THE
ATHENS COUNTY
BOARD OF COMMISSIONERS
PERSONNEL POLICY
AND PROCEDURES
MANUAL

THIS DOCUMENT IS NOT A CONTRACT

Prepared by:
CLEMANS, NELSON & ASSOCIATES, INC.
6500 Emerald Parkway, Suite 100
Dublin, Ohio 43016-6235
(614) 923-7700 / (800) 282-0787
www.clemansnelson.com
INTRODUCTION

SECTION 1

1.01 Definitions
1.02 Classified and Unclassified Employment
1.03 Objectives
1.04 Equal Employment Opportunity/Affirmative Action
1.05 Management Rights
1.06 Scope of Coverage
1.07 Dissemination
1.08 Policy Amendments
1.09 Coordination of the Personnel System
1.10 Severability
1.11 Discriminatory Harassment/Complaints
1.12 Disability Accommodation

SECTION 2

2.01 Requirements for Employment
2.02 Vacancies: Identification, Announcement, and Application
2.03 Evaluation of Applicants
2.04 Basis for Selection
2.05 Disqualification
2.06 Promotion
2.07 Applicant Recordkeeping Requirements
2.08 Immigration Reform and Control Act

SECTION 3

3.01 Employee Status
3.02 Notification of Address and Telephone Number
3.03 Notification of Marital Status or Change of Name
3.04 Birth Date
3.05 Medical Examination
3.06 Continuous Service
3.07 Employee Evaluation
3.08 Appointments and Reporting New-Hires
SECTION 4

4.01 Ethics of Public Employment
4.02 Probationary Period
4.03 Training
4.04 Drug Free Workplace Policy

SECTION 5

5.01 Job Classifications
5.02 Compensation
5.03 Pay Period
5.04 Hours of Work
5.05 Overtime and Compensatory Time
5.06 Overtime Assignment
5.07 Call-Back Pay
5.08 Payroll Deductions
5.09 Retirement Plan
5.10 Workers' Compensation
5.11 Garnishments
5.12 Expense Reimbursement
5.13 Hospitalization Insurance Coverage
5.14 Damages To or Loss of Personally-Owned Property
5.15 Acting Supervisor

SECTION 6

6.01 Holidays
6.02 Vacation
6.03 Sick Leave
6.04 Sick Leave Conversion
6.05 Funeral Leave
6.06 Military Leave
6.07 Court Leave
6.08 Leave of Absence Without Pay
6.09 Disability Separation
6.10 Absent Without Leave
6.11 Personal Days
6.12 Family and Medical Leave
6.13 Sick Leave Donation
SECTION 7

7.01 Notification of Absence
7.02 Tardiness
7.03 Rest Periods
7.04 Lunch Period
7.05 Safety and Health
7.06 Supplies, Instruments, and Other Equipment
7.07 Motor Vehicle Operator's License
7.08 Radio Operating Procedures
7.09 Use of Telephones
7.10 Gambling
7.11 Outside Employment
7.12 Dress
7.13 No Access/No Solicitation/No Distribution
7.14 Political Activity
7.15 Maintenance of Vehicles or Equipment Checklist
7.16 Network, Internet, Electronic Mail and On-Line Services Policy
7.17 Workplace Violence
7.18 Travel Policy
7.19 Concealed Carry/Firearms Policy
7.20 Cellular Phone and Pager Policy
7.21 Use of Vehicles by Athens County Employees
7.22 Whistleblower Protection
7.23 Anti-Terrorism Policy
7.24 Re-Employment of a Retiree
7.25 Athens County Employees’ Precinct Election Official Leave Program
7.26 Athens County Employees’ Credit Card Policy
7.27 Tobacco Free Policy
7.28 Self Help to Records Prohibited
7.29 Weather and Emergency Days
7.30 Job-Related Convictions
7.31 Employee No Expectation of Privacy
7.32 Confidential Information

SECTION 8

8.01 Disciplinary Principles
8.02 Progressive Discipline Policy
8.03 Predisciplinary Conference
8.04 Predisciplinary Procedure
8.05 Disciplinary Action Forms  
8.06 Grounds for Disciplinary Action and Penalties  
8.07 Appeals  
8.08 Employee Complaint Procedure  
8.09 Administrative Leave

SECTION 9

9.01 Resignation  
9.02 Exit Interview

SECTION 10

10.01 Personnel Files  
10.02 Bulletin Boards  
10.03 Authorized Statement to Pick-Up Paycheck

SECTION 11

A-1 Personnel Action  
A-2 Application for Employment  
A-3 Application for Job Vacancy  
A-4 Request for Leave of Absence  
A-5 Request to Accumulate Compensatory Time  
A-6 Request to Accumulate Vacation Time  
A-7 Authorization to Pick-Up Paycheck  
A-8 Employment Eligibility Verification  
A-9 Record of Verbal Warning  
A-10 Record of Written Reprimand  
A-11 Recommendation for Disciplinary Action  
A-12 Notice of Predisctiplinary Conference  
A-13 Order of Removal, Reduction, Suspension, Involuntary Disability Separation  
A-14 Employee Complaint  
A-15 P.E.R.S. Personal History Record  
A-16 P.E.R.S. Application for Retirement  
A-17 P.E.R.S. Member's Application for Refund of Accumulated Contributions  
A-18 Notice of Reemployment of a P.E.R.S. Retirant  
A-19 Report of Safety Problems and/or Equipment Defects  
A-20 Motor Vehicle Crash Report  
A-21 Workers' Compensation Application for Payment of Medical Benefits Only
A-22 Workers' Compensation Application for Payment of Compensation and Medical Benefits
A-23 Exit Interview
A-24 Cobra Notification/Election Continuation Coverage of Medical Insurance
A-25 Request for Continuation Coverage under Athens County Dental/Vision Plan
A-26 Enrollment Form
A-27 Prescription Drug Claim Form
A-28 EEO Complaint Form
A-29 Workplace Safety & Illegal Activity Acknowledgement
A-30 Request for Family and Medical Leave
A-31 Family and Medical Leave Notice
A-32 Certification of Health Care Provider
A-33 Acknowledgement of Temporary/Seasonal Status
A-34 Workplace Violence Incident Report
A-35 Workplace Violence Incident Report – Victim/Witness Account Form
A-36 Athens County Precinct Election Official Leave Program
A-37 Athens County Vehicle Usage Affidavit
A-38 Use of County Vehicle Policy Acknowledgement
A-39 Athens County Cell Phone/Pager/Laptop Affidavit
AB40 Statement of Support for the Athens County Drug-Free Policy (Current Employees)
AB41 Drug-Free Workplace Statement (Prospective Employees)
AB42 Receipt of Drug-Free Workplace Documentation (Current Employees)
AB43 Letter to Current County Employees
AB44 Certification of Drug-Free Workplace Compliance
AB45 Drug-Free Workplace Notice
AB46 Receipt and Acknowledgement of Athens County Computer/Internet/Electronic Mail
A-47 Ethics Law (O.R.C. 102)
The ATHENS COUNTY PERSONNEL POLICY MANUAL has been edited and updated to reflect new personnel regulations, such as Americans with Disabilities Act, Family and Medical Leave Act and a Drug-Free Workplace Policy. The manual does not constitute a contract with County employees. It is a guide for administering defined policies fairly and consistently as an Equal Employment Opportunity Employer.

Elected officials and supervisors should be thoroughly familiar with the personnel policies contained herein so as to administer the policies in a systematic, fair, and impartial manner. All County employees should receive a copy of this manual for their use while employed by the County. Upon termination, the manual is to be returned to the elected official or supervisor.

When it becomes necessary to add, delete, or change policies, updates will be issued to all departments for distribution and insertion in this manual.

This policy manual is a guide to be utilized by management to ensure uniformity and nondiscriminatory application of the conditions of employment. In the event there is a conflict between the policies expressed in this manual and any applicable laws, the applicable law will prevail.

Elected officials have the right and may need to establish policies to meet the specific needs of their departments. The Board of County Commissioners and any other Appointing Authority adopting these policies reserve the right to modify, revoke, suspend, terminate, or change any and all such plans, policies, procedures, in whole or in part, with or without notice, as permitted by law, and as they deem best serves the citizens of Athens County. It is hoped that any conflict with the policies of this manual can be avoided by reviewing the policies and suggesting changes as needed.

This personnel policy manual was adopted by the Athens County Commissioners on July 20, 1999 as recorded in Commissioners' Journal 58, page 487.
1.01 Definitions
1.02 Classified and Unclassified Employment
1.03 Objectives
1.04 Equal Employment Opportunity/Affirmative Action
1.05 Management Rights
1.06 Scope of Coverage
1.07 Dissemination
1.08 Policy Amendments
1.09 Coordination of the Personnel System
1.10 Severability
1.11 Discriminatory Harassment/Complaints
1.12 Disability/Accommodation
Unless otherwise indicated in these policies or other legally adopted documents, the following definitions shall apply:

**Appointing Authority**: shall mean the Athens County elected or appointed officials, boards, commissions, or other bodies, or their designee(s), of their office, department, or agency authorized by law to make appointments to positions.

**Absenteeism**: the practice of a worker in failing to report for work for a period of one (1) or more days or failure to report within the prescribed time when he has been assigned to or scheduled for work. Misuse or abuse of sick leave regulations can be considered absenteeism.

**Absent Without Leave (Unexcused Absence)**: being absent from work without any authorization from the Employer.

**Active Pay Status**: the conditions under which an employee is eligible to receive pay and includes, but is not limited to, approved vacation, sick leave, and holidays.

**Civil Service**: includes all offices and positions of trust or employment in the service of the state and in the service of the counties, cities, city health districts, general health districts, and city school districts of the state.

**Classification (Class)**: a group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same description title may be used for each and the same pay grade assigned. A class may include only one (1) position in some circumstances.

**Classified Employee**: an employee who, after serving a probationary period, may only be demoted, suspended, or removed from public service for cause, in accordance with the State Civil Service statute ORC 124.34.

**County**: generally means the County of Athens, State of Ohio, although some policies may refer to counties in the generic sense (e.g., service with a county).

**Days**: calendar days unless otherwise specified.
**Department Head:** a supervisor (as defined herein) charged with the responsibility of managing a department on behalf of the Employer. Also called Director or Executive Director in some departments.

**Dishonesty:** disposition to lie, cheat, or defraud; untrustworthiness; lack of integrity, to steal, embezzle, or commit theft of any kind.

**Drunkenness:** the condition of a person whose mind is affected by the immediate use of intoxicating drinks; the state of one who is "drunk"; the effect produced upon the mind or body by drinking intoxicating liquors to such an extent that the normal condition of the subject is changed and his capacity for rational action and conduct is substantially lessened.

**Employee:** any person working directly for an elected official of Athens County who has adopted these policies.

**Employer:** shall mean the Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions. As context requires, Employer may also mean a designee of an Appointing Authority authorized to carry out certain duties on behalf of the Appointing Authority.

**Excused Absence:** being absence from work with the approval of the Employer (i.e., vacation, holiday, comp time, unpaid leave of absence).

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

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

**FML:** abbreviation for Family and Medical Leave.

**FMLA:** abbreviation for the Family and Medical Leave Act.

**Immoral:** contrary to good morals; inconsistent with the rules and principles of morality; harmful or adverse to public welfare according to the standards of a given community, as expressed in law or otherwise.
**Immoral Conduct**: conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinions of the good and respectable members of the community.

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

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

**Insubordination**: state of being, unwilling to do the things required of an employee; refusal to obey either a written or verbal order issued by the employee's administrative superior (supervisor, Department Head, Appointing Authority).

**Lateral Transfer**: movement by an employee from one position to another, which results in no change in the employees' classification or rate of pay.

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

**Non-Exempt Employee**: an employee who is entitled to be paid the federal minimum wage and to be paid at the rate of one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of 40 in an established workweek or other standard work period established in accordance with the FLSA.

**Nonfeasance**: nonperformance of some act which ought to be performed, 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.

**O.A.C.**: abbreviation for the Ohio Administrative Code.
**O.R.C.** : abbreviation for the Ohio Revised Code. Also abbreviated as R.C. when followed by a chapter or section number.

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

**Salaried Employees** : means those employees who are paid a salary within the meaning of the Fair Labor Standards Act, rather than an hourly wage. The mere fact that a person’s salary is computed from or expressed as an hourly amount for data processing purposes does not mean a person is hourly rather than salaried. Salaried status depends on how a person is paid.

**Service of the State ("Civil Service of the State")** : includes all offices and positions of trust and employment with state government, and this does not include offices/positions with state-supported colleges and universities, counties, cities, city health districts/school districts, general health districts, or civil service townships (see "State Service").

**Sick Leave Abuse** : the use of sick leave for any purpose other than as provided by applicable law or this policy; calling in sick when the employee is able to work; reporting illness in the immediate family when such illness does not exist; reporting off sick to participate in some other activity or to take care of personal business; 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.

**State Service** : includes all offices and positions in the service of the state, counties, and general health districts of the state. “State service” does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

**Suspension** : relieving an employee from duty with or without pay, usually for a short period of time (i.e., one [1] to fifteen [15] days), as a disciplinary measure aimed at improving the employee's conduct or for medical or psychological evaluation.
Supervisor: shall mean an individual who has been authorized by the Appointing Authority to oversee and direct the work of lower level employees on a daily basis.

Tardiness: a form of absenteeism; lack of punctuality in arriving at the place of work.

Unclassified Service: all offices and positions, which are exempt from all examinations and which provide no tenure under the law.

Verbal Warning: the discussion a supervisor and/or Appointing Authority holds with an employee in which he disciplines him for his conduct and impresses upon him the need for improvement. This method of discipline can eliminate misunderstandings immediately and set and maintain desired standards of conduct and performance. A notation of the date, time, and reason for a verbal warning must be kept in the supervisor's file with a copy to the Appointing Authority in the event the conduct of the employee does not improve and subsequent disciplinary action is required.

Working Suspension: a form of discipline, whereby the Appointing Authority may require an employee who is suspended to report to work to serve the suspension. An employee serving a suspension in this manner shall continue to be compensated at the employee’s regular rate of pay for hours worked. Such disciplinary action shall be recorded in the employee’s personnel file in the same manner as other disciplinary actions and will have the same effect as a suspension without pay for the purpose of recording disciplinary action.

Written Reprimand: This is the written record of disciplinary action, usually issued after an oral reprimand has failed to improve the employee's conduct or when the employee is guilty of a more serious violation. It is placed in the employee's personnel file and remains part of the employee's record.
Original Adoption Date: _________________ Revision Date: ____________________
A. 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 R.C. Section 124 or other section of the R.C. Most classified employees may only be suspended, demoted, or removed for cause and by following the procedures set forth in Chapter 124 of the Ohio Revised Code. Exceptions include probationary employees, who may be removed or reduced for unsatisfactory service during their probationary period without a showing of cause (see Section 4.02, Probationary Period). Classified status severely restricts an employee's ability to participate in partisan politics (see Section 7.16, Political Activity).

B. Some County employees serve in the unclassified civil service, and occupy positions which 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 ORC 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 for the duration of their appointment, and therefore have no rights to appeal a suspension, demotion, or removal to SPBR under Chapter 124. Unclassified employees are not prohibited by law from engaging in partisan political activity on their own time and away from areas in public buildings where official business is transacted or conducted. However, any employee desiring to seek any public elective office should notify the Employer. Unclassified employees need not take a civil service examination for initial appointment to, or retention of, their position. (See Section 7.16, Political Activity)

C. Employees appointed to positions on an external interim, temporary, or intermittent basis, are unclassified and serve at the pleasure of the Appointing Authority and therefore have no right to appeal any suspension or removal to the SPBR.
A. Athens County recognizes that a personnel system which recruits and retains competent, dependable personnel is indispensable to effective County government.

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

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

2. Maintain recruitment and internal promotional practices which will enhance the attractiveness of a career with Athens County and encourage each of its employees to give his or her best effort to the office 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 the County service based on merit and fitness and fair and effective personnel management methods;

5. Ensure that all County operations are conducted in an ethical and legal manner so to promote the County's reputation as an efficient, progressive body in the community and the state.
Athens County is an Equal Employment Opportunity Employer. It is the policy of the County to not unlawfully discriminate against any qualified employee, qualified applicant for employment, or eligible beneficiary of services on the basis of race, color, religion, age, sex, national origin, disability, or military status, except where such a factor constitutes a bonafide occupational qualification, regarding the following:

1. Recruitment  7. Layoff and Recall
2. Selection  8. Termination
4. Testing  10. Social and Recreational Programs
5. Training  11. Employee Benefits and Compensation
6. Promotions and Transfers  12. Tangible Program Services and Benefits

All references to employees in this policy designate both sexes and wherever the male gender is used by itself, it shall be construed to include male and female employees.

Employees who feel they have been discriminated against may seek recourse through the use of the Discriminatory Harassment Complaint Procedure (See Section 1.11).
The ultimate right to manage their work forces shall be maintained by the Appointing Authority of each department, consistent with the policies set forth in this manual and all applicable state and federal laws.

Appointing Authorities maintain certain rights to operate their departments. These rights shall be exercised in a manner consistent with applicable law and the policies contained herein. These rights include, but are not limited to the following:

A. To manage and direct employees, including the right to select, hire, promote, transfer, assign, evaluate, layoff, recall, reprimand, suspend, discharge, or discipline for cause, and to maintain discipline among employees;

B. To manage and determine the location, type and number of physical facilities, equipment, programs, and the work to be performed within the restraints of an approved budget;

C. To determine the department's goals, objectives, programs, and services, and to utilize personnel in a manner designed to effectively and efficiently meet these purposes;

D. To determine the size and composition of the work force, staffing patterns, and each department's organizational structure within the budgetary limits, including the right to lay off employees from duty due to lack of work, austerity programs, or other legitimate reasons;

E. To determine the hours of work, work schedules, and to establish the additional work rules, policies, and procedures for all employees consistent with the policies herein;

F. To determine when a job vacancy exists, the duties to be included in all job classifications and the standards of quality and performance to be maintained;

G. To determine the necessity to schedule overtime and the amount required thereof within the restraints of an approved budget;

H. To determine the department budget and uses thereof subject to applicable law;

I. To maintain the security of records and other pertinent information;

J. To determine and implement necessary actions in emergency situations;
K. To maintain the efficiency of governmental operations;

L. To exercise complete control and discretion over department organization and the technology of performing the work required;

M. To set standards of service and determine the procedures and standards of selection for employment;

N. To take necessary action to abolish and create classifications;

O. To exercise control and discretion over the budget, organizational structure, and method of performing the work required.

P. The exercise of any such right, power, authority, duty, or responsibility by the Employer and the adoption of such rules, regulations, or policies as may be deemed necessary, shall be limited only by the specific express terms of applicable law.
These policies apply to all employees, supervisors, and administrators of the Appointing Authorities who have adopted the manual. In the event there is a conflict between the matters expressed in this manual and any other applicable laws or regulations, the applicable law or full text of the regulations 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.

Some policies may reference or leave matters to more specific documents (such as collective bargaining agreements and the health care plan), in which case the more specific documents will control. 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. To that extent, Appointing Authorities or department may issue directives that clarify these policies in a manner more specific to their particular operations.

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

Except as otherwise specifically provided herein, these policies apply, as authorized by signatures below, to all employees of Athens County employed in the following departments:

________________________________________________________________________  __________________________
Commissioner                                                                 Date

________________________________________________________________________  __________________________
Commissioner                                                                 Date

________________________________________________________________________  __________________________
Commissioner                                                                 Date

________________________________________________________________________  __________________________
Auditor                                                                     Date

________________________________________________________________________  __________________________
Clerk of Courts                                                             Date

________________________________________________________________________  __________________________
Judge C Common Pleas Court                                                  Date
Coroner

Engineer

Probate/Juvenile Courts

Prosecuting Attorney

Recorder

Sheriff

Treasurer

Original Adoption Date: ________________  Revision Date: ________________
All personnel shall be notified of the existence of these policies, and a copy shall be made available for review by all personnel through their supervisors. Employees will be allowed a specified amount of time to review these policies during orientation, and thereafter as permitted by their supervisors, and are expected to know and comply with their content.
A. These policies may be amended, revised, or deleted by resolution of the Athens County Board of Commissioners or by act of the Appointing Authority. Such revisions, amendments, or deletions will be published in a conspicuous place on or prior to their effective date.

B. Supervisors should periodically review the policies contained in this Manual and propose any needed changes and additions to the Appointing Authority. Periodically either the entire Manual or specific sections will be reviewed and revised as needed by the County or designee to address changes in the law or current practice. All changes are subject to the approval of the County Commissioners.

C. The Appointing Authority encourages employees to consider and recommend needed policy changes. Matters not already addressed in this Manual may be brought to the attention of the Appointing Authority or a supervisor so that appropriate policies may be considered and formulated. Suggestions or questions regarding changes in policy should be directed in writing to the Appointing Authority through the appropriate supervisor.
A. The personnel system may be coordinated by a person, persons or firm so designated the responsibility by the Athens County Board of Commissioners. This person or firm shall hereafter be called the personnel coordinator.

B. In addition to other duties set forth in this manual, the personnel coordinator shall:

1. Maintain or direct the maintenance of any centralized records of all employees subject to the provisions set forth herein, or otherwise established by law;

2. Advise the Appointing Authorities in personnel matters; and

3. Assist in administering and interpreting policies at the request of the Appointing Authorities.
A. 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.

B. If any article or section of this policy manual or any amendments thereto shall be held invalid by operation of law or by a person or entity of competent jurisdiction, or if compliance with or enforcement of any article or section of this policy manual shall be restrained by such person or entity, the remainder of this document and amendments thereto shall not be affected and shall remain in full force and effect.

C. The Appointing Authority reserves the right to delete, modify, or amend the policies and procedures contained herein or institute new policies and procedures as needed pursuant to Section 1.08 of this manual.
POLICY

It is the policy of Athens County Appointing Authorities 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, co-workers, or members of the public, is strictly prohibited.

A. Definition:

Discriminatory harassment is any type of harassing conduct that is based upon an employee's race, color, sex, national origin, age, religion, disability, military status, or other protected activity. 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. Any offensive, abusive, or unwanted physical contact; and
6. 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 applicants submission to sexual harassment in any form.

B. Responsibility:

1. It is the responsibility of all employees to aid the Appointing Authority 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 co-worker, 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.

4. Management shall also ensure that all employees are aware of this policy and will ensure that all employees receive a copy of this policy to maintain an environment free from discriminatory harassment.

PROCEDURE

A. General:

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 Appointing Authority or designee 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 or designee 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.

B. Reporting:

1. 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 the Department Head. If the Department Head is the subject of the complaint, the employee should report the matter immediately to the Prosecutor's Office.

2. The employee alleging discriminatory harassment shall complete a written complaint form provided for that purpose (See EEO Complaint Form). The employee should provide:

   a. The employee's name;
   b. The name of the subject of the complaint;
   c. The incident(s) complained of;
   d. The date(s) of the incident(s);
   e. Any witnesses to the alleged incident(s); and
   f. The resolution the employee is seeking.
3. 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 shall be completed by the person to whom the verbal complaint was made.

4. This form should be completed as soon as possible, and no later than two (2) working days after the date the alleged harassment occurred. A copy of this 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 this form should be sent to the Athens County Prosecutor.

C. Investigation:

1. After the complaint form has been completed, the complaint will promptly be investigated by the Appointing Authority or designee. If the Appointing Authority or designee is the subject of the complaint, the investigation shall be conducted by a representative from the Athens County Prosecutor's Office.

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

3. 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. (This does not apply to elected officials.)

4. When reviewing the complaint alleging a violation of the ADA, the Appointing Authority will determine whether the complainant is actually a "qualified person with a disability," whether the Department may have discriminated against the complainant, and whether the Department can "reasonably accommodate" the complainant or otherwise resolve the complainant's problem.

D. Discipline: When it is determined that there is cause for believing that discriminatory harassment has occurred, the following steps will be followed.

1. The charged party will immediately be placed on administrative leave with pay or temporarily transferred pending the final resolution of the complaint.
2. If the charged party requests it, a meeting will be held during which the charge will be explained to the charged party, and the charged party will be given the opportunity to respond to the charge.

3. Subsequent to the meeting a final determination will be made. If it is determined that a prima facie case of discriminatory harassment has been established, the charged employee will be verbally notified and may be given an opportunity to resign, if requested by the employee.

4. If the employee elects resignation, the employee must sign an agreement waiving any and all claims, before any agency, board, court or other reviewing authority, arising from the employee's employment.

5. If the employee declines resignation, a notice of predisciplinary conference will be issued.

Any employee who is found, after appropriate investigation, to have intentionally and maliciously 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.
POLICY

A. If an employee is disabled and believes they are a qualified individual with a disability as defined in the Americans with Disabilities Act (ADA), and such employee requires an accommodation to perform the essential functions of the employee's appointed position, the employee may request a reasonable accommodation.

B. A disabled employee who the Employer is not required to or cannot accommodate and who has exhausted the employee's sick leave and family medical leave may request an unpaid leave of absence or disability separation.

C. All questions or inquiries concerning disability accommodation shall be directed to the Appointing Authority.

PROCEDURE

A. If an employee is disabled as defined in the ADA and requests an accommodation for that disability, the Appointing Authority will determine whether the employee can perform the essential functions of the appointed position with some reasonable accommodation. If so, the Appointing Authority will make an appropriate accommodation. If the Appointing Authority cannot accommodate the disabled employee in the employee's current position, the Appointing Authority may place the employee in an equal or lower available vacancy for which the employee is qualified; absent such, the Appointing Authority may place the employee on disability leave or separation under the procedures for those absences/benefits.

B. When an employee claims to be disabled, the following procedure shall be followed:
   If an employee claims a disability and requests an accommodation, the Appointing Authority will: (1) determine whether the employee is a qualified individual with a disability as defined in the ADA, and if so; (2) review with the employee the job description that describes the essential functions; and (3) ask the employee whether the employee can still perform the essential functions of the job with some accommodation. If the employee answers in the affirmative, the Appointing Authority will ask the employee what accommodation the employee wants, and whether any other accommodation would also allow the employee to perform the essential job functions. The Appointing Authority may also consider accommodations that are not suggested by the employee. The accommodation the Appointing
Authority selects need only allow the employee to perform the essential functions of the position.

C. Any accommodation made shall remain confidential, and will be treated as such under the Appointing Authority's other policies and procedures as confidential information.

D. If the employee says the job cannot be done with an accommodation, the Appointing Authority may concur with the employee, or may suggest an alternative course of action. The Appointing Authority may determine that some accommodation will allow the employee to do the job to the Appointing Authority's satisfaction, and the Appointing Authority may evaluate the employee using current performance standards. Lastly, the Appointing Authority will consider demotion into an existing vacancy where no other accommodation is possible and the employee is able to perform the job in a satisfactory manner without an accommodation. The Appointing Authority may consult a medical advisor or other appropriate licensed practitioner for verification.

E. When deciding whether an accommodation is reasonable, the Appointing Authority may consider among other things:

1. allowing use of leave entitlement for treatment;
2. allowing flexible hours;
3. providing transportation;
4. providing reserved parking spaces;
5. providing assistance from other employees;
6. allowing the employee to use personally-owned equipment or aids; and
7. reassigning job functions, though the Appointing Authority need not reassign essential functions.

F. The Appointing Authority will not allow additional break time nor promote an employee as an accommodation.
2.01 Requirements for Employment
2.02 Vacancies: Identification, Announcement, and Application
2.03 Evaluation of Applicants
2.04 Basis for Selection
2.05 Disqualification
2.06 Promotion
2.07 Applicant Recordkeeping Requirements
2.08 Immigration Reform and Control Act
A. **Qualifications**: To be considered for employment, an applicant must meet the basic qualifications and possess the necessary skills, knowledge, and abilities as outlined in the County's classification specification for the vacant position. Each applicant must also complete an Application for Employment Form (Form A-2).

B. **Citizenship and Naturalization**: Any applicant for employment must be a United States citizen or have filed an official declaration of intent (see Section 2.08, Immigration Reform and Control Act).
A. The Appointing Authority will, internally, post classified vacancies which occur or are imminent within the organization. Positions are filled by promotion insofar as practicable. If the Appointing Authority does not promote a current County employee, the job may be filled by hiring outside applicants in accordance with O.R.C. Chapter 124, insofar as practicable. O.R.C. Chapter 124 specifies procedures for hiring, especially regarding classified employees.

B. The Appointing Authority will publicly announce, by appropriate means, all classified vacancies to be filled by other than transfer or reinstatement, and/or shall maintain a list of announced vacancies for public inspection.

C. Each announcement, insofar as practicable, shall specify the title, salary, nature of the job, the required qualifications, the type of selection procedure to be used, and the deadline for and method of application. The announcement shall also include the essential functions of the job, or contain a reference to a contact person or posting location that will advise applicants of the essential functions of the position.

D. Application forms must be properly completed and submitted before an applicant will be considered for employment. Copies of application forms are found in Section 11.

E. The Appointing Authority will make reasonable accommodations to assist qualified persons with disabilities to apply for vacancies.

F. In order to expedite the hiring or selection process, the Appointing Authority may advertise vacancies externally while the position is posted internally.

G. In emergency situations, an Appointing Authority may make an appointment, not to exceed thirty (30) days, without regard to these posting procedures, and without regard to the civil service rules and laws, so long as R.C. 124.30 or another provision permits. Such emergency appointments under R.C. 124.30 may not be successive.

H. An Appointing Authority may make an interim appointment under R.C. 124.30 to fill a classified vacancy that results from an employee's temporary absence, but shall not make such an interim appointment to fill a vacancy caused by another interim appointment. Such interim appointments may exceed thirty (30) days, but otherwise are limited by the duration of the employee's absence.
A. The Appointing Authority and/or designee should, if feasible, interview all qualified job applicants. Applicants must submit to reference checks, interviews, background checks, performance tests, and/or other job-related screening procedures. A physical and/or mental examination by a qualified physician may be required by the Appointing Authority following a conditional offer of employment.

B. An applicant shall be required to provide any information and undergo any examinations necessary to demonstrate qualification for the position sought, insofar as such information and examination is job-related (e.g. related to an essential function of the position) and based on business necessity. Refusal to supply information, giving false information, or refusal to submit to a job-related examination is grounds for refusal to hire and/or disciplinary action if previously hired.

C. Once an applicant is hired as an employee, the Appointing Authority or designee must provide a position description within thirty (30) days to any such employees who are newly hired and unclassified.
Appointments to vacant classified positions shall be made based solely on the Appointing Authority's assessment of the applicant's knowledge, skills, and abilities to perform the essential functions of the position and other job-related qualifications as ascertained through fair and practical selection methods.
A. The Appointing Authority may eliminate an applicant from consideration if the applicant:

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 a pattern of poor work habits and performance with previous employer;

6. has previously been terminated for just cause, except in unusual circumstances to be determined by the Employer;

7. has been convicted of a felony or a crime involving moral turpitude;

8. is addicted to drugs or alcohol; or

9. has been guilty of infamous or notoriously disgraceful conduct.

10. Cannot meet compliance with state law (O.R.C. 5153.11, et al.), providing that candidates for employment by the Department of Human Services, for positions involving Child Protective Services, Child Care, Child Custody, or control of a child are subject to a criminal records check completed by the Ohio Bureau of Criminal Identification and Investigation. A candidate's refusal to participate in the criminal records check shall be grounds for immediate disqualification. If the criminal records check indicates the candidate has been convicted or pled guilty to the violations listed in O.R.C. 5153.11(B)(1)(A) or other pertinent violations adopted by the Ohio Department of Human Services, said candidate shall be immediately disqualified.
B. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements (e.g. inability to perform essential functions even with reasonable accommodation).

C. If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the Appointing Authority may terminate the employee for dishonesty, incompetency, nonfeasance, or malfeasance.
A. Promotional opportunities shall be offered as far as practicable to qualified current County employees. The Appointing Authorities may limit a selection process to qualified employees, or may allow such employee's preference in application and/or consideration, to the extent such is permitted by law. Notice of promotional opportunities will be posted for a minimum of five (5) working days to give employees an opportunity to apply.

B. Factors to consider for promotion include an employee's completion of required probationary period, required training courses, experience, and other related criteria. An employee's previous work performance and record of disciplinary actions may also be considered in determining the employee's qualifications for the position.

C. The position will be awarded to the most qualified applicant as determined by the Appointing Authority. If two (2) employees are substantially equal in their qualifications for the position, seniority will be the determining factor.

D. No promotion shall be final until the employee has successfully completed the probationary period; or in the case of an employee promoted without competitive examination to a classified position under Section 124.30 of the Ohio Revised Code, until employee successfully completes the probationary period or six (6) months of continuous service in the position, whichever is longer.
Each Appointing Authority is responsible for maintaining a recordkeeping system reflecting the disposition of all job applicants and reasons therefore. Such records shall be kept on file for at least a two (2) year period. Documents which may be included are a completed job application form, reference check records, medical examination data, performance test scores, and/or other job-related screening information.
A. In General: In accordance with the provisions of the Immigration Reform and Control Act of 1986, as amended by the Immigration Act of 1990, the Appointing Authority has adopted the policy set forth below.

1. The Appointing Authority 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 Appointing Authority 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 Appointing Authority shall verify both the identity and the employment eligibility of all applicants considered for employment, by following the steps outlined in (B) below.

B. Preemployment Requirement:

1. All applicants to be hired, as a condition of employment, shall be required to complete the biographical information requested by Form I-9 (refer to Form A-8). The applicant shall attest that he/she is eligible for employment and has presented authentic, original documentation of identity and employment eligibility by placing an X in the appropriate box in Section 1 of the form. The applicant shall sign the signature space of Section 1 of the form and shall submit the form to the Appointing Authority for review and verification.

2. The Appointing Authority shall require the applicant to furnish an original of one of the documents listed below in order to substantiate both the applicant's identity and employment eligibility:
   
   a. U. S. Passport (unexpired or expired);
   
   b. Permanent Resident Card or Alien Registration Receipt Card (Form I-551);
   
   c. An unexpired foreign passport with a temporary I-551 stamp.
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

IMMIGRATION REFORM AND CONTROL ACT POLICY

SECTION 2.08

PAGE 2 OF 3

---

d. An unexpired Employment Authorization Document that contains a photograph (Form I-766, I-688, I-668A, I-668B); or

e. An unexpired foreign passport with an unexpired Arrival-Departure Record, Form I-94, bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status, if that status authorizes the alien to work for the employer.

3. In lieu of any of the documents specified in (B)(2) of this policy, the applicant may submit to the Appointing Authority an original of one (1) of the documents outlined in List B on the I-9 Form below to establish identity and an original of one (1) of the documents outlined in List C on the I-9 Form to establish employment eligibility.

4. If the applicant cannot produce the documents the applicant must produce a receipt for an application for replacement documents within three (3) days of hire.

5. Individuals who are disabled may establish identity through certain other documents if they are being placed into employment by a nonprofit organization, association, or as part of a rehabilitation program. The Appointing Authority can provide additional information.

6. Minors under the age of 18 who are unable to produce one of the identity documents listed under (3) of this section may provide other acceptable documents to establish identity (school record or report card; clinic, doctor, or hospital record; or daycare or nursery school record).

7. If an alien attests to the Appointing Authority that he/she intends to apply or has applied for legalization or amnesty, the Department need not require evidence of work authorization as specified in (B) above, the applicant must, however, provide to the Department evidence of the applicant's identity.

---

C. Post-Hiring Requirements:

1. Within three (3) business days after the appointment of the applicant, the Appointing Authority shall physically examine the documentation presented by the new employee, ensure that the documents presented appear to be genuine and relate to the individual, then complete the remaining portions of Form I-9.
2. The Appointing Authority 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 Appointing Authority, within one (1) year of the date of separation, the Appointing Authority 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 Appointing Authority must immediately reverify that the employee is still authorized to work, based on the employee's documentation of continuing eligibility or new authority to work. The Appointing Authority must review the document, and verify on the I-9 Form, noting the document's ID number and expiration date.

D. Anti-Discrimination Policy: It is the intention of the Appointing Authority not to discriminate in hiring on the basis of national origin and citizenship status except as otherwise provided by law. The Appointing Authority 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.
3.01 Employee Status
3.02 Notification of Address and Telephone Number
3.03 Notification of Marital Status or Change of Name
3.04 Birth Date
3.05 Medical Examination
3.06 Continuous Service
3.07 Employee Evaluation
3.08 Appointments and Reporting New-Hires
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

EMPLOYEE STATUS

SECTION 3.01

PAGE 1 OF 2

A.  In addition to being appointed as classified or unclassified, all employees of Athens County shall be employed as full-time, part-time, temporary, seasonal, or intermittent.

   1.  **Full-time employee**: an employee who works thirty-five (35) hours per week or more on a regularly scheduled basis or a standard full-time workweek as designated by the Appointing Authority.

   2.  **Part-time employee**: an employee who works less than thirty-five (35) hours per week, or less than full-time as designated by the Appointing Authority, but on a regularly scheduled basis (see (B) below).

   3.  **Temporary employee**: an employee appointed to a non-permanent position, on a full-time, part-time, or intermittent basis, for a specified period of time, not to exceed 120 days. Successive temporary appointments to the same position shall not be made unless necessary by reason of sickness, disability, or other approved leave of absence pursuant to R.C. 124.30. Temporary employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.

   4.  **Seasonal employee**: an employee who works on the academic program year or a certain regular season or period of the year performing a type of work or activity limited to that season or period of the year. A seasonal employee may be appointed on a full-time, part-time, or intermittent basis.

   5.  **Intermittent employee**: an employee who works on an irregular schedule which is determined by the fluctuating demands of the work and is generally not predictable. An intermittent employee generally works less than 1000 hours per year. Intermittent employees serve in the unclassified service at the pleasure of the Appointing Authority by operation of law.

   6.  **Student employee**: means a person employed to work in a nonprofessional position requiring little or no skill. The person must be a student at an educational institution; however, their assigned position need not be directly related to the content or level of the person's education.

B.  These categories apply for civil service purposes, such as order of retention in the event of layoff for full-time, part-time, and seasonal employees. However, these categories may not apply to certain benefit programs, such as eligibility for health care.
coverage, especially where eligibility and categories of employee status are established by those benefit programs.

