

# SECTION ONE

## INTRODUCTION POLICIES

### **1.01 Our Personnel Policy Statement**

We believe in people. We need people. It is our objective to employ well-trained and capable people to operate and manage the department safely, productively, and efficiently. The provisions of this Policy Manual are applicable to all Belmont County Engineer Office employees except as specifically provided herein. This Manual's purpose is to provide a systematic and organized approach to the establishment, implementation, and administration of the personnel policies and practices relevant to all affected employees. This Manual is not a contract of employment or a guarantee of any rights or benefits but is merely intended to be used to assist and guide employees in the day-to-day direction and performance of their duties. Any promises or statements made by any individual that conflicts with this Manual are unauthorized, expressly disallowed, and should not be relied upon.

The policies adopted in this Manual supersede all previous written and unwritten personnel policies or operational guidelines that directly conflict with this Manual. This Manual is also intended to be construed in such a manner as to comply with all applicable federal, state, and civil service laws and regulations. Employees are responsible, as a condition of their employment, to familiarize themselves with, and abide by, these policies and procedures.

The Engineer Office will endeavor to give employees advance notice of any Manual changes. However, the County may revise these policies with or without advance notice. Notice of revisions shall be provided to all employees. Employees are encouraged to make suggestions for improvements in personnel policies and practices.

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

### **1.02 Administrative Instructions for Policy Manual**

The administrative procedures for implementation and administration are as follows:

1. Policies are defined as the basic rules which guide administrative action for accomplishing an organization's objectives. Comprehensive and clearly defined policies, consistently and fairly administered, are essential to the success of any organization.
2. This manual contains policies set forth by the Belmont County Engineer that are applicable to all employees unless otherwise noted. However, this manual is not to be construed as an employment contract. Any provision of a collective bargaining agreement in conflict with any policy herein shall supersede said policy in its application to bargaining unit employees.
3. All personnel charged with the responsibility of administering policy must be thoroughly knowledgeable of the contents of this manual. It is important these policies be administered in a systematic, fair, and impartial manner. Undoubtedly, there will be situations which will require administrative interpretation of the policies set forth in this manual. Every effort must be made to ensure that such decisions are made objectively, with the general intent of the policy in mind.
4. The Belmont County Engineer reserves the right to develop new policies, revise, or augment existing policies, delete existing policies, or make any other modification deemed appropriate. The Belmont County Engineer will normally try to give employees advance notification before a policy is revised, implemented, deleted, etc. However, the Engineer reserves the right to make such changes without advanced notification if such is deemed appropriate.
5. This policy manual is a guide to be utilized by management to ensure uniformity and non-discriminatory application of the conditions of employment. In the event there is a conflict between the matters expressed in this manual and any other applicable laws or documents, the applicable law or full text of the written document will prevail.
6. If any article or section of this manual or any amendments thereto shall be held invalid by operation of law or by a tribunal of competent jurisdiction, or compliance with or enforcement of any articles or sections of this manual shall be restrained by such tribunal, the remainder of this manual and any amendments thereto shall not be affected and shall remain in full force and effect.
7. All revisions shall be issued by the Engineer and copies distributed to the Policy Manual holders. For each revision, a memo shall be attached to inform the Policy Manual holder which policy is being altered. The effective date of the new or revised policy shall appear in the revision. The Policy Manual holders shall then include the revised policy in their copies of the

Manual.

8. All employees shall be required to read this manual. Each employee shall sign a statement that he/she has received this policy manual. The signed statement shall be placed in the employee's personnel file; and

9. This Manual shall remain the property of the Belmont County Engineer's Office and shall be surrendered upon request. Unauthorized reproduction and distribution are prohibited.

### **1.03 AUDITOR OF STATE FRAUD REPORTING SYSTEM**

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

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

US Mail: Ohio Auditor of State's Office

Special Investigations Unit

88 East Broad Street

P.O. Box 1140

Columbus, OH 43215

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

### **1.04 Employee Rights & Equal Employment Opportunity**

Employees have the right to expect fair and impartial treatment, to be given promotional opportunities, to have opportunities to air their grievances and express their concerns in an orderly fashion, based on prescribed procedures. Employees also have the right to a safe and reasonable environment in which to work.

Employees may have the right to either refrain from or participate in joining, assisting, or participating in union activity. Management-level and supervisory employees are expected to respect such rights and may be disciplined, up to and including removal, if they violate employees' rights under Chapter 4117 of the Ohio Revised Code.

The Belmont County Engineer Office is an equal opportunity employer and does not discriminate on the basis of race, color, religion, sex, age, national origin, disability,

military status, genetic testing, or other unlawful bias except when such a factor constitutes a bona fide occupational qualification. All personnel decisions and practices including, but not limited to, hiring, suspensions, terminations, layoffs, demotions, promotions, transfers, and evaluations, shall be made without regard to the above-listed categories. The Engineer Office intends for all of its policies to comply with federal and state equal employment opportunity principles and other related laws.

The Engineer Office condemns and will not tolerate any conduct that intimidates, harasses, or otherwise discriminates against any employee or applicant for employment on the grounds listed above. Anyone who feels that their rights have been violated under this policy should submit a written complaint of discrimination to their immediate supervisor or the Belmont County Engineer each of whom shall have the authority and responsibility to work directly with the Human Resource Department to investigate and take appropriate action concerning the complaint.

### **1.05 Definition of Terms (Alphabetical)**

**Absenteeism** – The practice of an employee failing to report for work for a period of one (1) or more days, or failure to report within the prescribed time when he or she has been scheduled for work. Misuse or abuse of sick leave regulations shall also be considered absenteeism.

**Absent Without Leave** – An absence from work without proper authorization from the Appointing Authority or designee to be absent from work.

**Appointing Authority** – is the Belmont County Engineer who is authorized by law to make appointments to positions.

**Classified Employee** – A County employee who serves in a position which has not been designated as being in the unclassified service by virtue of Ohio Revised Code Section 124.11 or other relevant sections of the Ohio Revised Code.

**Classification** – A group of positions sufficiently similar in respect to duties, responsibilities, authority, and qualifications so that the same descriptive title may be used for each. A classification may include only one (1) position in certain instances.

**Collective Bargaining Agreement** – The labor agreement between the Belmont County Engineer and AFSCME Ohio Council 8, AFL-CIO Local #3285 is the defined bargaining unit.

**County** – The County of Belmont, State of Ohio.

**Department** – A distinct unit of an Appointing Authority's office.

**Dishonesty** – Disposition to lie, cheat or defraud; untrustworthiness; lack of integrity.

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

**Employer** – The Appointing Authority.

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

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

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

**Instruction and Cautioning** – The discussion a supervisor hold with an employee in which the supervisor disciplines the employee for his or her conduct and impresses upon him or her the need for improvement. This 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 instruction and cautioning should be kept in the employee's personnel file by the Appointing Authority in the event the conduct of the employee does not improve, and subsequent disciplinary action is required.

**Insubordination** – State of being unwilling to perform tasks required of an employee; refusal to obey an order issued by the employee's administrative superior (supervisor).

**Malfeasance** – The commission of some act which is positively unlawful; the doing of an act which is wrongful and unlawful.

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

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

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

**Promotion** – The act of placing an individual in a vacant position that carries a higher pay range or rate of pay than that previously held.

**Sick Leave Abuse** – Includes, but is not limited to, the following: The use of sick leave for any purpose other than as provided by applicable policy or law. Calling in sick when the employee is able to work. Reporting illness in the employee's immediate family when such illness does not exist. Reporting off sick to participate in some other activity or take care of personal business. Setting a pattern of reporting off sick on certain days of the week or following regular days off, over an extended period of time. Failure to follow the rules and regulations regarding use of sick leave and reporting procedures.

**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.

**Supervisor** – An individual who has been authorized by the Appointing Authority or designee to oversee and direct the work of lower-level employees on a daily basis.

**Suspension** – Normally this involves relieving an employee from duty without pay as a disciplinary measure aimed at improving the employee's conduct. A suspension is usually issued after verbal and written warnings have failed to improve the employee's conduct.

**Temporary Appointment** – An unclassified employee who works in a position which is of a non-permanent nature (full or part-time), which position has a specified duration of time, not to exceed one hundred thirty (130) days.

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

**Unclassified Employee** – A County employee who serves in a position which has been correctly designated as being in the unclassified service by virtue of ORC Section 124.11, or other applicable section of the Revised Code.

**Work Unit** – A unit of an Appointing Authority's office, usually directed by a supervisor and charged with a specific work function, which contributes to the accomplishment of the office's public service function, e.g., civil, criminal, records, etc.

**Written Reprimand** – This is the written record of disciplinary action, usually issued after instruction and cautioning has failed to improve an employee's conduct.

## **1.06 Classification Status**

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

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

## **1.07 Employment Status**

All employees shall be categorized as full-time, part-time, temporary, seasonal, or intermittent.

1. **Full-time employee** - An employee who works at least thirty-five (35) hours per work week on a regularly scheduled basis or works any other standard work week designated by the Belmont County Engineer.
2. **Part-time employee** - An employee who works less than thirty-five (35) hours per work week or less than full-time as designated by the Engineer, but on a regularly scheduled basis.
3. **Temporary employee** - An employee hired for a limited period of time, not to exceed one hundred twenty (120) days. Temporary employees are unclassified.
4. **Seasonal employee** – An employee who works a certain regular season or period of the year performing some work or activity limited to that season or period of the year.
5. **Intermittent employee** - An employee who works on an irregular schedule which is determined by the fluctuating demands of the work, is not predictable, and requires less than 1,000 hours per year. Intermittent employees are unclassified.

These categories apply for civil service purposes such as order of retention in the event of layoffs 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.

### **1.08 Job Classification and Assignment of Duties**

All employees are hired into or promoted to positions having a specific job title (classification). The job title refers only to the major responsibilities of a position and is not all inclusive as to duty assignments. Any employee may be required to perform any task relevant to the execution of the statutory responsibilities of the County Engineer. All Employees are expected to work any duties assigned by the Belmont County Engineer, or designee, not just the duties set forth in their job description.

### **1.09 Vacancies**

The Belmont County Engineer's Office shall have the sole discretion to determine when a vacancy exists. Vacancies will be filled in accordance with state and federal law. Vacancies occurring in the Belmont County Engineer's Office will, whenever possible, be filled through promotional means. In the event vacancies cannot be filled through internal promotions or transfers, a position vacancy will be posted in the Belmont County Courthouse, St. Clairsville, Ohio in order to recruit qualified external candidates with specifications for each vacancy that will include job title, salary, nature of the job, desired qualifications, type of selection procedure to be used and the method and deadline of application.

