering one's own time records, or having one's time records signed or altered by another, without authorization (dishonesty, failure of good behavior, or malfeasance).
4. Knowingly concealing a communicable disease (e.g., TB, etc.) which may endanger others (neglect of duty, failure of good behavior, misfeasance, or malfeasance).
5. Carrying or possessing firearms, explosives, or weapons on employer property at any time in violation of law (failure of good behavior or malfeasance).
6. Willfully withholding information which threatens the safety and security of the employer, its operations, or employees (dishonesty, failure of good behavior, misfeasance, or malfeasance).
7. Willfully demeaning, verbally abusing, and/or humiliating another person (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
8. 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).

9. 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, military status, national origin, disability, genetic information, or other protected criteria (immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
10. Fighting with, or attempting to injure, other employees (discourteous treatment of the public, neglect of duty, failure of good behavior, or malfeasance).
11. 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).
12. 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).
13. 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).
14. Violating the employer's gambling policy as contained in this manual (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
15. 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).
16. 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).
17. Engaging in political activity as prohibited by O.R.C section 124.57 and as provided in the political activity section of this manual (failure of good behavior, malfeasance).
18. Deliberate or willful neglect in the performance of assigned duties (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).

19. The unlawful manufacture, distribution, dispensation, possession, use, or being under the influence of alcohol or a controlled substance which takes place in whole or in part in the workplace and/or a violation of the reporting requirements of the employer's Drug Free Workplace Policy (drunkenness, immoral conduct, neglect of duty, failure of good behavior, or malfeasance).
20. Driving a motor vehicle on duty or employer business without a valid, applicable operator's license (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
21. Failure to obtain, maintain, and/or report the loss of required licenses, certifications, or other qualifications of an employee's position (dishonesty, failure of good behavior, malfeasance, or neglect of duty).
22. Conviction of any violation of law which may adversely affect the public's trust in the employee's ability to perform the duties of the employee's position (dishonesty, failure of good behavior, or malfeasance).
23. Intentional misuse of employer or other public funds (dishonesty, neglect of duty, failure of good behavior, or malfeasance).
24. Willful neglect or intentional misuse, abuse, or destruction of the property, equipment, or tools of the employer or another employee (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
25. Soliciting or accepting a gift, gratuity, bribe, or reward for the private use of the employee; or otherwise using one's position, identification, name, photograph, or title for personal gain; or otherwise violating the employer's Code of Conduct or Ohio's ethics laws for public employees (inefficiency, neglect of duty, failure of good behavior, misfeasance, or malfeasance).
26. Engaging in off-duty employment activities which the employer has determined to be an interest or time conflict (inefficiency, neglect of duty, failure of good behavior, or misfeasance).
27. Making false claims or misrepresentations in an attempt to obtain any benefit (dishonesty, failure of good behavior, neglect of duty, or malfeasance).
28. Misuse or removal of 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).
29. Misuse, removal, or destruction of employer records without prior authorization (dishonesty, neglect of duty, failure of good behavior, or malfeasance).

30. Conviction of certain felonies.
31. Failure (neglect or otherwise) to report accidents or injuries.
32. Job abandonment of three days or more.
33. Intentional violation of the Tobacco/E-cigarette Policy.
34. Violation of social media policy (failure of good behavior, malfeasance).
35. Violation of any county policy contained in this manual or otherwise.

#### **8.04 B GUIDELINES FOR DISCIPLINARY ACTION AND PENALTIES PROCEDURE**

- A.** Multiple policy infractions should be dealt with by following the progressive discipline procedure set forth below:
1. Multiple offenses which are **unrelated** are progressively disciplined in the groups in which the offenses are classified.
  2. Multiple offenses which are **related** are progressively disciplined regardless of the groups in which the offenses are classified **and** regardless of the order in which the offenses occurred.
  3. Multiple offenses which are closely related in time, even if unrelated or in different groups hereunder, may be combined to result in discipline which exceeds the severity of the total sum of the separate offenses.
- B.** Examples of the difference between the treatment of **related** and **unrelated** offenses are as follows:
1. If, as a first offense, an employee commits Group I offense #1, "failure to properly and completely sign in or out", the employee would normally receive a verbal warning. If within 24 months this employee commits an unrelated offense, Group II offense #18, "unauthorized use of employer property or equipment", the employee would receive a day suspension without pay. If, however, the second offense had been related to the first offense, such as Group II offense #5, "willful refusal to sign in or out when required", the employee would receive a 15-day suspension without pay.