C. Generally, full-time permanent employees shall be entitled to all benefits as provided by the Appointing Authority. Part-time employees who work over twenty (20) hours per week may be entitled to certain benefits as specified in this manual and approved by their Appointing Authority. Temporary, seasonal, intermittent, and student employees shall not be entitled to any fringe benefits unless otherwise specified in this manual and approved by their Appointing Authority.

D. Employees may submit a request to their department head for a change in employment status if they believe they are working more time on a regular basis than their employment status indicates.

E. Employees shall be informed upon appointment of their employment status.

F. Temporary and seasonal employees shall sign a statement prior to employment with the County which indicates that he or she understands the temporary/seasonal nature of the position. (See Form A-33)
It is the employee's responsibility to notify the Appointing Authority of the employee's department of any change in address or telephone number.

Failure to report a change of address or telephone number may cause the employee to be subject to disciplinary action.

In those departments where employees are subject to emergency call-out, a telephone number must be furnished by the employee for all and any emergencies that may arise. These employees are expected to maintain a telephone as a condition of employment.
Employees shall immediately notify their Appointing Authority of changes in their marital status or any change of name. Employees should advise the Appointing Authority with regard to any change which might affect hospital insurance, the retirement system, insurance beneficiary, or other benefits which are affected by the employees' marital status.
After a conditional offer of employment, a correct and legal birth date shall be furnished by each employee. If a birth date is to be corrected, such correction, other than typographical errors, must be submitted by notarized affidavits. Any deliberate falsification of name and/or birth date shall subject the employee to disciplinary action. Submission of an incorrect birth date may also jeopardize certain retirement system benefits. Birth date (age) shall not be used in any discriminatory way or manner.
A. A physical and/or mental examination by a qualified physician may be required by the Appointing Authority, following a conditional offer of employment, to ensure that selected job applicants are physically and mentally able to perform the essential functions of the positions for which they are applying. Examinations may include any job-related examination determined to be a preemployment requirement. No medical examination, except screening for use of illegal drugs for positions determined to be safety sensitive or requiring a CDL, will be conducted until after the Appointing Authority has made the applicant a conditional offer of employment.

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

1. Religious opinion or affiliation, or
2. Reinstatement within one (1) year or separation.

Any applicant choosing to waive the examination requirement shall submit a written affidavit from a qualified physician describing his or her state of health at the time of employment.

C. After hire, employees may be required to submit to medical examination for certain purposes conducted by a licensed practitioner to determine the employee's physical or mental capability to perform the duties of his/her position. Examples include mandatory drug and alcohol testing for CDL holders, examination to certify continued eligibility for Family and Medical Leave, examination to assess eligibility for Workers' Compensation, examination required by Occupational Safety and Health Administration, etc. A medical examination may also be required to determine an employee's ability to return to work following a medically related leave of absence. If found not qualified, the employee may be placed on sick, disability, or other appropriate leave. The cost of such examination shall be paid by the Appointing Authority.
A. Continuous service is generally defined as the uninterrupted service of an employee with the County. Seniority has a different meaning for certain specific purposes, for example, layoff, vacation, or retirement. An authorized leave of absence does not constitute a break in service and is to be considered continuous service time providing the employee complies with the rules and regulations governing leaves of absence and the employee is reinstated from the leave.

B. Break in service shall be considered a separation from service which includes, but is not limited to, resignations, removals, failures to return from authorized leaves of absence, or disability separations. Any separation lasting thirty (30) days or less, or an authorized leave of absence from which the employee returns, shall not constitute a break in service. Any other separation lasting more than thirty (30) days shall be considered a break in service, unless the employee who separates is later reinstated within one (1) year of the separation date. An employee reinstated following a period of separation or a leave of absence may retain seniority and status for all purposes except that the time the employee was separated will not count towards the calculation of retention points for continuous service in the event of a layoff.
A. An employee evaluation form (Section 11) should be completed by the Appointing Authority or supervisor for each employee annually. Employee evaluations or performance appraisals are used to determine how well employees do their jobs and to communicate that information to them.

B. Each County employee should be evaluated annually thirty (30) days prior to or after the anniversary date of his or her employment. Special evaluations may be made if authorized by the Appointing Authority. Probationary employees should be evaluated twice during the probationary period. The first evaluation should be made at the end of the first half of the probationary period, and second immediately prior to the completion of the probationary period. Should the employee be given a probationary removal before the end of the probationary period, the final evaluation will be made at the time of the removal.

C. Each employee will be provided a copy of his or her performance evaluation.
A. **Generally:** In accordance with O.R.C. '3121.89-3121.8911, the Employer shall report certain information about employees who are newly hired, rehired, or who return to work after a separation of employment. This information will be used by the Ohio Department of Jobs and Family Services (ODJFS) to help locate parents who owe child support, to make adjustments in public assistance benefits, and to identify persons who are fraudulently receiving benefits. In addition, new hire reporting information is available to other state agencies to help detect and prevent erroneous unemployment or workers’ compensation payments.

B. **Employee Definition:** The statute defines employee as any individual who is employed to provide services to an employer for compensation and includes an individual who provides services to an employer under a contract as an independent contractor and who is an individual, the sole shareholder of a corporation, or the sole member of a limited liability company.

C. **Deadline:** Information regarding newly hired, rehired or returning employees shall be submitted within 20 days of the hire or rehire date.

D. There are a variety of ways to report new hires, including online reporting, electronic reporting, and by mail or fax. These options for reporting are discussed in detail on the Ohio New Hire Reporting Center’s website at: www.oh-newhire.com.

E. If the Employer prefers to submit the Ohio New Hire Reporting Form by mail or fax the Employer shall complete and forward the form to the address or fax number contained in the top left-hand corner of the form. A copy of this form is included in this manual or can be obtained from the above listed website.

F. For questions or technical assistance regarding the new hire reporting process employers can contact the Ohio New Hire Reporting Center at (614) 221-5330 or call the toll-free number (888) 872-1490.
4.01 Ethics of Public Employment
4.02 Probationary Period
4.03 Training
4.04 Drug Free Workplace Policy
A. The proper operation of democratic government requires that actions of public officials and employees be impartial; that government decisions and policy be made in the proper channels of governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Recognition of these goals establishes a Code of Ethics as follows for all officials and employees appointed and employed by the County.

B. An employee's official position shall not be used for personal gain, nor shall the employee engage in any business or transaction or have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of the employee's official duties.

No employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the County. Information to advance the financial or other private interests of the employee or others shall not be used.

C. No employees shall accept any valuable gift, 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; nor shall employees accept any gift, favor, or item of value that may tend to influence the employee's discharge of duties. Nor shall any improper favor, service, or item of value be granted in the employee's discharge of duties.

D. Any employee offered a gift or favor who is not sure if its acceptance is a violation of the Code of Ethics should inform the Appointing Authority of the gift offer.

E. No employee will accept from any contractor or supplier doing business with the County, any material or service for the private use of the employee.

F. No employee shall represent private interests in any action or proceedings against the interest of the County in any matter in which the County is part.

G. State law prohibits employees and officials from having a financial interest in companies which do business with public agencies with minor exemptions. Employees who have any doubt concerning possible violation of these statutes are advised to consult their own attorney.
H. No employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of the employee's official duties or would tend to impair independent judgment or action in the performance of the Employer's official duties. Any employee having doubt as to the applicability of a provision of this code to a particular situation should consult his/her Appointing Authority. Violations of this code may constitute just cause for suspension, removal from office or employment, or other disciplinary action.

I. Appointing Authorities shall refer new employees to or provide new employees with a copy of Ohio’s Ethics Laws and Related Statutes within fifteen (15) days of hire, and shall require the employees to acknowledge receipt in writing.

Educational information on Ohio's Ethics Laws can be found at http://www.ethics.ohio.gov/EducationandPublicInfoPublication.html.

J. Employees/Agents in doubt as to the application of Ohio Ethics Laws and Related Statutes may telephone the Ohio Ethics Commission to discuss concerns or they may seek the advice of the Athens County Prosecutor, who may refer the matter to the Ohio Ethics Commission for a binding advisory opinion.
A. Each new classified employee is hired on a 180 day probationary basis unless the probationary period is extended by written authorization of the Director of the Ohio Department of Administrative Services. During this time every effort will be made by the Appointing Authority to orient the employee to his or her job and to the procedures of the department. The newly-hired employee shall not be permitted to promote to another position until the new-hire probationary period is successfully completed.

B. Prior to the end of this 180 day period, each employee's work record and general adaptability to the department's needs will be reviewed. This review will be done by the employee's supervisor and/or the Appointing Authority, to determine whether continued employment of the probationary employee will be acceptable. If the employee's performance does not justify continued employment, the probationary employee will be given notice of termination. An employee who is removed during the probationary period does not have the right of appeal to the State Personal Board of Review.

C. Each employee promoted to a new classification must serve a 180 day probationary period. During this time period, every effort should be made by the Appointing Authority to orient the employee to his or her new classification. A newly promoted employee serving this probationary period shall not be eligible for consideration for a new position posting unless no other nonprobationary employees apply for the posted position. If the employee's service is found to be unsatisfactory during this probationary period, the employee shall be returned to his or her previous classification at his or her former rate of pay and without loss of seniority, or otherwise treated as provided in O.R.C. Chapter (see e.g., O.R.C. 124.312). For the purpose of this policy, a promotion shall be defined as any change in classification other than a reduction or a reclassification of the employee's current position.

D. If an employee during this probationary period wishes to return to his or her previous classification, he or she may request such in writing to the Appointing Authority. The Appointing Authority shall consider the request and approve or deny it based upon the needs of the County at that point in time. Any such reassignment to a previously held classification shall be accomplished by the Appointing Authority outside of the normal job posting and selection procedures and the employee shall not serve a second probationary period in the previously held classification.

E. An employee transferred to another position with the same classification shall not be required to serve a second probationary period.
F. Part-time employees who work a regular schedule shall have their probationary period determined in the same manner as full-time employees, according to the number of calendar days since they were hired or promoted.

G. The probationary periods for employees who work irregular schedules are computed according to the number of hours (time) spent in active pay status, 700 hours are equivalent to a 180-day probationary period.

H. Time on leave of absence or other nonpaid leaves shall not be counted toward the completion of the probationary periods.

I. The Appointing Authority does not intend to waive the ability to remove an unclassified employee, at the Appointing Authority's pleasure, by adopting this policy or by designating an initial instruction period as a "probationary" period.
A. **Employee's Responsibility for Maintaining and Upgrading Job Skills:** Each individual administrator, supervisor, and employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or seek promotion. The Appointing Authority will facilitate those efforts and provide training from time to time.

An employee may pursue independent study or training but may not obligate the County or Appointing Authority to pay expenses or compensation without specific advance permission (see (D) below).

B. **Training Program Evaluation:** The Appointing Authority shall periodically examine current and proposed training programs in order to ensure the program's relevance to both the individual employee and organizational training needs.

C. **On-the-Job Training (OJT):** On-the-job training prepares an employee to effectively perform the responsibilities required of his or her position. It allows the employee to learn his or her job duties, proper procedures, and expected performance levels.

D. **Training Expenses:** Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the Appointing Authority assigns the employee to attend such training or approves a specific request from an employee to attend such training, the expense incurred shall be paid by the Appointing Authority. Advance approval must be obtained from the Appointing Authority for training expenses.

Original Adoption Date: ____________________ Revision Date: ____________________
A. **Notice Upon Hiring**: As a condition prior to hiring, all prospective employees will receive a copy of the Athens County Board of Commissioners' Drug-Free Workplace Policy. Each prospective employee 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 prior to hiring, all prospective employees will be required to sign a written statement to the effect that:

1. They understand and support the County's Drug-Free Workplace Policy;
2. They agree to refrain from violating this policy while employed by the County;
3. They acknowledge, in advance, that they understand the penalty for breach can be discharge and agree such penalty is appropriate when supported by evidence;
4. 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.

B. **Distribution of the Drug-Free Workplace Policy**: All current County employees will receive a copy of the Drug-Free Workplace Policy and will be required to sign a receipt 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 these policies.

C. **The Drug-Free Workplace Policy: Definitions**: For purposes of this policy:

1. **Alcohol** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other lower molecular weight alcohols including methyl and isopropyl alcohol.
2. **Employee** means any person, i.e., management, supervisory or non-supervisory, who is paid in whole or part by the County.
3. **Controlled Substance** means any controlled substance contained in Schedules I through V of the Controlled Substance Act (21 USC 812; or as defined in 3719.01 ORC).
4. **Conviction** means any finding of guilt, including a plea of nolo contendere (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

5. **Criminal Drug Statute** means 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 consonant with 3719.01 *et seq.* ORC.

D. **Policy:**

1. It is the policy of the Athens County Board of Commissioners and Appointing Authorities to maintain a safe and productive workplace free of drugs and free of those individuals who use drugs.

2. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee that 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.

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

4. Any employee who reports for duty in an altered or impaired condition which is the 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 disciplinary action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

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

   a. Terminated from employment;
   b. Forever barred from future employment with the County;
c. Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

E. The Drug Testing Policy:

1. Applicant Drug Testing: Applicants for positions covered by this policy shall be required to sign a written waiver and consent form and to take a drug test as a condition of employment. Additional rules apply specifically for Commercial Driver's License holders under a separate policy.

2. 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.

3. 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; including descriptions of inexplicable or abnormal behavior, appearance, speech, or breathe.

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

5. 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.

6. Any employee tested in accordance with the above procedure may, if the test results are positive, request retesting at the Employer's expense; or 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.
7. The results of any such test will constitute medical information and will remain confidential in accordance with state law.

F. **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 Appointing Authority's published Drug-Free Workplace Policy;

3. A copy of the Statement of Support for the Athens County Board of Commissioners' or Appointing Authority's Drug-Free Policies;

4. Information concerning any available drug counseling, rehabilitation and employee assistance programs;

5. Information concerning the penalties that will be imposed for the breach of the Appointing Authority's Drug-Free Workplace Policy;

6. 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 Appointing Authority within five (5) calendar days after such conviction.
The purpose of this statement is to voluntarily demonstrate my support for a strict enforcement of the Athens County's Drug-Free Workplace Policy and the Appointing Authority's attempt to eradicate drugs in the workplace.

Signature _______________________________    Date ________________
The purpose of this statement is to verify that I have received a copy of the Athens County's Drug-Free Workplace Policy and to further verify that I understand and support such policy.

I further agree to refrain from violating these policies while employed by the County.

I further acknowledge, in advance, that my understanding is that the penalty for violating this policy can be discharge, and I agree that such penalty is appropriate when supported by evidence.

Signature ________________________________ Date _________________
This is to verify that I have been provided a copy of the Athens County's Drug-Free Workplace Policy.

Signature ____________________________ Date ________________
Date

Employee's Name
Address
City, State, Zip

Re: Athens County's Drug Free Workplace Policy

Dear (Employee's Name):

On November 18, 1988, the President of the United States, Ronald Reagan, signed into law the "Drug-Free Workplace Act of 1988." This was signed as a part of a legislative effort to combat the importation, manufacture, distribution, and use of illegal drugs.

We are sending this letter to you because we support this law and have taken action to eliminate the use of drugs in our workplace. Attached to this letter you will find: some important information about drug abuse; a copy of our policy and the penalties for failing to obey it; and some information about drug counseling and rehabilitation.

We hope you will take the time to review this information and that you will join with us in this important battle against the use of drugs.

Sincerely,

Enclosures
Grantee ________________________________

Fund Source ______________________________ Date ________________
(address)

A. The grantee hereby certifies that it will provide a drug-free workplace by:

1. publishing a policy notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the action that will be taken against employees for violation of such prohibition;

2. establishing a drug-free awareness program to inform employees about:
   
   (a) the dangers of drug abuse in the workplace;
   
   (b) the grantee's policy on maintaining a drug-free workplace;
   
   (c) any available drug counseling, rehabilitation, and employee assistance programs; and
   
   (d) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by Paragraph (A)(1);

4. notifying the employee in the statement required by Paragraph (A)(1) that, as a condition of employment under the grant, the employee will:
   
   (a) abide by the terms of the statement; and
   
   (b) notify the Employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction;

5. notifying the agency within ten (10) days after receiving notice under Subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction;
6. taking one (1) of the following actions, within thirty (30) days of receiving notice under Subparagraph (4)(b), with respect to any employee who is so convicted:

   (a) taking appropriate personnel action against such an employee, up to and including termination; or

   (b) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;

7. making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

B. The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

   Place of performance (street address, city, County, state, and zip code)
Athens County supports the Drug-Free Workplace Act of 1988 (PL-100-690). Consequently, any unlawful manufacture, distribution, dispensation, possession or use of controlled substances on these premises by employees is strictly prohibited, and violators will be subject to discipline and criminal prosecution.

This policy is to be regarded as a condition of employment, and any employee convicted of a work-related drug offense must notify the Appointing Authority no later than five (5) calendar days after conviction.
SECTION 5
EMPLOYEE BENEFITS

5.01  Job Classifications
5.02  Compensation
5.03  Pay Period
5.04  Hours of Work
5.05  Overtime and Compensatory Time
5.06  Overtime Assignment
5.07  Call-Back Pay
5.08  Payroll Deductions
5.09  Retirement Plan
5.10  Workers' Compensation
5.11  Garnishments
5.12  Expense Reimbursement
5.13  Hospitalization Insurance Coverage
5.14  Damages To or Loss of Personally-Owned Property
5.15  Acting Supervisor
Positions in the service of the County are classified in accordance with titles established by the County.

A. Classifications are based on an analysis of the employee's duties and responsibilities. Class specifications include a class title, nature of work, examples of duties, minimum qualifications, and content-related worker characteristics.
A. Each Appointing Authority establishes the rate of compensation which will be paid to his or her employees based on classifications, responsibilities, and subject to overall budgetary limits as approved by the County Commissioners in accordance with applicable law.

B. The Appointing Authority is responsible for assuring that the Ohio Department of Administrative Services is properly notified of any changes in employees' wage rates. All salary increases and wage assignments shall be determined by the Appointing Authority.

C. A new employee to County service shall normally be compensated at the minimum step of the approved salary range for his or her classification or if no step pay plan exists, at the rate determined by the Appointing Authority. In exceptional circumstances, wherein the employee possesses special qualifications and/or experience, the Appointing Authority may authorize hiring above the minimum level.

D. Upon promotion, an employee shall be compensated at the lowest level of the approved salary range for his or her new classification, which would provide an increase in pay over that received in his or her previous classification.

E. When an employee is demoted, for other than disciplinary reasons, he shall be assigned to the highest pay rate for the classification to which he is demoted that does not exceed the pay rate he was receiving immediately before he was demoted. No increase in pay shall result from a demotion. Nondisciplinary demotions include demotions resulting from:

1. Job abolishments;
2. Voluntary demotion; and/or,
3. Reduction due to medical reasons.

An employee failing to successfully complete a promotional probationary period shall be returned to his former position at his former rate of pay.

F. When an employee is demoted as a result of a disciplinary action, he shall be assigned to the same pay step in the lower classification as he held in the higher classification prior to demotion, if a step type pay plan exists, or with the Appointing Authority's approval, may remain at the rate of pay enjoyed prior to demotion.
A demotion for disciplinary reasons shall result in either the same pay rate with fewer pay steps remaining or an immediate reduction in pay.
A. There are normally twenty-six (26) pay periods per year. All employees are to be paid every two (2) weeks for the two (2) week pay period immediately preceding payday. Payday shall be each alternate Thursday. The biweekly payroll period for all employees is from 12:01 a.m. Sunday through 12:00 midnight the second Saturday (overtime is evaluated on a weekly basis see Section 5.05, Overtime and Compensatory Time). Some Appointing Authorities may have a different pay period, as may departments, with the approval of the Appointing Authority.

B. If a holiday occurs on a payday, paychecks will be issued the preceding day, except under extenuating circumstances, in which case paychecks will be issued as early as possible.

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

D. Pay advances of any kind are not permitted.

E. Each Appointing Authority shall establish a time and procedure for issuing paychecks in his or her department. No paychecks will be issued to anyone other than the employee unless prior arrangements are made by the employee and authorized in advance by the Appointing Authority.
Each Appointing Authority is responsible for establishing the hours of work for employees in his or her department.

Except for emergency situations requiring employees to work overtime, the normal workweek shall not exceed forty (40) hours in active pay status.

The Appointing Authority shall prominently post the work schedule for his/her department or otherwise notify each employee of the scheduled hours for work. Employees shall be notified as soon as possible when work schedules are changed.

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.
A. Overtime is generally discouraged and is for emergency situations only. Authorization for overtime work must come from the Appointing Authority or his designee before the overtime is worked. No overtime will be paid until it is authorized by the Appointing Authority or his or her designee. Each Appointing Authority shall establish a procedure within his or her department for approving or disapproving overtime.

B. Each Appointing Authority may establish a policy outlining, in accordance with applicable law, those positions within his or her department which are exempt from overtime compensation, per the Fair Labor Standards Act and the Ohio Revised Code. The positions affected by this exemption and the employees holding these positions shall be notified in writing of their exempt status. If no alternative policy is adopted, the following shall apply:

All employees except:

any employee employed in a bona fide executive, administrative (supervisory), or professional capacity; or

any employee of a public agency who is employed in fire protection or law enforcement activities;

shall be entitled to overtime compensation at one and one-half (11/2) times their regular rate of pay for time actually worked in excess of forty (40) hours per week.

C. The Fair Labor Standards Act requires employers to designate a "work period" for purposes of calculating overtime. The work period usually corresponds with a workweek, but need not do so. The work period for purposes of payroll and for the calculation of overtime shall be designated by the Appointing Authority. The normal work period for employees of the Board of Commissioners will be seven (7) consecutive days, beginning Saturday, 12:01 a.m. through Friday, 12:00 midnight. Some departments may use a different work period, based on operational need.

D. For the purposes of this section, paid sick leave, paid legal holidays, paid vacation, and compensatory time shall be considered time worked. When a nonexempt employee incurs an overnight stay on County business, time spent traveling and time spent overnight on official County business shall not be considered time worked for purposes of calculating overtime, except to the extent that time intersects normal working time or to the extent the employee is doing actual work.
E. Scheduled overtime which is subsequently canceled for any reason shall not entitle the employee to any compensation.

F. The Appointing Authority may allow an employee to accumulate compensatory time in lieu of overtime pay. Any employee not designated as FLSA overtime exempt, may elect to take compensatory time off in lieu of overtime pay for overtime worked. Compensatory time taken during the same workweek that the overtime occurred shall be at straight time calculation. Compensatory time off not taken during the same workweek that the overtime occurred shall be computed on a time and one-half (1 1/2) basis and shall be granted by the Appointing Authority at the employee's regular base hourly rate at a time mutually convenient to the employee and the Appointing Authority within 180 days after the overtime is worked, or within a time to be specified by the Appointing Authority.

G. Request for compensatory time accumulation in lieu of overtime pay must be made in writing to the Appointing Authority prior to the end of the payroll period, otherwise the employee will be paid for any authorized overtime. Each Appointing Authority may establish limits on the amount of compensatory time which may be accumulated, the manner in which it may be used, and the procedures for requesting to accumulate or use compensatory time.

H. Once the employee has submitted a written request to accumulate compensatory time during a pay period he may not thereafter transfer the compensatory time into an overtime payment except in the event of the employee's termination of employment. Sample forms for requesting accumulation of compensatory time and "Request for Leave" forms are in Section 11 of this manual.

I. Overtime compensation shall be available for eligible employees required to work on legal holidays, provided such employee has been in active pay status at least forty (40) hours in that week. Only hours in excess of forty (40) hours in active pay status apply towards overtime compensation. Holiday hours are considered hours in active pay status. However, neither the straight time pay for the first eight (8) hours worked on a holiday nor any of the premium pay for working on a holiday is considered as additional time worked for calculating overtime (no pyramiding), since separate compensation has already been paid.

J. Payment for partial hours of overtime worked shall be computed according to the following schedule:
<table>
<thead>
<tr>
<th>OVERTIME WORKED</th>
<th>OVERTIME PAYMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 6 minutes</td>
<td>.1 hour of overtime</td>
</tr>
<tr>
<td>7 to 12 minutes</td>
<td>.2 hour of overtime</td>
</tr>
<tr>
<td>13 to 18 minutes</td>
<td>.3 hour of overtime</td>
</tr>
<tr>
<td>19 to 24 minutes</td>
<td>.4 hour of overtime</td>
</tr>
<tr>
<td>25 to 30 minutes</td>
<td>.5 hour of overtime</td>
</tr>
<tr>
<td>31 to 36 minutes</td>
<td>.6 hour of overtime</td>
</tr>
<tr>
<td>37 to 42 minutes</td>
<td>.7 hour of overtime</td>
</tr>
<tr>
<td>43 to 48 minutes</td>
<td>.8 hour of overtime</td>
</tr>
<tr>
<td>49 to 54 minutes</td>
<td>.9 hour of overtime</td>
</tr>
<tr>
<td>55 to 60 minutes</td>
<td>1 hour of overtime</td>
</tr>
</tbody>
</table>

EXAMPLE: If an employee works three 3 hours and 25 minutes of approved overtime, the employee would receive time and one-half (1\(\frac{1}{2}\)) his or her regular straight time hourly rate multiplied times 3.5 hours. An employee with a straight time hourly rate of $5.00 would receive \(12 \times \$5.00 = \$7.50 \times 3.5 \text{ hours} = \$26.25\). If the employee chooses to take compensatory time in lieu of the overtime payment, he or she would receive \(12 \times 3.5 \text{ hours} = 5.25 \text{ hours of compensatory time.}\)
All employees are expected, as a condition of employment, to perform reasonable amounts of overtime when and where the Appointing Authority determines the need exists. While the request to work overtime should be on a voluntary basis first, each Appointing Authority may require employees to work overtime during emergency situations.

The Appointing Authority should strive to distribute opportunities to work overtime among qualified employees when the need for overtime arises. Each Appointing Authority may establish a system for overtime distribution which best suits his or her department.
When an employee is called to work at anytime outside the one (1) hour immediately preceding his or her regular work schedule, the employee shall be guaranteed a minimum of two (2) hours' pay at his appropriate hourly rate.

This minimum does not apply to work performed within the one (1) hour immediately preceding or the time immediately following the regular shift.

The appropriate rate of pay will be the employee's base hourly rate of pay unless the employee is eligible and has accumulated a sufficient number of hours in active pay status, in accordance with Section 5.05, Overtime and Compensatory Time, to qualify for overtime. The employee shall receive the minimum of two (2) hours' pay at the straight-time hourly rate or shall be paid overtime for the time actually worked, whichever is greater.
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 and authorized by law. These deductions are itemized on the employee's pay statement which accompanies his or her biweekly check. Deductions include:

1. **Retirement Systems**: Except for those persons specifically exempted under provisions of Section 145.03 of the Ohio Revised Code, County employees are required to participate in the Ohio Public Employees Retirement System. State law requires that the employees' contribution to the retirement system be withheld from each paycheck.

2. **Income Taxes**: The federal, state, and some municipal governments require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the County by the Ohio Department of Taxation and varies according to the amount of salary and number of dependency exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Appointing Authority of any dependency change whenever such change occurs.

3. **Miscellaneous**: Examples include garnishments, hospitalization insurance, deferred compensation, child support, etc. The Employer and/or Athens County Auditor may refuse to make deductions not required by law which are below certain prescribed minimum amounts, which occur at irregular intervals, or for other cause which the Employer deems not in the best interest of the County. Other than those deductions required by law, the Auditor may decline to make a deduction that the employee's check is insufficient to cover.

Original Adoption Date:___________________  Revision Date:___________________
A. The Public Employees Retirement System is entirely independent of the Federal Social Security System. Information on these retirement plans may be obtained by contacting the payroll clerk. If employees should have any further questions regarding the benefits available under these plans they may contact the following:

   Public Employees Retirement System
   East Town Street
   Columbus, Ohio  43215
   (614) 466-2085

B. P.E.R.S. is an independent retirement plan for public employees and Employers do not have access to individual employee's files. Therefore, employees must contact P.E.R.S. to obtain specific information concerning their retirement status or eligibility.
Workers' Compensation is a mandatory type of insurance that compensates employees for accidents that result in medical costs or a loss in earnings because of injuries that occur while on the job.

A. Workers' Compensation benefits are payable to all employees who are injured "in the course of and arising out of employment." Certain occupational diseases are also compensable.

Claims are of three (3) general types:

1. Claims for medical related purposes;
2. Claims for time lost on the job resulting in reduced earnings by the employee; and
3. Death benefits payable to dependents.

B. County employees have the right to choose between Workers' Compensation or sick leave and/or vacation pay for lost time claims. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

C. Should an employee be injured during the course of employment with the County, his or her supervisor shall notify the Appointing Authority and shall complete an injury report. This report shall be completed regardless of the lack of apparent seriousness of the injury and regardless of whether medical attention is required. Such report shall be forwarded to the Athens County Loss Control Coordinator no later than the end of the shift in which the accident occurred.

D. Should an employee's injury require medical attention, the supervisor or Appointing Authority shall assist the injured employee with information on the forms and procedures necessary to file a Workers' Compensation claim. All forms and notices shall be forwarded to the Athens County Loss Control Coordinator by the end of the shift in which the injury occurred.

E. In the event of serious injury, the injured employee's supervisor shall immediately notify the Appointing Authority so that, if necessary, an investigation may be initiated.
F. Workers' Compensation forms shall be completed by the employee for the purposes of initiating compensation claims for injured employees. If necessary, the injured employee shall meet with the Appointing Authority to assist with completion of the claim forms. When necessary, the Appointing Authority and/or designee shall visit the employee in his or her home or in the hospital to initiate the claim.

G. Any documents received from the injured employee, his or her physician, hospital, or the state regarding Workers' Compensation claims must be immediately forwarded to the Appointing Authority. The Appointing Authority must be advised and continually updated regarding work related injury.

H. Employees who are injured in the line of duty and who must leave work before completing their workday shall be paid at their regular rate of compensation for the balance of time left in their scheduled workday.

I. Employees must comply with written request for employer sponsored medical examination regarding a work related injury.

J. Employees are responsible for informing the Appointing Authority of appointments, hearings, findings, etc., associated with the work related injury by 3:00 p.m. of the next workday following receipt of document.

K. Injured Worker must submit, either in person or fax, all doctor and/or hospital/clinic reports to the Appointing Authority by 3:00 p.m. of the next workday following any doctor visit, procedure or test related to the work place injury.

L. Employee’s failure to comply with any of the above may result in termination of employment.

M. Appointing Authority/Supervisors must submit reports from the injured worker, to Loss Control either in person or by fax (740-594-8010), immediately upon receipt.

N. If Appointing Authority fails to submit documents to Loss Control immediately their department may be subject to a penalty rate.
A court-ordered legal claim against the wages of a County 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. Repeated garnishments on the wages of an employee may result in disciplinary action, in accordance with the disciplinary procedures outlined herein.
County employees are to receive reimbursement for reasonable and necessary expenses incurred while traveling on official County business. Employees are eligible for expense reimbursement only when travel has been authorized in writing by the Appointing Authority and approval received from the Board of County Commissioners. Expenses shall be documented by appropriate receipts documenting claimed expenses and shall be reimbursed in the following manner:

A. **Mileage, Parking, and Tolls:**

1. Employees shall be reimbursed for actual miles, while on official County business, at the rate of Commissioner-approved rate* when using a personal (other than County) vehicle. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, etc.). Mileage reimbursement is payable to only one (1) of two (2) or more employees on the same trip, in the same automobile. Rental of a vehicle is not reimbursable without prior approval of the Appointing Authority.

2. Charges incurred for parking at the destination, and any necessary highway tolls are reimbursable at the actual amount. Receipts for parking costs and highway tolls are required.

3. No expense reimbursements are paid for travel between the employee's home and the employee's report-in station as determined by the Appointing Authority.

B. **Meals:** Expenses for meals while on official business will be reimbursed at actual cost, assuming such costs are reasonable. An employee is eligible for such reimbursement only when travel takes him or her outside the County, has been authorized in writing by the Appointing Authority, and extends through a normal meal period. Receipts must be submitted with the request for reimbursement.

Employees will generally not be reimbursed for meals if the employee is not traveling overnight, away from Athens County, unless for:

a. The meal qualifies as an entertainment rule pursuant to IRS Reg. § 1.274-2(c) and (d). Examples of such meals are:

• A meal where the main purpose is the active conduct of business, business is actually conducted, and there is more than a general expectation of income or some other specific business benefit in the future.

• Meals at a hospitality room sponsored by the County at a convention.

• A meal that is associated with the active conduct of the County's business, and occurs directly before or after a substantial business discussion.

b. Occasional meals that meet the De Minimis Exclusion pursuant to IRS Reg. §1.132-6 (d)(2), such as infrequently providing coffee, donuts, or soft drinks. Also occasional parties or picnics such as Christmas luncheon.

Any meal provided to employees that are not excluded from taxable income herein will be reported to the Auditor’s office by the department as a taxable meal. This notification will include the fair market value of such meal (not the actual cost) and will be included on the last payroll worksheet of each month.

C. Overnight Expenses: Expenses covering the actual cost of a motel room will be reimbursed in full when an employee travels out of the County on official business and such travel requires overnight stay. Motel expenses will be reimbursed only with prior written authorization of the Appointing Authority and approval of the Board of County Commissioners.

D. 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 when scheduling flights or hotel accommodations related to County business.

The following items are not subject to reimbursement:

1. tips in excess of 15% of the meal cost;
2. alcoholic beverages;
3. entertainment;
4. laundry and dry cleaning;
5. room service charge;
6. expenses of spouse traveling with employee;
7. any allowable expense where no receipt is proved as documentation by the employee.

Expense reports shall be filed by employees detailing all costs with receipts attached. Such detailed documentation will include the amount, date, time, place, and business purpose.
A. Athens County provides for a comprehensive hospital/medical insurance plan for all full-time employees.

B. Details of the coverage provided will be made available to those who are eligible to enroll. Employees enrolling in the plan will receive group insurance booklets and an identification card. Employees who have comparable insurance coverage provided through some other means are asked not to enroll since both insurance plans will not pay.

C. Part-time employees who work less than twenty (20) hours per week shall not be eligible for County-paid hospitalization coverage. The employee may, however, at his or her option, purchase single or family hospitalization insurance through the County insurance carrier with the entire premium paid in full by the employee.

D. Samples of medical claim forms can be found in Section 11 of this manual.

E. The hospital/medical insurance premium, for employees on an extended illness which extends beyond the period covered by the employee's accrued sick leave, shall continue to be paid in accordance with Section 6.12, Family and Medical Leave.

F. Generally speaking, an employee who is covered under the County's group healthcare insurance or certain related group insurance, and who loses coverage due to a reduction in hours or a termination of employment (for other than gross misconduct), is entitled to purchase continuing coverage at his or her own expense. The employee's spouse and dependents have the right to continued coverage as well. This continued coverage is typically called COBRA coverage. The insurance office can provide additional information regarding COBRA coverage and also regarding continued coverage during the Family and Medical Leave.
A. The County shall not be responsible for damages to personally-owned vehicles or loss of a County employee's personal property. Damages or losses occurring while in the line of duty and with no negligence on the part of the employee, however, will be considered for payment.

B. All claims for damages to personally-owned vehicles which result from an accident whereby a County-owned vehicle caused the damage to the personally-owned vehicle, shall be handled by the County insurance agent. The name of the current insurance agency can be obtained by contacting the Appointing Authority.

C. Any claim for damages must provide the following information:

1. The exact date the loss occurred;
2. Identification of the County-owned vehicle which caused the damage;
3. The exact name of the persona operating the County vehicle at the time the accident occurred.

A Motor Vehicle Crash Report Form (Form A-20) can be found in Section 11 of this manual.

D. Employees operating County-owned vehicles who accidentally damage their own personal vehicles shall be responsible for repair of their own vehicles.

E. Employees are encouraged not to leave personal items at their work places during nonworking hours. The County shall not be responsible for damages to or loss of personal items left at the work place during non-working hours.
Whenever a supervisor is absent, employees that normally are assigned to report to that supervisor shall report to the person at the next higher level of authority in the chain of responsibility. The employees shall continue reporting to this person until the supervisor either returns or a replacement is appointed.

If a supervisor is expected to be absent for an extended period of time, the Appointing Authority may choose to place another person temporarily in charge pending the return of the regular supervisor. Any employee temporarily promoted shall receive the applicable base rate of the classification immediately upon assignment to the new classification.
6.01 Holidays
6.02 Vacation
6.03 Sick Leave
6.04 Sick Leave Conversion
6.05 Funeral Leave
6.06 Military Leave
6.07 Court Leave
6.08 Leave of Absence Without Pay
6.09 Disability Separation
6.10 Absent Without Leave
6.11 Personal Days
6.12 Family and Medical Leave
6.13 Sick Leave Donation
A. All County employees shall be entitled to the following paid holidays:

1. New Year's Day  
   C First Day of January
2. Martin Luther King Day  
   C Third Monday in January
3. Presidents' Day  
   C Third Monday in February
4. Memorial Day  
   C Fourth Monday in May
5. Independence Day  
   C Fourth Day of July
6. Labor Day  
   C First Monday in September
7. Columbus Day  
   C Second Monday in October
8. Veterans Day  
   C Eleventh Day of November
9. Thanksgiving Day  
   C Fourth Thursday in November
10. Christmas Day  
   C Twenty-Fifth Day of December

Holidays shall be observed on the days indicated above or as otherwise designated by the Appointing Authority.

B. In the event that any of the aforesaid holidays fall on Saturday, the Friday immediately preceding shall be observed as the holiday. In the event that any of the holidays fall on Sunday, the Monday immediately succeeding shall be observed as the holiday. Notwithstanding the above, departments which have a seven (7) days per week continuous operation shall observe the actual date of the holiday unless otherwise designated by the Appointing Authority.

C. An employee who does not work on a recognized holiday shall receive his or her normal day's pay at his or her regular rate for holidays observed on his or her day off, regardless of the day of the week on which they are observed. All employees who work on a recognized holiday shall receive their normal day's pay for the holiday in addition to payment at the "appropriate hourly rate" for those hours actually worked. The "appropriate hourly rate" will be based on the number of hours the employee has been in active pay status, in accordance with Section 5.5, Overtime and Compensatory Time, herein.