### **1.10 Probationary Period**

The probationary period for newly hired full-time Belmont County Engineer employees shall begin on the first day for which the employee receives compensation from the employer and shall continue for a period of three hundred, sixty-five (365) calendar days. The probationary period for part-time employees not working a portion of each normal working day shall be 2,000 hours actually worked. No appointment is final until the probationary employee has satisfactorily completed their probationary period. Newly hired probationary employee(s) may be terminated at any time during such probationary period due to unsatisfactory work performance and shall have no appeal over such removal.

Newly promoted employee(s) will be required to successfully complete a probationary period in his/her newly appointed position. The probationary period for such newly promoted employee(s) shall begin on the effective date of the promotion and continue for a period of ninety (90) calendar days. In the event such newly promoted employee's performance is unsatisfactory he/she may be returned to his/her former position, any time during the ninety (90) calendar day probationary period. If the newly promoted employee elects, he/she may return to his/her former position, any time during the first thirty (30) calendar days of the promotion.



Employees promoted to positions outside the bargaining unit, but within the Office, shall have their seniority frozen at the level earned prior to the promotion for a period of up to six (6) months. Seniority shall be lost after six (6) months.

### **1.11 Reduction in Force**

Reasons: An employee may be laid off from service with the Engineer because of departmental reorganization, lack of work, lack of funds, abolishment of position or other reasons which would improve the economy or efficiency of the office including modification, consolidation or abolishment of jobs or classifications. Such lay off procedure shall be administered in accordance with the final labor agreement between the Belmont County Engineer and Ohio Council #8, AFSCME, AFL-CIO Local 3285, and/or the Ohio Revised Code and Ohio Administrative Code, whichever is applicable.

In the event of layoff, the Belmont County Engineer, shall determine in which classification(s) such a reduction is to occur and employees shall be selected for retention or layoff in accordance with the applicable portions of the Ohio Revised Code and Ohio Administrative Code. Employees who are affected by layoff shall be provided five (5) calendar days written notice. Layoffs shall not be considered disciplinary actions.

An employee who is laid off may be recalled working at any time within eighteen (18) months provided he/she remains qualified to perform the duties of the position. The Engineer's Office shall comply with all applicable state and federal laws whenever a layoff is implemented.

At the discretion of the Engineer, supervisors and other exempt personnel affected by layoff, demotion or other administrative curtailment may be placed in the bargaining unit with a seniority date effective on the date such action was taken, except for vacation and pension which will adjust seniority to the original hire date.

### **1.12 Health Insurance Portability & Accountability Act (HIPAA)**

The medical information that the County has determined to be private health information (PHI) will be maintained in accordance with the rules and regulations of the Health Insurance Portability and Accountability Act (HIPAA) effective April 14, 2004 as it applies to the health plans of the County, HIPAA provides health Care Access, Portability and Renewability and now Administration Simplification which provides for electronic data transmission and data protection.

### **1.13 Work Week**

The County Engineer shall set the workday hours and length of the work week. Currently the normal work week is thirty-five (35) hours for most office personnel and forty (40) hours for road and bridge personnel.

All hourly paid employees will check in at the start of their shift, and out, when leaving the premises for non-job related reasons, and in, when returning to duty from any non-job related appointments or errands, and out, at the completion of the scheduled workday.

Lunch Periods: Lunch periods shall be provided each working day. Scheduling of these periods shall be determined by the County Engineer. Lunch periods are not considered as time worked for pay purposes.

Absenteeism and Tardiness: Employees are expected to be present and ready to work at their scheduled starting times. Supervisors will document instances of employees arriving late. Tardiness shall be grounds for discipline.

#### **1.14 HOURS OF WORK AND OVERTIME**

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

Due to federal regulations, employees who are not exempt from the overtime provisions of the Fair Labor Standards Act ("FLSA") are prohibited from signing in or beginning work before their scheduled starting time or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees should not remain at their desks, or computers, without notice and approval of their supervisor. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be paid for all hours actually worked but may be disciplined accordingly.

Failure to properly sign in or out as required, misrepresenting time worked, altering any time record, working overtime without approval, or allowing a time record to be altered by others will result in disciplinary action.

Employees are not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee's regularly scheduled workday. Sick leave, vacation

leave, personal days, compensatory time, holidays, and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be compensated at a rate of one and one-half times the employee's regular rate of pay only for actual overtime worked.

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

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

### **1.15 Resignation**

Resignations by employees who elect to resign from service with the County Engineer and wish to remain in good standing should follow these procedures:

1. Employees planning to resign are to notify their immediate supervisor at least two (2) weeks in advance of the effective date of resignation. This requirement may be waived at the discretion of the Engineer.
2. Any employee resigning from service with the County Engineer may be requested to attend an exit interview with the Engineer.
3. Formal letters of resignation shall be submitted to the employee's immediate supervisor, who shall forward such letter immediately upon receipt to the Engineer.
4. Failure to follow the above procedures will result in the resigning employee's ineligibility for reinstatement.
5. Employees may not revoke their resignation once accepted by their supervisor; and supervisors will follow-up the acceptance of a resignation in writing even if the resignation was accepted verbally.
6. Employees must turn in all County property on or before their last date of employment. Failure to do so may result in an action to obtain such property.

## 1.16 Attendance

The Engineer maintains that absenteeism and tardiness increase the workload of other employees and thus may affect the quality, efficiency, and orderly operation of agency services. Good attendance habits are encouraged and required. When an employee must be absent, the following procedures shall be followed:

Absentee Call-In: Any employee absent from service with the Engineer shall be held responsible for notifying his or her supervisor within thirty (30) minutes of the start of his or her scheduled shift. The employee shall also keep the supervisor informed of the status of any prolonged absences and estimated return to work date.

The specific order of the calls shall follow this order:

1. Call or Text your immediate supervisor, if there is no answer, leave a voicemail and move to the next option.
2. Call the supervisor at the office, if there is no answer, leave a voice mail.

Employee(s) failing to comply with this policy shall be subject to disciplinary action. In the event an employee is absent three (3) or more days without prior approval or notification, such employee will be considered as having voluntarily resigned, resulting in the separation of employment.

Tardiness: Tardiness affects the quality, efficiency and orderly operations of the services performed by this agency by not only disrupting the work schedule of the tardy employee, but also the schedules of any employees whose work involves interaction with this employee. Persistent tardiness will not be tolerated and will result in disciplinary action up to and including termination of employment.

Regular and predictable attendance by all employees is an essential component of the employment relationship. Therefore, this policy is established in order to communicate the priority that the Employer places on regular and predictable attendance on the part of all employees. Attendance under this policy not only includes a regular appearance at work, but also means honoring all regulations pertaining to breaks, lunch periods, meetings, etc.

If an employee, of his/her own accord, does not take his/her lunch break during the prescribed time allotted for such lunch break, it is not permissible for the employee to take the unused lunch break solely for the purposes of leaving work early and/or arriving at work late to avoid using any accumulated time such as vacation and/or sick leave.

## **1.17 Ethics of Public Employment**

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

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

Any employee having doubt as to the applicability of these provisions should consult his/her supervisor or legal counsel. Any employee offered a gift or favor who is not sure whether acceptance is a violation of the Code of Ethics, should inform his/her supervisor of the gift offer. The supervisor will decide or will refer the individual to the Prosecutor's Office. No employee will accept from any contractor

or supplier doing business with the County, any material or service for the employee's private use.

State law prohibits County employees and officials from having a financial interest in companies that do business with public agencies, with minor exceptions. Employees who have any doubt concerning a possible violation of these statutes are advised to consult an attorney.

The Belmont County Engineer's Office employees shall comply with the Ohio Ethics Law and related Statutes as prescribed by the Ohio Ethics Commission in June 2023 or later versions.

To read the entire Ohio Ethics Law and related Statutes you can visit or call the Ohio Ethics Commission with the information listed below.

## **OHIO ETHICS COMMISSION**

**William Green Building  
30 West Spring St., L3  
Columbus, Ohio 43215-  
Phone: (614) 466-7090  
Fax: (614) 466-8368  
[www.ethics.ohio.gov](http://www.ethics.ohio.gov)  
Revised  
June 2023 or later**

### **1.18 Nepotism**

#### **A. Hiring.**

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

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

## **B. Employment.**

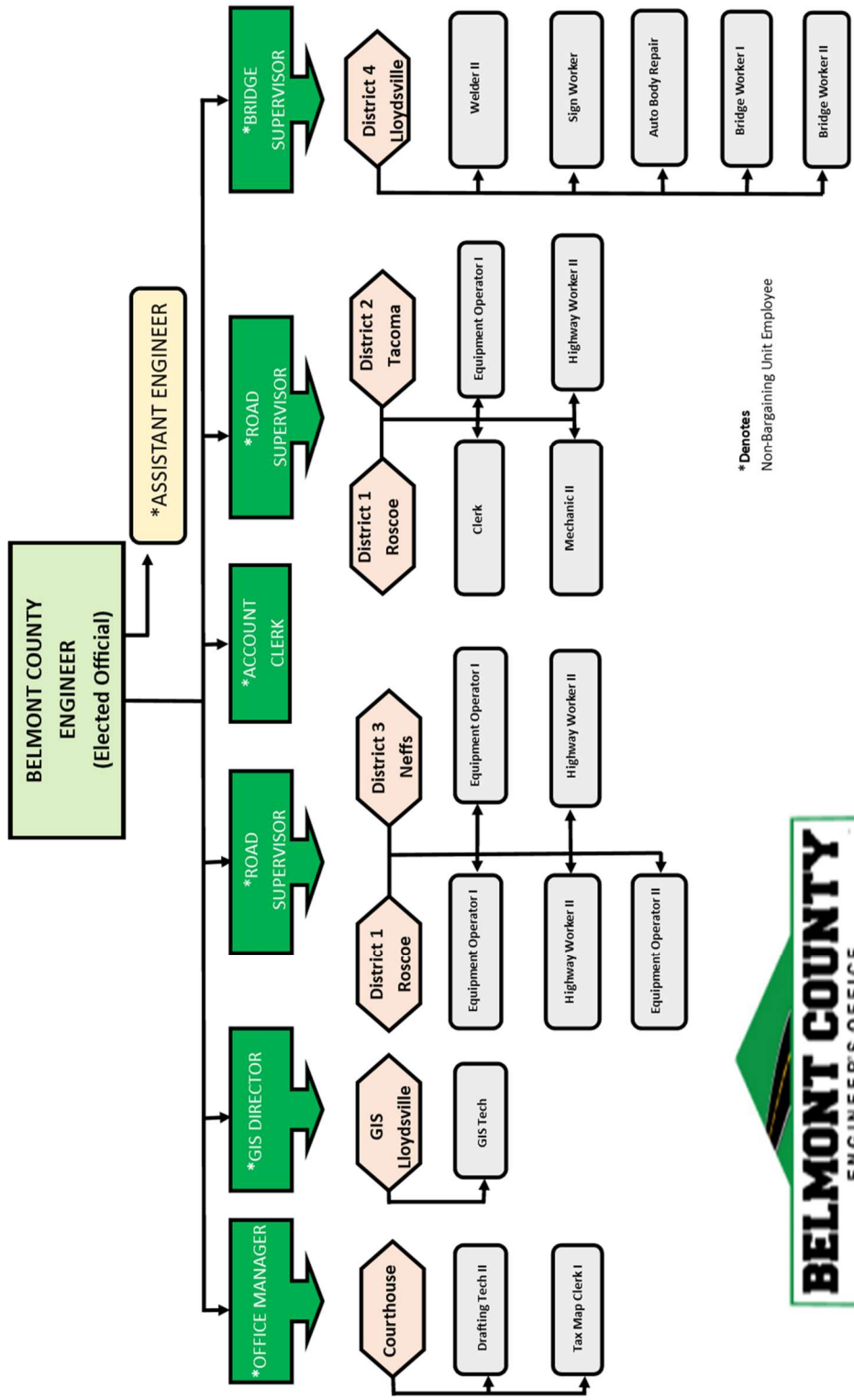
An employee is not permitted to work in a position where his/her supervisor or anyone within his/her chain of command is a relative. If such a situation is created through promotion, transfer, or marriage, one of the affected employees must be transferred or accommodation that is acceptable to the Engineer's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