2. If, as a first offense, an employee commits Group III offense #2, "refusal without legitimate reason, to work during emergency situations or conditions", the employee would be disciplined up to termination. If the employee is not terminated, for whatever reason, and if within 24 months the employee commits an unrelated offense, Group II offense #6, "performing private work on employer time", the employee would receive a one (1) to three (3) day suspension. If, however, the second offense had been related to the first offense, such as Group II offense #3, "failure to report for overtime work, without proper excuse, after being scheduled to work in accordance with overtime policy", the employee would be subject to termination.

## **8.05 APPEALS OF PERSONNEL ACTIONS**

**A.** Personnel actions for classified employees may be appealed by an affected employee through the in-house complaint procedure. Examples of personnel actions include:

1. reduction
2. suspension of more than 40 work hours in the case of an employee exempt from the payment of overtime compensation
3. suspension of more than 24 hours in the case of an employee required to be paid overtime compensation
4. fine of more than 40 hours' pay in the case of an employee exempt from the payment of overtime compensation
5. fine of more than 24 hours' pay in the case of an employee required to be paid overtime compensation
6. removal, except for the reduction or removal of a probationary employee
7. layoff

If necessary, the above listed personnel actions may be appealed by an affected employee to the State Personnel Board of Review. Disciplinary action based on conviction of a "felony" within the meaning of O.R.C. 124.34 may not be appealed to the State Personnel Board of Review. Appeals must be filed within 10 days after the employee is served the disciplinary order. Appeals from layoffs must be made within 10 days after receipt of the layoff notice or the date of displacement.



- B.** The O.R.C. 124.34 does not apply to modifications or reductions in pay or workweek authorized by O.R.C. 124.393 and 124.394.
- C.** The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an appeal is heard, the board may affirm, disaffirm, or modify personnel decisions made by the Appointing Authority. However, in an appeal of a removal order based upon a violation of a last chance agreement, the board, commission, or trial board may only determine if the employee violated the agreement and thus affirm or disaffirm the judgment of the Appointing Authority.
- D.** Temporary, intermittent, and other employees serving in the unclassified service have no appeal rights to the SPBR. Probationary employees likewise may not appeal to the SPBR. Disciplinary action based on conviction of a “felony” within the meaning of O.R.C.124.34 may not be appealed to the SPBR.

## **8.06 COMPLAINT PROCEDURE**

Knox County Appointing Authorities recognize that within any organization there will be occasional differences among its employees regarding interpretations of rules or other problems stemming from conditions of employment. Whenever differences or problems arise, employees should attempt to resolve the matter informally through proper channels.

- A.** In the event a difference or problem cannot be resolved informally, Knox County Appointing Authorities provide the following complaint procedure by which an employee may seek a resolution of his or her grievance.

**Step 1:** Any employee having a complaint may file it in writing with his or her immediate supervisor. In order for the complaint to be recognized, it must be filed within five (5) working days from the date the alleged incident occurred. Within five (5) working days from the date the complainant first presented his or her issue, the supervisor will attempt to resolve the matter.

**Step 2:** If the issue is not resolved in Step 1, the complainant may pursue the matter by submitting the complaint in writing to the department head within five (5) working days from the reply received in Step 1. The department head shall, if it is deemed necessary, meet with those concerned and otherwise attempt to resolve the matter within five (5) working days from the receipt of the complaint.

**Step 3:** If the matter is not resolved in Step 2, the complainant may pursue the matter by submitting the complaint in writing to the Appointing Authority or designee within five (5) working days from the reply received in Step 2. The Appointing Authority or designee shall respond in writing to the complainant within 10 working days following the conclusion of his or her investigation. The decision rendered in Step 3 is final and binding.

- B.** In the event of extenuating circumstances, a time limit may be extended by mutual agreement of both parties in writing.
- C.** Complaints not processed to the next step of the procedure within the specified time limit, or any extension thereof, shall be considered to have been resolved on the basis of the decision at the previous step.
- D.** Any complaint not answered within the prescribed time limit, or extension thereof, shall be considered to have been answered in the negative and may be advanced to the next step.
- E.** Where the alleged complaint is of a nature that qualifies for appeal under rules of the State Personnel Board of Review, the complainant must appeal through the SPBR in accordance with the rules of that body.