D. If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his or her vacation leave.
E. To be eligible for holiday pay as provided herein, the employee must work the last full scheduled workday prior to and the next full scheduled workday immediately following each of the holidays herein listed unless the employee is unable to work because of a bona fide illness or injury, or has obtained prior approval for leave for those days.
A. All full-time employees shall begin accrual of vacation with pay after two (2) full weeks of continuous service with the County. The accrual balance will be credited to the employee, but will not be available for use as approved vacation leave until the employee has completed his or her new hire probationary period. Upon completion of the probationary period, the employee shall be eligible to use the accrued vacation balance. The amount of vacation leave an employee shall accrue is based upon length of service as follows:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Employee is eligible for earned portion after new hire probationary period</th>
<th>Annual Rate</th>
<th>Rate of Accrual:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2 weeks' vacation</td>
<td>.03875 hrs for every hour worked</td>
<td></td>
</tr>
<tr>
<td>after 8 years</td>
<td>3 weeks' vacation</td>
<td>.0575 hrs for every hour worked</td>
<td></td>
</tr>
<tr>
<td>after 15 years</td>
<td>4 weeks' vacation</td>
<td>.0775 hrs for every hour worked</td>
<td></td>
</tr>
<tr>
<td>after 25 years</td>
<td>5 weeks' vacation</td>
<td>.09625 hrs for every hour worked</td>
<td></td>
</tr>
</tbody>
</table>

B. Full-time employees who are in active pay status for less than their number of regularly scheduled, non-overtime hours in any pay period will receive prorated vacation accrual credit for only those non-overtime hours they were in active pay status during that pay period.

C. Part-time employees are eligible for vacation benefits at a prorated rate, based on the number of hours worked divided by eighty (80) hours, multiplied by the appropriate hours earned per pay period.

D. On or after October 25, 1995, employees will receive credit for prior service with the state or any political subdivision of the state for purposes of receiving prospective vacation accumulation, per O.R.C. 9.44. Examples of political subdivisions include counties, cities, villages, and boards of education, but do not include private industry councils, libraries organized as nonprofit corporations, or other entities that are not actually political subdivisions even though their employees may pay into PERS. However, if the Board of Commissioners elects to count prior service with a prior employer by resolution, the affected employee may retain such credit as of October
25, 1995. Employees who feel they are entitled to such prior service credit should have the previous employer, state, or other political subdivision notify the Appointing Authority in writing of the dates and in what position the employee was previously employed. The employee shall not be entitled to such prior service credit until official notification has been delivered to the Appointing Authority. Notwithstanding any of the above, if any person removed for conviction of a felony within the meaning of R.C. 124.34 is "subsequently reemployed" by the County, such person is only qualified to accrue vacation as if he or she were a new employee receiving no prior service credit.

E. Vacation leave is accumulated based on pay periods, and additional vacation leave is not accrued through the accumulation of paid overtime. No vacation is accrued while an employee is not in active pay status.

No employee will be entitled to vacation leave nor payment for accumulated vacation under any circumstances until he or she has completed their probationary period.

F. Vacations are scheduled in accordance with the work load requirements of each work unit. Vacation requests must be submitted in writing to the Appointing Authority or his or her designee for approval, prior to the employee taking the time off. Employees will be denied payment for any absence not approved by the Appointing Authority. The form, "Request For Leave," as provided in Section 11 herein, is a sample of the form used to request vacation leave.

Each Appointing Authority may establish procedures for scheduling vacations in his or her department(s).

G. Generally, vacation leave shall be taken by an employee within the twelve (12) month period following the employee's anniversary date. The Appointing Authority may, in special circumstances, permit an employee to accumulate vacation from year to year. This accumulation of vacation time must be approved in writing by the Appointing Authority in advance and must be in response to special circumstances. No vacation leave shall be carried over for more than three (3) years. Employees shall forfeit their right to take or to be paid for any vacation leave to their credit which is in excess of the accrual for three (3) years or which has not been approved for accumulation by the Appointing Authority.

H. Upon separation from the County's payroll an employee shall be entitled to compensation at his current rate of pay for all lawfully accrued but unused vacation
leave to his credit at the time of separation. In case of death of an employee such unused vacation leave shall be paid in accordance with Section 2113.04 of the Ohio Revised Code to the employee's survivors or his or her estate. Lawfully accrued vacation shall mean vacation accumulated with the written permission of the Appointing Authority within the preceding three (3) years.
Sick leave is a benefit which has been extended to the majority of public sector employees in Ohio through actions of the state legislature. Few employees, working in factories or other private sector employment, enjoy the benefits of unlimited sick leave accumulation and full pay during periods of illness or injury.

Employees who abuse sick leave take the risk of being left without income during an extended illness. With the proper use of sick leave, an employee can establish a financial resource to draw upon during periods of illness, or an additional cash benefit upon retirement.

In order that employees understand their rights and responsibilities regarding the use of sick leave, the following rules have been established:

A. **Crediting of Sick Leave**: Sick leave credit shall be earned at the rate of 4.6 hours for each eighty (80) hours of service in active pay status, including paid vacation, overtime, and sick leave, but not during a leave of absence or layoff, up to a maximum accrual of fifteen (15) days each year. Unused sick leave shall accumulate without limit. Part-time, seasonal, and intermittent workers shall be credited with sick leave at the same rate. There is no provision for advance or extended sick leave.

B. **Retention of Sick Leave**: An employee who transfers from another public agency to Athens County, or who has prior service with a public agency, as defined in Section 124.38, Ohio Revised Code, shall retain credit for any sick leave earned in accordance with that section, so long as he is employed by the County except that deduction shall be made for any payment or credit given by the previous agency in lieu of taking sick leave. The previously accumulated sick leave of an employee who has been separated from the public service shall be placed to his credit upon his reemployment with Athens County provided that such reemployment takes place within ten (10) years of the date on which the employee was last terminated from public service. The words "public agency" as used above means those entities required to provide sick leave under R.C. 124.38 and 124.382, including the state, counties, municipalities, all boards of education, civil service townships, etc., within the state. Villages, private industry councils, libraries organized as non-profit corporations, and other entities not required to provide sick leave under R.C. 124.38 or 124.382 are not "public agencies."

Notwithstanding the above or Section 6.4, Sick Leave Conversion, if any person removed for conviction of a felony@within the meaning of R.C. 124.34 is subsequently reemployed@y the County, such person is only qualified to accrue sick leave as if he or she were a new employee receiving no credit for prior service.
C. **Expiration of Sick Leave:** If illness or disability continues beyond the time covered by earned sick leave, the employee may utilize other accumulated and authorized paid leave, or may be granted a disability leave, Family and Medical Leave, or a personal leave, in accordance with the appropriate policy covering such leaves. It is the employee's responsibility to request a leave of absence on the standard "Request For Leave" form. The employee must submit a written request since leaves of absence are not granted automatically when the employee's sick leave expires.

D. **Charging of Sick Leave:** Sick leave will be granted to an employee only upon recommendation from the immediate supervisor and approval by the Appointing Authority or his designated representative for those reasons as outlined in Paragraph E below. Sick leave shall be charged in minimum units of one (1) hour. An employee shall be charged for sick leave only for days upon which he would otherwise have been scheduled to work. Sick leave payment shall not exceed the normal scheduled workday or workweek earnings.

E. **Uses of Sick Leave:** Sick leave may be granted for the following reasons subject to the approval of the Appointing Authority:

1. Illness, injury, or a pregnancy or childbirth-related condition of the employee or a member of the immediate family.\(^1\) (In case of a member of the immediate family, the Appointing Authority may approve sick leave when it appears justified, after careful investigation, where the employee's presence is reasonably necessary for the health and welfare of the employee or affected family member.);

2. Death of a member of the immediate family (Sick leave usage is limited to a maximum of five (5) working days.); (See also Section 6.05, Funeral Leave)

3. Medical, dental, or optical examination or treatment of employee or a member of the immediate family, where the presence of the employee is reasonably necessary and which can not be scheduled during nonworking hours (Employees should make every effort to schedule medical appointments during

\(^1\)For purposes of sick leave the term "immediate family" shall be: husband, wife, child, mother, mother-in-law, father, father-in-law, step-parents, step-children, step-siblings, sister, sister-in-law, brother, brother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, a legal guardian or other person who stands in place of a parent (in loco parentis).
nonworking hours. If this is not possible, the employee shall notify his immediate supervisor twenty-four (24) hours in advance of the appointment.);

4. If a member of the immediate family is afflicted with a contagious disease or requires the care of the employee; or when, through exposure to a contagious disease, the presence of the employee at his job would jeopardize the health of others;

5. Donation of leave to co-worker in accordance with leave donation programs established pursuant to O.R.C. 124.391.

F. Evidence Required for Sick Leave Usage: The employee shall be required to complete, sign, and deliver, to his supervisor a standard Request for Leave Form explaining the nature of the illness to justify the use of sick leave. This form shall contain sufficient facts to satisfy the Appointing Authority that the use of sick leave is justified and shall be completed as soon as possible. If medical attention is required, the Appointing Authority may require a certificate stating the nature of the illness signed by a licensed physician to justify the use of sick leave and to determine if the employee is medically capable to return to work.

Application for sick leave should be filed in advance for scheduled appointments or immediately upon the employee's return to work. Employees shall not be entitled to sick leave payment unless and until they have submitted the above application, and it is approved by the Appointing Authority. Falsification of either a written, signed statement or a physician's certificate shall be grounds for disciplinary action including dismissal.

G. Notification by Employee (Call-In Procedure): When an employee is unable to report to work, he or she shall notify his or her immediate supervisor or other designated person within the one (1) hour prior to the time he or she is scheduled to report to work on each day of absence, unless emergency conditions make it impossible or other arrangements are made with the employee's immediate supervisor. Employees working in departments which operate on a twenty-four (24) hours a day basis must report off not less than one (1) hour prior to the start of their scheduled shift. Sick leave is not approved by the individual answering the telephone; this person only documents the fact that the employee did give proper notification. When notifying his or her supervisor the employee shall indicate the nature of the illness, whether he or she plans to seek medical attention and shall leave an address and telephone number where he or she may be contacted. Sick leave is only approved after the employee has
submitted the required request for sick leave and the Appointing Authority has agreed that the request is justified.

Sick leave **WILL NOT** be granted to an employee who arrives for work after his required starting time, and did not call in according to the established call-in procedure, to indicate he would be late or absent for part of the day. Employees failing to follow the above notification procedures will be considered absent without leave (A.W.O.L.), will be subject to disciplinary action, and will not be paid for such absence. Exhaustion of sick leave benefits is no excuse for failure to notify.

H. **Abuse of Sick Leave:** The Appointing Authority may initiate investigations of any employee's absence. The employee may be required to submit to a medical examination, visit, or other inquiry which the Appointing Authority deems necessary to justify the use of sick leave. Employees intentionally failing to comply with sick leave rules and regulations or falsifying documents shall be subject to appropriate disciplinary action including denial of sick leave payment and discharge. Application for sick leave with intent to defraud may result in discharge and refund of salary or wage paid.

I. **Physician Statement:** Employees with an illness or disability exceeding three (3) days may be required to furnish a statement from his physician notifying the Appointing Authority that the employee was unable to perform his duties. Where sick leave is requested to care for a member of the immediate family, the Appointing Authority may require a physician's certificate to the effect that the presence of the employee is necessary to care for the ill person.

J. **Physical Examination:** The Appointing Authority may require an employee to take an examination conducted by a licensed practitioner to determine the employee's physical or mental capability to perform the duties of the employee's position. If found not qualified, the employee may be placed on sick leave, disability separation leave, or other appropriate leave, or make application for disability retirement. The cost of such examination shall be paid by the County.

Original Adoption Date: __________________________ Revision Date: __________________________
A. Any County employee who retires from active service with the County through a disability or service retirement under the Public Employees Retirement System (P.E.R.S.) who has five (5) or more years of service, shall be eligible to receive payment for 25% of his or her accrued but unused sick leave figured on a maximum accumulation of 120 days. The maximum payment shall be for thirty (30) days, or a maximum of 240 hours, and shall be based on the employee's rate of pay at the time of retirement.

B. Payment of sick leave in the above manner shall be considered to eliminate all sick leave accrued by the employee at the time.

C. Eligible County employees, retiring from active service, shall request such payment in writing, in order to initiate the payment process.

D. An employee may receive one (1) or more payments under R.C. 124.38(B), but the aggregate value of accrued but unused sick leave credit that is paid shall not exceed, for all payments, the value of thirty (30) days or 240 hours of accrued but unused sick leave. The ability to receive more than one (1) payment, however, is subject to the provision in R.C. 124.34 regarding convicted felons.

E. Employees who die shall be considered to have terminated their employment as of the date of their death, and shall be eligible for such sick leave payment for which they would otherwise have qualified. Such payment shall be made in accordance with O.R.C. 2113.04, or paid to the employee's estate.
A. Any eligible employee may be granted usage of sick leave, upon approval of the Appointing Authority, for a maximum of five (5) working days in the event of a death of an immediate family member. For purposes of this policy, "immediate family" is defined in Section 6.03 of this manual. Such leave shall be for the purpose of attending the funeral, making funeral arrangements, and performing other such duties related thereto.

B. Upon approval of the Appointing Authority, an employee may be granted an unpaid personal leave day to attend the funeral of a friend or relative not considered a member of the employee's immediate family. An employee may choose to use accumulated vacation or compensatory time for this purpose if he or she has such time available.
A. Military leave is a complex issue that is governed by both federal (The Uniformed Services Employment and Reemployment Rights Act or USERRA) and state law.

B. Supervisors and employees should contact the Appointing Authority or designee regarding military leave and reinstatement issues.
A. The Appointing Authority shall grant full pay when an employee is subpoenaed for any court or jury duty by the United States, the State of Ohio, or a political subdivision. All compensation for court or jury duty must be refused by signing the proper County form or must be turned over to the County Treasurer, unless such duty is performed totally outside the employee's normal working hours.

An employee released from court or jury duty prior to the end of his scheduled workday, shall report to work for the remaining hours.

B. Employees shall honor any subpoena issued to them, including those for Workers' Compensation, unemployment compensation, and Board of Review hearings.

C. It is not considered proper to pay employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. These absences would be charged as leave without pay, vacation, or compensatory time, in accordance with the appropriate policy herein.

D. The employee should notify his supervisor or the Appointing Authority of the need for court leave at the earliest date possible.
A. **Requesting a Leave**: Upon the written request of a permanent employee, the Appointing Authority may grant the employee a leave of absence without pay for personal reasons in accordance with OAC 123:1-34-01. The written request shall state the reasons for requesting the leave of absence and the dates for which such leave is being requested. The sample form, "Request for Leave," is provided for this purpose in Section 11.

B. **Authorization for Leave**: The authorization of a leave of absence without pay, other than mandated Family and Medical Leave, is solely a matter of administrative discretion and each request will be decided by the Appointing Authority based upon its own merits. No leave of absence shall be granted for the purpose of working another job.

C. **Duration of Leave**: The maximum duration of a leave of absence without pay for personal reasons of the employee shall not exceed six (6) months. 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.

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

E. An employee may be returned to work before the scheduled expiration of leave if requested by the employee and agreed to by the Appointing Authority. If an employee fails to return to work at the expiration of an approved leave of absence, and does not submit a resignation, the employee will be considered "absent without leave" and shall be subject to immediate termination. When an employee fails to return to work upon the expiration of an authorized leave of absence without pay and is subsequently removed from service, he shall be deemed to have a termination date corresponding to the starting date of the leave of absence.

F. **Sick Leave Credit and Vacation Credit During Leave**: An employee on leave of absence without pay does not earn sick leave or vacation credit. However, the time spent on authorized leave of absence is to be counted in determining length of service for purposes of extended vacation eligibility or other purposes where tenure is a factor.
G. **Abuse of Leave:** If it is determined that an employee is abusing the leave of absence and not actually using the leave for the purpose specified, the Appointing Authority may cancel the leave and provide the employee with a written notice directing the employee to report for work. An employee who fails to return to duty within three (3) days of the completion or valid cancellation of a leave of absence may be removed from the service for neglect of duty in accordance with Section 124.34 of the Ohio Revised Code.

H. The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.

I. Leaves of absence may run concurrently and will be coordinated with vacation leave, sick leave, and Family and Medical Leave.
This section outlines the conditions under which disability separation may be granted, and procedures for administering it use.

A. **Voluntary Reduction:** When an employee becomes physically or psychologically unable to perform the duties of his or her position, even with a reasonable accommodation, but is still able to perform the duties of a vacant, lower level position, he or she may voluntarily request reduction to the lower level position with a corresponding lower pay. 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, the Appointing Authority may involuntarily disability separate the employee.

2. The Appointing Authority shall do so by completing an R.C. 124.34 order indicating the reasons as involuntary disability separation and "incompetency, neglect of duty, and non-feasance" with an adequate explanation to make clear that the underlying reasons are the employee's failure to report for work able to perform his or her essential functions. However, if the employee refuses to submit to examination or to provide proof of disability, grounds for terminating employment shall be neglect of duty, non-feasance, and failure of good behavior for failure to report for work without approved leave.

3. If an employee is placed on leave of absence without pay and is subsequently disability separated due to the same disabling illness, injury, or condition, then the total combined time of absence due to the disability shall not exceed three (3) years for purposes of reinstatement rights under this chapter.

C. **Medical Examination:** Medical examinations are either required or permitted in relation to involuntary disability separation.

When Required:
1. 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 disability separating the employee, unless the employee is hospitalized at the time the employee is involuntarily disability 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.

When Permitted:

2. An Appointing Authority may require that an employee 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, or to perform the essential job duties of the position with or without a reasonable accommodation based on the employee's education, training, or experience. Such examination shall be conducted by a licensed practitioner approved by the Employer. Prior to 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, job classification specifications, and position descriptions. The cost of the examination shall be paid by the Appointing Authority. Both the Appointing Authority and the employee shall receive the results of that examination and related documents.

3. 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 6.09 above.

D. Right to Preseparation Conference: Rights of Appeal:

1. The Appointing Authority shall institute preseparation proceedings when it has received the results of a medical or psychological examination conducted as provided by Subsection C and initially determines that 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 that the employee is not eligible to receive benefits under a program provided by the Appointing Authority or is not eligible for a leave of absence without
pay due to a disabling injury, illness, or condition. Under those proceedings, a conference shall be scheduled and advanced written notice shall be provided to the employee. If the employee does not waive the right to that conference, then at that conference the employee has a right to examine the Appointing Authority's evidence of disability, to rebut that evidence, and to present testimony and evidence on the employee's own behalf. The conference shall be informal and shall not be conducted as a predisciplinary conference.

2. If the Appointing Authority determines, after weighing the evidence admitted at the preseparation conference, that the employee is capable of performing his or her essential job duties, then the preseparation proceedings shall cease and the employee shall be considered to be fit to perform his or her essential job duties. If the Appointing Authority determines, after weighing the testimony presented and the evidence admitted at the preseparation conference, that the employee is unable to perform his or her 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 6.09 above.

3. An employee so separated shall have the right to appeal in writing to the Personnel Board of Review within ten (10) days following the date the employee is served with the Order of involuntary 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 (F)(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 (D)(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, then at the hearing the employee has a right 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 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 (F)(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 ten (10) 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.
A. Anytime an employee fails to report for his scheduled shift without notifying his supervisor and without requesting or having a leave of absence approved, the employee shall be considered absent without leave (AWOL). This regulation shall apply regardless of whether the employee has paid leave time available or not.

B. Any employee of the County who absents himself from duty habitually, or for three (3) or more successive duty days, without leave and without notice to his supervisor of the reason for such absence shall be dismissed for neglect of duty. After a predisciplinary conference is held, an order of removal will be filed with the State Personnel Board of Review. A letter and order of removal shall be mailed to the last reported address of the employee notifying the employee of his or her dismissal. If, within ten (10) calendar days of the last day of actual work by the employee, a satisfactory explanation of absence is reported to the Appointing Authority, the Appointing Authority may set aside the dismissal and reinstate the employee to the employee's former position.

C. An employee shall be subject to disciplinary action if he is absent from duty and:

1. Has no accumulated sick leave or has no legitimate reason for use of sick leave; and

2. Fails to have leave of absence approved by the Appointing Authority in advance of the date the leave is taken; or

3. Leaves the job site after reporting to work without having a leave of absence approved in advance by the Appointing Authority; or

4. Fails to report to work without a legitimate reason as outlined under the Sick Leave Policy without having a leave of absence approved in advance by the Appointing Authority.

Original Adoption Date: ____________________  Revision Date: ____________________
All full-time County employees are entitled to three (3) personal days a year. Personal days must be used between January 1 to December 31 and cannot be accrued from year to year. Upon separation from the County's payroll, an employee shall not be entitled to compensation of unused personal days. Requests for personal days must be submitted in writing to the Appointing Authority or designee for approval prior to the employee taking the time off. A sample form, "Request for Leave," is provided in Section 11 and may be used to request a personal day.

Procedures for scheduling personal days may be established in each department by the Appointing Authority.
POLICY

A. Family and Medical Leave (FML) is a leave of absence, taken for specified medical or family reasons, during which the Employer shall maintain the employee’s health insurance in the same manner as if the employee remained in active pay status. During the leave, employees must continue to pay their share of the premium.

B. Family Medical Leave Definitions:

1. **Spouse**: Husband and wife. However, common-law marriages after October 10, 1991, have been abolished by Ohio law. Unmarried domestic partners do not qualify for FML to care for their partner.

2. **Parent**: The biological parent or person standing in place of a parent to the employee when the employee was a child. “In-laws” are not included.

3. **Child**: A biological, adopted, foster, or stepchild; a legal ward; or a child of a person who is standing in loco parentis, who is under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability.

4. **Serious Health Condition**: An illness, injury, impairment or physical or mental condition which involves inpatient care or continuing treatment.

5. **Continuing Treatment**: Continuing treatment by a health care provider which includes at least one of the following:

   a. A period of incapacity for more than three (3) consecutive days which requires subsequent treatment relating to that condition on two (2) or more occasions within thirty (30) days of the first day of incapacity or on one (1) occasion which results in a regimen of continuing treatment. The first (or only) in-person treatment must take place within seven (7) days of the first day of incapacity;

   b. Incapacity due to pregnancy;

   c. A period of incapacity or treatment due to a chronic serious health condition, which may be episodic but includes periodic visits (at least 2 a year) to health care provider and continues over an extended period of
time;

d. any period of incapacity which is permanent or long term, due to a condition for which treatment may not be effective;
e. any period of absence due to receiving multiple treatments, e.g., after surgery, accident or for a condition which, if left untreated, would result in absence of three (3) consecutive days.

6. Health Care Provider: Either: 1) a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or 2) any other person determined by the Secretary of State to be capable of providing health care services.

7. Intermittent Leave: Leave taken in separate blocks of time due to a single qualifying reason.

8. Reduced Leave Schedule: Leave that reduces an employee’s usual number of working hours per workweek or workday.

9. Active Duty: The term “active duty” means duty under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

10. Contingency Operation: The term “contingency operation” has the same meaning given such term in section 101(a)(13) of title 10, United States Code.

11. Covered Servicemember: The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.

12. Outpatient Status: The term “outpatient status,” with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:

a. a military medical treatment facility as an outpatient; or
b. a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

13. **Next of Kin:** The term “next of kin,” used with respect to an individual, means the nearest blood relative of that individual.

14. **Serious Injury or Illness:** The term “serious injury or illness,” in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.

15. **Qualifying Exigency:** The term includes short notice deployment, military events, child care and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities negotiated between employers and employees.

C. **Eligible employees:** Employees who have been employed by the Employer for a total of at least 12 months and who have completed at least 1,250 hours of actual service with the Employer during the previous 12 month period will be eligible for FML. Periods of leave such as vacation, sick leave, unpaid leave of absence, FML, etc. do not count toward the 1250 hours of actual service.

D. **Employees Not Covered:** The following employees are not entitled to FML: elected officials; personal staff, policy-making appointees, or immediate legal advisors to elected officials serving in the unclassified service; unclassified employees of Employer; bona fide volunteers; independent contractors; etc.

E. **Entitlement to Leave:** Eligible employees will be entitled to a total of 12 workweeks of FML during a rolling 12 month period measured forward from the date on which an employee requests to begin Family or Medical Leave. Employees may take the leave for any of the following reasons:

1. Birth of a child of the employee and to care for a newborn child;

2. Placement of a child with the employee by way of adoption or foster care;

3. To care for the spouse, child, parent or one who stood in place of a parent of the employee, if that person has a serious health condition;
4. Because of serious health conditions that make the employee unable to perform any of the essential functions of the employee’s job; or

5. Because of any qualifying exigency arising out of the fact that the spouse, or a son, or a daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

F. Expiration of Entitlement: The entitlement to leave for a birth or placement of a son or daughter shall expire at the end of the 12-month period beginning on the date of such birth or placement.

G. Servicemember Family Leave: An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the servicemember. The leave described in this paragraph shall only be available during a single 12-month period.

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

H. Use of Paid Leave: Employees are required to use available paid leave [i.e., accrued vacation, holidays, personal leave, sick leave (if applicable), comp time, etc.] prior to being granted unpaid FML. The combined period of leave, including paid leave and FML, shall run concurrently and shall not exceed the total of 12 workweeks (or 26 workweeks in the case of Servicemember Family Leave) provided under subsection during the designated 12 month period. Sick leave shall only be used if the employee or family member has an illness or injury that qualifies for use of sick leave in accordance with the Sick Leave Policy herein.

I. Further Unpaid Leave of Absence: In the event of the continuation, reoccurrence or onset of a serious health condition after the employee has exhausted the 12 workweeks of leave, the employee may request an unpaid leave of absence in accordance with the applicable policy herein.

J. Husband and Wife: In general, in a case in which a husband and wife, both employed by the Employer, request leave due to the birth or placement of a child, the total number of workweeks of FML to which both employees are entitled shall be limited to 12 workweeks during the designated 12 month period.
The aggregate number of workweeks of leave to which both that husband and wife may be limited to is 26 workweeks during the single 12-month period when the leave is:

1. Servicemember Leave; or

2. a combination of Servicemember Leave and leave due to the birth or placement of a child as described above or to care for an employee’s parent with a serious health condition.

K. Intermittent/Reduced Leave Schedule: Leave due to the serious health condition of the employee or the employee’s spouse, child or parent or Servicemember Leave can be taken intermittently or on a reduced leave schedule when medically necessary. In all other cases, it may only be taken intermittently with permission of the Employer. It is the employee’s obligation to schedule appointments and/or treatment so not to disrupt the operations of the Employer. The Employer may require an employee taking leave in this manner for planned medical treatments to transfer temporarily to an alternative position which has equivalent pay and benefits but better accommodates the recurring periods of leave.

FML due to the birth or placement with the employee of a child shall not be taken on an intermittent or reduced leave schedule which would reduce the usual number of hours per workweek or per workday.

L. Seniority: An employee granted FML will continue to accrue seniority during FML.

M. Restoration/Fitness-for-Duty: When an employee returns from FML, he/she will be restored to the position held by the employee when the leave began or a similar position with equivalent pay and benefits. The Employer may require that the employee’s physician certify that the employee is able to perform the essential functions as a condition of return to employment. Where reasonable job safety concerns exist, up to once every 30 days, employers may now request a fitness-for-duty certification before allowing an employee to return to work from intermittent leave.

N. Failure to Return:

1. If the employee fails to return from the leave, the employee shall reimburse the County for the total insurance premium paid by the County during any time the
employee was on an unpaid leave of absence, unless the failure to return is due to:

- continuation, recurrence, or onset of a serious health condition; or
- other circumstances beyond the employee’s control.

In such a case, the Employer may require medical certification. If an employee fails to provide certification or an adequate excuse, the employee shall be liable for the total insurance premium paid by the County.

2. If an employee does not report to work or request and receive further approved leave after the applicable FML expires, the employee will be absent without approved leave and will be subject to disciplinary action.

**PROCEDURE**

A. The Employer shall post written notice of employees’ rights under the FMLA and their ability to file a complaint.

B. **Paid Leave**: If an employee requests paid leave that also qualifies as FML, the Employer shall notify the employee that the paid leave will count toward their FML. Such notice shall be communicated to the employee as soon as the Employer acquires knowledge that the leave qualifies as FML. This notice may be orally provided. However, the employee must then be provided notice in writing.

C. **Notice Obligations**: The Employer is required to provide employees with a general notice about the FMLA, an eligibility notice, a rights and responsibilities notice, and a designation notice.

1. **General notice requirements**: An employer must inform its employees of their rights under the FMLA in its Personnel Policy Manual or through a general notice provided to employees at the time of hire. The general notice will be provided by furnishing a copy of this entire policy and the relevant Form(s) to the employee. The Employer will also provide notice to employees on FML of any policy change(s). All forms can be found at [http://www.dol.gov/federalregister/PdfDisplay.aspx?DocId=21763](http://www.dol.gov/federalregister/PdfDisplay.aspx?DocId=21763).

2. **Eligibility notice**: Within five business days after an employee requests FMLA leave or the employer determines that the leave may be FMLA-qualified; the
employer must notify the employee of his or her right to take FMLA leave. If the employer determines that the leave is not covered by the FMLA, the notice must inform the employee of that fact and provide at least one reason for the determination. In addition to the Notice of Eligibility, the Employer will provide the employee with a Notice of “Rights and Responsibilities.”

3. **Designation notice:** Within five (5) business days, the Employer must notify an employee whether or not an employee’s leave has been designated as FMLA leave.

D. **Employee’s Notice Responsibility:** Eligible employees shall follow the employer’s usual and customary procedures for reporting an absence, absent unusual circumstances.

Eligible employees requiring FML shall notify the Employer not less than 30 days prior to the date such leave is to begin by completing the written application for FML.

However, where the need for leave is not foreseeable 30 days in advance, the employee shall complete the FML Application Form and provide as much advance notice as practicable. Leave forms shall be submitted to the employee’s immediate supervisor who shall forward them to the Director.

In any case in which the necessity for Servicemember Family Leave is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

Where an employee has no valid excuse for a delay in notice, the Employer may delay the leave until 30 days after the notice has been received.

E. **Initial Certification:**

1. Employees must provide the Employer with certification of the condition from the health care provider in cases involving serious health conditions and attach the certification to the application for leave.

2. Upon receipt of the certification, the Employer may, at its expense, require the employee to obtain a second opinion from a health care provider selected by
the Employer. The Employer will not seek additional information from the initially certifying practitioner.

3. If the second opinion differs from the first, the Employer may, at its expense, require the employee to submit to a third examination by a health care provider jointly selected by the Employer and the employee. This third opinion shall be final and binding.

4. If the certification is insufficient, the Employer must indicate the precise information lacking and allow the employee one (1) week to provide additional information.

F. Subsequent Certification for Serious Health Condition:

1. 30-day rule. An employer may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless paragraphs (2) or (3) of this section apply.

2. More than 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, an employer must wait until that minimum duration expires before requesting a recertification, unless paragraph (3) of this section applies. For example, if the medical certification states that an employee will be unable to work, whether continuously or on an intermittent basis, for 40 days, the employer must wait 40 days before requesting a recertification. In all cases, an employer may request a recertification of a medical condition every six months in connection with an absence by the employee. Accordingly, even if the medical certification indicates that the employee will need intermittent or reduced schedule leave for a period in excess of six months (e.g., for a lifetime condition), the employer would be permitted to request recertification every six months in connection with an absence.

3. Less than 30 days. An employer may request recertification in less than 30 days if:
   a. The employee requests an extension of leave;
   b. Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of the absence, the nature
or severity of the illness, complications); or

c. The employer receives information that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification.

4. The employee shall provide the requested recertification at the employee’s expense within 15 calendar days unless this time limit is not practicable. Certifications not provided within this time limit without adequate excuse may invalidate the FML.

G. Certification for Leave Taken Because of a Qualifying Exigency: An employer may require that leave for any qualifying exigency specified in this section be supported by a certification from the employee that sets forth the following information:

1. A statement or description, signed by the employee, of appropriate facts regarding the qualifying exigency for which FMLA leave is requested. The facts must be sufficient to support the need for leave. Such facts should include information on the type of qualifying exigency for which leave is requested and any available written documentation which supports the request for leave; such documentation, for example, may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs;

2. The approximate date on which the qualifying exigency commenced or will commence;

3. If an employee requests leave because of a qualifying exigency for a single, continuous period of time, the beginning and end dates for such absence;

4. If an employee requests leave because of a qualifying exigency on an intermittent or reduced schedule basis, an estimate of the frequency and duration of the qualifying exigency; and

5. If the qualifying exigency involves meeting with a third party, appropriate contact information for the individual or entity with whom the employee is meeting (such as the name, title, organization, address, telephone number, fax number, and e-mail address) and a brief description of the purpose of the
meeting.

H. Certification for Covered Servicemember Leave: When leave is taken to care for a covered servicemember with a serious injury or illness, an employer may require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember.

I. Employee’s Failure to Pay Insurance Premium: Upon commencement of FML, the Employer shall continue the employee’s health insurance as if the employee was not on leave. However, the Employer’s obligation shall cease if the employee is more than 30 days late in tendering his/her share of the premium, unless COBRA has been elected. The Employer shall provide the employee written notice by mail 15 days prior to ceasing the premium payment.
A. Athens County hereby establishes a leave donation program.

B. The leave donation program applies to all County employees paid by warrant of the Auditor.

C. Any County employee who has accumulated unused sick leave may donate that leave, subject to the conditions stated herein, to another County employee who is in critical need for sick leave due to serious illness or injury or the serious illness or injury of a member of the employee’s immediate family.

D. A critical need for sick leave is not present if the employee has any accumulated but unused sick, personal, vacation, or compensatory time.

E. The donation of unused sick leave is final upon approval of the Appointing Authority.

F. The donation of unused sick leave is irrevocable except that any amount of sick leave which is donated and unused shall revert back to the donating employee’s return to work.

G. No employee shall donate more than 500 hours of sick leave to any one employee or any one critical event.

Original Adoption Date: ____________________  Revision Date: ____________________
7.01 Notification of Absence
7.02 Tardiness
7.03 Rest Periods
7.04 Lunch Period
7.05 Safety and Health
7.06 Supplies, Instruments, and Other Equipment
7.07 Motor Vehicle Operator's License
7.08 Radio Operating Procedures
7.09 Use of Telephones
7.10 Gambling
7.11 Outside Employment
7.12 Dress
7.13 No Access/No Solicitation/No Distribution
7.14 Political Activity
7.15 Maintenance of Vehicles or Equipment Checklist
7.16 Network, Internet, Electronic Mail and On-Line Services Policy
7.17 Workplace Violence
7.18 Travel Policy
7.19 Concealed Carry/Firearms Policy
7.20 Cellular Phone and Pager Policy
7.21 Use of Vehicles by Athens County Employees
7.22 Whistleblower Protection
7.23 Anti-Terrorism Policy
7.24 Re-Employment of a Retiree
7.25 Athens County Employees’ Precinct Election Official Leave Program
7.26 Athens County Employees’ Credit Card Policy
7.27 Tobacco Free Policy
7.28 Self Help to Records Prohibited
7.29 Weather and Emergency Days
7.30 Job-Related Convictions
7.31 Employee No Expectation of Privacy
7.32 Confidential Information
A. Employees are expected to promptly report to work at their scheduled starting time. Failure to comply with this work requirement will result in disciplinary action.

B. The employee must report all absences from work that are not approved in advance to the employee's immediate supervisor, Appointing Authority, or other designee, within the one (1) hour prior to the employee's scheduled starting time.¹ Employees must make every reasonable effort to contact the supervisor or the person designated to take such notifications of absence. Merely reporting through a co-worker is noncompliance. Only absences logged by the immediate supervisor, Appointing Authority or designee will be considered for approval. No absence is approved until the proper form has been submitted and the absence has been reviewed and approved by the Appointing Authority.

C. Under certain circumstances, the Appointing Authority, supervisor, or designee may require an employee to provide documentation before an absence, for example military leave or foreseeable Family and Medical Leave, or during an absence, for example to certify or verify the need for Family and Medical Leave.

If any employee is absent for reasons that may qualify for Family and Medical Leave, the Employer must notify the employee whether the Employer considers the leave to be FML within two (2) business days, and in any case before the employee returns to work. Oral notification must be followed up in writing by the next pay day. (See Section 6.13, Family and Medical Leave).

D. When an employee returns to work following an absence, such employee must immediately report to his or her immediate supervisor or designee. The employee may be issued a form to complete which allows the employee to further explain the reason for his or her absence, unless such form was required to be completed prior to the absence (i.e. vacation, leave of absence). The employee may also be required to submit additional written documents which substantiate the employee's reason for absence. The form and other written documentation will be reviewed by the Appointing Authority to determine whether the absence will be approved.

¹Employees working in departments which operate on a twenty-four (24) hours a day basis must report off not less than one (1) hour prior to the start of their scheduled shift.
E. Proper notification of absence and the underlying reasons is a serious matter, especially for Family and Medical Leave administrative purposes. Consequently, noncompliance may subject an employee to serious disciplinary action.
A. A punched time card or approved time sheet shall be the official record of an employee's time. This record shall be utilized to compute hours worked, including overtime hours, document tardiness and absences, and to dock pay for lateness. An employee is subject to disciplinary action if he or she repeatedly fails to punch his or her time card, fails to submit his or her time sheet, or improperly completes his or her time sheet.

B. Each employee must explain any absences from work by denoting on the time card or time sheet the appropriate absence codes:

- "S" C sick leave
- "P" C personal day
- "M" C military leave
- "L" C leave without pay
- "V" C vacation
- "I" C jury or court duty
- "C" C compensatory time
- "A" - absent without leave

C. Each employee must sign his or her time card or time sheet each pay period to designate that the hours worked and absences coded are correct. At the end of the pay period, each supervisor must review his or her employees' time cards or sheets for completeness and correctness and indicate approval after all discrepancies are resolved by signing the time card or time sheet. A time card or time sheet must be received for each employee each pay period. If an employee is absent from work for an entire pay period, his or her supervisor must complete the time card or time sheet by designating absence codes as required.