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

### **1.19 SUGGESTIONS**

To help the Belmont County Engineer's Office provide a safe, more productive, and efficient organization you are encouraged to feel free at all times to offer suggestions which you think will be beneficial to us. Your idea may be to improve our service, working conditions, safety program or employee relations; you may see some method which appears to be wasteful; or you may discover some improvement which will make for greater efficiency or economy. We strive to provide the public with the best possible service at the lowest possible cost. The Belmont County Engineer's Office welcomes your suggestions whereby the expense of providing service to our county residents may be lowered or improved. Such suggestions are beneficial not only to our department but to the public as well and are to your own advantage.

# 1.20 VISUAL ORGANIZATIONAL STRUCTURE



\* Denotes  
Non-Bargaining Unit Employee





## SECTION TWO

### EMPLOYMENT BENEFITS

**2.01 Vacation Leave** All full time employees will be entitled to vacation with pay after completing one (1) year of continuous service with the Engineer. The amount of vacation to which an employee is entitled shall be determined on length of continuous service in accordance with the following:

<b>Length of Continuous Service</b>	<b>Office</b>	<b>Road &amp; Bridge</b>
Less than a Year	None	None
At least 1 year, but less than 5 years	70	80
5 years, but less than 13 Years	105	120
13 years, but less than 20 Years	140	160
20 years or more	175	200

**2.02 Annual Vacation Entitlement**

Vacation hours shall be credited each bi-weekly pay period in accordance with the following formula:

<b>Annual Vacation Entitled to:</b>	<b>Hours Credited Per Pay Period</b>
70 hours for Office Employees (2 weeks)	2.7 hours
105 hours for Office Employees (3 weeks)	4.0 hours
140 hours for Office Employees (4 weeks)	5.4 hours
175 hours for Office Employees (5 weeks)	6.7 hours
80 hours for Road & Bridge (2 weeks)	3.1 hours
120 hours for Road & Bridge (3 weeks)	4.6 hours
160 hours for Road & Bridge (4 weeks)	6.2 hours
200 hours for Road & Bridge (5 weeks)	7.7 hours

There shall be no vacation leave or payment for any accumulated vacation under any circumstances until one (1) year of employment has been completed with the Engineer by a full-time employee.

**2.03 Vacation Requests**

Scheduling of vacations shall be in accordance with the workload requirements of the individual work units. All vacation dates are subject to prior approval of the Engineer or his designee.

Vacation requests may be submitted during the month of March each calendar year. In the event two or more employees request the same vacation leave period, such request will be awarded on the basis of seniority with the less senior employee(s) requesting alternate periods in accordance with their seniority. After vacation requests in March, employees may make additional vacation requests.

Part-time employees shall not accrue paid vacation. Vacation previously accrued may be utilized by present part time employees. No additional vacation leave may be accrued through the performance of paid overtime.

#### **2.04 Vacation Accumulation**

The purpose of vacation is to permit an employee to rest and relax so that he or she may return to his or her job refreshed. Vacation leave shall be taken within the twelve (12) months following the employee's anniversary date; however, employees may elect to accumulate vacation from year to year. Such accumulation of vacation shall be limited to a maximum of three (3) years of accrued hours at the employee's current rate of accrual. For example, a Road and Bridge employee with between one and five years of service may accrue up to 240 hours of vacation leave.

Employees separating from service with the Engineer shall be entitled to compensation at his or her current rate of pay, pro-rated by pay period for earned, current year vacation leave as well as for credited but unused vacation leave for the prior two (2) years provided such employee has completed one (1) year of service. Such compensation will be awarded even in the event of transfer to another department or agency within the County. In the event of an employee's death, earned but unused vacation leave shall be paid to the employee's estate.

Any service with the State of Ohio or its political subdivisions count toward the number of years of service in determining the amount of vacation to which an employee is entitled consistent with Ohio Revised Code Section 9.44. Time spent on previously authorized leaves of absence (including military leave) also counts. However, no vacation is earned while an employee is on leave without pay status.

Employees who have retired in accordance with a retirement plan offered by the State, and who are re-employed, shall not receive prior service counted for purposes of computing vacation leave.

#### **2.05 Vacation Preference and Procedure for Application**

All vacation requests must be submitted on the prescribed forms to the requester's immediate supervisor. Absent an emergency, requests for vacation must be submitted within twenty-four hours of the requested start of vacation but preferably sooner. Vacation requests are subject to the approval of the Engineer or his designee.

Taking into consideration that certain functions require one or more persons to be on the job for proper operation and efficiency, vacation requests must be submitted in as much advance notice of the desired period as possible in order for the supervisor to make every reasonable effort possible to arrange for the desired vacation. In the event of conflicts, the request with the earliest date will be given preference. If such conflicts become complicated, seniority and circumstances may be considered in resolving a conflict.

Employees are urged to use the bulk of their earned vacation in blocks of days equaling one (1) week or more, however, consideration will be given those employees who want to use a small portion of overall vacation time on intermittent days as the need arises and with advance approval.

## **2.06 Sick Leave**

All employees shall be granted sick leave in accordance with Section 124.38 of the Ohio Revised Code, and/or the final labor agreement and as otherwise defined in this manual.

## **2.07 Calculation of Sick Leave**

Employees of the Engineer Office shall be entitled to and credited: Road and Bridge with 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. Such credited hours for each eighty (80) hours of service are equivalent to fifteen (15) days per year: Office with 4.0 hours for each seventy (70) hours of service in active pay status including paid vacation, overtime, and sick leave, but not during a leave of absence or layoff. Such credited hours for each seventy (70) hours of service are equivalent to fifteen (15) days per year. Part-time, seasonal, and intermittent workers shall be credited with sick leave at the same rate. Unused sick leave is accumulated without limit.

## **2.08 Using Sick Leave**

At such time sick leave is used, it will be deducted from or charged to an employee's balance on the basis of a minimum of one-half (1/2) hour units.

Should an injury or disability continue beyond the time earned or credited for sick leave, the employee may be granted disability leave or personal leave without pay.

Appointments can quite often be scheduled to provide a minimal, if any, disruption of the employee's work schedule. As such, in order to minimize disruption of the department's operation and maintain efficiency of the department, medical and dental appointments are to be scheduled during non-working hours whenever possible, notwithstanding any emergencies. Sick leave shall be charged only for days upon which an employee would have otherwise been scheduled to work. Payment for sick leave shall not exceed the employee's normal workday or work week earnings.

## **2.09 Uses of Sick Leave**

Employees may use sick leave upon approval by the County Engineer for absences due to:

- a. Illness or injury of the employee or member of his/her immediate family.
- b. Medical, dental, or optical examinations or treatment of employee or a member of his/her immediate family, which requires the employee, and which cannot be scheduled during non-working hours.
- c. If member of the immediate family is afflicted with a contagious disease or requires the care and attendance of the employee or when, through exposure to a contagious disease, the presence of the employee at his/her job would jeopardize the health of others.
- d. Pregnancy and/or childbirth and other conditions related thereto.

Definition of immediate family: mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, step-parents, step-children, step-siblings, aunt or uncle of the employee (but not of the spouse), legal guardian, or other person who stands in place of a parent (loco parentis).

## **2.10 Evidence Required for Sick Leave:**

Employees shall be required to furnish a satisfactory written signed statement justifying the use of sick leave. Absences resulting from illness or injury which exceed three (3) consecutive workdays will require the employee to furnish a certificate from a licensed medical provider. In the event the Engineer determines it necessary, an employee may be required to provide such a certificate for the first day the employee is absent from work. During prolonged periods of illness, the employee or a member of the employee's immediate family may be required to submit a written signed statement each pay period justifying payment of sick leave.

At the conclusion of the illness, or sooner if requested, the employee shall submit a certificate from a licensed physician stating the nature of the illness or injury and specified dates the employee was under his or her care and other pertinent data.

Evidence required in this section shall be provided on the Engineer's prescribed form. A verified need for your presence shall be required in which sick leave is requested for the care of an immediate family member.

## **2.11 Notification of Illness by Employee**

When an employee cannot, for any reason, report for work as scheduled, he/she

must notify his/her immediate supervisor within one-half (1/2) hour after the start of the scheduled starting time, unless an emergency makes such notification impracticable. In such cases, the employee shall report the nature of such an emergency as soon as possible. If the employee's absence is to be for more than one (1) scheduled workday, such employee shall continue to notify his/her immediate supervisor for every succeeding day of absence in the procedures set forth above.