## **CHAPTER 9**

### **9.01 RESIGNATION**

- A.** Employees who wish to voluntarily resign must initiate the process by submitting to their supervisor a formal, written letter of notification. Such notification should be directed to the Appointing Authority and should include:

1. A statement indicating the employee's intention to resign from county service.
2. The date the notice was given.
3. The effective date of the resignation.
4. The reason for the resignation (optional).
5. The employee's signature.

Employees are encouraged to notify their Appointing Authority at least two (2) weeks in advance of the effective date of separation.

Failure to give proper notification shall result in ineligibility for reinstatement.

- B.** A person who resigned in good standing may be reinstated, at the discretion of the Appointing Authority, in his former type of position within one (1) year following resignation, provided such employee remains qualified to perform the duties of the position and such reinstatement would be in the best interests of the department.
- C.** The Appointing Authority or designee shall, in turn, notify the Auditor's Office at the time of resignation so that payroll records may be updated and appropriate documents processed.
- D.** The employee shall return all county property to the Appointing Authority on or before the last day of work.

## **9.02 EXIT INTERVIEW**

Upon resignation, or otherwise voluntarily terminated employment, an employee may be requested to complete an exit interview questionnaire and to personally discuss the questionnaire with the Appointing Authority or designee, prior to receiving a final paycheck.

- A.** The exit interview is an opportunity for the employee to offer constructive criticism and insights to the Appointing Authority regarding the operation of the department.
- B.** The Appointing Authority or designee shall:
  - 1. Attempt to discover any previously unknown causes of the resignation, the knowledge of which could prevent their recurrence.
  - 2. Learn of any grievances or specific problems so that the department head can investigate possible solutions.
  - 3. Determine the final compensation and benefits the terminated employee is scheduled to receive.
  - 4. Determine the employee's availability for future employment with the county, should his performance level warrant reinstatement, reemployment, or temporary service.
  - 5. Verify the employee's correct address for mailing Internal Revenue Service Form W-2 and related documents.

## **9.03 LAYOFF**

- A.** In implementing layoffs, the Appointing Authority adopts the following procedures. In adopting these procedures, the Appointing Authority intends to follow the Civil Service Laws but does not intend to impose upon itself any restrictions that are not required by the Civil Service Laws; and the Appointing Authority 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 Appointing Authority), 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 Appointing Authority, 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 order of layoff, displacement (bumping), recall, etc., that the Appointing Authority is required to follow under O.R.C. 124.321-124.327.
- B.** Furthermore, the Appointing Authority will follow the current procedures established by the Ohio State Personnel Board of Review and Ohio Director of Administrative Services' (ODAS) administrative rules (as they are amended from time-to-time) regarding:
1. Order of layoff and displacement (except any laid off or displaced employee shall have the right to fill an available vacancy or displace into an immediately prior-held position if he or she meets the criteria set forth in O.R.C 124.324(A)(3), (held the position within the last three (3) years and meets the minimum qualifications).
  2. Content and service of notices to employees of layoff or displacement (e.g., mailed 17 days in advance if served by certified mail, or 14 days in advance if hand-delivered).
  3. The calculation of retention points.
  4. Other aspects of abolishment, layoff, and recall, except that the Appointing Authority will not file retention point calculations, statements of rationale, or other layoff documents with the Director, nor require verification of same, nor does the Appointing Authority adopt the SPBR or ODAS procedures that are not expressly or logically applicable to the Appointing Authority or its/their employees or that would require more of the Appointing Authority than applicable civil service law.
- C.** The Appointing Authority reserves the right to amend this policy from time to time in accordance with applicable law.

## **CHAPTER 10**

### **10.01 NEPOTISM**

#### **A. Hiring**

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

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

#### **B. Employment**

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

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

### **10.02 SOLICITATION**

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

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

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

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

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

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

### **10.03 CONTACT WITH NEWS MEDIA/RESIDENTS**

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

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

## **PERSONNEL POLICY MANUAL**

I acknowledge receipt of this manual, understand, and agree that I am responsible for knowing its contents and for keeping it updated. I also understand that this manual is County property that must be returned to the Appointing Authority when I separate from employment with the County.

I further acknowledge and understand that this manual **does not create a contract of employment with the County for any purpose**. I agree and understand that any and all provisions of this manual may be modified or eliminated, without advance notice to me, at any time.

**Issued To:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Date Received:** \_\_\_\_\_