D. Employees shall be at their work location ready to begin work no later than their scheduled starting time and shall not end their workday prior to their scheduled quitting time. Each Appointing Authority shall designate the scheduled starting and quitting times for his or her employees in accordance with Section 5.04, Hours of Work herein.

No employee shall report or clock-in more than ten (10) minutes prior to his or her regular starting time. No employee shall clock out or leave later than ten (10) minutes after their regular shift ends. Paid hours shall not begin prior to the scheduled starting time nor shall they extend beyond the scheduled quitting time unless overtime has been approved.
E. Employees violating this policy shall be subject to disciplinary action, as provided in Section 8, Discipline herein, and/or pay deductions as follows:

<table>
<thead>
<tr>
<th>AMOUNT OF TARDINESS OR ABSENCE FROM WORK</th>
<th>AMOUNT OF DEDUCTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 5 minutes</td>
<td>No deduction</td>
</tr>
<tr>
<td>6 to 11 minutes</td>
<td>.1 hour deduction</td>
</tr>
<tr>
<td>12 to 17 minutes</td>
<td>.2 hour deduction</td>
</tr>
<tr>
<td>18 to 23 minutes</td>
<td>.3 hour deduction</td>
</tr>
<tr>
<td>24 to 29 minutes</td>
<td>.4 hour deduction</td>
</tr>
<tr>
<td>30 to 35 minutes</td>
<td>.5 hour deduction</td>
</tr>
<tr>
<td>36 to 41 minutes</td>
<td>.6 hour deduction</td>
</tr>
<tr>
<td>42 to 47 minutes</td>
<td>.7 hour deduction</td>
</tr>
<tr>
<td>48 to 53 minutes</td>
<td>.8 hour deduction</td>
</tr>
<tr>
<td>54 to 59 minutes</td>
<td>.9 hour deduction</td>
</tr>
</tbody>
</table>

F. Supervisors will log the time of employees arriving late and will be responsible for initiating the appropriate disciplinary action for excessive tardiness.

G. Leaving work before the scheduled quitting time may be considered a similar violation and treated as tardiness or may be considered as neglect of duty depending on circumstances associated with the violation.

H. 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 his scheduled starting time. Exempt employees who are late will be subject to appropriate disciplinary action. 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 Appointing Authority, for part of a workday without a deduction from their accrued paid leave.
A. Each Appointing Authority shall establish daily work schedules.

B. The Appointing Authority may establish two (2) rest periods each full workday not to exceed fifteen (15) minutes each, as authorized by the employee's immediate supervisor. Rest periods shall be considered a privilege and shall never interfere with the proper performance of the work responsibilities of the department. Such rest periods shall be considered as part of the employee's normal work time and employees shall be subject to being recalled to work at anytime during their rest period. Employees are not permitted to leave the immediate work site during the rest period without prior approval of their immediate supervisor or their Appointing Authority.
A. All County employees are entitled to an unpaid lunch period with the length and time to be designated by the Appointing Authority. Lunch periods may be temporarily rescheduled by the employee's immediate supervisor to meet work load requirements.

B. Approved lunch periods are not considered as work time, provided the employee is relieved from duty for at least thirty (30) consecutive minutes. Therefore, each employee shall be completely relieved, if possible, from work duty for that time period.

C. Lunch periods which are uninterrupted by call-to-duty are excluded from compensable time. Lunch periods which are interrupted by authorized calls-to-duty (approved by the immediate supervisor) must be counted as compensable time, since the employee would not be considered to be relieved of all duties.

D. Employees who are completely relieved from call-to-duty during their approved lunch period are not subject to requesting permission to leave their work premises during their scheduled lunch period.

Original Adoption Date: ____________________  Revision Date: ____________________
Work safety and health are of primary concern to the County. The safe and healthful performance of all work assignments is the responsibility of all supervisory and non-supervisory personnel. It is the responsibility of each to ensure that all safety equipment is used and all safety procedures and practices observed.

A. Any employee found to be unwillfully negligent in the performance of his or her duty, resulting either in damage to equipment or injury to another individual, shall be disciplined according to the discipline policy outlined herein.

B. Any employee found to be deliberately negligent in the performance of his or her duty, resulting either in damage to equipment or injury to another individual, shall be subject to immediate termination.

C. All employees are charged with the responsibility for reporting the existence of any hazardous conditions or practices in the workplace. A sample form, "Report of Safety Problems and/or Equipment Defects" can be found in Section 11.

D. Supervisors found to be negligent in requiring the use of prescribed safety equipment and the observance of established safety procedures and practices will be subject to disciplinary action.

E. Any accident occurring during normal working hours shall be reported to the immediate supervisor at once. At no time is knowledge of an accident to be delayed or withheld.

F. Each Appointing Authority may establish the necessary safety rules and regulations to protect the safety and health of employees within his or her department.

Original Adoption Date: ______________________  Revision Date: ______________________
A. When supplies, instruments, and equipment needed to perform job duties are provided by the Employer, it becomes the responsibility of supervisors to see that employees properly use and maintain such items.

B. Misuse, neglect, theft, and abuse of supplies, instruments, and equipment are prohibited. Accidents involving misuse of the above may be cause for disciplinary action. Loss of supplies and equipment on more than one (1) occasion may require payment by the employee for those items lost.

C. All supplies, instruments, and/or equipment utilized by the employee in the performance of his or her job are subject to the proper approval of the Appointing Authority.

D. County employees have an obligation to use public property for public purposes and to avoid wasting public resources. An employee may dispose of an item which is damaged or broken; however, the employee must have permission to dispose of an item with a value of fifty dollars ($50.00) or more. Under no circumstances may an employee take the item for personal use, for use by another person, or for gain by reselling.

E. The Appointing Authority or designee shall report damaged or stolen equipment or vehicles to the Commissioner's office, so as to allow the County to make a claim under any applicable insurance policies.
Each employee of Athens County is required to furnish his or her own means of transportation to and from his or her reporting site.

All employees operating County motor vehicles are required to have a valid State of Ohio motor vehicle operator's license or Commercial Driver's License (CDL), as the job requires.

Employees required to have a license must maintain the license as a condition of their employment. These employees are also expected to maintain a safe driving record which makes them insurable without additional, out of the ordinary, expense to the County. Any employee not able to maintain the license required for his classification or any employee not insurable under the County's regular liability insurance policy will be deemed incompetent to perform the duties of his position and may be either reduced to a classification not requiring such license or may be discharged.

Each County employee who drives a County vehicle must have a copy of his or her valid State of Ohio motor vehicle operator's license or Commercial Driver's License in his or her personnel file.
The operation of two-way radio communications is subject to regulations established by the Federal Communication Commission. Therefore, the following guidelines have been established to avoid violation of F.C.C. regulations:

A. Radios are to be used only for official County business, including any personal emergency messages.

B. Foul or abusive language shall not be used over the radio at any time.

C. Radios shall not be used for heckling, kidding, or teasing fellow employees or for transmitting nonbusiness related messages.

D. Correct sign-on and sign-off procedures shall be followed when using the County's communication equipment.

Original Adoption Date: ________________ Revision Date: ________________
A. Use of County telephones for other than business purposes without prior approval of the employee's immediate supervisor is prohibited.

B. Employees required to answer the telephone as part of their assigned duties, shall do so in a polite and courteous manner. Foul or abusive language shall not be used by any employee over the telephone or in any dealings with the public at any time.

C. When a citizen calls, he or she shall be directed to the proper authority to handle the person's complaint or answer his or her question. If the employee is unavailable, a clear and precisely written message shall be taken indicating the person's name, telephone number, and reason for the call.

D. Toll calls for personal reasons shall not be made on County equipment or charged to the County. Violation of this policy will result in disciplinary action, including payment by the employee for the toll call.
A. The County does not permit gambling in any form by County employees during workdays. For the purpose of this policy, the workday includes regular working hours, lunch periods, clean-up time, and breaks. Violation of this policy will be cause for disciplinary action.

B. This policy does not include gambling in the performance of duty by employees of the Sheriff’s Department while acting under appropriate authorization.
A. Under no circumstances shall a County employee have other employment which conflicts with the policies, objectives, and operations of the several offices of Athens County. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the County office in which they are employed.

B. Employment "conflicts" as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his or her position with the County.

C. Full-time employment by Athens County shall be considered the employee's primary occupation, taking precedence over all other occupations.

D. "Outside" employment shall be a concern of the Appointing Authority only if it adversely affects the employee's performance on his or her County job. Two (2) common employment conflicts which may arise are:

1. Time conflict: defined as when the working hours required of a "secondary job" directly conflict with the scheduled working or overtime hours of an employee's performance with the County.

2. Interest conflict: defined as when an employee engages in "outside employment" which tends to compromise his or her judgment, actions, and/or job performance with the County.

E. Should an Appointing Authority determine that an employee's outside employment is adversely affecting the employee's job performance, the Appointing Authority may recommend, but may not require, that the employee refrain from such activity. However, any conflict, policy infraction, or other specific offense, which is the direct or indirect result of an employee's participation in outside employment will subject the employee to discipline or discharge in a manner consistent with the policies set forth herein.
A. The Appointing Authority reserves the right to prescribe appropriate dress and grooming, and to set standards which are in the best interest of County service.

B. The Appointing Authority requires that an employee's clothing and overall appearance be clean, appropriate, in good taste, and present a favorable public image.

C. Clothing shall be conducive to the safe, practical, and effective performance of required job duties.

D. All employees required to wear a uniform or other prescribed clothing shall wear such uniform or prescribed clothing when on duty and in the manner prescribed by the Appointing Authority.
The County of Athens, Ohio hereby establishes rules governing access, solicitation, and distribution by nonemployees and employees. In order to maintain safe and productive work environments and to protect the interest of the citizens of Athens County, it is the policy to the County that:

A. **Nonemployee Access, Solicitation, and Distribution:** Nonemployees shall not be permitted access to any work area/site of the County at any time except to conduct official County business or with prior approval of the Employer. There shall be no solicitation or distribution by nonemployees at any time in any work area/site of the County or on County premises. Nonemployee union representatives shall be permitted access to certain County facilities to conduct authorized union activities in accordance with the applicable negotiated agreement. This section does not apply to vendors, as defined in the definitions section of this policy.

B. **Employee Access:** Employees are not permitted access to any work area/site of the County during their off-duty hours, except to conduct official County business or with prior approval of the Employer.

C. **Employee Solicitation:**

1. There shall be no solicitation by employees during their working time.

2. Employees may solicit other employees during their non-working time in a work or non-work area/site of the County, provided the other employees are on non-working time and the activity does not impede the work of employees or the business of the County.

D. **Employee Distribution:**

1. There shall be no distribution by employees during their working time.

2. Employees may distribute during their non-working time in a non-work area/site of the County provided they do not impede the work of other employees or the business of the County.

E. **Definitions:**

**County** means the County of Athens, Ohio.
County Premises means all buildings, adjuncts, and property owned, leased, rented, or operated by the County.

Distribution means an act of giving or dealing goods, materials, and/or printed or written material.

Employee means any person in the employ of Athens County in any status, including persons on vacation, leave of absence, etc.

Employer means the Athens County Commissioners, other elected officials, or the Appointing Authority.

Non-Work Area/Site means any area of the County's premises which is designated as a non-work area or is not utilized in the transaction and operation of County business, e.g. lunch/break areas, restrooms.

Non-Work Time means any time during an employee's workday where the employee is totally relieved of work duties, e.g., break and lunch periods, time before or after work shift.

Solicitation means an act of requesting an individual to purchase goods, materials, or services, or a plea for financial contribution or membership.

Vendor means any individual or group engaged in or desired to engage in the supply of goods, materials, or services to the County, which goods, materials, or services are utilized in the conduct of public business.

Work Area/Site means any office, building, or physical location where official County business is transacted and/or operations of the County are being conducted, e.g., office areas and adjoining waiting rooms or service counter areas and maintenance work area/site and adjacent premises, County vehicles.

Work-time means all the time when an employee's duties requires that he or she be engaged in work tasks.
Certain specific political activities are legally permitted or prohibited to all classified employees, including classified employees on authorized leave of absence from their positions. Unclassified employees are substantially less restricted, except those unclassified employees subject to Federal Merit Standards. Employees who are subject to Federal Merit Standards are generally those paid with federal funds distributed directly or by the State of Ohio.

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. Activities Prohibited to All Employees (Including Unclassified Employees Not Subject to Federal Merit Standards):

1. Soliciting a contribution from any person while the soliciting employee is performing his or her official duties;

2. Soliciting a contribution while the soliciting employee is in those areas of a public building where official business is transacted or conducted;

3. Soliciting a contribution from a public employee while that employee is performing his or her official duties;

4. Soliciting a contribution from a public employee while that employee is in those areas of a public building where public business is transacted;

5. Coercing, intimidating, or causing harm to another person or threatening to do so, because that person makes or does not make a contribution to a candidate, campaign committee, political party, legislative campaign fund, or political action committee;

6. Knowingly soliciting a contribution at the direction of or with the authorization of a County elected officer or his or her campaign committee from:

   a. An employee whose Appointing Authority is the County elected officer;
b. A County employee whose Appointing Authority is authorized or required by law to be appointed by the County elected officer;

c. A County employee who functions in or is employed in or by the same public agency, department, division, or office as the County elected officer;

7. Knowingly soliciting a contribution at the direction of or with authorization of a candidate for County elected office or his or her campaign committee from:

a. A County employee who’s Appointing Authority will be the candidate, if elected;

b. A County employee who’s Appointing Authority will be appointed by the candidate, if elected;

c. A County employee who will function in or be employed in or by the same public agency, department, division, or office as the candidate, if elected.

B. Activities Permitted to Classified Employees and Unclassified Employees Subject to Federal Merit Standards:

1. Registering and voting;

2. Expressing opinions, either orally or in writing, but not political campaigning;

3. Voluntarily financially contributing to political candidates or organizations;

4. Circulating non-partisan petitions or petitions stating views on legislation;

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

6. Signing nominating petitions in support of individuals;

7. Displaying political pictures in the employee's home or on the employee's property;
8. Wearing political badges or buttons, or displaying political stickers on private vehicles;

9. Serving as a precinct election officer under Section 3501.22 of the Revised Code.

C. Activities Prohibited to Classified Employees and Unclassified Employees Subject to Federal Merit Standards:

1. Participating as a candidate for public office in a partisan election, or in a non-partisan 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;

2. Filing petitions meeting statutory requirements for partisan candidacy to elective office;

3. Circulating official nominating petitions for any candidate participating in a partisan election;

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

5. Accepting party-sponsored appointment to any office normally filled by partisan election;

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

7. Soliciting, either directly or indirectly, any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate;

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

9. Engaging in partisan activities at the election, such as soliciting votes, assisting voters to mark ballots, or transporting or helping get out the voters on election day;
10. Engaging in political caucuses of a partisan nature;

11. Participating in a political action committee which supports partisan activity.
Each employee operating County vehicles or motorized equipment shall be responsible for performing a daily maintenance check on any piece of equipment or vehicle assigned for that employee's use.

The daily maintenance check shall include a check of the following items before the equipment is placed in service:

- oil level
- gas level
- tires
- headlights
- turn signals
- brake lights
- horn
- brake operation

Any items not properly working should be reported to the supervisor. All fluids added should be noted and turned in to the supervisor on the appropriate form.

Employees should, at the end of each day, check to ensure that the vehicle they have operated during the day is fueled up and ready to go for the next shift.
The use of the Network, Internet, Electronic Mail (hereinafter E-mail), and Online Services have the potential to be great resources to increase productivity for Athens County employees. However, employees shall be held accountable for their use and misuse.

Access to the Network, Internet, E-mail, and Online Services will be with the permission of the Appointing Authority or designee, and is for limited governmental purpose. All activities of the Network, Internet, E-mail, and Online Services shall be work-related. It is inappropriate to use the Network, Internet, E-mail, and Online Services for non-work-related reasons. It is important to remember that an employee's E-mail address provides an easy way to discover if they are using governmental resources for inappropriate purposes.

Athens County employees are required to use appropriate log-on procedures and passwords to maintain security. Employees shall not allow any unauthorized person or employee access to Network, Internet, E-mail, and Online Services unless directed to do so by their supervisor or administrator.

Athens County employees shall not load any personally-owned software or software not licensed to Athens County or any County-owned equipment. Athens County employees shall only download professional work-related materials. Athens County employees shall not use the Network, Internet, E-mail, and Online Services for the purposes of operating a business for personal gain, sending chain letters, or soliciting money for religious or political organizations or causes, or any reasons unrelated to the business of the Appointing Authority.

Athens County employees shall not use the Network, Internet, E-mail, and Online Services in a manner that would violate any federal, state, or local laws. Athens County employees shall not distribute or print copyrighted materials, which include articles and software, in violation of the copyright laws. Athens County employees shall not use the Network, Internet, E-mail, and Online Services to view, transmit/distribute, download, or print items displaying obscene materials, pornography, non-forensic nudity, non-forensic sexually explicit content; or non-forensic items that are racist, sexist, or harassing in a sexual or religious manner; or any animation or other simulation of these items. Athens County employees shall communicate in a professional manner that will reflect positively on them, their Appointing Authority, and the State.

Athens County employees shall not transmit confidential case files or other confidential information through the Network, Internet, E-mail, and Online Services.

Athens County employee electronic records are public records and employee work products; therefore, there is no expectation of privacy. Employee records and files are subject to
inspection for such reasons as system maintenance, general inspection with or without notice, if there is reasonable suspicion of inappropriate use, or in the event of a public records request. Access to employees' records shall be authorized by the Appointing Authority or designee.
As an employee of Athens County, I recognize and understand that the County’s Computer/Internet/Electronic Mail systems are to be used for conducting the County’s business only. I understand that use of this equipment for political commercial or for-profit purposes is strictly prohibited. Further, I agree not to use a password that has not been disclosed to my supervisor. I agree not to access a file or retrieve any stored communication other than where authorized unless there has been prior clearance by an authorized Department Head or designee.

I am aware that the County reserves and will exercise the right to review, audit, intercept, access, and disclose all matters on the County’s Computer/Internet/Electronic Mail systems at any time, with or without employee notice, and that such access may occur during or after working hours. I am aware that use of a County-provided password or code does not restrict the County’s right to access electronic communications. I am aware that violations of this policy may subject me to disciplinary action, up to and including discharge from employment. If I am a supervisor, I acknowledge that allowing any supervised employee to violate the County’s policy may result in disciplinary action, up to and including discharge from employment.

I authorize that I have read and that I understand the County’s policy regarding Computer/Internet/Electronic Mail policy. I authorize that I have read and that I understand this notice.

Signature of Employee: ___________________________ Date Signed: ___________________
A. POLICY:

1. The safety and security of employees, clients, contractors, and the general public are of vital importance to Athens County Appointing Authorities. 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.

2. The purpose of this policy is to provide guidance to employees of Athens County should they encounter a situation that they believe is or could result in an act of violence.

3. The word violence in this policy shall mean an act or behavior that:
   a. is physically assaultive;
   b. a reasonable person would perceive as obsessive (e.g., intensely focused on a grudge, grievance, or romantic interest in another person and likely to result in harm or threats of harm to persons or property);
   c. consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of another;
   d. would be interpreted by a reasonable person as carrying a potential for physical harm to the person;
   e. a reasonable person would perceive as intimidating or menacing;
   f. involves carrying or displaying weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
   g. consists of a communicated or reasonably perceived threat to destroy property.

4. The Employer prohibits the following:
a. Any act or threat of violence by an employee against another person's life, health, well-being, or property.

b. Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion.

c. Any act or threat of violence which endangers the safety of employees, clients, contractors, or the general public.

d. Any act or threat of violence made directly or indirectly by words, gestures, or symbols.

e. Use or possession of a weapon on the Employer's premises, on a County-controlled site, or an area that is associated with County employment except as required in the line of duty (i.e., law enforcement).

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

a. **Dealing with the Public:** Violent situations could occur in employee contact with the public. While the Employer has a strong commitment to client service, we do not intend for employees to be subjected to verbal or physical abuse by the client.

b. **On-the-Job:** Situations could occur where relationships between employees, or between an employee and a supervisor, result in strong negative feelings by the individuals involved.

c. **Off-the-Job:** An employee could become involved in a personal non-criminal dispute with a co-worker, client or personal 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.
6. 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.

a. A dangerous weapon is defined as:

   (1) A loaded or unloaded firearm; or

   (2) 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.

b. 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. Employees, who possess a valid permit to carry a firearm, if a firearm is brought on Employer property, must keep the firearm unloaded and in the employee’s personal vehicle, which shall be locked.

7. Please see Section 7.21, Concealed Carry/Firearms Policy for a more detailed policy on carrying concealed weapons.

B. PROCEDURE:

1. 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.
2. 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.

3. All incidences of suspected or potential violence should be reported to the employee's immediate supervisor or the Appointing Authority. 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.

4. Supervisor Responsibilities: Supervisors and Appointing Authorities 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 involves an employee of the Employer.

5. When any actual, potential, or suspected incident of violence is brought to the attention of a supervisor or the Appointing Authority, the Appointing Authority 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 Appointing Authority or designee shall:

   a. Discuss the situation with the employee(s) and attempt to find out what caused the situation.

   b. Determine what action is to be taken to prevent the situation from occurring again. Such actions may include but not be limited to:

      (1) Assigning a different employee to the area or job.

      (2) Talking with the disgruntled client or employee(s).
(3) Discussing the incident and offer suggestions for appropriate actions.

(4) Referring the affected employee(s) to professional help or counseling.

(5) Disciplining the employee(s), up to and including termination of employment.

6. 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 Appointing Authority 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.
POLICY

This policy defines the travel expenses to which employees are entitled to as directly attributable to the performance of Official County assignments/activities, which involve travel away from primary work locations.

PURPOSE

It is not the purpose of this policy to supersede or invalidate requirements or restrictions, which may be in effect in individual departments provided they are within County guidelines. Each traveler needs to be aware of his or her own department's policy restrictions regarding travel.

A. Prepaid Expenses

1. Commercial Airfare: Only coach class tickets can be purchased for domestic travel. Airline tickets will not be reimbursed before the flight has been taken.

2. Registration: The County may prepay registration fees for conferences. Fees for the cost of activities such as golf outings, fun runs, and museum tours, etc. that are additional to the conference registration fee are not allowable.

B. Reimbursable Expenses

1. Commercial Airfare: Original receipt required. Only coach class tickets are reimbursable. First class tickets are reimbursed only if no coach tickets are available. A letter from the travel agency confirming this situation should be kept on file in the department.

2. Rental Cars: Original receipt required. Sub-compact or compact cars should be requested. Only Limited Damage Waiver or Collision Damage Waiver coverage will be reimbursed.

3. Personal Automobile Use: Reimbursement will be made to the automobile's owner based upon the federal mileage reimbursement rate. No traveler may be reimbursed for expenses on a mileage basis unless he or she has a valid driver's license and carries personal motor vehicle insurance.
4. **Miscellaneous Transportation:** Original receipts required except for taxi fares totaling less than $25.00. Examples include taxi, bus, rail, ferry, etc. Tips associated with taxi fares are reimbursable, but not to exceed 15% of the taxi fare.

5. **Lodging:** Itemized original receipt required. The cost of overnight lodging (room, parking and tax only) obtained at a commercial facility will be reimbursed to the traveler if authorized travel is further than 30 miles from the traveler's home or primary County work site. Travelers are reimbursed for only a single room rate unless the other party is a county employee.

6. **Meals:** Original receipts required. Any employee who is traveling in furtherance of County business or training shall be entitled to reimbursement for actual expenses. Reimbursement for food, tips (maximum 15%), and non-alcoholic beverages. The appropriate receipts supporting the expenditures must accompany requests for reimbursement. No employee shall submit expenses for alcoholic beverages or for meals included in the conference or other event registration fee.

7. **Business telephone calls:** Original receipts required. The County encourages the use of personal credit cards to avoid expensive hotel surcharges.

8. **Gasoline:** Original receipts required. Gasoline charges associated with the use of rental cars are reimbursable. Gasoline associated with personal automobile is calculated in the federal mileage reimbursement rate and therefore not reimbursable on a per charge basis.

9. **Parking:** Original receipts required except for parking expenses associated with parking meters. Use of non-valet parking is preferred whenever possible.

10. **Miscellaneous:** Original receipts required. Examples include fax, copier, and computer charges.

11. **Mileage:** Reimbursement will be at the current Federal (IRS published) rates when using a private (non-county owned) vehicle for travel in performance of County duties. There is no reimbursement for commuting mileage from your home to your office. Employees must sign a statement attesting to veracity of the request.
C. Advances

In unusual circumstances, a request for an advance for travel, beyond the already stated eligible prepaid expenses, may be made. Request amounts should not exceed the expected travel costs and are subject to approval by the Elected Official or Department Head.

D. Approval

All requests for reimbursement must have the prior approval by the appropriate Appointing Authority.

Original Adoption Date: ________________ Revision Date: __ July 29, 2003 ____
In the interest of protecting the safety of employees and citizens of Athens County, the Athens County Commissioners adopt the following policy:

A. Effective April 8, 2004, as required by Ohio Revised Code §2923.1212, the following sign was posted at the entrance of every County-owned building, and at the entrance to the portion of any non-County-owned building which is 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."

B. Employees and officials of Athens 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.

C. Employees and officials of Athens County, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from bringing a loaded handgun onto a County-owned parking lot, even if it is kept in their own vehicle, except for employees with a valid license to carry a concealed handgun.

D. A County employee or official with a valid license to carry a concealed handgun may bring a loaded handgun onto a County-owned parking lot, but must leave the loaded handgun in their own locked vehicle, either in the glove compartment (or other locked compartment), in the trunk, or locked inside a gun case, when they report for work. An employee or official with a valid license to carry a concealed handgun who is reporting for work may remove the loaded 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.

E. Any County employee or official who violates this policy is acting outside the course and scope of their duties. Athens 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 discharge.

F. County employees who use a firearm or make comments about firearms in such a way that intimidates, harasses, coerces, or threatens another County employee will be subject to disciplinary action, up to and including discharge.

Original Adoption Date: ____________________ Revision Date: ____________________
A. **Scope:** This policy applies to all employees under the Appointing Authority of the Board of Athens County Commissioners who possesses and uses a cellular telephone, pager, electronic device, or laptop computer purchased and/or provided by Athens County, Ohio.

B. **Purpose:** Athens County recognizes the need for County-owned cellular phones, electronic device, and pagers and establishes procedures for their use to contain costs, ensure departmental accountability and personal responsibility, and prevent improper use. This policy defines the conditions for which the County will provide a cellular telephone, pager, electronic device, or laptop computer 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 using the fair market value on a per minute basis. This policy shall apply to all cellular telephones, combination radio/cellular telephones, related necessary accessories when provided by the County, and all applicable service agreements.

C. **Policy:** The Board of Athens County Commissioners recognizes that cellular telephones, pagers, electronic device, and/or laptop computers have become a valuable tool for County officials and employees to enhance their productivity while working on behalf of Athens County, Ohio. 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 cellular telephones, pagers, electronic device, and/or laptop computers 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 Board of Athens County Commissioners expects all officials and/or employees to have appropriate and reasonable use of all County-owned telephones, pagers, electronic device, and/or laptop computers.

D. **General Provision:** The use of cellular phones, electronic device, and pagers can significantly enhance local service delivery. The cellular phones keeps communications open between staff out in the field and their office personnel. The cellular phone, electronic device, and pager are practical, especially for Appointing Authorities, department heads, staff out in the field, and for emergency communications. Personal use of such equipment is discouraged; however, occasionally it may be necessary, but costs must be reimbursed to the County.
1. **Acquisition:** Any cellular phone and/or electronic device, purchase by an Athens County Appointing Authority is owned Athens County and should be returned to the Athens County Appointing Authority when the employee separates from service or when the need for such equipment no longer exists.

   Employees will be issued a cellular phone, electronic device, or pager if authorized by the Appointing Authority.

   The Appointing Authority or designee should annually review the list of users to ensure that designated employees continue to demonstrate a need for the cellular phone, electronic device, and/or pager.

2. **Accountability:** Employees should make every effort to avoid using County-owned phones for personal calls. However, from time-to-time employees may need to use their County-issued phones for personal calls.

   Cellular phone users are responsible for cellular usage. The Appointing Authority reserves the right to audit/review cellular phone bills. All costs associated with the usage of County-owned phones for personal usage must be reimbursed to the County.

3. **Use of Personal Cellular Phone:** Employees who do not have a County-issued phone may need to use their personal cellular phone for Athens County business. These employees will be eligible for reimbursement by the Appointing Authority if they use their phone most days to carry out Athens County business. Requests for reimbursement should be submitted on a travel voucher at the end of each month.

E. **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 cellular telephone, pager, electronic device, and/or laptop computer for official use. No official and/or employee shall be automatically eligible to receive a County-owned cellular telephone, pager, electronic device, and/or laptop computer based solely upon position, title, or classification. In order to be eligible for a County-owned cellular telephone, pager, electronic device, and/or laptop computer, 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.

F. **County Pagers in Lieu of Cellular Telephones:** Even if a County official and/or employee is eligible under the requirements stated hereinabove, careful consideration should always be given by the appropriate County official, agency, or department head to determine if a County pager can be utilized in lieu of a County cellular phone.

G. **Acquisition and Return of County Cellular Telephones and Pagers:** Once a cellular telephone and/or pager has been provided, the recipient shall acknowledge in writing that they have received the equipment and a copy of this policy.

If a County cellular telephone and/or pager 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 cellular telephone and/or pager or terminates employment or otherwise loses the authorization to possess or use a County cellular telephone and/or pager, the employee shall return all County-provided cellular telephone and/or pager equipment and/or accessories immediately.

H. **Proper and Improper Use:** Except for urgent or unanticipated situations where no other form of communication is available, County cellular telephones and/or pagers are provided for official County business only. The frequency and duration of such unofficial calls must be kept to a minimum.
Except as provided for above, a County cellular telephone and/or pager shall not be used for any of the following:

2. Any call made in relation to an official's or employee's personal business;

2. Any call made for the purpose of personal entertainment, including, but not limited to, "900" numbers or other pay per call numbers;

3. Any general or routine calls made in relation to an official's or employee's personal life;

4. Any call 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, voice mails, pages, and/or email communications, are not confidential and are subject to review for the purpose of enforcing the policies stated herein.

I. Penalties for Misuse of a County Cellular Telephone or Pager: Officials and/or employees who misuse a County cellular telephone and/or pager will be responsible for reimbursement as required; will lose their authorization to possess a County cellular telephone and/or pager; and/or maybe subject to disciplinary action up to and including termination.

J. Reimbursement by employee for personal use:

1. Upon receipt of the monthly cellular phone bill, the Employer shall provide the employee, who has been provided a cellular phone or pager, with the monthly charges. The employee shall identify by highlighting any personal calls on the monthly bill. If the employee made any personal calls, the employee shall reimburse the County the fair market value per minute for all personal calls. If the employees fail to submit their monthly bills timely in accordance with this policy, all costs associated with their assigned cellular phone will be reported as taxable income at the fair market value rate.

2. The employee will promptly and in no event longer than one (1) week from the
date of notification deliver to the Employer the required reimbursement in the form of cash and/or a personal check payable to "Athens County Treasurer," (not the cellular phone service provider) for which the department will issue the employee a receipt.

K. Employees will not be permitted to add a second line to a County-owned cell phone account for the employee's personal use.

L. County employees assigned laptop computers, PPA's, or Blackberries will have their personal usage reported as taxable income using the fair market value for a monthly lease program. Employees will also be required to submit a Personal Usage Affidavit annually to cover the twelve (12) month period ending October 31 each year. This affidavit must be completed by the employee, approved by the department head, and forwarded to the Auditor's office by November 15 each year.
A. This policy is applicable to all elected officials, full or part-time employees, summer workers, co-op students, volunteers, and contract employees of Athens County, Ohio who are required to drive a motor vehicle in the course of their employment or activities on behalf of Athens County, Ohio. (For purposes of this Policy, the above-listed categories of persons are referred to as “Employees”). This policy applies to vehicles titled to, purchased or leased by, or insured by or through the Board of Athens County Commissioners and also applies to privately-owned vehicles operated by Athens County Employees in the course of their employment or activities on behalf of Athens County, Ohio and vehicles rented by Employees for travel in and out of Athens County for authorized reasons. (For purposes of this Policy, the above-listed categories are referred to as “Vehicles” and “Operating a Vehicle” and “Operate a Vehicle”).

B. No person who is not a compensated employee of Athens 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 (O.R.C. 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. Employees are responsible to ensure safe Vehicle operation. It is the responsibility of every Athens County Employee who drives a Vehicle to comply with the following:

1. All drivers must be at least eighteen (18) years of age.

2. All drivers must maintain a valid State of Ohio Driver’s License that applies to the type of vehicle to be operated. (e.g. Commercial Driver’s License)

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

5. All drivers and passengers shall comply with the motor vehicle laws of the State of Ohio.

6. 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 cellular telephone and/or pager.

D. 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.

DRIVER ELIGIBILITY

A. Pre-Employment: Hiring of persons who will be required to drive as a function of his/her job duties will be in the sole discretion of Athens County. An applicant may be denied employment on the basis of an unsatisfactory driving record. At the direction of the appointing authority, denial of employment may be made without regard to the number of points or violations, whether they occurred within the past thirty-six (36) months or whether they occurred within the State of Ohio.

Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of Athens County:

1. A review of the Employee’s Motor Vehicle Record (MVR);
2. A review of the Employee’s MVR and a recommendation by Athens County’s insurance carrier (“Insurer”)
4. Employees whose position requires a valid driver’s license or commercial drivers license (CDL). will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department- specific policy meets or exceeds the provisions of this policy.
B. Individuals who, in the sole discretion of Athens County, have an MVR record that demonstrates poor driving habits shall not drive any vehicle on behalf of Athens County without receiving additional training and/or intervention and/or discipline and/or until otherwise exhibiting to the appointing authority’s satisfaction that there has been substantial improvement in driving abilities, performance and skills. Athens County’s Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.

ELIGIBLE DRIVER RECORDS

A. Athens County’s Commissioners’ office shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a Vehicle. Motor vehicle records of drivers will be submitted bi-annually for review. Upon completion of such review, Insurer will forward to the employer recommendations regarding continuation of eligibility restrictions, etc.

B. Employees whose position requires a valid driver’s license or commercial driver’s license (CDL) who receives a citation, an arrest for one or more of the following violations shall be placed on administrative leave:

1. Driving under the influence of alcohol or drugs.
2. Leaving the scene of an accident.
3. Vehicular homicides or manslaughter.
4. Driving during a period of suspension or revocation.
5. Reckless operation or other intentional and dangerous use of a motor vehicle.
6. Attempting to elude or flee a law enforcement officer after a traffic violation.
7. Road rage Statute Violations.
8. Falling asleep while driving.
9. Use of a motor vehicle in the commission of a crime.

If citation or arrest results in a conviction, the employee shall be terminated.

C. The following list of motor vehicle-related occurrences, the appearance of which on the MVR of an Employee during the prior thirty-six (36) month period may result in the suspension of the Employee’s driving eligibility or other disciplinary action:

1. Two or more “At Fault” accidents
2. Two or more moving violations
3. One “At Fault” and one moving violation.

D. In any case where the appointing authority has suspended the Employee’s driving eligibility and driving is an essential function of the employee’s job, the appointing authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.

CONTINUED ELIGIBILITY

Each Employee’s eligibility to Operate a Vehicle is within the discretion of the appointing authority and extends only so long as the Employee is in compliance with this Policy.

VIOLATION REPORTING

Any Employee eligible to Operate a Vehicle must notify his/her immediate supervisor in any case where his/her license has expired or is suspended or revoked, immediate supervisor shall notify the Appointing Authority. Employee further must report any and all accidents, arrests, violations, and citations issued to him or her. Failure to do so may result in disciplinary action.

ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

A. No Alcoholic beverages or illegal drugs and/or controlled substances are permitted in or on a Vehicle.

B. No Alcoholic beverages or illegal drugs are permitted to be transported in or on Vehicle except as a function of law enforcement.

C. No employee shall Operate a Vehicle under the influence of alcohol or illegal drugs or illegal use of prescription drugs.

FIREARMS

Employees, other than law enforcement officers or other persons specifically authorized to carry a firearm within the course and scope of their employment, are prohibited from carrying firearms in any Vehicle.
ACCIDENTS AND TRAFFIC CITATIONS

A. In the event of a traffic accident or traffic stop for a violation, Employees shall:

1. Stop, no matter how minor the accident. Report all collisions involving Vehicles to the law enforcement agency having jurisdiction.
2. Take precautions to avoid further damage or injury to persons or property.
3. Make no statements admitting responsibility.
4. Do not advise other parties involved on any matter, especially that the County will pay for the damage resulting from said accident.
5. If collision is with an unattended vehicle or other object, try to locate the owner. Call law enforcement agency. If this cannot be done, leave a written notice with your name, department name, address, and telephone number.
6. The driver of a Vehicle is responsible for the Vehicle until it has been returned to the garage or collected by the towing service. Unsafe vehicles should not be driven from the scene of an accident.
7. Report all accidents and known damage to Vehicles to Athens County as follows:

   a. Report accidents and/or damage to Vehicles to your Supervisor, who shall notify the Loss Control Coordinator immediately.

   b. Employee’s Supervisor shall record and secure all appropriate information on initial accident report and forward to the Loss Control Coordinator within twenty-four (24) hours.

   c. In the event of a collision, Supervisor shall forward the following information to the Loss Control Coordinator:

      (1) A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.

      (2) Repair estimates, when appropriate, in due course. In all investigations of the accident by Athens County, the emphasis will be on fact-finding, however, discipline may result.
d. The Loss Control Coordinator shall file all accident damage reports with the persons named below and with the carrier, as appropriate.

(1) Copies of the completed forms, law enforcement reports and estimates to the County Commissioners.

(2) Accident reports to the Employer or Employee Safety Committee for review.

(3) The Employee’s Appointing Authority may take such disciplinary action as permitted by department policy, laws and regulations of the State of Ohio, or any applicable collective bargaining agreement.