Employees will be questioned regarding their illness or injury at the time they telephone to report the use of sick leave. A log will be maintained by the supervisor recording notification by employee. Requests for sick leave will be recorded at this time, subject to approval. In the event an employee has a prolonged illness or requests extended sick leave for other verifiable justified reason, the Engineer, or his designee, and the employee's immediate supervisor shall be made aware of the circumstances and conditions requiring such extended sick leave, eliminating the need for the employee to notify his/her immediate supervisor on a daily basis of such leave. Subsequent notification beyond the first day of absence will be governed by the nature of the circumstances. In the event the employee fails to notify his/her immediate supervisor of this situation, the employee's absence may be charged by the Engineer (or his designee) as leave without pay.

Written signed statements may be denied by the Engineer (or his designee) based upon investigation which discloses facts inconsistent with the proper use of sick leave and may be subject to disciplinary action up to and including termination depending on the severity of the inconsistency of facts. Altering a written, signed physician's certificate or falsification of a written, signed leave statement shall be cause for dismissal.

## **2.12 Expiration of Sick Leave**

In the event an employee's illness or disability continues beyond the time covered by earned sick leave, the employee may be granted a leave without pay. Employees desiring extended sick leave, following expiration of sick leave credit, to be charged to his or her vacation must make such request in writing to the Engineer.

## **2.13 Release of Information**

All employees upon request shall sign a "Release of Information" form upon their return from sick leave or sooner if requested when medical attention has been sought, authorizing the appointing authority to confirm cause for the request for authorized sick leave.

## **2.14 Abuse of Sick Leave**

Employees failing to comply with sick leave rules and regulations will not be entitled to sick leave pay, and disciplinary action may be taken. Application for sick leave with intent to defraud shall result in dismissal with refund of salary or wages paid.

## 2.15 Previously Accumulated Sick Leave

Any previously accumulated sick leave of an employee who has been separated from employment in public service (except by retirement) shall be returned to that employee's balance upon re-employment in the public service, provided that such re-employment occurs within ten (10) years following the date on which the employee was last terminated from public service.

## 2.16 Transfer from Public Service

An employee who transfers from one public agency to another shall be credited with the unused balance of his or her accumulated sick leave up to the maximum of sick leave accumulation permitted in the public agency to which the employee transfers.

## 2.17 Holidays

All full-time employees are entitled to the following legal & contractual holidays with pay:

<b>Name of Holiday</b>	<b>Date Holiday</b>
New Year's Day	1 <sup>st</sup> day of January
Martin Luther King Day	3 <sup>rd</sup> Monday in January
Presidents Day	3 <sup>rd</sup> Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19 <sup>th</sup>
Independence Day	4 <sup>th</sup> day of July
Labor Day	1 <sup>st</sup> Monday in September
Columbus Day	2 <sup>nd</sup> Monday in October
Veterans Day	11 <sup>th</sup> day of November
Thanksgiving Day	4 <sup>th</sup> Thursday in November
<i>*Day After Thanksgiving</i>	Friday After Thanksgiving
<i>*Christmas Eve</i>	24 <sup>th</sup> of December
Christmas Day	25 <sup>th</sup> day of December

***\*Contractual Holidays are subject to the Labor Agreement.***

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

In observance of each authorized holiday, employees will normally be granted the day off from work, with straight time pay.

If a holiday occurs while an employee is on vacation, such vacation day will not be charged against their vacation leave.

An employee who does not work on a recognized holiday shall receive their regular hours straight time pay at their regular rate of pay for the holidays observed on their day off regardless of the day of the week on which they are observed. All employees who work on a recognized holiday, except the fourth Thursday in November (Thanksgiving), December 25 and January 1, shall receive their regular hours holiday pay in addition to time and one-half (1-1/2) their regular rate of pay for all hours worked on the holiday. All employees who work on the fourth Thursday in November (Thanksgiving), December 25 and January 1 shall receive their regular holiday pay in addition to double (2) their regular rate of pay for all hours worked. In order to receive double time payment, the work must occur on December 25 and/or January 1, not the day on which the holiday is recognized in the event it falls on a Saturday or Sunday.

## **2.18 Personal Days**

Any employee(s) shall be entitled to five (5) personal days per calendar year. Such personal days are non-accumulative.

1. Employees applying for Personal Days must have sufficient sick leave accumulated for the number of days requested and such Personal Days shall be subtracted from the employee's sick leave accumulation.

2. Personal Days shall be taken in either a half day or whole day increment, and no more than forty (40) hours for road and bridge crew employees and thirty-five (35) hours for office employees, provided that the Employee meets the qualifications.

## **2.19 Funeral Leave**

In the event of a death of a member of an employee's immediate family (mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, step-parents, step-children, step-siblings, aunt or uncle of the employee (but not of the spouse), legal guardian or other person who stands in place of a parent (loco parentis) the employee shall be entitled to three (3) days paid leave for bereavement. Such days shall not be charged to an employee's accumulated sick leave.

As is the policy for any leave of absence, with or without pay, employees must submit a written request for leave to the County Engineer or his designee.

## **2.20 Civil Leave**

Employees shall be excused from regularly scheduled work for jury duty. The County Engineer shall grant full pay for regularly scheduled working days on any day when an employee is subpoenaed for jury duty in any court by the United States, the State of Ohio, or a political subdivision. Any compensation received for such periods of court service shall

be submitted to the Engineer for deposit with the County Treasurer. The employee shall retain all compensation received for court or jury duty outside his or her regularly scheduled working days.

- a. Employees shall not be entitled to paid court leave 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 a juvenile, etc. Such absences shall be considered vacation leave and scheduled in advance with the County Engineer.
- b. It is understood that an employee released from jury duty prior to the end of his or her scheduled workday shall report to work for the remaining hours.
- c. In order to be eligible for payment, the subpoenaed employee must notify the Engineer or designee within a reasonable time after receipt of notice of selection for jury duty and must furnish a written statement from the appropriate court official showing the date served and the amount of pay received.
- d. An employee who is on authorized vacation and who is required to serve on jury duty during his/her vacation may have his/her vacation extended by the number of days he or she is required to serve, provided such employee complies with the applicable provisions of this section, including proper notice to the Engineer, or his designee.

## **2.21 Military Leave**

1. General Military leave, including the right to re-employment, is governed by O.R.C. Chapters 5903, 5906 and 5923 and the Uniformed Services Employment and Reemployment Rights Act (USERRA).
2. Paid Military Leave County employees who are members of the Ohio organized militia or members of other reserve components of the armed forces, including the Ohio National Guard, are entitled to military leave. Employees requesting military



leave must submit a written request to the County as soon as they become aware of such orders. Employees must provide a published order or a written statement from the appropriate military authority with the request for leave.

Pursuant to O.R.C. § 5923.05, employees who are not “public safety employees,” as that term is defined by O.R.C. § 5923.05, are authorized leave of up to twenty-two (22) eight (8)-hour working days or one hundred seventy-six (176) hours within a federal fiscal year, and public safety employees, public employees employed as a firefighter or emergency medical technician, are authorized up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours. During the applicable periods, employees are entitled to receive their regular pay in addition to compensation from military pay. Any employee required to be serving military duty in excess of twenty-two (22) days or 176 hours or, in the case of a public safety employee, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal year due to an executive order issued by the President of the United States or an act of Congress or by the Governor in accordance with law shall be entitled to a leave of absence. During this leave of absence, all employees are entitled to be paid a monthly amount equal to the lesser of (1) the difference between the employee’s gross monthly wage and his/her gross monthly uniformed pay and allowances received for the month, or (2) five hundred dollars (\$500). No employee is entitled to receive this benefit if the amount of gross military pay and benefits exceed the employee’s gross wages from the County for that period.

Employees who are on military leave in excess of twenty-two (22) days or one hundred seventy-six (176) hours or, in the case of public safety employees, in excess of seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours during a federal fiscal year, may use their accrued vacation leave, personal leave or compensatory time while on military leave. Employees who elect this option shall accrue vacation leave and sick leave while on such paid leave.

For military leave up to twenty-two (22) days or one hundred seventy-six (176) hours or, in the case of a public safety employee, of up to seventeen (17) twenty-four (24) hour days or four-hundred eight (408) hours in a federal fiscal year, employees shall continue to be entitled to health insurance benefits as if they are working. These benefits shall continue beyond this period if the employee is on military leave and elects to utilize paid leave. Employees who exceed the applicable limits and do not elect to utilize paid leave are not entitled to the health insurance benefits on the same basis as if they are working. In these circumstances, employees will be provided with notice of their rights to continue this coverage at their cost in accordance with applicable law.

## **2.22 Emergency Service Leave**

Emergency Service leave is intended to provide eligible county employees with paid leave when the employee must be absent from work in order to provide volunteer

emergency service. At the beginning of each calendar year, eligible county employees will receive forty (40) hours of paid leave for use when providing emergency medical service in accordance with the statutory duties as defined by R.C. 4765.01 (G). At the end of each calendar year, any unused hours will not be carried forward and will not be eligible for cash conversion.

All full-time permanent employees are eligible for Emergency Service Leave if the employee has met the certification requirements for holding a position as an EMT-basic, EMT-1, first responder, paramedic, or volunteer firefighter.

Employees who volunteer as an EMT-basic, EMT-1, first responder, paramedic, or volunteer firefighter must establish eligibility for emergency leave by providing their appointing authority with a valid certificate submitted in accordance with Section 4113.41(B)(1) of the Revised Code.

R. C. 4113.41:

An employee who is a volunteer firefighter or volunteer provider of emergency medical services shall do all of the following:

Not later than thirty (30) days after receiving certification as a volunteer firefighter or a volunteer provider of emergency services, submit to the appointing authority written notification signed by the chief of the volunteer fire department with which the employee serves, or the medical director of chief administrator of the cooperating physician advisory board of the emergency medical organization with which the employee serves, to notify the employer of the employee's status as a volunteer firefighter or volunteer provider of emergency services.

## **2.23 Emergency Leave and Benefit Amount**

Pursuant to R.C. 124.1310:

A county employee who is an EMT-basic, EMT-1, first responder, paramedic, or volunteer firefighter shall receive forty (40) hours of leave with pay each calendar year to use during those hours when the employee is absent from work in order to provide emergency medical service or fire-fighting service. An appointing authority shall compensate an employee who uses leave granted under this section at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

Employees using Emergency Service Leave remain in active pay status like any other form of paid leave and continue accruing vacation, personal, and sick time at the normal rate.