USE OF PERSONAL VEHICLES ON OFFICIAL COUNTY BUSINESS

A. This policy applies in all respects to Employees who use personal Vehicles while on County business.

B. Employees who use personal Vehicles while on County business shall abide by all County rules, including department rules.

C. Insurance coverage for personal vehicles used on County business shall be the responsibility of the owner of the vehicle.

D. All employees who use their own vehicle on County business shall first show proof of liability insurance to the Athens County Loss Control Coordinator in the minimum amounts as required by Ohio Law.

E. Employee’s Appointing Authority must approve use of personal Vehicles on County business in advance of any such use.

F. Employees who show proof of insurance and are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.
DRIVING POLICY IMPLEMENTATION

The driving record (MVR) of all Athens County employees holding a position as of May 1, 2005 in which driving is an essential function of their job will be reviewed upon implementation of the Athens County Driving Guidelines. Any employee with a 4 or more accumulated points on the MVR shall be required to attend a Defensive Driving Course. The Defensive Driving Course will be scheduled during working hours at no cost to the employee.

DEFINITIONS:

Major Violation:
- Driving while impaired by drugs, including alcohol.
- Reckless operation.
- Road Rage Statute Violations
- Leaving the scene of an accident
- Falling asleep while driving

Minor Violation:
1. Any violation, accident, conviction, or incident, other than parking violations.

Accident:
1. Any motor vehicle accident where the driver is found to be at fault.

Conviction:
1. Any violation, accident, or incident, other than parking violations, which the driver is found guilty of, whether points were assigned by the State of Ohio or not assigned. Also whether incident happened inside or outside of the State of Ohio.

MINIMUM ACTION:

If during the past thirty six months (36 months), the driver has acquired:

C Two Points (2) or less-
1. No action required.

C Four Points (4)
1. Meet with driver.
2. Discuss possible consequences of additional convictions.
3. Have driver take remedial defensive driving course.

C Six Points (6)
1. Discuss action with personnel consultant and/or legal counsel.
Meet with driver with personnel consultant and/or legal counsel present.
Suspend from driving for a definite period of time.
Have driver take remedial defensive driving course prior to driving for, or on behalf of the county.

Automatic suspension if offense was driving under the influence of alcohol or drugs.

C  More than six points (6 + points)
1. Discuss action with personnel consultant and/or legal counsel.
2. Meet with driver with personnel consultant and/or legal counsel present.
3. Suspend driver from driving on behalf of the county at least until points acquired reduce to less than six points
4. Have driver take remedial defensive driving course prior to driving for, or on behalf of the county.

C  Convictions not having points assigned on MVR shall be considered the same as though points were assigned. Assign points according to the charge.

NOTE:  POINTS ARE REMOVED AFTER THIRTY SIX MONTHS FROM THE DATE EACH INCIDENT OCCURRED.
SCHEDULE A (rev 5/99)

THE FOLLOWING POINTS WILL BE ASSESSED AGAINST OFFICIALS AND OTHER EMPLOYEES OF THE COUNTY, REGARDLESS OF WHERE THE INCIDENT OCCURS AND REGARDLESS OF WHETHER THE INCIDENT OCCURS WHILE IN THE SCOPE OF EMPLOYMENT WITH THE COUNTY.

Traffic Violations Not Involving An Accident Or Injury To Others Except Parking Violations Or Those Listed Separately Below:

<table>
<thead>
<tr>
<th>Offense</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Offense</td>
<td>1</td>
</tr>
<tr>
<td>Second Offense</td>
<td>2</td>
</tr>
<tr>
<td>Third or More Offenses</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Speeding</td>
<td>2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>At Fault Or Contributory Fault Accidents</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Rage Convictions</td>
<td>3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reckless Operation</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Falling Asleep While Driving</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Failure to Comply with Ohio Financial Responsibility Laws</td>
<td>4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driving Under the Influence of Alcohol or Drugs</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leaving the Scene of an Accident</td>
<td>6</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Violation</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Use of a Motor Vehicle in the Commission of a Crime</td>
<td>6</td>
</tr>
</tbody>
</table>

IF AN EXISTING EMPLOYEE FAILS TO REPORT ANY AT ACCIDENT, ARREST, AND/OR VIOLATION PRIOR TO OPERATING A COUNTY CONTROLLED VEHICLE OR ANY OTHER VEHICLE ON BEHALF OF THE COUNTY, SAID EMPLOYEE SHALL BE SUBJECT TO DISCIPLINE WHICH MAY INCLUDE LOSS OF DRIVING PRIVILEGES FOR THE COUNTY AND ANY OTHER PRESCRIBED DISCIPLINE UP TO AND INCLUDING TERMINATION OF EMPLOYMENT.

IN THE CASE OF A PROSPECTIVE EMPLOYEE FAILURE TO FULLY DISCLOSE ANY ACCIDENTS,
ARRESTS, AND/OR TRAFFIC VIOLATIONS MAY RESULT IN ANY OFFER OF EMPLOYMENT BEING WITHDRAWN AND THAT PERSON NOT BEING HIRED AS A COUNTY EMPLOYEE.

MISCELLANEOUS.

I. Parking tickets, moving violations, and other fines received while Operating a Vehicle are the responsibility of the driver.

II. Report theft of or from a Vehicle to the law enforcement agency with jurisdiction for investigation.

III. The appointing authority will be responsible for the documentation of all elements of this policy.

This policy supersedes all previous policies dealing with driver eligibility requirements.

Original Adoption Date: April 12, 2005   Revision Date:
Policy Statement

This policy is developed and intended in accordance with State law to protect employees from disciplinary or retaliatory action by an Employer for reporting certain violations of state, local or federal law. The Act and this policy apply mutual responsibilities to employees and Employers. It is not intended to compel vigilant action by employees since its scope relates to alleged violations occurring in the course of employment, and only requires reporting. It is the County's belief that through consistent, objective, and fair application and acceptance of this as well as other policies in this manual that a productive and enjoyable employment relationship can exist.

General Policy and Procedure

A. If an employee becomes aware, in the course of his/her employment, of a violation of any State or Federal statute, or any ordinance or regulation of the County, City, or Township that the Appointing Authority has authority to correct, or the misuse of public resources, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent risk of physical harm to persons, or a hazard to public health or safety, or is a felony, the employee shall notify his supervisor, Department Head or designee, of the violation. Subsequently, the employee shall immediately, with his supervisor, Department Head or designee, prepare a written report that provides sufficient detail to identify and describe the violation. The report must specify the date and time of its filing. The Appointing Authority shall be responsible for investigating and correcting such violation, if one exists. The Appointing Authority shall endeavor, with reasonable and good faith effort, to correct such violation within twenty-four (24) hours after the oral notification or receipt of the written report, whichever is earlier. Therefore, in order to facilitate timely response, the Appointing Authority encourages employees to file a written, detailed report as close as possible, if not the same time, as the oral notification. Supervisors or Department Heads or designees shall document immediately following any oral notification the details and time of the notification and shall immediately contact the Appointing Authority.

B. If an employee makes a report under Part "A" of this section, the Appointing Authority or designee, within twenty-four (24) hours after the oral notification was made or the report was received or by the close of business on the next regular business day following the date on which the oral notification was made or the report was received, whichever is later, shall notify the employee, in writing, of any effort of
C. If the Appointing Authority does not correct the violation or make a reasonable and good faith effort to correct the violation within twenty-four (24) hours after the oral notification of the receipt of the report, whichever is earlier, the employee may file a written report that provides sufficient detail to identify and describe the violation with the County Prosecuting Attorney's office, a peace officer or any other appropriate public official or agency that has regulatory authority over the Appointing Authority and the services it provides.

D. If an employee becomes aware, in the course of his/her employment, of a violation of the Ohio Revised Code that is a criminal offense, the employee may directly notify either orally or in writing any appropriate public official or agency that has regulatory authority of the Appointing Authority and its services.

E. If an employee becomes aware in the course of his/her employment of a violation by a fellow employee of any State or Federal statute, any ordinance, regulation of the County, City, or Township, or any work rule or agency policy, or the misuse of public resources, and the employee reasonably believes that the violation either is a criminal offense that is likely to cause an imminent or physical harm to persons, or is a felony, the employee shall commence notification as outlined in Part "A" above.

F. An employee shall make a reasonable and good faith effort to determine the accuracy of any information reported under part "A" or "D" of this section. Proof, although not necessarily absolute proof, of a "reasonable and good faith effort" may include researching the pertinent law, ordinance, or regulation violated; records of conversations with, or documents from knowledgeable authorities; date(s), time(s), place(s), and person(s) involved when violation occurred, etc.

If an employee who makes a report under either Part "A" or "D" of this section fails to make such effort as determined by the Appointing Authority, he may be subject to disciplinary action, including suspension or removal, for reporting information without a reasonable basis to do so under those parts.

Except as provided in Part "F" above, the Appointing Authority shall not take disciplinary or retaliatory action against the employee for making a report authorized
by Parts "A", "D" and "E" above, or as a result of the employee having made any inquiry or taken any action to ensure accuracy of any information reported.
A. POLICY

1. In accordance with R.C. Section 2909.34, any applicant who is under final consideration for public employment must fill out a Declaration Regarding Material Assistance/Non Assistance to a Terrorist Organization (DMA) indicating whether they have provided material assistance or support to a terrorist organization. The DMA was created to provide the state with an additional tool to deter and prosecute acts of terrorism. A copy of the DMA is included as part of this policy and can be obtained from the Ohio Homeland Security website at: www.homelandsecurity.ohio.gov.

2. Material assistance, as defined by the statute, means any of the following:
   a. Membership in an organization listed on the U.S. State Department’s Terrorist Exclusion List (TEL); (See Section 3 below)
   b. Use of the person’s position of prominence within any country to persuade others to support an organization on the TEL;
   c. Knowingly soliciting funds or other things of value for an organization on the TEL;
   d. Solicitation of any individual for membership in an organization on the TEL;
   e. Commission of an act that a person knows, or reasonably should have known, affords material support or resources to an organization on the TEL; or
   f. Hiring or compensating a person known by the person hiring or providing compensation to be a member of an organization on the TEL, or a person known by the person hiring or providing compensation to be engaged in planning, assisting in, or carrying out an act of terrorism.

3. The TEL is a list of foreign organizations known to support and/or engage in acts of terrorism. The list is maintained by the United States Department of State. A current copy of the TEL can be obtained from the Ohio Homeland Security website at: www.homelandsecurity.ohio.gov.
4. Material support or resources, as defined by the statute, means currency, payment instruments (check, draft, money order, traveler’s check, cashiers’ check, teller’s check), other financial securities, funds, transfer of funds, and financial services that are in excess of $100.00, as well as communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets except medicine or religious materials.

5. The Employer is prohibited from employing any person who discloses that he or she has provided material assistance, support or resources to any organization listed on the TEL.

6. No person, company, affiliated group or organization, or any person who holds, owns, or otherwise has a controlling interest in a company, affiliated group or organization shall be permitted to enter into a contract to conduct business with or receive funding from Athens County unless such entity has completed a DMA and been certified as not providing material assistance to any organization listed on the TEL. Such entity may be pre-certified in accordance with the procedures outlined below.

7. When applying for a contract, falsely representing pre-certification, or representing pre-certification when that pre-certification has been or should have been rescinded, is a felony of the fifth degree.

B. PROCEDURE

PREEMPLOYMENT:

1. The Employer shall provide each person who is under final consideration for employment with a copy of the DMA and a then-current copy of the TEL.

2. Any person under final consideration for employment who is provided a DMA shall complete the declaration prior to being employed. Any answer of “yes” to any question, or the failure to answer “no” to any question, shall serve as a disclosure of the provision of material assistance to an organization that is listed on the TEL.
3. The Employer shall retain the completed DMA form along with the applicant’s application for employment. If the applicant has answered “no” to each of the questions, no further action is necessary by the Employer.

4. The Employer shall not employ any person who discloses the provision of material assistance to an organization that is listed on the TEL. The Employer shall then notify the Department of Public Safety’s Division of Homeland Security that it has denied an applicant due to a positive response on the DMA.

5. Any person who has been denied public employment pursuant to R.C. Section 2909.34 may submit to the Ohio Department of Public Safety, a Request for a Review of the Denial of Public Employment Due to the Provision of Material Assistance to a Terrorist Organization.

6. The Department of Public Safety, upon the request of any person who has been denied employment pursuant to this policy, shall review the request within 30 days to determine if the denial of employment should be voided. The Department shall void that denial if it determines all of the following:
   
a. That the provision of material assistance to an organization on the TEL was made more than ten (10) years prior to the time the DMA was filled out, or the material assistance was provided during the ten (10) years prior to the application and the date of the review, but at the time of the assistance, the organization was either not on the list or would not have merited inclusion on the list had it existed at the time, or at the time of the assistance it was not reasonable to know of the organization’s activities that would have merited its inclusion on the list;

b. That it is unlikely in the future that the person will provide material assistance to any organization on the TEL; and

c. The person does not pose a risk to the residents of the state.

7. The failure of an applicant for employment to disclose the provision of material assistance to an organization on the TEL, as required, or knowingly making false statements regarding material assistance to an organization on that list, is a felony of the fifth degree.
DURING EMPLOYMENT:

1. The Employer may terminate any employee who falsely answers any question on the DMA or who, after providing a DMA pursuant to this policy, takes an action that would result in “yes” being the correct answer to any question on the declaration, had the declaration been re-administered after taking that action. However, prior to terminating an employee pursuant to this policy, the Employer will comply with one of the following hearing procedures:

   a. If the employee is entitled to termination proceedings under a collective bargaining agreement, the Employer must comply with those procedures.

   b. If the employee is not entitled to termination proceedings under a collective bargaining agreement, the Employer must comply with any applicable statutory procedures.
POLICY

A. 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 Athens County.

B. 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.

C. Notification by Re-Employed Retirees: Re-employed 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.

D. Certification by County: The notice forms described above in (B) shall be certified by the Appointing Authority. Such forms serve as an official notification to OPERS of the hiring of a re-employed retiree.

E. Affect on Retirement Benefits: If a retiree who is receiving benefits from one of Ohio's retirement systems is re-employed in an OPERS position, his or her retirement benefit may be affected. (Pursuant to Ohio law, if an OPERS retiree begins reemployment during the first two (2) months in which he/she receives a retirement allowance from OPERS, the OPERS retiree forfeits his/her retirement allowance for any month of reemployment during the two (2) month period. After the first two (2) months of retirement, the retiree will receive his or her OPERS retirement benefit). 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.

F. County and Employee Contributions: Such contributions shall begin on the first day of employment with the exception of contributions remitted during the first two (2) months after retirement. Re-employed retirees will contribute toward a money purchase annuity.

G. Money Purchase Annuity: This annuity is based on the sum of employee contributions for the period of reemployment, plus allowable interest multiplied by
two. There are certain age and other restrictions and requirements related to a money purchase payment.

H. Public Notice and Public Hearing:

1. Public Notice: The Athens County Board of Commissioners (hereinafter "Board") must provide public notice at least sixty (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 fifteen (15) to thirty (30) days before the reemployment is to begin to discuss the issue of a retiree being re-employed. The date, time, and location of the public hearing must be included in the public notice as described in (1) above.

I. Benefits Following Reemployment: A re-employed 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 re-employed retiree shall also be eligible to receive 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 the Ohio Public Employees Retirement System, and who is re-employed by a county after July 5, 1987, shall not have his/her prior service credit with the state or any political subdivision of the state counted.

2. Sick Leave: For employees hired after March 1, 2008 upon termination of a re-employed retiree's employment, the retiree is not permitted to be paid for accumulated sick leave unless the Board adopts an alternative policy pursuant to R.C. 124.39(C).

3. Longevity Pay: Longevity pay (if applicable) for a re-employed 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 re-employed retiree and the re-employed 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.
Ohio law now permits public employees of the State of Ohio and its subdivisions to take leave with compensation for the purposes of being a judge of an election. Moreover, this leave does not reduce the accrued sick, vacation, personal, or compensatory leave accrual of the participating employee. This program is initially only applicable to non-bargaining employees (hereafter “employees”) as participation of collective bargaining employees is a matter for negotiation under collective bargaining process. The negotiation process may be initiated immediately upon approval of this initiative by the receptive appointing authorities.

**Requests**

Any employee who is a registered voter of Athens County and meets the other requirements established by the law and the Athens County Board of Elections may request Precinct Election Official Leave with pay for the purposes of being a judge of an election engaged by the Athens County Board of Elections.

The employee must obtain written authorization for paid Precinct Election Official Leave from the employee’s appointing authority or designee prior to contacting the Board of Elections to register as a judge of an election. The designee for those agencies under the purview of the Board of Commissioners shall be the directors of the various agencies.

The appointing authority or designee reserves the right to reject an application based on operational need. Should several employees apply who perform similar functions and operational needs dictates that not all may participate, then priority shall be given by the appointing authority, or designee, on the basis of the order in which applications are received.

The Board of Elections reserves the right to refuse to place an employee with prior approval for Precinct Election Official leave if the employee’s services are not needed on Election Day. In such an instance, the employee must report to work during the employee’s regular work hours. Lastly, the Board of Elections may give priority to employees who have served as judges in prior elections.

**Training**

The employee may be required to attend paid Precinct Election Official training courses as mandated by Ohio Law and conducted by the Athens County Board of Elections. The employee should make every effort to attend said training courses outside of the employee’s regular working hours. Should the employee choose to attend training courses during the employee’s regular working hours, such leave is not covered under the Precinct Election
Official Leave Program and requires a prior request and authorization for leave with vacation, personal or compensatory pay. Leave without pay will not be permitted to attend Precinct Election Official training course.

**Duration**

Approved Precinct Election Official Leave covers only the employee’s regular working hours on the day of an election that the Athens County Board of Elections engages the employee as a judge of elections.

The normal Election Day workday is 6:00 a.m. until 8:00 p.m. or until all elections responsibilities are completed.

The employee’s prompt return to work on the employee’s next regular working day is expected and violation of such is subject to the normal policies and procedures of the employee’s appointing authority.

Employees absent without prior authorization are subject to be charged with an unauthorized absence and disciplinary action up to and including dismissal.

**Compensation and Selection**

An employee using Precinct Election Official Leave is entitled to the regular compensation awarded to judges of elections under Ohio Law and as established by the Athens County Board of Elections in addition to the employee’s Precinct Election Official Leave with pay. As verification that the employee served as a Precinct Election Official on Election Day, the employee shall submit a copy of the employee’s poll worker paycheck or pay-stub provided by the Board of Elections subsequent to each election worked.

**Collective Bargaining Member Participation**

The participation of collective bargaining members as precinct election officials is both sought and welcome. Consequently, appointing authorities that administer one or more collective bargaining agreements are encouraged to meet and negotiate the terms and conditions by which the collective bargaining members may participate.
County employees and elected officials may use County credit cards for legitimate County purchases only.

A County Appointing Authority must apply to the Board of Athens County Commissioners for authorization to obtain a credit card for legitimate County purchases. The authorization request shall state whether the card is to be issued only in the name of the office of the appointing authority or whether the issued card also shall include the name of a specified officer or employee.

The Board of Athens County Commissioners may adopt a resolution authorizing an officer or employee of an appointing authority to use a county credit card to pay for specific work related expenses listed below.

Credit cards authorized for the following work related uses:

1. Food Expenses – Must have an itemized receipt.
2. Transportation expenses,
3. Fuel and oil expenses
4. Minor motor vehicle repair expenses
5. Emergency motor vehicle repair expenses
6. Telephone expenses
7. Lodging expenses
8. Internet service provider expenses

Each Department will maintain control of its own cards.

Restrictions: The use of credits cards is restricted for purchases on behalf of the County. Users are personally liable, and subject to disciplinary action, for unauthorized purchases. Personal use of County credit cards is not permitted under any circumstance.

Protocol:

- Elected Officials/Department Heads are responsible for assigning a caretaker for the Card(s).
- User of the credit card must obtain itemized receipts for all purchases.
- Return all itemized paper receipts to the proper person upon return to the office.
- Insure that all itemized paper receipts contain sufficient detail to indicate what the purchase was for.
Whenever any officer or employee who is authorized to use a credit card held by the board or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the county auditor and either the officer's or employee's appointing authority or the board immediately and in writing.

No late charges or finance charges shall be allowed as an allowable expense unless authorized by the board of county commissioners.

Payment: Credit card debt will be paid monthly in accordance with the customary process used in paying county bills.

Each Department obtaining a county credit card must stay in compliance with O.R.C. Section 301.27.

The Ohio Revised Code in Section 301.27 (E)(2) provides for the waiver of the requirements of Section 301.27 (E)(1) regarding Monthly estimates of credit card spending. The Board of Athens County Commissioners hereby does waive the reporting requirements in ORC Section 301.27 (E)(1).
The use of smoking materials and/or other tobacco products is governed by State law and prohibited in all areas of the County's facilities and vehicles.
A. Self Help to Records Prohibited:

1. Employees may not copy or remove any record or writing, even those regarded as “public records,” without first obtaining advanced written permission from their supervisor, or without going through the process for obtaining public records outlined above.

2. No employee may copy or use any Athens County writing, document, or record in any grievance, appeal, or legal action without having first obtained the written permission of the Appointing Authority. This particular policy does not apply to matters obtained through formal “discovery” under the Rules of Civil Procedure.

3. Except for official Athens County business, employees may not have any Athens County writing or document in their possession, unless obtained through this policy.

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 tape recording will be barred from reemployment by the Employer and may be subject to civil or criminal penalties.
A. The Employer recognizes on certain days it may be difficult or impossible for a scheduled employee to come into work, due to excessive snow, ice, or other inclement weather. The Employer encourages employees to come to work on such occasions if, in the employee’s judgment, they are able to do so in a safe manner.

The Buckeye State Sheriff’s Association has issued guidelines for county sheriffs to use when declaring a snow emergency, and have established three (3) snow emergency levels.

**Level I Snow Emergency**

County and township roads are hazardous with blowing and drifting snow. Roads are also icy and drivers should use caution.

**Level II Snow Emergency**

County and township roads are hazardous with blowing and drifting snow. Only those who feel it is necessary to drive should be out on the county and township roads. Listen to radio stations and/or contact employers to see if you should report to work.

**Level III Snow Emergency**

All county and township roads are closed to non-emergency personnel. No one should be out unless it is absolutely necessary to travel. All employees should listen to radio stations and/or contact employers to see if they should report to work. Those traveling on county and township roads may subject themselves to arrest.

The above snow emergency levels declared by a sheriff should not be confused with a State of Emergency which may be issued by elected officials of the affected jurisdiction (mayor, county commissioners, township trustees, etc.). A State of Emergency is generally not issued unless local resources are not adequate to handle the emergency or disaster and state assistance is needed.

B. County offices will close only at the order of the Appointing Authority. If offices are closed due to emergency or inclement weather, an announcement will be on local radio stations. If no announcement is given, employees are encouraged and expected to report to work.

C. Subject to the following, whenever the County offices are officially closed due to weather or other emergency conditions, employees will be entitled to their normal pay for the hours they are scheduled to work. Unless otherwise approved, payment to employees will only be made when Athens County has issued a level 3 snow emergency and the Athens County Courthouse is closed. If the department or office is
officially closed during the course of a workday, employees who have reported and are being sent home will be compensated for those remaining hours they are normally scheduled to work.

D. Employees who are tardy, leave work early or fail to report for work on days when their offices are not officially closed due to weather or other emergency conditions, will be considered absent. With the approval of the Appointing Authority, such absences may be charged to the employee's available vacation leave or compensatory time.

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

F. Employees not scheduled to work (e.g., employees on sick leave, scheduled vacation, compensatory time, or leave of absence) are not entitled to weather emergency day pay for the hours their office is closed due to weather or other emergency conditions, but may otherwise be eligible for pay in accordance with the applicable approval paid leave.

G. Notwithstanding the provisions above, each elected official retains the right to close his or her office, or to remain open during periods of inclement weather or other emergency conditions, at his or her discretion and based upon operational needs and work load requirements. Employees required to work during emergency conditions shall not be entitled to any additional compensation.
An employee must report convictions to the Employer which will require time off from the job or those things which impose restrictions upon the employee’s ability to perform his job (e.g., driver license suspension). Any employee must immediately notify the Employer of the employee’s conviction of any felony, whether job-related or not (felony as defined within the meaning of R.C. 124.34).
A. The purpose of this policy is to ensure all employees understand they should have no expectation of privacy regarding the use of desks, lockers, computers, vehicles, and other such Athens County property.

B. The Employer, or their designee(s), reserve the right to open/access and examine any contents contained in Athens County-owned equipment or locations.
POLICY

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. 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.

PROCEDURE

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.
8.01 Disciplinary Principles
8.02 Progressive Discipline Policy
8.03 Predisciplinary Conference
8.04 Predisciplinary Procedure
8.05 Disciplinary Action Forms
8.06 Grounds for Disciplinary Action and Penalties
8.07 Appeals
8.08 Employee Complaint Procedure
8.09 Administrative Leave
A. Athens County believes that 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. Furthermore, it is believed that certain basic principles, set forth below, must be consistently applied in order to effectively correct unsatisfactory job behavior.

1. Employees shall be advised of expected job behavior, the types of conduct the County has determined to be unacceptable, and the penalties for such unacceptable behavior.

2. Immediate attention shall be given to policy infractions, unless special circumstances warrant further investigation or delay.

3. Discipline shall be applied uniformly and consistently throughout the County, and any deviations from standard procedure should be well justified and documented.

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

5. Discipline should usually be progressive as outlined herein, but, depending on the severity of the offense, may proceed immediately to termination.

6. The Appointing Authority and/or the employee's supervisor shall be responsible for administering discipline.
A. Athens County generally follows a system of progressive discipline when correcting job behavior. Typical disciplinary action may include reprimands, suspensions, demotions (reductions), and removals. Working suspensions have the same effect as suspensions from work without pay for purposes of recording disciplinary actions and demonstrating progressive discipline.

B. The County has adopted this discipline as a guideline for the administration of discipline. It is not, however, to be construed as a delegation of or a limitation upon the Appointing Authority's right to impose a different level of discipline, when circumstances warrant. Each Appointing Authority is asked to follow these discipline guidelines or to establish a similar policy and inform their employees of the existence of such alternate policy.

C. This discipline policy provides standard penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all inclusive, and, as noted, merely serve as a guideline. An 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 exemption, or to impose discipline when an Appointing Authority is short-staffed. However, Appointing Authorities should use fines only sparingly, and not in a manner that would cause a nonexempt employee to be paid less than minimum wage.

D. The purpose of disciplinary action is to encourage corrected performance or behavior, except where the employee is removed. To that end, an employee may request, and the Appointing Authority may agree, to remove disciplinary action from an employee's general personnel file after two (2) years, where the employee shows marked improvement. The record of discipline will be kept in a separate "dead" file for at least seven (7) years. The Appointing Authority is required to maintain such records by the Ohio Civil Rights Commission.

E. The disciplinary policies contained herein shall be applicable to all employees of the County unless an alternative disciplinary policy is adopted by the Appointing Authority to cover those employees under his or her jurisdiction.

Original Adoption Date: ______________________  Revision Date: ______________________
A. Whenever the Appointing Authority of designee determines that an employee may be disciplined for cause (including all suspensions with or without pay, reductions, fines, or termination), the employee will be notified of the allegations and supporting evidence and a predisciplinary conference will be scheduled to give the employee an opportunity to offer an explanation of the alleged conduct.

B. Not less than twenty-four (24) hours prior to the scheduled starting time of the conference, the Appointing Authority will provide a "Notice of Predisciplinary Conference" to the employee outlining the charges which may be the basis for disciplinary action. The employee must choose to: (1) appear at the conference to present an oral or written statement in his or her defense; (2) appear at the conference and have a chosen representative present an oral or written statement in defense of the employee; or (3) elect in writing to waive the opportunity to have a predisciplinary conference.
A. Whenever a supervisor has cause to believe that an employee under his or her direction should receive a suspension with or without pay, fine, disciplinary reduction in pay or position, or removal from public service, the supervisor must reduce such allegations to writing on the form provided.

B. The completed form should indicate in sufficient detail the behavior or conduct which is the basis for the supervisor's belief that discipline is necessary.

C. The form should next be sent up the chain of command to the Appointing Authority or designee for review, and delivery to the responding employee, as a Notice of Predisciplinary Conference.

In the Notice or at any time in the process, the Appointing Authority may assure the employee that his or her statement will not be used in any criminal proceeding, nor will evidence found a result of those statements. The Appointing Authority must confer with the Prosecutor before offering such assurance and before questioning any classified employee about conduct of the employee that may have been criminal.

D. The supervisor and employee will be notified by the Appointing Authority or the designee of the time, location, and person who will conduct the conference. The person conducting the conference will recite the allegations, summarize the evidence that is the basis of the allegations, and ask the employee to respond.

E. The person conducting the conference will ask the employee or his or her representative to respond to the allegations of misconduct which were outlined to the employee. Failure to respond or respond truthfully may result in further disciplinary action.

F. The Appointing Authority may require witnesses at the conference to be sworn by a notary public, and may record their testimony, in which case the responding employee may also record their testimony. The Appointing Authority may also ask the person conducting the conference to follow a more elaborate procedure on a case-by-case basis, for example, requiring the supervisor to present the witnesses, allowing limited cross-examination, etc., but these should be exceptions.

G. The person conducting the conference shall determine when the conference is concluded and will adjourn the meeting. He or she may also independently investigate facts alleged by the responding employee or the employee's witnesses, may limit the number of witnesses, and may reconvene the conference if necessary to get
additional information or to allow the employee opportunity to respond further or to respond to new matters. For example, if the employee provides an explanation that involves facts unknown to the supervisor, the person conducting the hearing may continue the hearing to investigate. As another example, if the employee or a witness provides information that indicates that the employee committed additional infractions, the person conducting the conference may continue the conference to investigate, or to allow the Employer to issue a revised notice before concluding the predisciplinary conference. This is proper procedure if no discipline has yet been issued.

H. The person who conducted the conference shall report the allegations, the evidence, and the employee's response to the Appointing Authority, unless the Appointing Authority conducted the conference. The report may, but need not be, in writing, and need not be overly detailed. The report should state whether the person conducting the conference believes the allegations were supported by the evidence and explanations presented. The person conducting the conference may state whether he or she found one person's explanation or evidence more convincing and for what reason, especially when stories or evidence conflict. However, he or she should not recommend whether the Appointing Authority should issue discipline, nor what level of discipline is appropriate, unless the Appointing Authority specifically requests such a recommendation.

I. Within a reasonable time following receipt of the report, the Appointing Authority shall determine what discipline, if any, is warranted based upon the facts found by the neutral.

J. If discipline is warranted, the Appointing Authority shall follow the Agency disciplinary policy and procedures.
Examples of the appropriate forms to document each step of the progressive disciplinary procedure can be found in Section 11 of this manual. Instructions for the use of these forms are also included in that section.

Disciplinary forms included in Section 11 are as follows:

C Record of Verbal Warning
C Written Reprimand
C Recommendation for Disciplinary Action
C Notice of Predisciplinary Conference
C D.A.S. Order of Removal, Reduction, Suspension, Fine, or Involuntary Disability Separation (Sample only. Actual forms are available from the Department of Administrative Services website.)
The examples of Group I, II, III Offenses, set forth below, are characteristic of those offenses which the State Personnel Board of Review has historically judged to be of such a nature as to warrant those penalties established for the group.

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 the organization in terms of a slight, yet noticeable, decrease in organizational productivity, efficiency and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary and minor adverse impact against the organization unless such acts are compounded over time.

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 adverse impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and 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 cause long lasting and critically serious adverse impact against the organization.

Group I Offenses:

First Offense ........................................................................................ instruction and cautioning
Second Offense........................................................................................written reprimand
Third Offense................................................................. suspension for less than 24 hours with or without pay
(or working suspension for administrative, supervisory,
or professional employees exempt from overtime)
Fourth Offense................................................................. up to fifteen (15) day working suspension or
suspension without pay
Fifth Offense................................................................................................ up to termination

1. Failure to "report off" work for any absence;

2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period;
3. Leaving the job or work area during the regular working hours without authorization;

4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time;

5. Leaving post of continuous operations positions prior to being relieved by employee of incoming shift;

6. Neglect or carelessness in signing in or out;

7. Unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal);

8. Creating or contributing to less than serious unsanitary or unsafe conditions or poor housekeeping. More than serious violations carry more severe penalties;

9. Distracting the attention of others, unnecessary shouting demonstration, or otherwise causing disruption on the job;

10. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language;

11. Failure to cooperate with other employees as required by job duties;

12. Failure to use reasonable care of County property or equipment;

13. Use or possession of another employee's working equipment without authorization;

14. Failure to observe department rules;

15. Obligating the County for any minor expense, service, or performance without authorization;

16. Disregarding job duties by neglect of work or reading for pleasure during working hours;
17. Unsatisfactory work or failure to maintain required standard of performance;

18. Unauthorized use of telephone for other than County business purposes;

19. Excessive garnishments.

20. Establishing a pattern use of sick leave or other misuse or abuse of sick leave.

21. Violation of any other Department policy contained in this manual or otherwise.

**Group II Offenses:**

- First Offense ................................................. instruction and two (2) or three (3) day suspension without pay (Five (5) days for administrative, supervisory, and professional employees exempt from overtime.) (or working suspension for administrative, supervisory, and professional employees exempt from overtime)

- Second Offense ...................... up to fifteen (15) day suspension with or without pay

- Third Offense ................................................................................... up to termination

1. Sleeping during working hours;

2. Reporting for work or working while unfit for duty (may be in a Group III Offense for CDL holders;

3. Conduct violating morality or common decency;

4. Unauthorized use of County property or equipment;

5. Willful failure to sign in or out when required;

6. Willful failure to make required reports;

7. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy;
8. Solicitation on County premises without authorization;

9. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations;

10. Refusing to give testimony when accidents are being investigated;

11. Giving false testimony during a complaint or grievance investigation or hearing;

12. Unauthorized posting or removal of notices or signs from official bulletin boards;

13. Distributing or posting written or printed matter of any description on County premises unless authorized;

14. Unauthorized presence on County property;

15. Willful disregard of department rules;

16. Use of abusive or offensive language or gestures toward supervisors, subordinates, other employees, or the general public;

17. Discourteous treatment of the public;

18. Misuse of two-way radio or related equipment, abusive language over the airways, or the interference with business-related transmissions;

19. Neglect or careless failure to observe official safety rules, or common safety practices;

20. Negligent failure to obey a reasonable order of a supervisor or failure to carry out work assignments, including verbal instructions;

21. Neglect or carelessness in the use of Employer property or equipment;

22. Obligating the Employer for a major expense, service, or performance without prior authorization;
23. Negligent failure to report accidents, injuries, or equipment damage;

24. A traffic violation or accident while driving an Employer vehicle which evidences recklessness by the employee;

25. Violation of any other Department policy contained in this manual or otherwise.

Group III Offenses:

First Offense ............................................................ Up to and including termination

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment; abusing or deliberately destroying County property, tools, or equipment, or the property of employees, in any manner;

2. Signing or altering other employee's time cards, tampering with other employee's time cards, or unauthorized altering of own time card;

3. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any County records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment;

4. Making false claims or misrepresentation in an attempt to obtain any County benefit;

5. Performing private work on County time or using County property or equipment for private gain;

6. Gambling during working hours;

7. Stealing or similar misconduct, including destroying, damaging, or concealment of any property of the County or of other employees;

8. The manufacturing, distribution, possessing, or use of alcohol or controlled substances (without a properly reported prescription) in the workplace;
9. Fighting or attempting to injure other employees, supervisors, or persons;

10. Carrying or possession of firearms, explosives, or weapons on County property at any time without prior authorization;

11. Knowingly concealing a communicable disease such as TB which may endanger other employees;

12. Misusing or removing County records or information without prior authorization;

13. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work station;

14. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do no limit the terms "dishonesty" or "dishonest action";

15. Insubordination e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.

16. Committing safety violations;

17. Threatening, intimidating, or coercing employees or supervisors;

18. Engaging in unauthorized political activity;

19. Being convicted of a "felony" within the meaning of R.C. 124.34, even if prior discipline has been issued for the underlying conduct.

20. Insubordination in failing to cooperate with a required medical/psychological examination.
21. Willfully withholding information which threatens the safety and security of the Employer, its operations, or employees.

22. Willfully demeaning, verbally abusing and/or humiliating a resident, employee, or other person.

23. 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, military status, or disability.

24. Driving a motor vehicle on duty or Employer business without a valid, applicable operator's license.

25. 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.

26. Committing violations of official safety rules or common safety practices.

27. Failure (negligent or otherwise) to report accidents or injuries.


29. Failure to maintain training, education, certification, or licensure as required by law.

30. Violation of any other Department policy contained in this manual or otherwise.

Original Adoption Date: _________________  Revision Date: _________________
APPEALS

A. Personnel actions for classified employees such as a reduction; a suspension of forty (40) or more work hours in the case of an employee exempt from the payment of overtime compensation; a suspension of twenty-four (24) or more work hours in the case of an employee required to be paid overtime compensation; a fine of forty (40) or more hours' pay in the case of an employee exempt from the payment of overtime compensation; a fine of twenty-four (24) or more hours' pay in the case of an employee required to be paid overtime compensation; removal, except for the reduction or removal of a probationary employee; and layoffs may be appealed by the affected employees through the in-house hearing procedure, or if necessary, by classified employees, to the State Personnel Board of Review. The Appointing Authority has the discretion to allow the appeal as a grievance to be heard by the Appointing Authority or designee, but to limit additional evidence to that not already introduced in the predisciplinary conference. Disciplinary action based on conviction of a "felony" within the meaning of R.C. 124.34, may not be appealed to the State Personnel Board of Review.

B. Appeals to the State Personnel Board of Review from removal, demotion, fines, or suspension must be filed within ten (10) days of the date the employee is served with the Order. For purposes of this section, the date on which the order is served is the date of hand delivery of the order, or the date of delivery of the order by certified United States mail, or the date it is left at the usual place of residence, or last known residence of the affected employee, with an adult residing therein, whichever occurs first. Appeals from layoffs must be made within ten (10) days of the receipt of the notice of layoff.

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.

Original Adoption Date: ________________  Revision Date: ________________
The County recognizes that from time to time employees will have questions or problems regarding their work, working conditions, wages and benefits, and/or policies and procedures. In order to encourage employees to express concerns and to seek the resolution of problems, the County has established the following open-door grievance system for its employees.

Problems: If a problem does develop, or an employee feels he or she has a complaint, this policy will allow such employee to raise his or her questions in an orderly manner. The Appointing Authority should welcome the opportunity to talk with any of his or her employees. This is the fairest way of settling any problems or complaints.

Prevention of complaints is as important as their proper handling. Complaints may arise from an accumulation of several small irritants. It is the responsibility of the immediate supervisor to eliminate irritants whenever possible through good personnel practices.

Definition of Complaint: A complaint is a disagreement between management and an employee as to: interpretation, application, or violation of civil service laws, the rules or regulations as established herein, agency procedures, or unfair or inequitable treatment.

Guidance:

A. Supervisors are responsible for making certain that employees within their jurisdiction have knowledge of and understand the complaint procedures. The employee must feel free to use the procedure without fear of criticism, or any action being taken against them to affect their job security or chance for advancement unless the employee gives false testimony.

B. Nothing in this policy is intended to deny employees any rights available at law to have redress to their legal rights, including the right to appeal to the State Personnel Board of Review where that body has jurisdiction, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a grievance on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body. The filing of an internal grievance may not affect required filing deadlines. The Appointing Authority may also stay the grievance procedure until resolution of the statutory proceeding.

C. All time limits in the complaint procedure are workdays. In the interest of prompt resolution of employee disagreements, the action taken at each step of the procedure
shall be taken as rapidly as possible, but not later than the prescribed time limits. In the event of extenuating circumstances, a time limit may be extended by mutual agreement of the parties at the step. Complaints not processed to the next step of the procedure within the specified time limits shall be considered resolved on the basis of the decision at the previous step.

Any complaint not answered by management within the prescribed time limits shall be considered to have been answered in the negative and may be advanced to the next step in this procedure.

D. At each step of the complaint procedure management staff is responsible for investigation of the complaint to develop all pertinent facts and information in order to arrive at a fair and just resolution. This shall include requesting testimony from witnesses whom both management and the employee deem necessary to arrive at a fair and just resolution of the disagreement. A written summary of the disagreement along with facts and information accumulated during the investigation and meetings shall be forwarded by management representative to the next higher level in the procedure together with any complaint appeals and responses.

E. Complaint information and/or testimony must be treated in a most discreet and confidential manner by all persons involved.

F. All forms relative to this procedure may be obtained from the employee's immediate supervisor. The complaint shall be filed utilizing the standard complaint form as contained in Section 11 herein. The employee shall provide all relevant information as requested on the complaint form.

PROCEDURE:

A. Informal:

Step 1. Supervisor: Every reasonable effort should be make by supervisors and employees to resolve any questions, problems, and misunderstandings that have arisen. Therefore, employees shall first discuss any complaints or questions they have with their immediate supervisors, and shall initiate such discussions at the time the dissatisfaction or question arises. Supervisors, in turn, shall give immediate attention to the complaint or question and attempt to resolve it by providing information or counseling or taking such action as he or she may have authority to take. To be accepted for consideration, a complaint must be initiated within five (5) working days
following the date of occurrence. Once the employee has orally notified his or her immediate supervisor of a disagreement, the supervisor shall meet with the employee and advise the employee of his or her decision within five (5) working days following the day on which the supervisor was presented the complaint.

In situations where the Appointing Authority is the employee's supervisor or the grievance involves a disciplinary suspension, the complaint shall be handled in Step 3 of this procedure, and shall be filed directly with the Appointing Authority.

B. Formal:

Step 2. Department Head: If an employee's problem has not been resolved after discussing it with his/her supervisor, the complaint shall be reduced to writing and presented to the Department Head within five (5) working days from the date of the supervisor's response. The Department Head shall arrange a meeting with the employee and his or her supervisor to discuss the complaint, and issue a written decision to the employee within five (5) working days.

Step 3. Appointing Authority: If the complaint is not resolved to the employee's satisfaction after discussing it with his or her Department Head, the complaint may be filed with the Appointing Authority within five (5) working days. The Appointing Authority shall meet to discuss the complaint with the employee, the employee's supervisor, the Department Head, and any witnesses necessary to arrive at a resolution. The employee will receive a written decision from the Appointing Authority within ten (10) working days. The decision of the Appointing Authority shall be the final disposition of the complaint. Personnel who work directly for a Department Head or the Appointing Authority shall submit their complaint at Step 2 or 3 of the complaint procedure, whichever is appropriate.
An Appointing Authority may place an employee on administrative leave with pay, but only in circumstances where the health or safety of an employee or of any person or property entrusted to the employee’s care could be adversely affected. The length of the leave shall not exceed the length of the situation for which the leave is guaranteed, for example, in a disciplinary situation such leave might extend until the Appointing Authority completes the predisciplinary process and takes action or decides not to do so. Compensation for administrative leave shall be equal to the employee’s base rate of pay.
9.01 Resignation
9.02 Exit Interview
A. Employees who plan to voluntarily resign shall notify their immediate supervisor at least two (2) weeks in advance of the effective date of termination. Resignations should be carefully considered and submitted only when the person has actually decided to depart. Withdrawal of resignations will generally not be accepted. Vacation requests submitted upon notification of resignation or after must be approved by the Appointing Authority.

B. Any employee who resigns is encouraged to give his or her reasons for resigning and discuss with his or her supervisor any working conditions which he or she feels are unsatisfactory.

C. A formal letter of resignation shall be required by the Appointing Authority. The Appointing Authority hereby accepts resignations upon receipt, and will rely on having received it. Resignations may not, therefore, be revoked without permission.

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

E. A person who resigned in good standing may be reinstated at the discretion of the Appointing Authority in his or her former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the best interest of the County.

F. All properties of the Appointing Authority must be accounted for and turned in to the Appointing Authority or designee before the employee is issued a final paycheck, including but not limited to manuals, handbooks, ID cards, equipment, keys, etc.
Upon resignation, or other voluntarily terminated employment, all employees shall be requested to complete an exit interview questionnaire, and to personally discuss the questionnaire with the Appointing Authority or designee. A sample of the form provided for this purpose can be found in Section 11 of this manual.

The exit interview is provided as an opportunity for the employee to offer constructive criticism and insight to the Appointing Authority regarding the operation of the department.
10.01 Personnel Files
10.02 Bulletin Boards
10.03 Authorized Statement to Pick-Up Paycheck
A. Each Appointing Authority shall maintain official personnel files on all of their employees. Such files shall include, but are not limited to, individual employment data; payroll information; work time schedules; records of additions or deductions paid; application forms; records pertaining to hiring, promotion, demotion, transfer, layoff, and termination; etc. Personnel files access if governed by O.R.C. 149.43 and Chapter 1347.

B. Nothing herein shall prevent the dissemination of non-personal statistical information.

C. Employees shall have access to their individual personnel folders for review during normal business hours under the following conditions:

1. The employee shall request an appointment with the Appointing Authority or his designated representative through the employee's immediate supervisor.

2. An appointment shall be granted by the end of the next regular workday. The employee shall be permitted to view his file in the office of the Appointing Authority or his designated representative.

3. No items in the personnel file shall be removed from the file by the employee without the express consent of the Appointing Authority.

4. An employee may be provided with a copy of any item in his file at the normal cost for duplication.

D. Employees must advise their Appointing Authority of any change in: name, address, marital status, telephone number, number of exemptions claimed for tax purposes, citizenship, selective service classification, or association with any government military service organization.

Original Adoption Date: ________________________  Revision Date: ________________________
A union bulletin board is provided for the bargaining unit employees for posting of union literature in accordance with their negotiated agreement.

Bulletin boards are provided for employees to post information of general interest to other employees and to provide an additional means of communication between management and the employees.

The supervisor should periodically check this bulletin board to see that notices are kept current and that no undesirable materials have been posted.

Employees should check this bulletin board to keep updated on changes in department procedures and for general information of interest.

No materials shall be posted on any bulletin board without prior approval of the immediate supervisor or the Appointing Authority. No materials shall be posted which contain any of the following:

1. Personal attacks upon any employee or public officer;
2. Scandalous, libelous, scurrilous, or derogatory attacks upon the County officials, administrators, supervisors, or other personnel, named or unnamed;
3. Attacks on any employee organization;
4. Attacks on, opposition to, or promotion of a candidate for public office; and
5. Vulgar or distasteful pictures or comments.

Original Adoption Date: ____________________  Revision Date: ____________________
At any time an employee requests another individual, whether it be a member of his or her family or a friend, to pick-up his or her paycheck, he or she must write a statement or request to the Appointing Authority agreeing to hold the County harmless and giving the person's name authorized to receive the paycheck. This written statement must be signed and dated by the person receiving the check in the presence of the person issuing the check. Two (2) forms of identification may also be required of the person receiving the check. Authorization forms, as contained in Section 11 of this manual, are available upon request from your supervisor for this purpose.

If no authorization is received, the check will be mailed to the employee's current address on file with the Appointing Authority, or held in the office for pick-up by the employee at a later date.
A-1 Personnel Action
A-2 Application for Employment
A-3 Application for Job Vacancy
A-4 Request for Leave of Absence
A-5 Request to Accumulate Compensatory Time
A-6 Request to Accumulate Vacation Time
A-7 Authorization to Pick-Up Paycheck
A-8 Employment Eligibility Verification
A-9 Record of Verbal Warning
A-10 Record of Written Reprimand
A-11 Recommendation for Disciplinary Action
A-12 Notice of Predisciplinary Conference
A-13 Order of Removal, Reduction, Suspension, Involuntary Disability Separation
A-14 Employee Complaint
A-15 P.E.R.S. Personal History Record
A-16 P.E.R.S. Application for Retirement
A-17 P.E.R.S. Member's Application for Refund of Accumulated Contributions
A-18 Notice of Reemployment of a P.E.R.S. Retirant
A-19 Report of Safety Problems and/or Equipment Defects
A-20 Motor Vehicle Crash Report
A-21 Workers' Compensation Application for Payment of Medical Benefits Only
A-22 Workers' Compensation Application for Payment of Compensation and Medical Benefits
A-23 Exit Interview
A-24 Cobra Notification/Election C Continuation Coverage of Medical Insurance
A-25 Request for Continuation Coverage under Athens County Dental/Vision Plan
A-26 Enrollment Form
A-27 Prescription Drug Claim Form
A-28 EEO Complaint Form
A-29 Workplace Safety & Illegal Activity Acknowledgement
A-30 Request for Family and Medical Leave
A-31 Family and Medical Leave Notice
A-32 Certification of Health Care Provider
A-33 Acknowledgement of Temporary/Seasonal Status
A-34 Workplace Violence Incident Report
A-35 Workplace Violence Incident Report – Victim/Witness Account Form
A-36 Athens County Precinct Election Official Leave Program
A-37 Athens County Vehicle Usage Affidavit
A-38 Use of County Vehicle Policy Acknowledgement
A-39 Athens County Cell Phone/Pager/Laptop Affidavit
A-51 Ethics Law (O.R.C. 102)
Order of Removal, Reduction, Suspension, Fine, Involuntary Disability Separation

This will notify you that you are: □ removed; □ suspended; □ suspended (working); □ fined;
□ Involuntary disability separated; □ reduced in pay, from your position of

effective __________________________ (date)

and/or reduced to new position of __________________________ (if applicable)

The reason for this action is that you have been guilty of (List relevant R.C. 124.34 disciplinary offense(s)).
(Section not applicable for involuntary disability separation.)

Specifically:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Notice of pre-disciplinary/separation hearing given to employee: __________________________ (date)

Pre-disciplinary/separation hearing held or waived: __________________________ (date)

Employee allowed to meet with employer: □ Yes □ No

Order hand-delivered to employee: __________________________ (date, if hand-delivered)

If employee is suspended, list dates of suspension:

Signed at __________________________ Ohio, __________________________ (date)

Counter signature, if applicable

Signature of Appointing Authority

Counter signature, if applicable

Type Name and Title of Appointing Authority

Counter signature, if applicable

Type Department, Agency, or Institution

ADM 4955 (Rev. 6-99)/PDF

Important: See attachment for Employer and Employee Instructions.
IMPORTANT INSTRUCTIONS TO THE APPOINTING AUTHORITY

(1) Actual signature means that each Order served on the employee must contain the actual signature of the Appointing Authority. Appointing Authority means the actual appointing officer of the department or agency as well as any approving officer or board required by law. If the appointment of an employee requires the approval of a board or commission, then a certified copy of the resolution of such board or commission approving the action must accompany this Order unless the actual signatures of the members of the board or commission appear on the front of the Order served on the employee.

(2) The Appointing Authority must set forth in detail the particular acts and circumstances constituting the offense(s) charged. Evidence presented on appeal must be limited to that which relates to the charge(s) made; hence the Appointing Authority must set forth the charges(s) broadly enough to encompass all the evidence the Appointing Authority intends to offer. It is equally important that the Appointing Authority fully state the ground(s) for the action.

(3) The Appointing Authority MUST provide an original of the Order to the employee on or before the effective date. The date on which the Order is served is the date the Order is delivered to the employee by hand or to the employee’s last known mailing address by certified United States mail, whichever occurs first.

IMPORTANT INSTRUCTIONS TO THE EMPLOYEE

If you wish to appeal this action, then you must file your written appeal with the State Personnel Board of Review (SPBR) at 65 East State Street, 12th Floor, Columbus, Ohio 43215-4213. Your appeal must actually be received and time-stamped by SPBR by the tenth calendar day from the date this Order was served. For the purposes of your appeal, the date on which this Order is served is the date the Order is delivered to you by hand or to your last known mailing address, as maintained by your Appointing Authority, by certified United States mail, whichever occurs first. You may obtain SPBR’s Administrative Rules by writing the above office or by telephoning SPBR at (614) 466-7046. You may also obtain the rules at SPBR’s website at http://sbr.ohio.gov.

Example of deadline to file appeal:

An employee is given a 40-hour suspension. The suspension is to begin on October 11 and run five working days through October 15. The employee is served with the forthcoming suspension Order on October 8. The employee has until October 16 to file a written appeal (ten days from the date the employee was served with the Order).

Reminder: If you are employed by a municipality or township that has a civil service commission, your appeal lies with that commission and not SPBR.

You may contact SPBR at (614) 466-7046 regarding the above information or regarding SPBR’s jurisdiction or you may visit our website at http://sbr.ohio.gov.
INSTRUCTIONS: Please fill out this employment application form as completely and accurately as possible. Please print or write in a legible manner.

SECTION I: PERSONAL INFORMATION

Last Name_________________ First Name__________ Middle Initial_________
Street Address_________________ City__________________
State_________ Zip Code_________ County__________________
Phone: Home_________________ Work (optional)__________________
Social Security Number__________________
Are you under 18? [ ] Yes [ ] No If yes, can you obtain a work permit? [ ] Yes [ ] No
Have you filed an application with this organization before? [ ] Yes [ ] No Date ________
Have you ever been employed by this organization? [ ] Yes [ ] No
Have you been convicted of a felony? [ ] Yes [ ] No If yes, explain__________________

(NOTE: A criminal conviction will not necessarily bar an applicant from employment. Other factors such as age at the time of the offense, seriousness and nature of the act, and rehabilitation will be taken into consideration.)

SECTION II: TYPE OF WORK DESIRED

Please describe the type or nature of work for which you are applying:__________________

Are you interested in: [ ] Full-time employment [ ] Part-time employment [ ] No preference
Are you interested in:  
- [ ] Permanent employment  
- [ ] Temporary employment  
- [ ] Intermittent employment  
- [ ] Seasonal employment  
- [ ] No preference

What is your minimum weekly salary requirement? ____________________________

Date available for work ____________________________

Do you have commitments (i.e., second job, school, etc) which might affect your employment with this organization?  
- [ ] Yes  
- [ ] No  
If yes, please explain. __________________________________________________

SECTION III: EDUCATIONAL EXPERIENCE AND TRAINING

This section is intended to give the employer information about the education and training that the applicant has completed, and to demonstrate the skills, knowledge, and abilities of the applicant to perform the job duties of the position.

High School Attended: __________________________________________________

Address: ________________________________________________________________

Did You Graduate? __________ High School Equivalent? ________________________

Courses Pertaining to Job Applied for: ______________________________________

Activies, Awards, Sports, Etc.: ____________________________________________

College/Trade/Business School Attended: _________________________________

Address: ________________________________________________________________

Did You Graduate? __________ Degree: ________________________________

Courses Pertaining to Job Applied for: ______________________________________

Activies, Awards, Sports, Etc.: ____________________________________________

Graduate School(s) Attended: _____________________________________________

Address: ________________________________________________________________

Date of Attendance: __________ To: __________

Did You Graduate? __________ Degree: ________________________________
If you have received any other training not mentioned above, please describe. Include any equipment or instruments you operate, or any other skills you possess which better indicate your ability to perform the job for which you are applying:

SECTION IV: EMPLOYMENT HISTORY

Please describe your employment history and work experience in date order. Begin with your present or most recent employer. Failure to include all employment may be grounds for disqualification.

May we contact these employers for references? ☐ Yes ☐ No

Current Employer: __________________________________________

Address: __________________________________________

Phone Number: ___________________________ To:________________________

Dates Employed: ___________________________ To:________________________

Job Title: __________________________________________

Supervisor's Name: ___________________________

Beginning Salary: _________ Per _______ Current Salary: _________ Per _______

Describe your duties, responsibilities, equipment operated, promotions, etc.: ________________________

Why do you want to leave? __________________________________________

Previous Employer: __________________________________________

Address: __________________________________________

Phone Number: ___________________________ To:________________________

Dates Employed: ___________________________ To:________________________

Job Title: __________________________________________

Supervisor's Name: ___________________________

Beginning Salary: _________ Per _______ Current Salary: _________ Per _______

Describe your duties, responsibilities, equipment operated, promotions, etc.: ________________________
Why do you want to leave?


********************************************************************************

Previous Employer:__________________________________________________________
Address:______________________________________________________________
Phone Number:__________________________________________________________
Dates Employed:_________ To:_________
Job Title:______________________________________________________________
Supervisor's Name:_______________________________________________________
Beginning Salary: _______ Per _______  Current Salary: _______ Per _______
Describe your duties, responsibilities, equipment operated, promotions, etc.:________

Why do you want to leave?__________________________________________________


********************************************************************************

Previous Employer:________________________________________________________
Address:______________________________________________________________
Phone Number:__________________________________________________________
Dates Employed:_________ To:_________
Job Title:______________________________________________________________
Supervisor's Name:_______________________________________________________
Beginning Salary: _______ Per _______  Current Salary: _______ Per _______
Describe your duties, responsibilities, equipment operated, promotions, etc.:________

Why do you want to leave?__________________________________________________


********************************************************************************

Previous Employer:________________________________________________________
Address:____________________________________________________
Phone Number:_______________________________________________
Dates Employed: _____________________ To: _____________________
Job Title:________________________________________________________________
Supervisor's Name: ____________________________________________
Beginning Salary: _________ Per ________ Current Salary: _________ Per ________
Describe your duties, responsibilities, equipment operated, promotions, etc.:________________________
__________________________________________________________________________
Why do you want to leave?______________________________________________
__________________________________________________________________________
If you need to list any additional previous employers, please use a blank sheet of paper to do so.

SECTION V: REFERENCES

Name:_____________________________ Name:_____________________________
Address:____________________________ Address:_____________________________

Phone:_____________________________ Phone:_____________________________

Name:_____________________________ Name:_____________________________
Address:____________________________ Address:_____________________________

Phone:_____________________________ Phone:_____________________________

SECTION VI: AGREEMENT

Please read each of the following paragraphs carefully. Indicate your understanding of, and consent to, the contents and conditions of each paragraph by placing your initials at the end of the paragraph. If you have any questions regarding these paragraphs, contact the employer before initialing the paragraph.

1. I understand and accept that, if I am selected for employment, my employment may be conditioned upon my passing any medical examination that the employer deems
necessary to determine whether I can physically perform the essential functions of the position, with reasonable accommodation when necessary. I understand and accept that this may include drug, alcohol or substance abuse testing.

Initials:_____

2. If employed, I understand and accept that, depending on the department in which I am applying for employment, I may be required to work evening hours or night hours, including weekends and be on call and work mandatory overtime hours.

Initials:_____

3. I understand and accept that if any information required in this application is found to be falsified or intentionally excluded, my application may be disqualified from further consideration. I further understand and accept that if I am employed by the employer, I may be subject to disciplinary action, including termination, if any information required by this application has been falsified or intentionally excluded.

Initials:_____

4. I understand and accept that the employer requires a high degree of integrity and confidentiality of its employees. I also understand and accept that the various law enforcement and informational agencies that exchange information and data with the employer require that the employer’s employees do not have a past record of unlawful activities. Therefore, I understand and accept that, depending on the department in which I am applying for employment, it may be necessary for the employer to investigate my background for any criminal or unlawful activity.

Initials:_____

5. I hereby authorize the employers, schools and personal references named in this application to provide information regarding me to the employer. I further authorize the release of personnel, academic and other records to the employer.

Initials:_____

I solemnly swear that all of the information furnished in this employment application is true, accurate, and complete to the best of my knowledge. I authorize investigation of all statements contained in this application. I understand that any misrepresentation or falsification of the information provided may lead to withdrawal of an employment offer or termination following employment. I recognize that my future employment with the employer will be jeopardized if I engage in substance abuse, illegal drug use, or alcohol abuse.

Applicant’s Signature ___________________________ Date ___________________________
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

APPLICATION FOR JOB VACANCY FORM AB3

Position Title: ______________________________

Name: ______________________________

Present Classification: ______________________________

Date of Hire: ______________________________

Qualifications (Education & Experience): ______________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Date Submitted: ______________________________

__________________________________
Signature

Received by: ______________________________

______________________________
Personnel Officer or Appointing Authority
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

REQUEST FOR LEAVE OF ABSENCE

Employee Name: ___________________________ Date: ___________________

LEAVE REQUESTED:  __ Sick  __ Funeral  __ Vacation  __ Jury  __ Military Leave
__ Military, Long-Term  __ Personal Leave  __ Disability Leave
__ Disability Separation  __ Unpaid Leave  __ Compensatory Time

Signature of Executive Director or Designee  Date

Reason for Leave: ____________________________________________________________

(Attach a copy of the subpoena, court order, military order, or physician's statement verifying the reason for
leave.)

Beginning Date/Time of Leave: ________________    Ending Date/Time of Leave: ________________

TOTAL HOURS: __________

REASON FOR REQUEST OF SICK LEAVE (to be completed by employee upon return from absence):

1.  __ Medical, Dental, Optical appointment

2.  __ Personal Illness: __________________________ (state exact nature of illness)

3.  __ Personal Injury __________________________ (state exact nature of injury)

   Where did injury occur? ______________________________________________________

   When did injury occur? ______________________________________________________

   Will this injury affect your ability to perform any of your required duties?  □ Yes  □ No

4.  __ Illness or injury in immediate family: _______________________________________

   A. Briefly state why it was necessary for you to attend to this family member:

   __________________________________________________________________________

   B. Did you take this family member to a medical practitioner or a hospital?  □ Yes  □ No

1A statement from the practitioner stating the time you were there and the reason for your appointment must be attached. IF
YOU SOUGHT MEDICAL ATTENTION FOR AN ILLNESS OR INJURY, YOU MUST ATTACH THE PHYSICIAN’S
STATEMENT NO MATTER HOW LONG THE ABSENCE.

2If injury extends for three (3) or more days, a statement from your physician must be attached stating the exact nature of your
injury, when you may be reasonably expected to return to work, and what restrictions, if any, your physician recommends.
3 A statement from the attending physician or from the hospital that your attendance with a family member was necessary must be attached.

5. ___ On-the-Job Injury. (Check this block if you desire to temporarily use sick leave benefits and plan to file for Workers’ Compensation benefits at a later date. Your supervisor will instruct you on how to file for Workers’ Compensation.)

6. ___ Death in the Family: ____________________________

   (state name and relationship to family member)

   Date of Death: ____________________________

   Date of Funeral: ____________________________

7. ___ Number of hours of sick leave requested: ____________________________

   (NOTE: Sick leave must be taken in units of whole hours.)

I do hereby certify the statements made hereon to be true and factual. I understand that payment for the sick leave requested may be withheld until all information I have stated on this application is verified, and until I have complied with all rules and further regulations as stated on this application, and in the Personnel Policy Manual. Further I understand that falsification of this application may constitute fraud, may result in a refund by me to the County, and may be cause for discipline, including dismissal.

Signature of Employee ____________________________ Date ____________________________

ADMINISTRATIVE ACTION

_____ Number of accrued hours of requested leave

_____ Number of hours requested

_____ Balance of requested leave, if approved

___ Recommended

___ Not Recommended

Signature of Supervisor ____________________________ Date ____________________________

  ___ Approved

  ___ Disapproved

Signature of Executive Director ____________________________ Date ____________________________
I hereby request that the overtime worked on the date(s) indicated herein, be credited toward accumulation of compensatory time in lieu of any overtime payment.

Date overtime was worked: ____________________

Number of overtime hours worked: ______________

Total number of overtime hours worked x 12 = number of compensatory hours credited: ______________

Employee’s Signature

_____________________________

Date

REMINDER OF FORM TO BE COMPLETED BY PERSONNEL OFFICER

Overtime verified by: ________________________________

Total compensatory time available following the above addition: ______________

Signature of Approval

_____________________________
I hereby request that vacation time accumulated between (anniversary date of hire) and ______________________ (anniversary date of hire) to be credited to the following year's accumulation of vacation time. I understand that I can only accumulate three (3) year's worth of vacation time at any one time.

Hours of vacation time to be credited: ______________________

Total accumulated vacation hours: ______________________

Number of years of service: ______________________

________________________________________
Employee's Signature

________________________________________
Date

________________________________________
Appointing Authority's Signature

________________________________________
Date
To: ATHENS COUNTY

I ____________________________ do hereby authorize ____________________________
Employee's Name                  Person Receiving Check

to receive my paycheck/checks payable ____________________________ . I agree that this form shall
Pay Date
serve to hold the employer harmless from any further claims by myself in regards to the
above payroll check.

_________________________________________  To be Signed by Person Receiving Check
Employee's Signature             in Presence of Person Issuing Check

_________________________________________          Date
Date
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

EMPLOYMENT ELIGIBILITY VERIFICATION FORM A-8
PAGE 1 OF 5

Department of Homeland Security
U.S. Citizenship and Immigration Services

OMB No. 1615-0047; Expires 06/30/09
Form I-9, Employment Eligibility Verification

Read instructions carefully before completing this form. The instructions must be available during completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents have a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Verification (To be completed and signed by employee at the time employment begins.)

Print Name: ____________________________ Last Name: ____________________________ Middle Initial: ____________ Maiden Name: ____________________________

Address (Street Name and Number): ____________________________ Apt. #: ____________________________ Date of Birth (month/day/year): ____________________________

City: ____________________________ State: ____________________________ Zip Code: ____________________________ Social Security #: ____________________________

I attest, under penalty of perjury, that I am (check one of the following):

☐ A citizen of the United States
☐ A noncitizen national of the United States (see instructions)
☐ A lawful permanent resident (Alien #)
☐ An alien authorized to work (Alien # or Admission #)

until (expiration date, if applicable - month/day/year)

Employer's Signature: ____________________________ Date (month/day/year): ____________________________

Preparer and/or Translator Certification (To be completed and signed if Section 1 is prepared by a person other than the employee.) I attest, under penalty of perjury, that I have assisted in the completion of this form and that to the best of my knowledge the information is true and correct.

Preparer/Translator's Signature: ____________________________ Print Name: ____________________________ Date (month/day/year): ____________________________

Section 2. Employer Review and Verification (To be completed and signed by employer. Examine one document from List A OR examine one document from List B and one from List C, as listed on the reverse of this form, and record the title, number, and expiration date, if any, of the document(s).)

List A OR List B AND List C

Document title: ____________________________ Issuing authority: ____________________________

Document #: ____________________________ Expiration Date (if any): ____________________________

Document #: ____________________________ Expiration Date (if any): ____________________________

CERTIFICATION: I attest, under penalty of perjury, that I have examined the document(s) presented by the above-named employee, that the above-listed document(s) appear to be genuine and to relate to the employee named, that the employee began employment on (month/day/year) ____________________________ and that to the best of my knowledge the employee is authorized to work in the United States. (State employment agencies may omit the date the employee began employment.)

Signature of Employer or Authorized Representative: ____________________________ Print Name: ____________________________ Title: ____________________________

Business of Organization Name and Address (Street Name and Number, City, State, Zip Code): ____________________________ Date (month/day/year): ____________________________

Section 3. Updating and Reverification (To be completed and signed by employer.)

A. New Name (if applicable)

B. Date of Retire (month/day/year) (if applicable)

C. If employee's previous grant of work authorization has expired, provide the information below for the document that establishes current employment authorization.

Document Title: ____________________________ Document #: ____________________________ Expiration Date (if any): ____________________________

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative: ____________________________ Date (month/day/year): ____________________________

Form I-9 (Rev. 02/02/09) N Page 4

{4/23/2008 PLATHBC 00052637.DOC}
# Lists of Acceptable Documents

All documents must be unexpired

## List A
**Documents that Establish Both**
**Identity and Employment Authorization**

| 1. | U.S. Passport or U.S. Passport Card |
| 2. | Permanent Resident Card or Alien Registration Receipt Card (Form I-551) |
| 3. | Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa |
| 4. | Employment Authorization Document that contains a photograph (Form I-766) |
| 5. | In the case of a nonimmigrant alien authorized to work for a specific employer incident to status, a foreign passport with Form I-94 or Form I-94A bearing the same name as the passport and containing an endorsement of the alien’s nonimmigrant status, as long as the period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form |
| 6. | Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI |

## List B
**Documents that Establish Identity**

| 1. | Driver’s license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address |
| 2. | ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address |
| 3. | School ID card with a photograph |
| 4. | Voter’s registration card |
| 5. | U.S. Military card or draft record |
| 6. | Military dependent’s ID card |
| 7. | U.S. Coast Guard Merchant Mariner Card |
| 8. | Native American tribal document |
| 9. | Driver’s license issued by a Canadian government authority |
| 10. | School record or report card |
| 11. | Clinic, doctor, or hospital record |
| 12. | Day-care or nursery school record |

## List C
**Documents that Establish Employment Authorization**

| 1. | Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States |
| 2. | Certification of Birth Abroad issued by the Department of State (Form FS-545) |
| 3. | Certification of Report of Birth issued by the Department of State (Form DS-1350) |
| 4. | Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal |
| 5. | Native American tribal document |
| 6. | U.S. Citizen ID Card (Form I-197) |
| 7. | Identification Card for Use of Resident Citizen in the United States (Form I-179) |
| 8. | Employment authorization document issued by the Department of Homeland Security |

Illustrations of many of these documents appear in Part 8 of the Handbook for Employers (M-274)
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

EMPLOYMENT ELIGIBILITY VERIFICATION FORM A-8
PAGE 3 OF 5

Department of Homeland Security
U.S. Citizenship and Immigration Services

Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155

Instructions
Read all instructions carefully before completing this form.

Anti-Discrimination Notice. It is illegal to discriminate against any individual (other than an alien not authorized to work in the United States) in hiring, discharging, or recruiting or referring for a fee because of that individual's national origin or citizenship status. It is illegal to discriminate against work-authorized individuals. Employers CANNOT specify which document(s) they will accept from an employee. The refusal to hire an individual because the documents presented have a future expiration date may also constitute illegal discrimination. For more information, call the Office of Special Counsel for Immigration Related Unfair Employment Practices at 1-800-255-8155.

The purpose of this form is to document that each new employee (both citizen and noncitizen) hired after November 6, 1986, is authorized to work in the United States.

Preparer/Translator Certification
The Preparer/Translator Certification must be completed if Section 1 is prepared by a person other than the employee. A preparer/translator may be used only when the employee is unable to complete Section 1 on his or her own. However, the employee must still sign Section 1 personally.

Section 2, Employer
For the purpose of completing this form, the term "employer" means all employers including those recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors. Employers must complete Section 2 by examining evidence of identity and employment authorization within three business days of the date employment begins. However, if an employer hires an individual for less than three business days, Section 2 must be completed at the time employment begins. Employers cannot specify which document(s) listed on the last page of Form I-9 employees present to establish identity and employment authorization. Employers may present any List A document or a combination of a List B and a List C document.

If an employee is unable to present a required document (or documents), the employee must present an acceptable receipt in lieu of a document listed on the last page of this form. Receipts showing that a person has applied for an initial grant of employment authorization, or for renewal of employment authorization, are not acceptable. Employees must present receipts within three business days of the date employment begins and must present valid replacement documents within 90 days or other specified time.

Employers must record in Section 2:
1. Document title;
2. Issuing authority;
3. Document number;
4. Expiration date, if any; and
5. The date employment begins.

Employers must sign and date the certification in Section 2. Employers must present original documents. Employers may, but are not required to, photocopy the document(s) presented. If photocopies are made, they must be made for all new hires. Photocopies may only be used for the verification process and must be retained with Form I-9. Employers are still responsible for completing and retaining Form I-9.
For more detailed information, you may refer to the UScis Handbook for Employers (Form M-274). You may obtain the handbook using the contact information found under the header "UScis Forms and Information."

Section 3, Updating and Reverification

Employers must complete Section 3 when updating and/or revalidating Form I-9. Employers must reverify employment authorization of their employees on or before the work authorization expiration date recorded in Section 1 (if any). Employers CANNOT specify which document(s) they will accept from an employee.

A. If an employee's name has changed at the time this form is being updated/reverified, complete Block A.

B. If an employee is hired within three years of the date this form was originally completed and the employee is still authorized to be employed on the same basis as previously indicated on this form (updating), complete Block B and the signature block.

C. If an employee is hired within three years of the date this form was originally completed and the employee's work authorization has expired or if a current employee's work authorization is about to expire (reverification), complete Block B and:
   1. Examine any document that reflects the employee is authorized to work in the United States (see List A or C);
   2. Record the document title, document number, and expiration date (if any) in Block C; and
   3. Complete the signature block.

Note that for reverification purposes, employers have the option of completing a new Form I-9 instead of completing Section 3.

A blank Form I-9 may be reproduced, provided both sides are copied. The instructions must be available to all employees completing this form. Employers must retain completed Form I-9s for three years after the date of hire or one year after the date employment ends, whichever is later.

Form I-9 may be signed and retained electronically, as authorized in Department of Homeland Security regulations at 8 CFR 274a.2.

The authority for collecting this information is the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 USC 1324a).

This information is for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring, or recruiting or referring for a fee, of aliens who are not authorized to work in the United States.

This information will be used by employers as a record of their basis for determining eligibility of an employee to work in the United States. The form will be kept by the employer and made available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Office of Special Counsel for Immigration-Related Unfair Employment Practices.

Submission of the information required in this form is voluntary. However, an individual may not begin employment unless this form is completed, since employers are subject to civil or criminal penalties if they do not comply with the Immigration Reform and Control Act of 1986.

To order USCIS forms, you can download them from our website at www.uscis.gov/forms or call our toll-free number at 1-800-870-3676. You can obtain information about Form I-9 from our website at www.uscis.gov or by calling 1-888-464-4218.
An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 12 minutes per response, including the time for reviewing instructions and completing and submitting the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Regulatory Management Division, 111 Massachusetts Avenue, N.W., 3rd Floor, Suite 3608, Washington, DC 20529-2210. OMB No. 1615-0047. Do not mail your completed Form I-9 to this address.
Employee's Name: ________________________________

Classification: ___________________________ Department: ___________________________

VIOLATION

Date Violation Occurred: ________________________________

Location Where Violation Occurred: ________________________________

Type of Violation:  

- Incompetency
- Inefficiency
- Dishonesty
- Drunkenness
- Discourteous Treatment of the Public
- Neglect of Duty
- Failure of Good Behavior
- Immoral Conduct
- Insubordination
- Other (Explain Below)

Description of Violation:

__________________________________________________________________________________________

__________________________________________________________________________________________

(attach additional sheets if necessary)

Necessary Corrective Action:

__________________________________________________________________________________________

__________________________________________________________________________________________

(attach additional sheets if necessary)

This verbal warning is issued as a corrective measure in an effort to help you improve your conduct. This form will cease to have force and effect after twenty four (24) months, if no intervening discipline during that period occurs. Any further violations could result in more severe disciplinary actions.

Signature of Person Issuing Warning ___________________________ Title ___________________________

I hereby acknowledge that a copy of the above Record of Verbal Warning has been given to me this day.

Signature of Employee ___________________________ Date ___________________________

Original: Personnel File
Copy: Employee
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

RECORD OF WRITTEN REPRIMAND

Employee’s Name: ________________________________
Classification: ________________________ Department: ________________________________

VIOLATION

Date Violation Occurred: ________________________________
Location Where Violation Occurred ________________________________

Type of Violation: 

- Group ___ Number ___ Incompetency
- Group ___ Number ___ Inefficiency
- Group ___ Number ___ Dishonesty
- Group ___ Number ___ Drunkenness
- Group ___ Number ___ Discourteous Treatment of the Public
- Group ___ Number ___ Other (Explain Below)

Description of Violation: ____________________________________________
_________________________________________________________________
_________________________________________________________________

(attach additional sheets if necessary)

Necessary Corrective Action: __________________________________________
_________________________________________________________________
_________________________________________________________________

(attach additional sheets if necessary)

This verbal warning is issued as a corrective measure in an effort to help you improve your conduct. This reprimand will cease to have force and effect after twenty four (24) months, if no intervening discipline during that period occurs. Any further violations could result in more severe disciplinary actions.

Signature of Person Issuing Warning ______________ Title ______________

I hereby acknowledge that a copy of the above Record of Written Reprimand has been given to me this day.