## **2.24 Emergency Service Request for Leave**

This policy does not alter the standard policy and procedures that departments use for employees who are unable to report to work as scheduled because they are providing emergency medical or firefighting services. Further, this policy does not alter an employee's obligation to notify the Appointing Authority as required by Section 4113.41(B)(2) of the Revised Code. This leave does not authorize an employee to leave his/her position of work during an employee's regular scheduled workday to respond to an emergency medical call and/or fire-fighting call absent approval from the employee's supervisor.

Employees requesting paid Emergency Service Leave must use the "Request for Leave" form as soon as practicable. Employees must mark the box for "other" and specifically indicate "Emergency Service Leave" on the form. Employees must also complete the Emergency Service Leave Verification documentation as described below. Employees who previously scheduled an absence using other forms of leave shall not be permitted to substitute the planned leave for Emergency Service Leave.

## **2.25 Emergency Service Verification Documentation**

In each instance that an employee is absent from work due to the employee providing emergency medical or firefighting service and the employee wishes to use Emergency Service Leave, the absence must be verified in accordance with Section 4113.41(C) of the Revised Code by completing the Emergency Service Leave Verification.

R.C. 4113.41:

At the employer's request, an employee who loses time from the employee's employment to respond to an emergency shall provide the employer with a written statement from the chief of the volunteer fire department or the medical director or chief administrator of the cooperating physician advisory board of the emergency medical service organization, as applicable, stating that the employee responded to an emergency and listing the time of the response.

## **2.26 Family Medical Leave Act ("FMLA")**

### **A. Statement of Policy**

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993.

### **B. Definitions**

As used in this policy, the following terms and phrases shall be defined as follows:

### 1. "Family and/or medical leave of absence"

An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:

- a. Upon the birth of an employee's child and in order to care for the child.
- b. Upon the placement of a child with an employee for adoption or foster care.
- c. When an employee is needed to care for a family member who has a serious health condition.
- d. When an employee is unable to perform the functions of their position because of the employee's own serious health condition.
- e. Qualifying service member leave.

### 2. **Service Member Leave:**

The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on "covered active duty" or receiving a "call to covered active duty" In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a "single twelve (12) month period" to care for a service member with a "serious injury or illness" sustained or aggravated while in the line of duty on active duty. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.

### 3. **"Per year":**

A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2009, four (4) weeks beginning June 1, 2009, and four (4) weeks beginning December 1, 2009, the employee would not be entitled to any additional leave until February 4, 2010.

### 4. **"Serious health condition":**

Any illness, injury, impairment, or physical or mental condition that involves:

- a. Inpatient care.
- b. Any period of incapacity of more than three (3) consecutive calendar days that also involves:
  - i. Two (2) or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
  - ii. Treatment by a health care provider on one occasion that results in a regimen of continuing treatment under the supervision of a health care provider.
- c. Any period of incapacity due to pregnancy or for prenatal care.
- d. A chronic serious health condition which requires at least two (2) “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
- e. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
- f. Absence for restorative surgery after an accident/injury or for a condition that would result in an absence of more than three (3) days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).

**5. “Licensed health care provider”**

A Doctor of Medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.

**6. “Family member”**

Spouse, child, parent, or a person who stands “in loco parentis” to the employee.

**7. “Covered Service Member”**

Means either:

- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness.
- b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces, including a National Guard or Reserves Member, at any time during the five (5) years preceding the date the eligible employee takes FMLA leave to care for the covered veteran.
  - i. Note: An individual who was a member of the Armed Forces (including National Guard or Reserves) and who was discharged or released under

conditions other than dishonorable prior to March 8, 2013, the period of October 28, 2009 and March 8, 2013, shall not count toward the determination of the five (5) year period for covered veteran status.

8. "Outpatient Status":

The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.

9. "Next of Kin": The term "next of kin" used with respect to a service member means the nearest blood relative of that individual.

10. A "serious injury or illness", for purposes for the twenty-six (26) week military caregiver leave means either:

a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,

b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

i. a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

ii. a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of fifty (50) percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

iii. a physical or mental condition that impairs the covered veteran's ability to secure or follow a gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

iv. an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. "Covered Active Duty" or "call to covered active duty":

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

b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. **“Deployment to a foreign country”** means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

13. **“Qualifying Exigency”**: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

a. Up to seven (7) days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment on seven (7) or fewer days’ notice.

b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.

d. Making or updating financial and legal arrangements to address a covered military member’s absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.

e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active-duty status of the covered military member.

f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of fifteen

(15) calendar days from the date the military member commences each instance of Rest and Recuperation leave.

g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.

h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under eighteen (18) years of age, when the parent requires active assistance or supervision to provide daily self-care in three (3) or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.

i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active-duty status.

### **C. Leave Entitlement**

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.

2. Actually worked at least one thousand two hundred fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.

3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.

a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.

b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

### **D. Use of Leave**

The provisions of this policy shall apply to all family and medical leaves of absence as follows:



1. Generally: An employee is only entitled to take a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.

2. Birth of An Employee's Child: An employee who takes leave for the birth of their child must first use all available accrued paid sick and vacation leave, if applicable, prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or postpartum recovery period, the employee will be required to exhaust all of their sick leave prior to using unpaid leave for the remainder of the twelve (12) week period. (Note: See section E below for information on disability leaves.)

3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

4. Employee's Serious Health Condition or Family Member's Serious Health Condition: An employee who takes leave because of their serious health condition or the serious health condition of their family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

#### **E. FMLA and Disability/Workers' Compensation**

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

#### **F. Procedures for Requesting FMLA Leave**

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the

employee fails to provide thirty (30) days' notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

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

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

#### **G. Certification of Need for FMLA Leave for Serious Health Condition**

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

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

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

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

## **H. Certification for Leave Taken Because of a Qualifying Exigency**

The Employer may request that an employee provide a copy of the military member's active-duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

### **I. Intermittent/Reduced Schedule Leave**

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Executive Director. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

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

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

## **J. Employee Benefits**

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

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for their portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

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

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

## **K. Reinstatement**

An employee on FMLA leave must give the Employer at least two (2) business days' notice of their intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

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

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

## **L. Records**

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

### **2.27 Americans with Disabilities Act:**

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

The Engineer Office will provide reasonable accommodation to a qualified applicant or employee with a disability unless the accommodation poses an undue hardship on or direct threat to the facility. Decisions as to whether accommodation is necessary and/or reasonable shall be made on a case-by-case basis. An employee who wishes to request an accommodation shall direct such request to his or her direct supervisor or the County Engineer, each of whom shall have the authority and responsibility to work directly with the Human Resource Office to investigate and take appropriate action concerning the request. Requests for accommodation should be in writing to avoid confusion; however, verbal requests will be considered. The employer and employee will meet and discuss

whether accommodation is appropriate and, if applicable, the type of accommodation to be given.

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

## **2.28 Leave Without Pay**

Employees may be granted the following types of unpaid leaves of absence:

### **1. Disability Leave:**

A physically incapacitated employee may request disability leave. A disability leave may be granted up to six (6) months, when the disability continues beyond accumulated sick leave rights and provided the employee is:

- A. hospitalized or institutionalized.
- B. on a period of convalescence following hospitalization or institutionalization authorized by a physician at the hospital or institution; or,
- C. is declared incapacitated for the performance of the duties of his/her position by a licensed physician.

It is the employee's responsibility to request disability leave and such leave is not granted automatically when the employee's sick leave is expired.

### **2. Personal Leave.**

The Employer may grant a leave of absence to any employee for a maximum duration of one (1) month for any personal reasons of the employee. Such a leave may not be renewed or extended beyond one (1) month.

### **3. Authorization for Leave.**

The authorization of a leave of absence without pay is a matter of administrative discretion. The Employer shall decide in each individual case if a leave of absence is to be granted. No leave of absence shall be granted for the purpose of working another job. A leave of absence shall be requested on the standard Request for Leave form.

### **4. No Earned Benefits During Leave.**

An employee on leave of absence without pay does not earn sick leave, vacation time, or holiday pay.

**5. Abuse of Leave.**

If a leave of absence is granted for a specific purpose, and it is found the leave is not actually being used for such purpose, the Employer may cancel the leave and direct the employee to report for work by giving written notice to the employee.

**6. Reinstatement from Leave**

Upon completion of a leave of absence, the employee shall be returned to the position formerly occupied, or to a similar position if the employee's former position no longer exists. An employee may contact the Employer prior to the expiration of said leave and be granted a reasonable extension for a justifiable cause. An employee may be returned to work before the scheduled expiration of leave if requested by the employee and agreed to by the Employer. If an employee fails to return to work immediately upon 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.

Return of an employee in the unclassified service following leave of absence is at the option of the Engineer.

**2.29 Insurance**

Belmont County provides basic health care coverage for full-time employees of the County. Employees interested in obtaining health care coverage must enroll in one of the available plans within the first thirty (30) days of employment and be subject to the initial waiting period prescribed by the County. An "authorization for payroll deduction" form must be signed, and the requirement established by the insurer must be met. The cost of such coverage is shared between the Employer and the employee.

It is important to note that health plan costs are considered part of the total county employee compensation package. All employees are encouraged to purchase hospitalization coverage through the available county group plans.

Any employee who is covered under a spouse's hospitalization insurance plan, CHAMPUS, or other acceptable hospitalization plan, may elect to waive hospitalization insurance coverage provided by the Employer. In the event such an employee elects to waive coverage he/she will be awarded a yearly allotment in an amount determined by the Belmont County Board of County Commissioners. The annual allotment will be provided to employees electing to waive coverage in quarterly allotments. Proof of other hospitalization insurance coverage must be provided to the Employer prior to any waiver or payment becomes effective. Such proof of other hospitalization must be submitted during each open enrollment period.

For each month that an employee is in active pay status, the employer shall pay

its share of the premium for that month. However, the employer shall not be liable and will not pay for any portion of any monthly premiums ninety (90) calendar days after an employee is not in active pay status for any reasons. At such time the employer ceases premium payment, the employee shall assume responsibility to pay the entire monthly premium costs for all medical and hospitalization benefits, providing such employee elects to continue coverage as provided under the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA).

## **COBRA**

Due to Public Law 99-272, Consolidated Omnibus Budget Reconciliation Act (COBRA), 1985 – you, your spouse or other dependent(s) may choose to have your health care, dental and vision benefits continued in a number of situations that formerly meant the end of your coverage. However, you will have to pay the total cost of the premium for these benefits.

### ***Events that qualify for continued coverage:***

If your employment with Belmont County ends or if your hours are reduced to the point where you would not ordinarily be covered, your coverage may continue for up to eighteen (18) months. However, termination due to gross misconduct cancels eligibility for this benefit.