Signature of Employee ______________ Date ______________

Original: Personnel File
Copy: Employee
To: ___________________________ Date: ____________________

From: ____________________________

Employee’s Name: ________________________________________________

Employee's Classification: __________________________________________

VIOLATION

Date Violation Occurred: __________________________________________

Location Where Violation Occurred: __________________________________

__________________________________________________________________

Type of Violation: ________________________________________________

Description of Violation: __________________________________________

__________________________________________________________________

(attach additional sheet if necessary)

PREVIOUS DISCIPLINARY RECORD

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

__________________________________________________________________

RECOMMENDED DISCIPLINARY ACTION

_____ Suspension of _____ days

_____ Reduction

_____ Dismissal

_____ Other
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

RECOMMENDATION FOR DISCIPLINARY ACTION

Explanation: ________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature of Person Making Recommendation ______________ Title ______________

ACTION TAKEN

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

Signature of Person Issuing Disciplinary Action ______________ Title ______________

Date ____________________________
NOTICE OF PREDISCIPLINARY CONFERENCE

Name: ___________________________ Date: ___________________________
Department: ___________________________

This notice is provided to you to advise that a predisciplinary conference will be held at
_________ at _________________ on ___________ to provide you with the
(time) (location) (date)
the opportunity to respond to the following allegations of misconduct:
Alleged Offense:

Summary of Charges:

You have the right to: (1) appear at the conference to present an oral or written statement
in your defense; (2) appear at the conference and have your chosen representative present
an oral or written statement in your defense or; (3) elect in writing to waive your
opportunity to have a predisciplinary conference. Failure to respond or respond truthfully
may result in further disciplinary action.

At the conference you may present any testimony, witnesses, or documents which explain
whether or not the alleged conduct occurred. You may be represented by any person you
choose. If applicable, you shall provide a list of witnesses to the person conducting the
conference named below not later than one (1) hour prior to the predisciplinary conference.
It is your responsibility to notify witnesses that their attendance is desired. No conference
will be delayed more than twenty-four (24) hours to enable your representative to attend.

You or your representative will be permitted to question witnesses. A written report will
be prepared by the person conducting the conference concluding as to whether or not the
alleged conduct occurred. A copy of this report will be provided to you within five (5)
days following its preparation.

The predisciplinary conference will be conducted by: ___________________________,
(name)
address: ___________________________, phone: ___________________________.

If you have any questions in regard to this procedure, please contact this individual
immediately or consult the Personnel Policy Manual.

Signature of Supervisor

{4/23/2008 PLATHBC 00052637.DOC}
| ORDER OF REMOVAL, REDUCTION, SUSPENSION, FINE, INVOLUNTARY DISABILITY SEPARATION |
| FORM A–13 |
| PAGE 1 OF 1 |

(See Following Page)
<table>
<thead>
<tr>
<th>Employee's Name:</th>
<th>Date:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department:</td>
<td>Complaint No.:</td>
</tr>
<tr>
<td>Immediate Supervisor:</td>
<td>Date Complaint Occurred:</td>
</tr>
</tbody>
</table>

**G** State what has or has not occurred which causes you to feel you have not been treated fairly.

**G**

**G** Briefly state your reason for the behalf as stated in "A".

**G** State the desired remedy which you feel would rectify your existing situation.

Date ____________  Employee’s Signature _______________________

All Written Replies to Complaint Shall be Attached to Back of This Sheet

**Step 1:** Date Discussed with Supervisor __________ Date Answered: __________
    Supervisor’s Signature: _______________________

**Step 2:** Date Received: __________ Date Answered: __________
    Department Head’s Signature: _______________________

**Step 3:** Date Received: __________ Date Answered: __________
    Appointing Authority's Signature: _______________________

{4/23/2008 PLATHBC 00052637.DOC}
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Check Appropriate Boxes

Q Safety Problem
Q Equipment Defect

Employee’s Name:_________________ Employee’s Classification:_________________
Employee’s Work Section:_______ Date Reported:_______ Time Reported:_________

Explain Safety Problems or Equipment Defect:____________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

(use back of sheet if more space is needed)

My suggested remedy(ies):_____________________________________________________
____________________________________________________________________________

Investigated By:____________________________________________________________
Date Investigated:_________________ Time Investigated:_________________
Supervisor’s Reply to Employee:______________________________________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

Date:__________

Original to Immediate Supervisor, Superintendent, or Appointing Authority
Copies: Employee
        Appointing Authority
See Athens County Loss Control.
See Athens County Loss Control.
See Athens County Loss Control.
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

EXIT INTERVIEW FORM A–23
PAGE 1 OF 1

Name: ___________________________ Department: ___________________________
Job Title: ___________________________ Termination Date: ___________________________
Date Interviewed: _______ By: ___________________________ Employment Date: _______
Reason for Termination: __________________________________________________________
____________________________________________________________________________

EMPLOYEE'S EVALUATION OF THE JOB

<table>
<thead>
<tr>
<th></th>
<th>Excellent</th>
<th>Satisfactory</th>
<th>Fair</th>
<th>Poor</th>
<th>Unsatisfactory</th>
</tr>
</thead>
<tbody>
<tr>
<td>Interest Job Held</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Performance Recognition</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Supervisory Fairness</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chance for Advancement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wages and Benefits</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rapport with Fellow Workers</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Training Received on the Job</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Description of Position Compared to Actual Work</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication Between Employees and Management</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>General Working Conditions</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Employee's Comments: __________________________________________________________

Interviewer's Comments: _________________________________________________________

Supervisor's Final Evaluation of Employee: ______________________________________

_____________________________________________________________________________ Would We Rehire? ________________

Signature of Supervisor or Department Head ___________________________ Date ___________

{4/23/2008 PLATHBC 00052637.DOC}
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Available at the Athens County Auditor’s Office.
Individuals who feel they have been discriminated against on the basis of race, color, religion, sex, national origin, age, disability, or have been sexually harassed by an employee of the County or while working for the County may file a complaint by completing this form and submitting it to the Appointing Authority.

Name of Complainant: ____________________________________________
Classification (if employee): ______________________________________
Address (if non-employee): ________________________________________

Basis of complaint: ______________________________________________

(continue on back or separate page is necessary)

Date(s) of incident(s): _____________________________________________

If claiming discrimination based on disability, what accommodation do you request? ______

If claiming discrimination other than disability, what resolution do you request? ______

Signature of Complainant________________________ Date______________
The employee understands and accepts that all of the employer’s employees share responsibility for maintaining a safe workplace and a workplace free from illegal activity. Therefore, the employee has an obligation to obey and enforce workplace safety rules and to immediately contact a supervisor if he or she becomes aware of potential or evident safety problems in the workplace. Furthermore, all employees are required to inform the employer of any evidence of wrongdoing or waste in the workplace by a fellow employee or superior, and to do so before reporting the issue to other authorities, pursuant to the requirements of Ohio law.

______________________________  ______________________
Employee’s Signature              Date
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

REQUEST FOR FAMILY AND MEDICAL LEAVE

FORM A-30
PAGE 1 OF 1

EMPLOYEE NAME: ___________________________ DATE: ________________

LEAVE REQUESTED: (CHECK ONE)

☐ Due to birth of child of employee;

☐ Due to placement of child with the employee for adoption/foster care;

☐ In order to care for: (name of person) ________________________________________
   (must be spouse, child, parent, or person "in loco parentis" to employee) who has
   the following serious health condition (state exact nature of health condition):
   ________________________________________________________________

☐ Because of the following serious health condition that renders employee unable to
   perform the essential functions of the employee’s position (state exact nature of
   health condition): ____________________________________________

______________________________________________________________

Beginning date/time of leave: ________________________________
Ending date/time of leave: ________________________________
Total hours of leave requested: ________________________________

☐ If leave due to serious health condition of employee or member of immediate
   family, Appendix A-32, "Certification of Health Care Provider" must be completed
   and attached hereto.

I certify all statements herein to be complete and true. Falsification is cause for discipline
up to and including termination of employment.

______________________________________________________________
Signature of Employee

ADMINISTRATIVE ACTION:

☐ Order second opinion to certification OR ☐ Approved ☐ Not Approved

Because: ______________________________________________________

Signature: ___________________________________________________
This notice is provided to you in response to your request for Family and Medical Leave and is intended to describe your rights and obligations under your leave.

1. You are entitled to 12 weeks of Family and Medical Leave (FML). Your current FML balance is: ________ days & hours

2. You must exhaust all accrued paid sick leave while on Family and Medical Leave: 
   accrued sick leave = ________ hours

3. After exhaustion of your accrued paid sick leave, you shall be eligible to take the balance of Family and Medical Leave or unpaid leave.

4. For the duration of your leave, your current group health insurance coverage will be maintained so long as you pay your portion of the premium. $__________ is due at the Athens County Auditor’s office by the last week of each month beginning ____________, 20___ and ending ____________, 20___. Failure to pay said amounts within 30 days of the due date will result in termination of the County’s obligation to pay its share of the premium for your coverage.

5. If your FML is due to a serious health condition which has rendered you unable to perform the essential functions of your position, you will be required to present a certification from your physician stating you are fit to return to duty before resuming work.

6. Upon return to work, you will be restored to your original position or a position with equivalent pay, benefits and other terms of employment.

7. If you elect not to return to work at the expiration of your FML, you will be liable to repay the County’s share of all premiums paid on your behalf while on FML unless failure to return is due to a serious health condition or circumstances beyond the employee’s control.

APPROVED:

Date: ________________  Name: _________________________________

Signature: ________________________________
I acknowledge that the position is unclassified and (circle one) temporary / seasonal / intermittent in nature.

Name ___________________________________________ Date ____________________
As soon as is reasonably possible, victims and/or witnesses of workplace violence should document incidents by completing and filing this report form.

**NOTE**: Not all questions may be applicable to each particular circumstance reported.

### SECTION I
<table>
<thead>
<tr>
<th>Date of Incident Report</th>
<th>Day of Week</th>
<th>Time</th>
<th>A.M. or P.M.</th>
<th>Date of Report</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Location of Incident (map or sketch on reverse side)</th>
<th>Was there property damage? Briefly list</th>
</tr>
</thead>
</table>

### SECTION II

<table>
<thead>
<tr>
<th>Name of Victim</th>
<th>Victim’s Phone #s</th>
<th>Victim’s Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Address</td>
<td>Home</td>
<td>Male</td>
</tr>
<tr>
<td></td>
<td>Work</td>
<td>Female</td>
</tr>
<tr>
<td>Department</td>
<td>Cell</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Victim’s email address</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Victim Description</th>
<th>If victim is employee:</th>
<th>Is victim a unionized employee?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Job title</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Division</td>
<td>Union/Local</td>
</tr>
<tr>
<td></td>
<td>Chair/Supervisor’s Name</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Was supervisor notified</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Date and Time</td>
<td>Yes</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>□ Employee</th>
<th>□ Visitor</th>
<th>□ Client/Customer</th>
<th>□ Other</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Explain other)</td>
</tr>
</tbody>
</table>

### SECTION III

<table>
<thead>
<tr>
<th>Name of Assailant</th>
<th>Assailant’s Phone #s</th>
<th>Assailant’s Gender</th>
</tr>
</thead>
<tbody>
<tr>
<td>Home Address</td>
<td>Home</td>
<td>Male</td>
</tr>
<tr>
<td>Location</td>
<td>Work</td>
<td>Female</td>
</tr>
<tr>
<td></td>
<td>Cell</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assailant’s email address</td>
<td></td>
</tr>
</tbody>
</table>

| Relationship of Assailant to Victim | |
|-------------------------------------| |

{4/23/2008 PLATHBC 00052637.DOC}
Co-worker ☐  Supervisor ☐  Did incident include a weapon?  ☐ No ☐ Yes
Client/Customer ☐  If yes, describe the weapon
Other ☐ (Describe)  How was it used?

SECTION IV

Describe incident (CHECK ALL that apply and use the Workplace Violence Incident Report Victim/Witness Account Form to describe the incident in detail)

- Harassed by email or other written communication ☐
- Scratched ☐  Vandalism (other’s property) ☐
- Slapped ☐  Vandalism (employer’s property) ☐
- Harassed verbally ☐  Hit with hand/fist/other body part ☐
- Vandalism (own property) ☐
- Threatened verbally ☐  Hit with object ☐  Animal Attack ☐
- Threatened with a weapon ☐  Assaulted with weapon ☐
- Arson ☐
- Bitten ☐  Assaulted sexually ☐  Bomb threat ☐
- Grabbed ☐  Shot (or attempted) ☐
- Robbery ☐
- Kicked ☐  Knifed (or attempted) ☐  Other ☐
- Pushed ☐  Stalked ☐

SECTION V

- Was victim or assailant injured?  ☐ No  ☐
  If yes, describe:
  - Was injury report filed?  ☐ No  ☐ Yes
  - Date:
  - Was victim referred to counseling?  ☐ Yes  ☐ No
  - Was medical treatment provided?
    - Victim ☐ Yes  ☐ No
      If yes, describe:
    - Assailant ☐ Yes  ☐ No
      If yes, describe:

SECTION VI

- Police notified?  ☐ Yes  ☐
  Date and Time
  - No ☐
  - Responding Police Officer
    - Name
    - Badge #
    - Municipality/Agency
  - Restraining order issued?  ☐ No  ☐ Yes
    Date and Time
  - Was assailant arrested?  ☐ No  ☐ Yes
    Date and Time
  - If yes, what were the charges?
### SECTION VII
List of witnesses (attach witness reports)

### SECTION VIII
Measures taken to prevent recurrence:

### SECTION IX
What remedy, if any, does the victim request?

### SECTION X
What happened to assailant? (Final disposition of incident) Describe specifically (Arrested, Discipline, Transferred, etc.)
<table>
<thead>
<tr>
<th>SECTION XI</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Name of person completing this form</td>
<td>Address or Work Location</td>
</tr>
<tr>
<td>Date</td>
<td></td>
</tr>
<tr>
<td>Work phone number</td>
<td></td>
</tr>
<tr>
<td>Relationship to victim or assailant</td>
<td></td>
</tr>
</tbody>
</table>
Note: Complete this Form if you are the victim of or witness to the alleged workplace violence – Photocopy additional copies as needed

<table>
<thead>
<tr>
<th>Date of Incident</th>
<th>Name</th>
<th>Date of Report</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Victim [ ] Witness [ ]</td>
</tr>
<tr>
<td>Address/City Location of witness</td>
<td>Phone Number</td>
<td></td>
</tr>
</tbody>
</table>

Describe Incident in Detail. Include what happened, where, who was involved, other witnesses, what you heard, saw, etc.

List Names of Other Witnesses

Signature | Date
Person Receiving Witness Statement | Date
I, _____________________________, have been certified and selected as an election official by the Athens County Board of Elections and wish to be assigned to work as an election official for the to be held on _______________________ and attend any related training for my assignment.

___________________________________________
Employee Signature    Date

G  Approved

G  Denied

___________________________________________
Supervisor’s Signature    Date

___________________________________________
Director’s Signature    Date
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT

Form A-37

PAGE 1 OF 5

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT

Automobile Commuting / Exempt Affidavit

All Athens County Employees issued a county provided vehicle during the twelve (12) month period ended October 31st of each year must maintain detail records of usage and complete the following information.

Name: ___________________ Dept: ___________________ Employee #: ___________________

Home Address: ____________________________________________________________

The Vehicle I drive is: ______ Non Exempt - with no personal usage allowed per policy:

Exempt:

- Clearly Marked police or fire vehicle
- Unmarked law enforcement vehicle (use must be undercover law enforcement)
- Flatbed truck or any truck designed for cargo with a loaded GVW over 14,000 lbs.
- Delivery truck with seating for the driver only, or a driver plus a folding jump seat.
- Bus with a capacity over 20 persons
- Cement, dump or bucket truck
- Specialized utility / repair truck
- Tractor or other special purpose farm vehicles.

1) Number of one way commutes made from home to work. ______
2) Number of one way commutes made from work to home. ______
3) Total number of one way commutes. (question 1 plus question 2) ______
4) Total Taxable Value of Vehicle Commuting. (question 3 times the current IRS rate) $________

I acknowledge that I have received a copy of the County's Vehicle Use Policy. I certify that I understand and accept responsibility for adhering to these policies. I hereby certify that this information is accurate to the best of my knowledge. I also understand that the taxable amounts will be added to my W-2 will be taxed accordingly.

Date ___________________ Signature of Employee ___________________

Approval:

Date ___________________ Signature of Appointing Authority / Department Head ___________________

- OR -

Date ___________________ Signature of Commissioner ___________________

Conditions for using commuting valuation rule:

- Employer has a written policy prohibiting personal use of the vehicle.
- The employee does not use the vehicle for personal use.
- The employer must require the employee to use the vehicle. It cannot be voluntary on the employee's part.
- This method is not allowed for elected officials.
- This method can't be used by those whose compensation is at least as great as a federal government employee at executive level V. ($136,200 for 2007)
- The current IRS rate for commuting is $1.60 per one way commute. (Sch. 15-B, pg. 21)

rev. 5/14/07
Accountable Plan (Continued.)

Commuting Valuation Rule (Cont.)

- This valuation method is not available for those whose compensation is at least as great as a Federal government employee at Executive Level V. (2007-$13X0) Reg. § 1.61-21(d)(6). This is $126,200 per year for 2007.

Automobile Lease Valuation Rule - Reg. § 1.61-21(d)(6): Value is determined as listed below:

1. Determine the Fair Market Vehicle on the first day made available to the employee. The employer’s cost including tax, title, etc may be used to determine FMV. Reg. § 1.61-21(d)(5)
2. Compute the Annual Lease Value using the table in Pub. 15B or Reg. § 1.61-21(d)(6)
3. Multiply the annual Lease Value by the Percent of Personal Use from the logs.
4. Value fuel by multiplying $.055 per mile time the number of personal miles.
5. Add the values calculated in steps 3 and 4 to determine the taxable value. No adjustments need be made for maintenance or insurance costs.

Once computed, the Annual Lease Value remains in effect until 12/31 of the 4th full calendar year after the rule was first applied.

A Daily Lease Method is required if the vehicle is available for less than 30 days.

Reporting:

The vehicles provided as listed above may be considered taxable to the employee. It is the responsibility of the Appointing Authority / Department Head to provide an affidavit to each employee who uses a County owned vehicle. The affidavit will cover the 12 month period ending October 31 of each year. Each employee will certify the amount of personal use and will calculate the amount that is to be reported as taxable based on the employee’s allowed method of valuation. This will be approved by his/her department head and forwarded to the County Auditor by November 15 of each year for inclusion on the employee’s W-2. The income will be added to a December payroll and taxed appropriately. Taxes will be withheld as necessary and the department the employee is enrolled in will pick up the additional employer medicare expense.
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT

Form A-37
Page 3 of 5

ATHENS COUNTY
PERSONNEL POLICY MANUAL

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT

Automobile Cents-Per-Mile Valuation Method

All Athens County Employees issued a county provided vehicle during the twelve (12) month period ended October 31st of each year must maintain detail records of usage and complete the following information.

Name: ________________________ Dept: _____________________ Employee # _______

Home Address: ____________________________

The Vehicle I drive is: _____ Non Exempt: Exempt: 
- Clearly Marked police or fire vehicle
- Unmarked law enforcement vehicle. (use must be documented)
- Any truck designed for delivery with a loaded GVW over 14,000 lbs.
- Delivery truck with seating for the driver only (or jump seat)
- Bus with a capacity over 20 persons
- Cement, dump or bucket truck
- Specialized utility / repair truck
- Tractor or other special purpose farm vehicles

(1) Odometer Reading on November 1, 20___ (current year) _______ miles
(2) Odometer Reading on October 31, 20___ (prior year) _______ miles
(3) Total Miles Driven. (Question 2 minus question 1) _______ miles
(4) Total Miles Driven for personal use. (If there is no log, all use is personal) _______ miles
(5) Taxable Vehicle Use Amount. (Question 4 times current IRS rate) $ _______
(6) Year the Vehicle was placed in service ______________________
(7) Value of vehicle when placed in service $ _______

I acknowledge that I have received a copy of the County's Vehicle Use Policy. I certify that I understand and accept responsibility for adhering to these policies. I hereby certify that this information is accurate to the best of my knowledge. I also understand that the taxable amounts will be added to my W-2 will be taxed accordingly.

__________________________
Date

Signature of Employee

Approval:

__________________________
Date

Signature of Appointing Authority / Department Head

- OR -

__________________________
Date

Commissioner

__________________________
Date

Commissioner

Commissioner

Conditions for using the cents-per-mile method

- The vehicle must be used regularly (50% of the total miles) for business activity. (Or 10,000 business miles) -or-
- The vehicle is used to transport at least three employees to work. -or-
- The vehicle, when placed into service, must not exceed IRS Maximum Automotive Value. The value may dictate that the Automobile Lease Valuation method be used. (less than $15,000 in 2005)

- Once started, you must continue this method unless the vehicle no longer meets the requirements. An exception is that the method can be changed to the Commuting Valuation Rule.
- The current IRS rate per mile (effective 01/01/2009) is $0.56 per mile.

Rev 5/14/07:

{4/23/2008 PLATHBC 00052637.DOC}
ATHENS COUNTY BOARD OF COMMISSIONERS  
PERSONNEL POLICY AND PROCEDURES MANUAL  

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT  

Form A-37  
PAGE 4 OF 5

ATHENS COUNTY VEHICLE USAGE AFFIDAVIT

Automobile Lease Valuation Method

All Athens County Employees issued a county provided vehicle during the twelve (12) month period ended October 31st each year must maintain detail records of usage and complete the following information.

Name: ___________________ Dept: ___________________ Employee #: ___________________

Home Address: ___________________

The Vehicle I drive is: _______ Non Exempt: _______ Exempt: _______
- Clearly Marked police or fire vehicle
- Unmarked law enforcement vehicle. (use must be undercover)
- Any truck designed for delivery with a loaded GVW over 14,000 lbs.
- Delivery truck with seating for the driver only (or + jumpseat)
- Bus with a capacity over 20 persons
- Cement, dump or bucket truck
- Specialized utility / repair truck
- Tractor or other special purpose farm vehicles.

(1) Odometer Reading on November 1, 20____ (current year) _______ miles
(2) Odometer Reading on October 31, 20____ (prior year) _______ miles
(3) Total Miles Driven. (Question 2 minus question 1) _______ miles
(4) Total Miles Driven for personal use. (If there is no log, all use is personal) _______ miles
(5) Total Percentage of Personal Use. (Question 4 divided by question 3) _______ %
(6) Fair Market Value of Vehicle. (Amount listed on title) $ _______

I acknowledge that I have received a copy of the County’s Vehicle Use Policy. I certify that I understand and accept responsibility for adhering to these policies. I hereby certify that this information is accurate to the best of my knowledge. I also understand that the taxable amounts will be added to my W-2 will be taxed accordingly.

Date ___________________ Signature of Employee ___________________

Approval:

Date ___________________ Signature of Appointing Authority / Department Head ___________________

- OR -

Commissioner ___________________

Commissioner ___________________

Commissioner ___________________

For Auditor’s Office Use ONLY

(7) Annual Lease Value as Listed in IRS Regulations. (Publ. 15-B, pg 23) (must remain in effect until 12/31 of the 4th full calendar year after the rule was first applied) $ _______
(8) Annual Lease Value times the personal usage percent. (Question 5 times question 7) $ _______
(9) Fair Market Value of Fuel Provided. ($0.055 times question 4.) $ _______
(10) Total taxable Value of Vehicle Personal Use. (question 8 plus question 9.) $ _______

Rev. 5/14/2007: This method is required for elected officials or when the cents-per-mile or commuting rule can not be used.

{4/23/2008 PLATHBC 00052637.DOC}
Comments on Vehicle Policy

5/10/2007

Item #7: Logs submitted monthly to Auditor, not Board of County Commissioners. Needed to determine taxability and Auditor will need to support to the IRS.

General Comments on Requirements of a Vehicle Policy

Exempt Vehicles: - The use of Qualified Non Personal-Use Vehicles (including commuting) is nontaxable to the employee, and recordkeeping and substantiation by the employee are not required by the IRS. Reg. § 1.274-5T (k); Reg. § 1.132-5(h). These generally include these vehicles:

- Clearly Marked police vehicles.
- Unmarked vehicles used by law enforcement officers if the use is officially authorized.
- An ambulance or hearses used for its specific purpose.
- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 lbs.
- Delivery trucks with seating for the driver only, or a driver plus a folding jump seat.
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose.
- School Buses
- Tractors and other special purpose farm vehicles.
- Qualified specialized utility repair truck.

Accountable Plan: - There must be a policy in place that clearly prohibits personal use where applicable. It must also substantiate the amount of personal miles and business miles in cases where both are allowed to exist. After the personal amount is valued (see section below), the amount must be returned timely to the government. The mileage documentation or substantiation must be a mileage log and must also be audited to be valid. If the log is not provided or it is not audited, the entire value of the vehicle becomes taxable to the employee.

Substantiation required: For vehicles that are not exempt, the employee is required to report the following to the employer: (IRC 274(d) – IRC 280F(d)(4)

- Date of trip
- Purpose of trip
- Place of trip
- Mileage (should be beginning and ending odometer reading and miles driven.)

Valuation Methods:

Cents-per mile rule - Reg. § 1.61-21(c): Vehicle must either be driven at least 50% for business, to transport at least three employees to work, or at least 10,000 miles per year. This method cannot be used if the fair market value in 2006 exceeded $15,000. (Revised annually) If selected, you must continue to use this method unless the vehicle no longer meets the requirements, except an employer may change to the commuting valuation rule.

Commuting Valuation Rule - Reg. § 1.61-21(f): Value of personal use is $1.50 per day per person that commutes in the subject vehicle. The requirements are:

- Employer has a written policy prohibiting personal use of the vehicle.
- Employer does not use the vehicle for personal use.
- The employer must require the employee to use the vehicle. It can not be voluntary on the employee’s part.
- This valuation method is not allowed for elected officials.
I acknowledge that I have received a copy of the Athens County Use of County Vehicle policy.

Name

Date
ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

ATHENS COUNTY CELL PHONE/PAGER/LAPTOP AFFIDAVIT

Form A-39

Page 1 of 2

ATHENS COUNTY CELL PHONE/PAGER/LAPTOP AFFIDAVIT

All Athens County Employees issued a county provided cell phone, pager, or laptop computer (including PDA's or Blackberries, etc.) during the twelve (12) month period ended October 31 of each year must maintain detail records of usage and complete the following information.

Name: ___________________________ Dept: _________________________ Employee #: ____________

Home Address: ____________________________

<table>
<thead>
<tr>
<th>Personal Use of Cellular Phone / Pager</th>
<th>Personal Use of Laptops / PDA's / Blackberries, Etc.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Personal use of a County Provided Cellular Telephone/pager service is considered taxable under IRS guidelines.</strong></td>
<td><strong>Personal use of a County Provided portable computer is considered taxable under IRS guidelines.</strong></td>
</tr>
<tr>
<td>Amount of Personal Use: * (cell phone minutes @ $0.10)</td>
<td>Fair Market Lease value of the computer. $</td>
</tr>
<tr>
<td>(walkie-talkie minutes @ $0.11)</td>
<td>* Percentage of personal use. %</td>
</tr>
<tr>
<td>(Blackberry minutes @ $0.25)</td>
<td>Total value of personal use. $</td>
</tr>
<tr>
<td>(PDA/Smartphone mins. @ $0.26)</td>
<td>- Amount reimbursed to the County $</td>
</tr>
<tr>
<td>- Amount reimbursed to the County $</td>
<td>Total amount to be reported on W-2 $</td>
</tr>
<tr>
<td>Total amount to be reported on W-2 $</td>
<td>- The IRS requires that the employee keep records of calls and usage. Failure to comply will result in the entire value of the phone / pager being taxable to the employee.</td>
</tr>
<tr>
<td>- The IRS requires that the employee keep records of usage. Failure to comply will result in the entire fair market lease value of the computer being taxable to the employee.</td>
<td></td>
</tr>
</tbody>
</table>

I acknowledge that I have received a copy of the County's "Cellular Telephone, Pager and Laptop Computer Use Policy," and the County's "Internet, Electronic Mail and On-Line Use Policy" as appropriate. I certify that I understand and accept responsibility for adhering to these policies. I hereby certify that this information is accurate to the best of my knowledge. I also understand that the taxable amounts will be added to my W-2 will be taxed accordingly.

_________________________  ____________________________
Date  Signature of Employee

Approval:

_________________________  ____________________________
Date  Signature of Appointing Authority

- OR -

_________________________  ____________________________
Date  Commissioner

_________________________  ____________________________
Date  Commissioner

_________________________  ____________________________
Date  Commissioner

_________________________  ____________________________
Date  Commissioner

_________________________  ____________________________
Date  Commissioner

_________________________  ____________________________
Date  Commissioner

4/23/2008 PLATHBC 00052637.DOC}
Comments on the Cell Phone / Pager / Laptop Policy

5/9/2007

Cell phones / Pagers / Laptop Computers are considered "listed property" which are items susceptible to personal use. To qualify for an accountable plan, special substantiation rules apply. (see below)

The taxability to the employee is a major factor not addressed. With cell phones, the IRS states that "unless the employer has a policy requiring employees to keep records, or the employee does not keep records, the value of the use of the phone will be income to the employee".

Furthermore they state that "At a minimum, the employee should keep a record of each call and its business purpose. If cells are itemized on a monthly statement, they should be identifiable as personal or business, and the employee should retain any supporting evidence of the business calls. This information should be submitted to the employer, who must maintain these records to support the exclusion of the phone from the employee's wages".

The employee should be notified that a failure to keep a detailed call record will result in the total value of the phone and service being considered taxable income to the employee.

The records prepared to substantiate the business use must be available, auditable, and audited in order to maintain the status of an accountable plan.

Mary added the following as item #8: (I'm looking to see if it's acceptable to the IRS)

In the event that it becomes necessary for the official or employee to use a county owned cell phone for personal use, the minutes used shall be paid back into the county treasury by the employee at $0.25 per minute.

Reporting:

The cell phone / pager / lap top computer provided as listed above may be considered taxable to the employee. It is the responsibility of the Accounting Authority / Department Head to provide an affidavit to each employee who receives the above referenced listed property. The affidavit will cover the 12 month period ending October 31 of each year. Each employee will certify the amount of the usage to be reported as taxable. This must be supported by adequate records regarding the usage. This will be approved by his/her department head and forwarded to the County Auditor by November 15 of each year for inclusion on the employees W-2. The income will be added to a December payroll and taxed appropriately. Taxes will be withheld as necessary and the department the employee is enrolled in will pick up the additional employer medicare expense.
When completed by the health care provider, this form is to be given to the employee. The employee must return this form immediately to the _________________. If this form is not filled out completely and legibly, it may be returned to the employee to be redone, causing a corresponding delay in any determination.

1. Employee’s Name

2. Patient’s Name (If different from employee)

3. Page 4 describes what is meant by a “serious health condition” under the Family and Medical Leave Act. Does the patient’s condition qualify under any of the categories described? If so, please check the applicable category.

   (1)________ (2)________ (3)________ (4)________ (5)________ (6)________, or None of the above________

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5. a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient’s present incapacity if different);

   b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 on next page)?

   If yes, give the probable duration:

   c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity:

---

1 Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

2 “Incapacity,” for purposes of FMLA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.
6. a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments.

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number of and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

   b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

   c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7. a. If medical leave is required for the employee’s absence from work because of the employee’s own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind?

   b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee’s job (the employee or the employer should supply you with information about the essential job functions)? If yes, please list the essential functions the employee is unable to perform:

   c. If neither a. or b. applies, is it necessary for the employee to be absent from work for treatment?
8. a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation?

b. If no, would the employee’s presence to provide psychological comfort be beneficial to the patient or assist in the patient’s recovery?

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

Signature of Health Care Provider

Type of Practice

Address

Telephone Number

Date

To be completed by the employee needing family leave care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

Employee Signature

Date
A “Serious Health Condition” means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. **Hospital Care**: Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity\(^2\) or subsequent treatment in connection with or consequent to such inpatient care.

2. **Absence Plus Treatment**:
   a. A period of incapacity\(^2\) of more than three consecutive calendar days (including any subsequent treatment or period of incapacity\(^2\) relating to the same condition), that also involves:
      (1) **Treatment**\(^3\) two or more times by a health care provider, by a nurse or physician’s assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
      (2) **Treatment** by a health care provider on at least one occasion which results in a regimen of continuing treatment\(^4\) under the supervision of the health care provider.

3. **Pregnancy**: Any period of incapacity due to pregnancy, or for prenatal care.

4. **Chronic Conditions Requiring Treatments**: A chronic condition which:
   a. requires periodic visits for treatment by a health care provider, or by a nurse or physician’s assistant under direct supervision of a health care provider;
   b. continues over an extended period of time (including recurring episodes of a single underlying condition); and
   c. may cause episodic rather than a continuing period of incapacity\(^2\) (e.g., asthma, diabetes, epilepsy, etc.).

5. **Permanent/Long-Term Conditions Requiring Supervision**: A period of incapacity\(^2\) which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer’s, a severe stroke, or the terminal stages of a disease.

6. **Multiple Treatments (Non-Chronic Conditions)**: Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity\(^2\) of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), and kidney disease (dialysis).

This optional form may be used by employees to satisfy a mandatory requirement to furnish a medical certification (when requested) from a health care provider, including second or third opinions and recertification (29 CFR 825.306).

---

\(^3\) Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

\(^4\) A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.
102.01 Definitions

As used in Chapter 102. of the Revised Code:

(A) "Compensation" means money, thing of value, or financial benefit. "Compensation" does not include reimbursement for actual and necessary expenses incurred in the performance of official duties.

(B) "Public official or employee" means any person who is elected or appointed to an office or is an employee of any public agency. "Public official or employee" does not include a person elected or appointed to the office of precinct, ward, or district committee member under section 3517.03 of the Revised Code, any presidential elector, or any delegate to a national convention. "Public official or employee" does not include a person who is a teacher, instructor, professor, or any other kind of educator whose position does not involve the performance of, or authority to perform, administrative or supervisory functions.

(C) "Public agency" means the general assembly, all courts, any department, division, institution, board, commission, authority, bureau or other instrumentality of the state, a county, city, village, township, and the five state retirement systems, or any other governmental entity. "Public agency" does not include a department, division, institution, board, commission, authority, or other instrumentality of the state or a county, municipal corporation, township, or other governmental entity that functions exclusively for cultural, educational, historical, humanitarian, advisory, or research purposes; does not expend more than ten thousand dollars per calendar year, excluding salaries and wages of employees; and whose members are uncompensated.

(D) "Immediate family" means a spouse residing in the person’s household and any dependent child.

(E) "Income" includes gross income as defined and used in the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, interest and dividends on obligations or securities of any state or of any political subdivision or authority of any state or political subdivision, and interest or dividends on obligations of any authority, commission, or instrumentality of the United States.

(F) Except as otherwise provided in division (A) of section 102.08 of the Revised Code, "appropriate ethics commission" means:

1. For matters relating to members of the general assembly, employees of the general assembly, employees of the legislative service commission, and candidates for the office of member of the general assembly, the joint legislative ethics committee;
2. For matters relating to judicial officers and employees, and candidates for judicial office, the board of commissioners on grievances and discipline of the supreme court;
3. For matters relating to all other persons, the Ohio ethics commission.

(G) "Anything of value" has the same meaning as provided in section 1.03 of the Revised Code and includes, but is not limited to, a contribution as defined on obligations of any authority, commission, or instrumentality of the United States.

(H) "Honorarium" means any payment made in consideration for any speech given, article published, or attendance at any public or private conference, convention, meeting, social event, meal, or similar gathering. "Honorarium" does not include ceremonial gifts or awards that have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; or earned income from any person, other than a legislative agent, for personal services that are customarily provided in connection with the practice of a bona fide business, if that business initially began before the public official or employee conducting that business was elected or appointed to his office or position of employment.

102.02 Duty to file financial disclosure statement with ethics commission.

(A) Except as otherwise provided in division (H) of this section, every person who is elected to or is a candidate for a state, county, or city office, or the office of member of the United States congress, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office; all members of the state board of education; the director, assistant directors, deputy directors, division chiefs, or persons of equivalent rank of any administrative department of the state; the president or other chief administrative officer of every state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code; the chief executive officer of each state retirement system; all members of the board of commissioners on grievances and discipline of the supreme court and the ethics commission created under section 102.05 of the Revised Code; every business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or an educational service center; every person who is elected to or is a candidate for the office of member of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district or of a governing board of an educational service center that has an average daily membership of twelve thousand or more as most recently certified to the state board of education pursuant to division (A) of section 3317.03 of the Revised Code; every public official or employee who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 [124.15.2] of the Revised Code; and every other public official or employee who is designated by the appropriate ethics commission pursuant to division (B) of this section shall file with the appropriate ethics commission on a form prescribed by the commission, a statement disclosing:

1. The name of the person filing the statement and each of his immediate family and all names under which the person or members of his immediate family does business;
2. Subject to divisions (A)(2)(b), and (c) of this section and except as otherwise provided in section 102.022 [102.02.2] of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b) of this section, received during the preceding calendar year, in his own name or by any other person for his use or benefit, by the person
filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more but less than one thousand dollars; one thousand dollars or more but less than ten thousand dollars; ten thousand dollars or more but less than twenty-five thousand dollars; twenty-five thousand dollars or more but less than fifty thousand dollars; fifty thousand dollars or more but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(a) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person’s or, if the income is shared with the person, the partner’s, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents as defined in section 101.70 of the Revised Code. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person whom the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official’s or employee’s agency.

(b) If the person filing the statement is a member of the general assembly, the statement shall identify every source of income and the amount of that income that was received from a legislative agent, as defined in section 101.70 of the Revised Code, during the preceding calendar year, in his own name or by any other person for his use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code if those clients or patients are legislative agents. Division (A)(2)(b) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(c) Except as otherwise provided in division (A)(2)(c) of this section, division (A)(2)(a) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in Ohio or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in Ohio in which the person filing the statement or any other person for his use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. This division does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan association with which the person filing the statement has a deposit or a withdrawable share account.