If one of the following events occurs to you, your spouse's and other dependents' coverage may be continued for up to thirty-six (36) months.

- Death
- Divorce or legal separation
- Losing company health benefits because of entitlement to Medicare
- Having a child exceed the maximum age for your dependent
- If you or a qualified beneficiary are disabled for Social Security purposes at the time of the termination of employment, the coverage may be continued for up to twenty-nine (29) months.
- The Health Insurance Portability and Accountability Act classifies that the extended maximum 29-month COBRA coverage period also applies to the disabled qualified beneficiary of the covered employee and also states that the extended COBRA coverage period applies if the disability exists at any time during the first sixty (60) days of COBRA coverage.

The definition of a qualified beneficiary has been amended to include a child born to or placed for adoption with the covered employee during the period of COBRA coverage.

COBRA coverage will be coordinated with the new requirements of the Health Insurance Portability and Accountability Act regarding pre-existing conditions.



To make sure eligible persons receive the benefits, please contact your payroll clerk of the Auditor's office as soon as any of these events occurs.

### **Events that End Continued Coverage**

Extended coverage would end automatically if any of the situations listed below occurs:

- The County stops providing group health benefits.
- Required premiums are not paid by you.
- A person eligible for extended benefits becomes a covered employee under another employer's group health plan or becomes entitled to Medicare.
- A surviving spouse or ex-spouse eligible for continued coverage remarries and becomes covered under the new spouse's group health plan.
- If a qualified beneficiary becomes covered after a qualifying event under another group health plan, COBRA continuation coverage can be terminated as long as the other group health plan does not contain any exclusion or limitation with respect to a pre-existing condition of such beneficiary.

Should you have a qualifying event, you will receive notices directly from Belmont County's third-party COBRA Administrator regarding your options and the costs to continue your health, dental, and vision care services. For the latest COBRA information, please contact the Belmont County Auditor's Office.

### **2.30 Worker Compensation**

A. Ohio state law provides that every employee of the County may be eligible for coverage under the Workers' Compensation System for an injury arising out of or in the course of their employment.

B. To provide effective administration of this function, the following is required within twenty-four (24) hours of the injury/illness. Failure to properly report any accident or injury within twenty-four (24) hours may result in disciplinary action up to and including termination.

1. **Employee Incident/ Accident Report:** (Internal) Whenever an employee is injured during the course of their employment with the County, they must complete an Injury Report Form. This should be done whether or not medical attention is required. The Injury Report must be forwarded to Human Resources by the end of the employee's or supervisor's shift. If the employee is unable to complete the Injury Report, it must be completed by their supervisor.
2. **Time Lost Due to Injury:** The appointing authority must be advised if the employee continues to be off work due to injury, an estimated return to work date, if known, and the date returned to work, when it occurs. If it is necessary for an employee who is injured while on duty to be off for a period of time, they

may have the option of: (1) utilizing any existing sick leave, vacation, personal, or compensatory time he may be credited with; (2) applying for an unpaid leave of absence.

Within forty-eight (48) hours if medical attention is needed the following items must be completed:

3. The medical practitioner should complete the Bureau of Workers Compensation First Report of Injury.
4. The employee must complete a statement form, anatomy form, and the supervisor must complete a supervisor's report. All forms must be submitted to the human resource office.
5. Witness reports must be gathered by the supervisor and be submitted to the human resource department.

C. Employees who are injured in the line of duty and must leave work before completing their work period shall be paid for the balance of time in the workday.

D. In the event of a serious injury/illness/death, the injured employee's supervisor shall immediately notify Human Resources, so that an investigation maybe initiated, if necessary.

E. An employee who tests positive or refuses to submit to chemical testing may be disqualified for compensation and benefits under the Workers Compensation Act.

F. Any incident or accident that involves a moving vehicle the employee must be medically cleared before returning to work, and that includes drug and alcohol testing. The cost related to the drug and alcohol test is the responsibility of the Engineer Office.

G. An employee with a work-related injury or illness may be eligible to participate in the transitional work program. The transitional work program offers injured workers the ability to return to modified duty, with restrictions, and to be paid at the employee's usual rate. The transitional work program is designed to offer a progressive work strategy and shall not exceed ninety (90) calendar days in duration. The appointing authority and/or elected official must approve of the transitional work. Interested employees may seek additional information on the transitional work program from Human Resources. Eligibility and availability of the transitional work program will be considered on a case-by-case basis.

H. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers' Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.

### **2.31 Ohio Public Employees Retirement System (OPERS)**

- A. Any “public employee,” as defined in Section 145.01 of the Ohio Revised Code, must participate in the Ohio Public Employees Retirement System (OPERS). This retirement system is entirely independent of the Federal Social Security System, and retirement is in accordance with the rules and regulations of the OPERS.
- B. Any employee who is interested in obtaining information regarding retirement options is urged to contact OPERS directly at:

OPERS  
277 East Town Street  
Columbus, Ohio 43215  
1-800-222-7377  
The web site is [www.opers.org](http://www.opers.org)

- C. The County may make available to employees one or more deferred compensation plans. The decision to offer such a plan or plans is at the discretion of the County and such availability may be ended if the Employer deems such to be appropriate.

### **2.32 Payroll Deductions**

Certain deductions are made from employee's paychecks as required by law, in accordance with employee benefit plans, or as requested by employees. These deductions are itemized on the employee's pay statement which accompanies his or her bi-weekly check. Deductions may include, but not necessarily be limited to, the following:

1. Ohio Public Employees Retirement System (OPERS): The County is required to deduct a percentage of each employee's gross earnings for the Ohio Public Employees Retirement System. Membership in the system is compulsory upon becoming employed, except those employees specifically exempted from membership in accordance with the Ohio Revised Code and OPERS Regulations.
2. Income Taxes: The federal, state, and municipal governments require that taxes be withheld from each salary payment. The amount of tax to be withheld for the federal and state governments is determined from tables furnished by the Treasury Department and 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 County Payroll Officer of any dependency change.
3. Medicare: Newly hired employees are subject to a 1.45% withholding required by the federal government for Medicare.

4. Miscellaneous: Those requested by the employee in writing or mandated by a court of legal jurisdiction. Examples include garnishments, deferred compensation, savings bonds, child support payments, union dues, employees' share of health care contributions, supplemental health care benefits, etc.

The County may refuse to make deductions not required by law, which are below certain prescribed minimum amounts, which are at irregular intervals, or for other causes which are not in the best interest of the County. The County Auditor's Office as administrator of the County Payroll System has the authority to approve payroll deductions.

### **2.33 LACTATION BREAKS**

Employees who have recently given birth will be allowed a reasonable break time in order to nurse or express breast milk, for up to one year after the child's birth. The employee will be provided with an appropriate space, other than a bathroom, which is shielded from view and free from intrusion from other employees, teleworking video systems, and members of the public. Lactation breaks under this policy should, to the extent possible, run concurrently with any other break time available to the employee. Employees who request reasonable accommodations for known limitations related to pregnancy, childbirth, or related medical conditions will be provided accommodations that do not cause undue hardship to the employer.

## **SECTION THREE**

### **EMPLOYEE CONDUCT**

#### **3.01 UNLAWFUL DISCRIMINATION AND HARASSMENT POLICY**

##### **A. Policy.**

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

##### **B. Definitions.**

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

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

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

### **C. Examples.**

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

1. Submission to the conduct is made either explicitly or implicitly on a term or condition of an individual's employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Harassment on the basis of an employee's membership in any protected classification (as set forth above) is unlawful, will not be tolerated, and must be reported so that the County may investigate and take appropriate action.
4. Unlawful discrimination and harassment do not encompass conduct of a socially acceptable nature. However, some conduct that is appropriate in a social setting may be inappropriate in the workplace. A victim's perceived acquiescence in the behavior does not negate the existence of unlawful discrimination or harassment. Inappropriate conduct that an employee perceives as being "welcome" by another employee may form the basis of a legitimate complaint.

### **D. Off Duty Conduct.**

Unlawful discrimination or harassment that affects an individual's employment may extend beyond the confines of the workplace. Employee conduct that occurs off duty and off premises may also be subject to this policy.

### **E. Workplace Romances.**

To avoid concerns of sexual harassment, preferential treatment and other inappropriate behavior, employees are required to inform their direct supervisor or the County Engineer if they currently are, or if they intend to become, romantically involved with a co-worker. Such relationships are not necessarily prohibited but must be appropriately addressed. Should the Engineer Office determine that a conflict exists between an employee's employment and a personal relationship with a co-worker, the Engineer Office will attempt to collaborate with the employees to resolve the conflict. Should operational needs prevent resolution, the relationship must cease or one or both of the parties must separate from employment. Supervisors are expressly prohibited from engaging in romantic or sexual relationships with any employee they directly, or indirectly, supervise.

## **F. Complaint Procedure.**

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

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

## **G. Retaliation.**

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

County Engineer immediately. Disciplinary action for filing a false complaint is not a retaliatory act.

#### **H. False Complaints.**

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

#### **I. Corrective Action.**

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

#### **J. Coverage.**

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

### **3.02 PUBLIC RELATIONS POLICY**

The Belmont County Engineer's Office's success is directly dependent upon satisfying the general public for which we are responsible for providing service. For this reason, it is important that all employees understand the necessity of maintaining good relationships with the public. The existence of good public relations makes friends, prevents misunderstandings, builds morale, improves our performance, and makes our daily jobs more pleasant. Since many of us come into daily contact with the public, we should do everything we can to keep our relationships with them on as high a level as possible.

A few ways in which we as employees can help maintain good public relations are:

- a. Be polite, at all times, to all people, old and young, learned, and unlearned, rich, and poor. The importance of this cannot be too overly emphasized.
- b. Put forth your best "personal image," such as neatness of dress, a pleasant smile, and interest in your work and a willing and cooperative attitude toward



your co-workers and the public. All of these add up to your own personality.

- c. Your telephone and electronic communication manners are particularly important. Treat the public and any other caller whether seeking assistance or complaining with respect and dignity when talking on the telephone or emailing just as you would in meeting people face-to-face.
- d. Take an interest in community affairs and be sure to exercise your right to vote in all elections.
- e. Remember that in order to gain and hold respect of others you must earn such respect by your own actions. Good reputations are built by the total of many acts but can be quickly lost by one inconsiderate or thoughtless act.