(4) All fee simple and leasehold interests to which the person filing the statement holds legal title to or a beneficial interest in real property located within the state, excluding the person’s residence and property used primarily for personal recreation;

(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in his own name or in the name of any other person, more than one thousand dollars. This division shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person’s residence or real property used primarily for personal recreation, except that the superintendent of building and loan associations shall disclose the names of all state-chartered building and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in his own name or in the name of any other person owes any money, and that the superintendent of banks and any deputy superintendent shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1107.35 of the Revised Code to whom such superintendent or deputy superintendent owes any money.

(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owes more than one thousand dollars to the person filing the statement, either in his own name or to any person for his use or benefit. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession.

(7) Except as otherwise provided in section 102.022 [102.02.2] of the Revised Code, the source of each gift of over seventy-five dollars, or of each gift of over twenty-five dollars received by a member of the general assembly from a legislative agent, received by the person in his own ...
name or by any other person for his use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, or received from spouses, parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 [102.02.2] of the Revised Code, identification of the source and amount of every payment of expenses incurred for travel to destinations inside or outside this state that is received by the person in his own name or by any other person for his use or benefit and that is incurred in connection with the person’s official duties except for expenses for travel to meetings or conventions of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues.

(9) Except as otherwise provided in section 102.022 [102.02.2] of the Revised Code, identification of the source of payment of expenses for meals and other food and beverages, other than for meals and other food and beverages provided at a meeting at which the person participated in a panel, seminar, or speaking engagement or at a meeting or convention of a national or state organization to which either house of the general assembly, any legislative agency, a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code, any other state agency, or any political subdivision or any office or agency of a political subdivision pays membership dues, that are incurred in connection with the person’s official duties and that exceed one hundred dollars aggregated per calendar year;

(10) If the financial disclosure statement is filed by a public official or employee described in division (B)(2) of section 101.73 of the Revised Code or division (B)(2) of section 121.63 of the Revised Code who receives a statement from a legislative agent, executive agency lobbyist, or employer that contains the information described in division (F)(2) of section 101.73 of the Revised Code or division (G)(2) of section 121.63 of the Revised Code, all of the nondisputed information contained in the statement delivered to that public official or employee by the legislative agent, executive agency lobbyist, or employer under division (F)(2) of section 101.73 or (G)(2) of section 121.63 of the Revised Code. As used in division (A)(10) of this section, "legislative agent," "executive agency lobbyist," and "employer" have the same meanings as in sections 101.70 and 121.60 of the Revised Code.

A person may file a statement required by this section in person or by mail. A person who is a candidate for elective office shall file his statement no later than the thirtieth day before the primary, special, or general election at which such candidacy is to be voted on, whichever election occurs sooner, except a person who is a write-in candidate shall file his statement no later than the twentieth day before the earliest election at which his candidacy is to be voted on. A person who holds elective office shall file his statement on or before the fifteenth day of April of each year, unless he is a candidate for office. A person who is appointed to fill a vacancy for an unexpired term in an elective office shall file his statement within fifteen days after he qualifies for office. Other persons shall file an annual statement on or before the fifteenth day of April or, if appointed or employed after that date, within ninety days after appointment or employment. No person shall be required to file with the appropriate ethics commission more than one statement or pay more than one filing fee for any one calendar year.

The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a disclosure statement under this section.

A statement filed under this section is subject to public inspection at locations designated by the appropriate ethics commission except as otherwise provided in this section.

(B) The Ohio ethics commission, the joint legislative ethics committee, and the board of commissioners on grievances and discipline of the supreme court, using the rule-making procedures of Chapter 119. of the Revised Code, may require any class of public officials or employees under its jurisdiction and not specifically excluded by this section whose positions involve a substantial and material exercise of administrative discretion in the formulation of public policy, expenditure of public funds, enforcement of laws and rules of the state or a county or city, or the execution of other public trusts, to file an annual statement on or before the fifteenth day of April under division (A) of this section. The appropriate ethics commission shall send the public officials or employees written notice of the requirement by the fifteenth day of February of each year the filing is required, unless the public official or employee is appointed after that date, in which case the notice shall be sent within thirty days after appointment, and the filing shall be made not later than ninety days after appointment.

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by his disclosure statement, might interfere with the public interests he is required to serve in the exercise of his authority and duties in his office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this paragraph.
(C) No person shall knowingly fail to file, on or before the applicable filing deadline under this section, a statement that is required by this section.

(D) No person shall knowingly file a false statement that is required to be filed under this section.

(E) (1) Except as provided in divisions (E)(2) and (3) of this section, on and after March 2, 1994, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of twenty-five dollars.

(2) The statement required by division (A) of this section shall be accompanied by a filing fee to be paid by the person who is elected or appointed to or is a candidate for any of the following offices:

- For state office, except member of state board of education: $50
- For office of member of United States congress or member of general assembly: $25
- For county office: $25
- For city office: $10
- For office of member of state board of education: $10
- For office of member of city, local, exempted village, or cooperative education, board of education or educational service center governing board: $5
- For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center: $5

(3) No judge of a court of record or candidate for judge of such a court, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2), or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee equal to one-half of the applicable filing fee for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed one hundred dollars.

(G) (1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a presidential elector; a delegate to a national convention; village or township officials and employees; any physician or psychiatrist who is paid a salary or wage in accordance with schedule C of section 124.15 or schedule E-2 of section 124.152 [124.15.2] of the Revised Code and whose primary duties do not require the exercise of administrative discretion; or any member of a board, commission, or bureau of any county or city who receives less than one thousand dollars per year for serving in that position.

102.02.1 102.021 Amended and renumbered RC 4503.03.3 in 145 v H 285. Eff 3-2-94.

102.02.2 102.022 Substitute information to be furnished by certain local officers and employees and by college or university trustees.

Each person who is an officer or employee of a political subdivision, who receives compensation of less than sixteen thousand dollars a year for holding an office or position of employment with that political subdivision, and who is required to file a statement under section 102.02 of the Revised Code, and each member of the board of trustees of a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code who is required to file a statement under section 102.02 of the Revised Code, shall include in that statement, in place of the information required by divisions (A)(2), (7), (8), and (9) of that section, the following information:

(A) Exclusive of reasonable expenses, identification of every source of income over five hundred dollars received during the preceding calendar year, in his own name or by any other person for his use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code or patients of persons certified under section 4731.14 of the Revised Code. This division shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of the business or profession.
The source of each gift of over five hundred dollars received by the person in his own name or by any other person for his use or benefit during the preceding calendar year, except gifts received by will or by virtue of section 2105.06 of the Revised Code, received from parents, grandparents, children, grandchildren, siblings, nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or any person to whom the person filing the statement stands in loco parentis, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor.

102.03 Restrictions on present or former public officials or employees.

(A) (1) No present or former public official or employee shall, during public employment or service or for twelve months thereafter, represent a client or act in a representative capacity for any person on any matter in which the public official or employee personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or other substantial exercise of administrative discretion.

(2) For twenty-four months after the conclusion of service, no former commissioner or attorney examiner of the public utilities commission shall represent a public utility, as defined in section 4905.02 of the Revised Code, or act in a representative capacity on behalf of such a utility before any state board, commission, or agency.

(3) For twenty-four months after the conclusion of employment or service, no former public official or employee who personally participated as a public official or employee through decision, approval, disapproval, recommendation, the rendering of advice, the development or adoption of solid waste management plans, investigation, inspection, or other substantial exercise of administrative discretion under Chapter 343. or 3734. of the Revised Code shall represent a person who is the owner or operator of a facility, as defined in section 3734.01 of the Revised Code, or who is an applicant for a permit or license for a facility under that chapter, on any matter in which the public official or employee personally participated as a public official or employee.

(4) For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. Division (A)(4) of this section does not apply to or affect a person who separates from service with the general assembly on or before December 31, 1995. As used in division (A)(4) of this section "person" does not include any state agency or political subdivision of the state.

(5) As used in divisions (A)(1), (2), and (3) of this section, "matter" includes any case, proceeding, application, determination, issue, or question, but does not include the proposal, consideration, or enactment of statutes, rules, ordinances, resolutions, or charter or constitutional amendments. As used in division (A)(4) of this section, "matter" includes the proposal, consideration, or enactment of statutes, resolutions, or constitutional amendments. As used in division (A) of this section, "represent" includes any formal or informal appearance before, or any written or oral communication with, any public agency on behalf of any person.

(6) Nothing contained in division (A) of this section shall prohibit, during such period, a former public official or employee from being retained or employed to represent, assist, or act in a representative capacity for the public agency by which the public official or employee was employed or on which the public official or employee served.

(7) Division (A) of this section shall not be construed to prohibit the performance of ministerial functions, including, but not limited to, the filing or amendment of tax returns, applications for permits and licenses, incorporation papers, and other similar documents.

(B) No present or former public official or employee shall disclose or use, without appropriate authorization, any information acquired by the public official or employee in the course of the public official’s or employee’s official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(C) No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person, partnership, trust, business trust, corporation, or association in which the public official or employee or immediate family owns or controls more than five per cent. No public official or employee shall participate within the scope of duties as a public official or employee, except through ministerial functions as defined in division (A) of this section, in any license or rate-making proceeding that directly affects the license or rates of any person to whom the public official or employee or immediate family, or a partnership, trust, business trust, corporation, or association of which the public official or employee or the public official’s or employee’s immediate family owns or controls more than five per cent, has sold goods or services totaling more than one thousand dollars during the preceding year, unless the public official or employee has filed a written statement acknowledging that sale with the clerk or secretary of the public agency and the statement is entered in any public record of the agency’s proceedings. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code.

(D) No public official or employee shall use or authorize the use of the authority or influence of office or employment to secure anything of value or the promise or offer of anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties.

(E) No public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties.
(F) No person shall promise or give to a public official or employee anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties.

(G) In the absence of bribery or another offense under the Revised Code or a purpose to defraud, contributions made to a campaign committee, political party, legislative campaign fund, or political action committee on behalf of an elected public officer or other public official or employee who seeks elective office shall be considered to accrue ordinarily to the public official or employee for the purposes of divisions (D), (E), and (F) of this section.

As used in this division, "contributions," "campaign committee," "political party," "legislative campaign fund," and "political action committee" have the same meanings as in section 3517.01 of the Revised Code.

(H) No public official or employee, except for the president or other chief administrative officer of or a member of a board of trustees of a state institution of higher education as defined in section 3345.031 [3345.03.1] of the Revised Code, who is required to file a financial disclosure statement under section 102.02 of the Revised Code shall solicit or accept, and no person shall give to that public official or employee, an honorarium. This division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from giving to that public official or employee the payment of actual travel expenses, including any expenses incurred in connection with the travel for lodging, and meals, food, and beverages provided to the public official or employee at a meeting at which the public official or employee participates in a panel, seminar, or speaking engagement or provided to the public official or employee at a meeting or convention of a national organization to which either house of the general assembly, any legislative agency, or any other state agency pays membership dues. This division and divisions (D), (E), and (F) of this section do not prohibit a public official or employee who is not required to file a financial disclosure statement under section 102.02 of the Revised Code from accepting and do not prohibit a person from promising or giving to that public official or employee an honorarium or the payment of travel, meal, and lodging expenses if the honorarium, expenses, or both were paid in recognition of demonstrable business, professional, or esthetic interests of the public official or employee that exist apart from public office or employment, including, but not limited to, such a demonstrable interest in public speaking and were not paid by any person or other entity, or by any representative or association of those persons or entities, that is regulated by, doing business with, or seeking to do business with the department, division, institution, board, commission, authority, bureau, or other instrumentality of the governmental entity with which the public official or employee serves.

(I) A public official or employee may accept travel, meals, and lodging or expenses or reimbursement of expenses for travel, meals, and lodging in connection with conferences, seminars, and similar events related to official duties if the travel, meals, and lodging, expenses, or reimbursement is not of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties. The house of representatives and senate, in their code of ethics, and the Ohio ethics commission, under section 111.15 of the Revised Code, may adopt rules setting standards and conditions for the furnishing and acceptance of such travel, meals, and lodging, expenses, or reimbursement.

A person who acts in compliance with this division and any applicable rules adopted under it, or any applicable, similar rules adopted by the supreme court governing judicial officers and employees, does not violate division (D), (E), or (F) of this section. This division does not preclude any person from seeking an advisory opinion from the appropriate ethics commission under section 102.08 of the Revised Code.

(J) For purposes of divisions (D), (E), and (F) of this section, the membership of a public official or employee in an organization shall not be considered, in and of itself, to be of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person’s duties. As used in this division, "organization" means a church or a religious, benevolent, fraternal, or professional organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3), 501(e), 501(10), or 19 of the "Internal Revenue Code of 1986." This division does not apply to a public official or employee who is an employee of an organization, serves as a trustee, director, or officer of an organization, or otherwise holds a fiduciary relationship with an organization. This division does not allow a public official or employee who is a member of an organization to participate, formally or informally, in deliberations, discussions, or voting on a matter or to use his official position with regard to the interests of the organization on the matter if the public official or employee has assumed a particular responsibility in the organization with respect to the matter or if the matter would affect that person’s personal, pecuniary interests.

(K) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with division (B) of section 309.06 and section 2921.421 [2921.42.1] of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 [733.62.1] and 2921.421 [2921.42.1] of the Revised Code, for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.15 [504.15.1] and 2921.421 [2921.42.1] of the Revised Code, or for a coroner to appoint assistants and employees in accordance with division (B) of section 313.05 of the Revised Code.

As used in this division, "chief legal officer" has the same meaning as in section 733.621 [733.62.1] of the Revised Code.

102.03.1 102.031 Conflicts of interest which prohibit general assembly member from voting; gratuities members prohibited from accepting.

(A) As used in this section:

(1) "Actively advocating," "employer," "financial transaction," "legislation," and "legislative agent" have the same meanings as in section 101.70 of the Revised Code.

(2) "Business associate" means a person with whom a member of the general assembly is conducting or undertaking a financial transaction.

(3) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.
It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has

The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

No member of the general assembly shall knowingly accept any of the following from a legislative agent:

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

No member of the general assembly shall vote on any legislation that he knows is then being actively advocated if he is one of the following with respect to a legislative agent or employer that is then actively advocating on that legislation:

(1) An employee;

(2) A business associate;

(3) A person, other than an employee, who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

The payment of any expenses for travel or lodging except as otherwise authorized by division (H) of section 102.03 of the Revised Code;

More than seventy-five dollars aggregated per calendar year as payment for meals and other food and beverages, other than for those meals and other food and beverages provided to the member at a meeting at which the member participates in a panel, seminar, or speaking engagement, at a meeting or convention of a national organization to which either house of the general assembly, any legislative agency, or any other state agency pays membership dues, or at a dinner, party, or function to which all members of the general assembly or all members of either house of the general assembly are invited;

A gift of any amount in the form of cash or the equivalent of cash, or a gift of any other thing of value whose value exceeds seventy-five dollars. As used in division (C)(3) of this section, "gift" does not include any contribution or any gifts of meals and other food and beverages or the payment of expenses incurred for travel to destinations either inside or outside this state that is received by the member of the general assembly and that is incurred in connection with the member’s official duties.

It is not a violation of division (C)(2) of this section if, within sixty days after receiving notice from a legislative agent that the legislative agent has provided a member of the general assembly with more than seventy-five dollars aggregated in a calendar year as payment for meals and other food and beverages, the member of the general assembly returns to that legislative agent the amount received that exceeds seventy-five dollars.

The joint legislative ethics committee may impose a fine of not more than one thousand dollars upon a member of the general assembly who violates division (B) of this section.

102.04 Compensation or services received other than from agency with which person employed prohibited.

Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter that is before the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

Except as provided in division (D) of this section, no person elected or appointed to an office of or employed by the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts, shall sell or agree to sell, except through competitive bidding, any goods or services to the general assembly or any department, division, institution, instrumentality, board, commission, or bureau of the state, excluding the courts.

Except as provided in division (D) of this section, no person who is elected or appointed to an office of or employed by a county, township, municipal corporation, or any other governmental entity, excluding the courts, shall receive or agree to receive directly or indirectly compensation other than from the agency with which he serves for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is before any agency, department, board, bureau, commission, or other instrumentality, excluding the courts, of the entity of which he is an officer or employee.

A public official who is appointed to a nonelective office or a public employee shall be exempted from division (A), (B), or (C) of this section if both of the following apply:

(1) The agency to which the official or employee wants to sell the goods or services, or before which the matter that involves the rendering of his services is pending, is an agency other than the one with which he serves;

(2) Prior to rendering the personal services or selling or agreeing to sell the goods or services, he files a statement with the appropriate ethics commission, with the public agency with which he serves, and with the public agency before which the matter is pending or that is purchasing or has agreed to purchase goods or services.
The required statement shall contain the official’s or employee’s name and home address, the name and mailing address of the public agencies with which he serves and before which the matter is pending or that is purchasing or has agreed to purchase goods or services, and a brief description of the pending matter and of the personal services to be rendered or a brief description of the goods or services to be purchased. The statement shall also contain the public official’s or employee’s declaration that he disqualifies himself for a period of two years from any participation as such public official or employee in any matter involving any public official or employee of the agency before which the present matter is pending or to which goods or services are to be sold. The two-year period shall run from the date of the most recently filed statement regarding the agency before which the matter was pending or to which the goods or services were to be sold. No person shall be required to file statements under this division with the same public agency regarding a particular matter more than once in a calendar year.

No public official or employee who files a statement or is required to file a statement under division (D) of this section shall knowingly fail to disqualify himself from any participation as a public official or employee of the agency with which he serves in any matter involving any official or employee of an agency before which a matter for which he rendered personal services was pending or of a public agency that purchased or agreed to purchase goods or services.

This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

102.05 Ethics commission created.

There is hereby created the Ohio ethics commission consisting of six members, three of whom shall be members of each of the two major political parties, to be appointed by the governor with the advice and consent of the Senate. Within thirty days of the effective date of this section, the governor shall make initial appointments to the commission. Of the initial appointments made to the commission, one shall be for a term ending one year after the effective date of this section, and the other appointments shall be for terms ending two, three, four, five, and six years, respectively, after the effective date of this section. Thereafter, terms of office shall be for six years, each term ending on the same day of the same month of the year as did the term that it succeeds. Each member shall hold office from the date of his appointment until the end of the term for which he was appointed. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall hold office for the remainder of that term.

No person shall be appointed to the commission or shall continue to serve as a member of the commission if the person is subject to section 102.02 of the Revised Code other than by reason of his appointment to the commission or if the person is a legislative agent registered under sections 101.70 to 101.79 of the Revised Code or an executive agency lobbyist registered under sections 121.60 to 121.69 of the Revised Code. Each member shall be paid seventy-five dollars for each meeting held in the discharge of his official duties, except that no member shall be paid more than eighteen hundred dollars in any fiscal year. Each member shall be reimbursed for expenses actually and necessarily incurred in the performance of his official duties.

The commission shall meet within two weeks after all members have been appointed, at a time and place determined by the governor. At its first meeting, the commission shall elect a chairman and other officers that are necessary and shall adopt rules for its procedures. After the first meeting, the commission shall meet at the call of the chairman or upon the written request of a majority of the members. A majority of the members of the commission constitutes a quorum. The commission shall not take any action without the concurrence of a majority of the members of the commission.

The commission may appoint and fix the compensation of an executive director and other technical, professional, and clerical employees that are necessary to carry out the duties of the commission.

The commission may appoint hearing examiners to conduct hearings pursuant to section 102.06 of the Revised Code. The hearing examiners have the same powers and authority in conducting the hearings as is granted to the commission. Within thirty days after the hearing, the hearing examiner shall submit to the commission a written report of his findings of fact and conclusions of law and a recommendation of the action to be taken by the commission. The recommendation of the hearing examiner may be approved, modified, or disapproved by the commission, and no recommendation shall become the findings of the commission until so ordered by the commission. The findings of the commission shall have the same effect as if the hearing had been conducted by the commission. Hearing examiners appointed pursuant to this section shall possess the qualifications the commission requires. Nothing contained in this section shall preclude the commission from appointing a member of the commission to serve as a hearing examiner.

102.06 Powers and duties of commission.

(A) The appropriate ethics commission shall receive and may initiate complaints against persons subject to Chapter 102. of the Revised Code concerning conduct alleged to be in violation of this chapter or section 2921.42 or 2921.43 of the Revised Code. All complaints except those by the commission shall be by affidavit made on personal knowledge, subject to the penalties of perjury. Complaints by the commission shall be by affidavit, based upon reasonable cause to believe that a violation has occurred.

(B) The commission shall investigate complaints, may investigate charges presented to it, and may request further information, including the specific amount of income from a source, from any person filing with the commission a statement required by section 102.02 of the Revised Code, if the information sought is directly relevant to a complaint or charges received by the commission pursuant to this section. This information is confidential. The person so requested shall furnish the information to the commission, unless within fifteen days from the date of the request the person files an action for declaratory judgment challenging the legitimacy of the request in the court of common pleas of the county of his residence, his place of employment, or Franklin county. The requested information need not be furnished to the commission during the pendency of the judicial proceedings. Proceedings of the commission in connection with the declaratory judgment action shall be kept confidential except as otherwise provided by this section. Before the commission proceeds to take any formal action against a person who is the subject of an investigation based on charges presented to the commission, a complaint shall be filed against the person. If the commission finds that a complaint is not frivolous, and there is reasonable cause to believe that the facts alleged in a complaint constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall hold a hearing.
If the commission does not so find, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of its finding. The person against whom the complaint is directed shall be given reasonable notice by certified mail of the date, time, and place of the hearing and a statement of the charges and the law directly involved, and shall be given the opportunity to be represented by counsel, to have counsel appointed for him if he is unable to afford counsel without undue hardship, to examine the evidence against him, to produce evidence and to call and subpoena witnesses in his defense, to confront his accusers, and to cross-examine witnesses. The commission shall have a stenographic record made of the hearing. The hearing shall be closed to the public.

(C) (1) (a) If upon the basis of the hearing, the commission finds by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code, it shall report its findings to the appropriate prosecuting authority for proceedings in prosecution of the violation and to the appointing or employing authority of the accused.

(b) If the Ohio ethics commission reports its findings to the appropriate prosecuting authority under division (C)(1)(a) of this section and the prosecuting authority has not initiated any official action on those findings within ninety days after receiving the commission’s report of them, then the commission may publicly comment that no official action has been taken on its findings, except that the commission shall make no comment in violation of the Rules of Criminal Procedure or about any indictment that has been sealed pursuant to any law or those rules. The commission shall make no comment regarding the merits of its findings. As used in division (C)(1)(b) of this section, "official action" means prosecution, closure after investigation, or grand jury action resulting in a true bill of indictment or no true bill of indictment.

(2) If the appropriate ethics commission does not find by a preponderance of the evidence that the facts alleged in the complaint are true and constitute a violation of section 102.02, 102.03, 102.04, 102.07, 2921.42, or 2921.43 of the Revised Code or if the commission has not scheduled a hearing within ninety days after the complaint is filed or has not finally disposed of the complaint within six months after it has been heard, it shall dismiss the complaint and notify the accused person in writing of the dismissal of the complaint. The commission shall not make a report of its finding unless the accused person requests a report. Upon the request of the accused person, the commission shall make a public report of the finding, but in this case all evidence and the record of the hearing shall remain confidential unless the accused person also requests that the evidence and record be made public. Upon request by the accused person, the commission shall make the evidence and record available for public inspection.

(D) The commission, or a member of the commission, may administer oaths, and the commission may issue subpoenas to any person in the state compelling the attendance of witnesses and the production of relevant papers, books, accounts, and records. The commission shall issue subpoenas to compel the attendance of witnesses and the production of documents upon the request of an accused person. Section 101.42 of the Revised Code shall govern the issuance of these subpoenas insofar as applicable. Upon the refusal of any person to obey a subpoena or to be sworn or to answer as a witness, the commission may apply to the court of common pleas of Franklin county under section 2705.03 of the Revised Code. The court shall hold proceedings in accordance with Chapter 2705. of the Revised Code. The commission or the accused person may take the depositions of witnesses residing within or without the state in the same manner as prescribed by law for the taking of depositions in civil actions in the court of common pleas.

(E) At least once each year, the Ohio ethics commission shall report on its activities of the immediately preceding year to the majority and minority leaders of the senate and house of representatives of the general assembly. The report shall indicate the total number of complaints received, initiated, and investigated by the commission, the total number of complaints for which formal hearings were held, and the total number of complaints for which formal prosecution was recommended or regulated by the commission. The report also shall indicate the nature of the inappropriate conduct alleged in each complaint and the governmental entity with which any employee or official that is the subject of a complaint was employed at the time of the alleged inappropriate conduct.

(F) All papers, records, affidavits, and documents upon any complaint, inquiry, or investigation relating to the proceedings of the appropriate commission shall be sealed and are private and confidential, except as otherwise provided in this section and section 102.07 of the Revised Code.

(G) (1) When a complaint or charge is before it, the Ohio ethics commission or the appropriate prosecuting authority, in consultation with the person filing the complaint or charge, the accused, and any other person the commission or prosecuting authority considers necessary, may compromise or settle the complaint or charge with the agreement of the accused. The compromise or settlement may include mediation, restitution, rescission of affected contracts, forfeiture of any benefits resulting from a violation or potential violation of law, resignation of a public official or employee, or any other relief that is agreed upon between the commission or prosecuting authority and the accused.

(2) Any settlement agreement entered into under division (G)(1) of this section shall be in writing and be accompanied by a statement of the findings of the commission or prosecuting authority and the reasons for entering into the agreement. The commission or prosecuting authority shall retain the agreement and statement in its or his office and, in its or his discretion, may make the agreement, the statement, and any supporting information public, unless the agreement provides otherwise.

(3) If a settlement agreement is breached by the accused, the commission or prosecuting authority, in its or his discretion, may rescind the agreement and reinstitute any investigation, hearing, or prosecution of the accused. No information obtained from the accused in reaching the agreement that is not otherwise discoverable from the accused shall be used in any proceeding before the commission or by the appropriate prosecuting authority in prosecuting the violation. Notwithstanding any other section of the Revised Code, if a settlement agreement is breached, any statute of limitations for a violation of this chapter or section 2921.42 or 2921.43 of the Revised Code is tolled from the date the complaint or charge is filed until the date the settlement agreement is breached.
102.07 Confidentiality of information in disclosure statements.

No member, employee, or agent of the Ohio ethics commission, board of commissioners on grievances and discipline of the supreme court, or joint legislative ethics committee shall divulge any information or any books, papers, or documents presented to the commission, joint legislative ethics committee, or board of commissioners on grievances and discipline without the consent, in writing, of the appropriate ethics commission, unless such books, papers, or documents were presented at a public hearing, except as provided in section 102.06 of the Revised Code.

No person shall divulge information that appears on a disclosure statement and is required to be kept confidential under division (B) of section 102.02 of the Revised Code.

102.08 Commission may recommend legislation; advisory opinions.*

(A) (1) Subject to division (A)(2) of this section, the board of commissioners on grievances and discipline of the supreme court and the house and senate legislative ethics committees may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and shall render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the appropriate ethics commission renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. Except as otherwise provided in division (A)(2) of this section, the appropriate ethics commission shall include in every advisory opinion it renders a statement as to whether the set of circumstances described in the opinion constitutes a violation of section 2921.42 or 2921.43 of the Revised Code. The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure. As used in division (A) of this section, "appropriate ethics commission" does not include the Ohio ethics commission.

(2) The board of commissioners on grievances and discipline of the supreme court shall issue advisory opinions only in a manner consistent with Rule V of the Supreme Court Rules for the Government of the Bar of Ohio.

(B) The Ohio ethics commission may recommend legislation relating to ethics, conflicts of interest, and financial disclosure and may render advice with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission. When the Ohio ethics commission renders a written formal or staff advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon the opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

The provisions of 4 of HB 285 (145 v--) read as follows:

Section 4. The Ohio Ethics Commission shall study the need for implementing a program of continuing ethics education for public officials. In conducting the study, the Commission shall seek and consider the suggestions of associations that represent the persons who would be required to participate in the program. The study shall include the Commission’s recommendations about the need for such a program and the costs related to such a program for whoever provides the continuing education and for whoever is required to take the continuing education. The Commission shall report its findings and made its recommendations to the majority leaders of the Senate and the House of Representatives not later than August 1, 1994.

102.08 Commission may recommend legislation; advisory opinions; education and information program.*

(A) The Ohio ethics commission, the board of commissioners on grievances and discipline of the supreme court, and the joint legislative ethics committee may recommend legislation relating to ethics, conflicts of interest, and financial disclosure, and render advisory opinions with regard to questions concerning these matters for persons for whom it is the appropriate ethics commission.

(B) When the Ohio ethics commission or the board of commissioners on grievances and discipline of the supreme court renders an advisory opinion relating to a special set of circumstances involving ethics, conflict of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102. or section 2921.42, or section 2921.43 of the Revised Code based on facts and circumstances covered by the opinion, if the opinion states there is no violation of Chapter 102. or section 2921.42 or 2921.43 of the Revised Code. The commission shall provide a continuing program of education and information concerning the provisions of Chapter 102. and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

(C) When the joint legislative ethics committee renders an advisory opinion that has been publicly sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102. or section 2921.42 or 2921.43 of the Revised Code, the person to whom

* We are presenting 2 versions of RC 102.08 as amended by HB 285 (145 v--) and HB 492 (145 v--).
the opinion was directed or who was similarly situated may reasonably rely upon such opinion and shall be immune from criminal prosecutions, civil suits, or actions for removal from his office or position of employment for a violation of Chapter 102, or section 2921.42 or 2921.43 of the Revised Code based on the facts and circumstances covered by the opinion, if the opinion states that there is no violation of Chapter 102, or section 2921.42 or 2921.43 of the Revised Code. When the joint legislative ethics committee renders an advisory opinion that has been publicly sought, the advisory opinion is a public record available under section 149.43 of the Revised Code.

(D) When the joint legislative ethics committee renders a written opinion that has been privately sought and that relates to a special set of circumstances involving ethics, conflicts of interest, or financial disclosure under Chapter 102, or section 2921.42 or 2921.43 of the Revised Code, the written opinion does not have the legal effect of an advisory opinion issued under division (C) of this section. When the joint legislative ethics committee renders a written opinion that has been privately sought, the written opinion is not a public record available under section 149.43 of the Revised Code. The proceedings of the legislative ethics committee relating to a written opinion that has been privately sought shall be closed to the public and records relating to these proceedings are not public records available under section 149.43 of the Revised Code.

The person to whom a written opinion is issued under this division may request the committee to issue the written opinion as an advisory opinion. Upon receiving such a request and with the approval of a majority of the members of the committee, the committee may issue the written opinion as an advisory opinion. If the committee issues the written opinion as an advisory opinion, the advisory opinion has the same legal effect as an advisory opinion issued under division (C) of this section and is a public record available under section 149.43 of the Revised Code.

(E) The joint legislative ethics committee shall issue an advisory opinion under division (C) of this section or a written opinion under division (D) of this section, whether it is publicly or privately sought, only at a meeting of the committee and only with the approval of a majority of the members of the committee.

(F) The appropriate ethics commission shall provide a continuing program of education and information concerning the provisions of Chapter 102, and sections 2921.42 and 2921.43 of the Revised Code and other provisions of law pertaining to ethics, conflicts of interest, and financial disclosure.

102.09 Furnishing of financial disclosure form; additional materials upon beginning duties.

(A) The secretary of state and the county board of elections shall furnish, to each candidate for elective office who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission, within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(B) The secretary of state and the county board of elections shall furnish to each person who is appointed to fill a vacancy for an unexpired term in an elective office, and who is required to file a financial disclosure statement by section 102.02 of the Revised Code, a financial disclosure form, and shall notify the appropriate ethics commission within fifteen days of the name of the candidate, and of the subsequent withdrawal, disqualification, or death of the candidate. The candidate shall acknowledge receipt of the financial disclosure form in writing.

(C) The public agency or appointing authority that employs, appoints, or promotes any public official or employee who, as a result of such employment, appointment, or promotion, is required to file a financial disclosure statement by section 102.02 of the Revised Code, shall, within fifteen days of the employment, appointment, or promotion, furnish the public official or employee with a financial disclosure form, and shall notify the appropriate ethics commission of the name and position of the public official or employee and the date of employment, appointment, or promotion. The public official or employee shall acknowledge receipt of the financial disclosure form in writing.

(D) The clerk of the senate and executive secretary of the house of representatives shall distribute to every member of his respective house prior to the first day of February a copy of the form for filing the financial disclosure statement under section 102.02 of the Revised Code. The member shall acknowledge his receipt in writing.

(E) Within fifteen days after any public official or employee begins the performance of his official duties, the public agency with which he serves or the appointing authority shall furnish him a copy of Chapter 102, and section 2921.42 of the Revised Code, and may furnish such other materials as the appropriate ethics commission prepares for distribution. The official or employee shall acknowledge their receipt in writing. The requirements of this division do not apply at the time of reappointment or reelection.

102.10 Repealed, 141 v H 300, * 2 [136 v H 268]. Eff 9-17-86.

This section prohibited solicitation or acceptance of money or gifts by retirement system officials.

102.99 Penalties.

(A) Whoever violates division (C) of section 102.02, or division (C) of section 102.031 [102.03.1], of the Revised Code is guilty of a misdemeanor of the fourth degree.

(B) Whoever violates division (D) of section 102.02 or section 102.03, 102.04, or 102.07 of the Revised Code is guilty of a misdemeanor of the first degree.

2921.42 Having an unlawful interest in a public contract.

(A) No public official shall knowingly do any of the following:
ETHICS LAW (O.R.C. 102)  SECTION A–51

PAGE 12 OF 13

ATHENS COUNTY BOARD OF COMMISSIONERS
PERSONNEL POLICY AND PROCEDURES MANUAL

(1) Authorize, or employ the authority or influence of his office to secure authorization of any public contract in which he, a member of his family, or any of his business associates has an interest;

(2) Authorize, or employ the authority or influence of his office to secure the investment of public funds in any share, bond, mortgage, or other security, with respect to which he, a member of his family, or any of his business associates either has an interest, is an underwriter, or receives any brokerage, origination, or servicing fees;

(3) During his term of office or within one year thereafter, occupy any position of profit in the prosecution of a public contract authorized by him or by a legislative body, commission, or board of which he was a member at the time of authorization, unless the contract was let by competitive bidding to the lowest and best bidder;

(4) Have an interest in the profits or benefits of a public contract entered into by or for the use of the political subdivision or governmental agency or instrumentality with which he is connected;

(5) Have an interest in the profits or benefits of a public contract that is not let by competitive bidding if required by law and that involves more than one hundred fifty dollars.

(B) In the absence of bribery or a purpose to defraud, a public official, member of his family, or any of his business associates shall not be considered as having an interest in a public contract or the investment of public funds, if all of the following apply:

(1) The interest of that person is limited to owning or controlling shares of the corporation, or being a creditor of the corporation or other organization, that is the contractor on the public contract involved, or that is the issuer of the security in which public funds are invested;

(2) The shares owned or controlled by that person do not exceed five per cent of the outstanding shares of the corporation, and the amount due that person as creditor does not exceed five per cent of the total indebtedness of the corporation or other organization;

(3) That person, prior to the time the public contract is entered into, files with the political subdivision or governmental agency or instrumentality involved, an affidavit giving his exact status in connection with the corporation or other organization.

(C) This section does not apply to a public contract in which a public official, member of his family, or one of his business associates has an interest, when all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the political subdivision or governmental agency or instrumentality involved;

(2) The supplies or services are unobtainable elsewhere for the same or lower cost, or are being furnished to the political subdivision or governmental agency or instrumentality as part of a continuing course of dealing established prior to the public official’s becoming associated with the political subdivision or governmental agency or instrumentality involved;

(3) The treatment accorded the political subdivision or governmental agency or instrumentality is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted at arm’s length, with full knowledge by the political subdivision or governmental agency or instrumentality involved, of the interest of the public official, member of his family, or business associate, and the public official takes no part in the deliberations or decision of the political subdivision or governmental agency or instrumentality with respect to the public contract.

(D) Division (A)(4) of this section does not prohibit participation by a public employee in any housing program funded by public moneys if the public employee otherwise qualifies for the program and does not use the authority or influence of his office or employment to secure benefits from the program and if the moneys are to be used on the primary residence of the public employee. Such participation does not constitute an unlawful interest in a public contract in violation of this section.

(E) Whoever violates this section is guilty of having an unlawful interest in a public contract. Violation of division (A)(1) or (2) of this section is a felony of the fourth degree. Violation of division (A)(3), (4), or (5) of this section is a misdemeanor of the first degree.

(F) It is not a violation of this section for a prosecuting attorney to appoint assistants and employees in accordance with sections 309.06 and 2921.421 [2921.42.1] of the Revised Code, for a chief legal officer of a municipal corporation or an official designated as prosecutor in a municipal corporation to appoint assistants and employees in accordance with sections 733.621 [733.62.1] and 2921.421 [2921.42.1] of the Revised Code, or for a township law director appointed under section 504.15 of the Revised Code to appoint assistants and employees in accordance with sections 504.151 [504.15.1] and 2921.421 [2921.42.1] of the Revised Code.*

(F) This section does not apply to a public contract in which a township trustee in a township with a population of five thousand or less in its unincorporated area, a member of the township trustee’s family, or one of his business associates has an interest, if all of the following apply:

(1) The subject of the public contract is necessary supplies or services for the township and the amount of the contract is less than five thousand dollars per year.
(2) The supplies or services are being furnished to the township as part of a continuing course of dealing established before the township trustee held that office with the township;

(3) The treatment accorded the township is either preferential to or the same as that accorded other customers or clients in similar transactions;

(4) The entire transaction is conducted with full knowledge by the township of the interest of the township trustee, member of his family, or his business associate.**

(G) As used in this section:

(1) "Public contract" means any of the following:

(a) The purchase or acquisition, or a contract for the purchase or acquisition, of property or services by or for the use of the state, any of its political subdivisions, or any agency or instrumentality of either, including the employment of an individual by the state, any of its political subdivisions, or any agency or instrumentality of either;

(b) A contract for the design, construction, alteration, repair, or maintenance of any public property.

(2) "Chief legal officer" has the same meaning as in section 733.621 [733.62.1] of the Revised Code.