### **3.03 Overtime**

Overtime may be necessary and required. Employees shall be entitled to overtime compensation at one and one-half (1-1/2) times their regular rate of pay for all hours in active pay status in excess of forty (40) hours per week, or more than eight (8) hours in any twenty-four (24) hour period. Paid non-working time such as legal holidays, vacation, sick leave, and personal days shall be considered as time spent in active pay status.

Attendance at lectures, meetings, training programs and similar activities, such as seminars or conferences will not be authorized for overtime payment.

### **3.04 Time Sheets**

For purposes of public accountability, all employees shall be required to account for all time worked and performed for the Office by filling out a time sheet. These sheets will serve as the official record of actual time worked by Office employees.

For purposes of public accountability, all employees are expected to work a regularly scheduled week, in accordance with their schedule of compensation. Hours actually worked shall be accounted for by filling out the time sheet.

At the end of every pay period, each employee shall review his/her time sheet for accuracy. Once the accuracy of the entries has been verified, the employee shall then sign and date the time sheet and submit it to his/her supervisor who shall review and approve the time sheet for payment.

### **3.05 EMPLOYEE INFORMATION AND RECORDS**

#### **I. EMPLOYEE INFORMATION:**

The appropriate Appointing Authority shall establish and maintain a personnel file for each employee. The employee is responsible for providing the employer with the

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

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

## **II. RELEASE OF RECORDS:**

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

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

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

### III. REVIEW OF FILE:

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

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

#### **3.06 Self Help to Records is Prohibited**

Employees may not copy or remove any record or writing for personal use or for the personal use of another employee, 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.

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

No employee shall tape record any meeting, hearing, or appeal involving the Employer or a representative of the Employer without the advanced written permission of the Engineer.

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

#### **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 County and may be subject to civil or criminal penalties.

### **3.07 Personal Appearance**

1. The Employer reserves the right to prescribe appropriate dress, grooming, and to set standards that are in the best interests of the County service. The Appointing Authority requires that an employee's clothing, grooming, and overall appearance be appropriate, in good taste, present a favorable public image, and be in conformity with policies established by the County due to the specialized nature of service provided or the employment position maintained.
2. Clothing shall be conducive to the safe and effective performance of required job duties. Employees who work with machinery and equipment should also observe sound safety regulations, including the use of appropriate articles of clothing (shoes, goggles, hard-hats, and so forth).
3. All employees are expected to maintain a clean and neat work area. The condition of work areas and equipment affect the public's impression of both County government and County employees. County offices and work areas should always give a business-like impression. Anything detracting from a business atmosphere will not be tolerated. This extra care will also apply to appearance, clothing, personal hygiene, equipment, and break areas.

### **3.08 The Drug/Alcohol Testing Policy.**

1. In order to maintain a safe and healthful work environment, the Office reserves the right to set standards for employment and to require employees to submit to physical examinations including blood or urine tests for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.
2. Where the Office has a reasonable suspicion to believe that the employee is in violation of this policy, it may require the employee to go to a medical clinic, at the Office's expense, to provide blood and/or urine specimens. Reasonable suspicion shall mean suspicion based on personal observation by an Office representative, including descriptions of appearance, behavior, speech, breath, or inexplicable behavior.
3. If requested, the employee shall sign a consent form authorizing the clinic to withdraw a specimen of blood or urine and release the test results to the Office. Refusal to sign a consent form or to provide a specimen will constitute insubordination and a presumption of impairment and may result in discharge.
4. Any employee who tests positive may request retesting of the original specimen at their own expense.

5. Employees who test positive for illegal substance abuse or misuse of legal drugs and/or alcohol may be offered rehabilitation through the County Employee Assistance Program. Any costs related to the rehabilitation shall be paid by the employee. Employees must take any available, accumulated, paid or unpaid leave during their absence. Failure to fully participate in or successfully complete such a rehabilitation program may result in disciplinary action.
6. Employees who return to work after the successful rehabilitation will be subject to random drug tests for a period of two years from the date of their return.
7. Employees subject to random drug tests who refuse to participate in the drug/alcohol testing and/or rehabilitation program or who continue to test positive for substance abuse will face additional disciplinary actions, up to and including removal.
8. Any employee involved in an accident may be subject to post accident alcohol and drug/alcohol testing.
9. Employees who are using medical marijuana as authorized by Ohio law are not exempt from this policy in any way. The use of marijuana in any form for any purpose, authorized for medicinal purposes or unauthorized, will be treated the same as the use of all other Schedule 1 controlled substances, illegal drugs, or the abuse of legal drugs. Employees using Schedule 1 controlled substances or illegal drugs, including medical marijuana authorized by and in accordance with Ohio law, are still subject to all provisions of this policy and may be subject to discipline including termination for such use.
10. Employee use of prescription or over-the counter drugs must be utilized for medical reasons, taken at the dosage and frequency of use prescribed on the label, and, in the case of prescription drugs, prescribed to employees for medical reasons by a licensed medical practitioner. An employee's use of the prescription or over-the-counter drugs shall not affect the employee's job performance, threaten the safety, productivity, public image or property of Belmont County or its employees, or result in criminal behavior.

Employees who are required to hold a commercial driver's license (CDL) will be required to participate in the Office's drug and alcohol testing program as required by federal law which includes pre-employment testing, post-accident testing, random testing, reasonable suspicion testing, and return-to-work testing. Policies and procedures for these programs will be consistent with federal law and will be made available to employees required to hold CDL's and their supervisors. **Employees holding a CDL, and applicants for positions requiring a CDL, are subject to the**

**reporting guidelines of the FMCSA Clearinghouse. The FMSCA Drug and Alcohol Clearinghouse guidelines are addressed below.**

### **Discipline.**

The Office may discipline an employee for any violation of this policy. Nothing herein shall be construed as a guarantee that the Office will offer an opportunity for rehabilitation. Failure to successfully complete or participate in a prescribed rehabilitation program, if offered, shall result in the employee's discharge [including a refusal to test or a positive test result on a return to duty or follow-up test]. No employee shall be provided with more than one opportunity at rehabilitation. The Office's decision whether to discharge an employee shall be made on the basis of the circumstances surrounding the employee's positive drug or alcohol test and considerations such as any other misconduct resulting from the employee's substance abuse (e.g., injury, property damage, etc.), the employee's work record, and other factors traditionally considered when determining whether to retain an employee.

#### **A. Drug Testing Procedures:**

The testing program required by the regulations is limited to five classes of drugs:

1. Marijuana
2. Cocaine
3. Opiates – including morphine, codeine, and heroin.
4. Amphetamines – including methamphetamine and ecstasy.
5. Phencyclidine (PCP)

All drug testing must be done from the urine specimens collected under highly controlled conditions. Specimen collection procedures require a designated collection site, security for the collection site, chain-of-custody documentation, use of authorized and qualified personnel, privacy during collection, integrity and identity of the specimen, and transportation to the laboratory.

Driver protection is built into the testing procedures. In order to meet the federal requirements only laboratories certified by the Federal Government can be used. The Substance Abuse and Mental Health Services Administration certifies laboratories that have met all of the guidelines established by the Department of Health and Human Services.

After the urine specimen has been collected and forwarded to the laboratory, various tests may be performed. The initial test is the immunoassay test. This is a screening test to determine drug usage for the five classes of drugs. A second test, a confirmation test, is performed if the immunoassay test is positive. The laboratories also perform validity testing to help ensure that the sample is not adulterated or substituted.

The positive levels for the five classes of drug tests are in the table below:

DRUGS	INITIAL CUT OFF LEVEL (ng/ml) *	CONFIRMATION CUT OFF LEVELS (ng/ml) *
Marijuana	50	15
Cocaine	150	100
Opiates		
Morphine/Codeine	2000	2000
Hydrocodone/Hydromorphone	300	100
Oxycodone/Oxymorphone	100	100
Heroin	10	10
Phencyclidine (PCP)	25	25
Amphetamines		
Amphetamine/Methamphetamine	500	250
MDMA/MDA	500	250

*\*ng/ml means nanogram per milliliter. A nanogram is one billionth of a gram. A milliliter is one thousandth of a liter. Additional information about cutoff levels can be found in Title 49 CFR Part 40.87.*

If the results of the initial test are negative, the testing laboratory will inform the employer's certified Medical Review Officer (MRO), and no additional tests on the specimen will be performed. The MRO or his/her designer will report the result to the employer.

If the results of the initial test are positive, that is, if the results exceed the initial cutoff levels for any of the five classes, a second (confirmation) test is performed. The confirmation test is done by a different methodology using mass spectrometry. Only specimens that are confirmed positive on the confirmatory test are reported as positive to the Medical Review Officer for review and verification.

Other results that may be reported to the MRO are as follows:

**Adulterated:** The lab discovered substances in the sample that either do not normally occur or substances that are expected to be present but are in a concentration so high that it is not consistent with human urine.

**Substituted:** The specimen does not have the qualities of and is not consistent with human urine.

**Invalid:** The laboratory was unable to complete the screening procedure due to an interfering substance.

Before reporting a positive, adulterated, substituted, or invalid test result to the employer, the MRO will attempt to contact the employee to discuss the test result. The purpose of the discussion is to give the employee an opportunity to provide a legitimate medical explanation for the result. If the MRO is unable to contact the employee directly, the MRO

will attempt to contact him/her through the employer.

A split sample collection will be done. That is, the urine is divided into two specimen bottles at the point of collection. If the test result of the primary specimen is positive, substituted, or adulterated, the driver may request the Medical Review Officer send the second (or split) specimen to a different certified lab for testing. If the analysis of the "split" does not confirm the previous findings, the MRO shall cancel the test and report this to your employer. If you want the split specimen tested, you must advise the MRO within 72 hours of being notified of the result of the primary specimen.

The employer will maintain negative and cancelled results for a minimum of one year and positive results for a minimum of five years.

## **B. Alcohol Testing Procedures:**

Most alcohol testing is done by testing breath because breath is the most easily obtained bodily substance and the results are available within minutes of testing. The test results are displayed and printed in terms of gram of alcohol per 210 liters of breath. The most common testing device is called an Evidential Breath Tester (EBT). The EBT is a scientific instrument that determines the concentration of alcohol expressed as "percent by weight." It does this by analyzing a specific volume of expired breath. The weight of alcohol in the breath sample is determined and the quantity of the alcohol is converted to its equivalent value in blood. A BAC (Blood Alcohol Concentration) of 0.10 means one tenth of a gram of alcohol per 210 liters of breath.

A test may have two separate parts. The first test is the initial test. If the initial test shows a reading less than 0.02 the test will be recorded as "negative." If the initial test is 0.02 or greater, a confirmation test will be done. The alcohol testing will be done on a site that affords privacy to the driver being tested. This could be a room, van, or a partitioned-off area. The person giving the test will not leave the testing site during your test. The initial test, called a screening test, may be done on a non-evidential screening device such as a breathalyzer or device that measures alcohol content in the saliva. The confirmation test, however, must be done on an evidential breath testing device (EBT). The EBT will print three copies of the test result for the confirmation test.

When using an EBT, the first part of the testing process is to make sure that the EBT is operating properly. Next, a sealed mouthpiece is opened and placed into the EBT. In order to get a sufficient quantity of deep lung air, the driver is requested to blow into the mouthpiece for at least six (6) seconds, or until the EBT indicates that an adequate amount of breath has been obtained. The EBT will immediately read the results of the test and a copy of the printed results will be given to the driver. Printed results are not required for the initial test.

When the initial test results show a reading of 0.02 BAC or greater, a confirmation test is required. Before confirmation, a 15-minute waiting period must be observed. The purpose of the 15-minute waiting period is to ensure that the presence of mouth alcohol from the



recent use of some oral substance does not artificially raise the test result. The regulations provide that a confirmation test be conducted on an EBT within 30 minutes. When the confirmation result is different from the initial test, the confirmation test will always be used to determine the consequences for the tested driver.

### **C. Pre-Employment Testing**

Those persons who a motor carrier intends to hire must be tested for drugs prior to employment. A negative test result must be received before the driver performs any safety sensitive functions, i.e., gets behind the wheel of a commercial motor vehicle and makes the first road trip. An employer may, but is not required, conduct a pre-employment alcohol test.

### **D. Reasonable Suspicion Testing**

Reasonable suspicion means that the motor carrier observes appearance or conduct that is indicative of alcohol and/or drug use by the driver. The conduct, appearance, or actions of the driver must be observed by a supervisor or company official. The supervisor or official must have received training in the detection of probable alcohol and/or drug use. The driver's action that causes the motor carrier's supervisor or official to require the test must be documented and signed by the witness within 24 hours after the behavior is noticed or before the results are released, whichever is earlier.

In the case of suspected drug use, the driver must be taken immediately to a collection site and a urine sample must be obtained.

In the case of suspected alcohol use, the test must be done as soon as possible. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the alcohol test on the driver. The employer may direct a driver to only undergo reasonable suspicion alcohol testing while the driver is performing safety sensitive functions, just before the driver is to perform safety sensitive functions, just after the driver has ceased performing performing such functions or is immediately available to perform safety-sensitive functions.

### **E. Random Testing**

Random testing ensures that every driver has an equal chance of being tested. Random tests are unannounced.

The regulations provide for a minimum annual testing rate. Currently 50% of drivers are to be tested for drugs and 10% for alcohol annually. Random tests should be spread throughout the year.

### **F. Post-Accident Testing**

A driver must supply a urine specimen for drug testing, and a breath or saliva test for

alcohol, following accidents when:

1. The accident involved a fatality, OR
2. The driver receives a citation under state or local law for a moving traffic violation arising from the accident. PLUS one of the following occurs:
  - a. An injury requiring treatment away from the scene OR
  - b. One of the vehicles was towed from the accident scene.

The DOT requires that any time a post-accident drug or alcohol test is required, that it be performed as soon as possible following the accident. If no alcohol collection can be made within (8) hours, attempts to collect a breath sample for alcohol shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such a collection shall cease.

Drivers must remain readily available for post-accident testing or may be deemed to have refused to submit to testing. Necessary medical attention, however, shall not be delayed following an accident, and a driver is not prohibited from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident.

#### **G. Return to Duty & Follow-Up Testing**

These tests are required when a driver who has tested positive or engaged in prohibited conduct returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least six tests will be conducted in the first 12 months after a driver returns to duty. Follow-up testing may be extended for up to 60 months following return to duty.

Urine specimen collections for all return-to-duty and follow-up tests are to be observed. A same gender observer requests the employee to raise his or her shirt, blouse, or dress/skirt as appropriate, above the waist, just above the navel; and lower clothing and underpants to mid-thigh and show the observer, by turning around, that the employee does not have a prosthetic device for the purpose of concealing a urine specimen.

#### **F. Refusal to Test.**

The Federal Motor Carrier Safety Regulations provide that a driver shall not refuse to submit to testing. A test refusal incurs the same consequences as a positive test result. As a result, the individual may not perform safety-sensitive functions until he/she has successfully completed the return-to-duty process. In addition, the individual is required to report the test refusal to future DOT-covered employers for a period of three years following refusal.

#### **Common Refusals to Drug & Alcohol Tests**

- Failure to appear for a test in the timeframe specified by the employer.
- Failure to remain at the testing site until the testing process is completed.
- Failure to provide a urine specimen, saliva, or breath specimen, as applicable for

- a required DOT test.
- Failure to provide a sufficient volume of urine or breath without a valid medical explanation for the failure.
- Failure to undergo a medical examination to verify insufficient volume.

#### Test Refusals Specific to Drug Tests

- Failure to permit the observation or monitoring of specimen donation when so required.
- Failure to take a second test required by the employer or collector.
- A drug test that is verified by the MRO as adulterated or substituted.

#### Test Refusals Specific to Alcohol Tests

- Failure to sign the certification on step 2 of the ATF form.

In the case of pre-employment testing, the list of behaviors that constitute a test refusal is limited by comparison due to the very real possibility that applicants may fail to appear for a test for a number of legitimate reasons. If the employee leaves the collection site prior to the completion of the test, or takes another action listed above, the applicant will have been considered to have refused a test. If he/she leaves the site before the test commences or does not appear for the pre-employment test, then this absence is not considered a refusal and has no DOT consequences.

### **3.09 MEDICAL EXAMINATIONS & DISABILITY SEPARATION**

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

If a classified employee remains unable to perform the essential functions of the position after exhausting available leaves, the employee may request a voluntary disability separation. If, after exhausting available leave, an employee refuses to

request a voluntary disability separation, an Appointing Authority may place the employee on an involuntary disability separation if the Appointing Authority has substantial, credible medical evidence to indicate that the employee remains disabled and incapable of performing the essential job duties. Such involuntary disability separation may be done in accordance with Ohio Administrative Code (O.A.C.) Chapter 123:1-30.

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

### **3.10 JOB ASSIGNMENTS**

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

### **3.11 Personal Property**

The County assumes no liability and will not accept any responsibility for loss or damage to the personal property of an employee. The use of a radio, tape player, or CD player will be permitted provided it does not disturb, distract, or hamper the productivity of any employee. Personal televisions, MP3 or similar device, or CD player headsets are not permitted.

Personal property may be placed within the workstation area or office only on the desk or credenza. Pictures, certificates, or diplomas may be hung on the wall in appropriate frames.

The Appointing Authority or a supervisor shall be authorized to order the removal from the workplace of any personal property which they deem inappropriate or excessive.

### **3.12 Bulletin Board**

- A. All material appearing on the Employer's bulletin boards will be posted by the Employer or designated representative. All County notices, state, or federal required notices, and required legal notices shall be posted on the bulletin board. Information of a general interest to employees may be posted by the Employer or designated representative(s), provided the material to be posted does not contain:

1. Personal attacks upon any employee or public official.
2. Scandalous or derogatory attacks upon any employee, public official, or

governmental unit/agency.

3. Material related to partisan political campaigns.

- B. Employees wishing to have materials posted on the bulletin board shall submit a written request to the Employer or designated representatives for approval. The request shall include the name(s) of person(s) or group(s) making the request, a copy of the material to be posted, and the period of time the material is to be posted. Partisan political material is prohibited from Employer bulletin boards.
- C. Information posted on an Employer bulletin board shall be removed after the approved posting period. Materials posted without prior approval will be removed from the bulletin board.
- D. Any employee found to be in violation of this policy shall be subject to disciplinary action.
- E. Postings on designated Union bulletin boards shall be governed by the terms of the applicable collective bargaining agreement.

**3.13 Soliciting, Distribution and Selling**

Solicitation, distribution of materials, selling and/or collections of any nature on County property or during employee working hours by an employee or any other individual shall be prohibited without prior approval of the Engineer or his designee. This policy does not supersede any provision in an applicable collective bargaining agreement that directly conflicts with this policy.

The Engineer's Office limits solicitation and distribution on its premises as those activities can interfere with the Engineer Office operations, reduce employee efficiency, annoy customers, and pose a threat to security.

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

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

- a. The distribution of literature, solicitation and the sale of merchandise or services is prohibited in work areas.
- b. Soliciting and distributing literature during the working time of either the employee making the solicitation or distribution, or the targeted

employee, is prohibited. The term “working time” does not include an employee’s authorized lunch or rest periods or other times when the employee is not required to be working.

- c. Distributing literature in a way that causes litter on County property is prohibited.

The Engineer Office maintains various communications systems to communicate County-related information to employees and to disseminate or post notices required by law. These communications systems (including bulletin boards, electronic mail, voicemail, telephone, facsimile machines, and personal computers) are for business use only and may not be used for employee solicitation or distribution of literature.

Only persons authorized by the Engineer’s Office may place notices on or take down material from the bulletin board. The unauthorized use of the communications systems or the distribution or posting of notices, photographs, or other materials on any County property is prohibited.

Employee No-Access Rule - Employees are not permitted access to the facilities under the control of the Belmont County Engineer or to outside work areas during off-duty hours without the approval of the Belmont County Engineer or his designee(s).

Employees who violate the provisions of this Article are subject to discipline. All violations of this policy will be addressed on a case-by-case basis. Disciplinary measures will be determined by the severity of the violation, not the content of the solicitation or literature involved.

### **3.14 Use of County Communications Systems**

The Engineer’s Office’s policy is to provide or contract for communications services and for the equipment necessary to promote the efficient conduct of the Engineer’s Office.

Supervisors are responsible for instructing employees on the proper use of communications services and equipment used by the Engineer’s Office for both internal and external business-related communications.

All Engineer’s Office communication services and equipment, including the messages transmitted or stored by the Engineer’s Office’s communication services, are the sole property of the Engineer’s Office. The Engineer’s Office may access and monitor employee communications and files as it deems appropriate. Communication equipment and services include, but are not limited to, mail, electronic mail (“e-mail”), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, internet systems, computer files, telex systems, video equipment, tape recorders and recordings, pagers, cellular phones, and bulletin boards.

Except where expressly permitted, employees shall not use the Engineer's Office's communication services and equipment for personal purposes. All outgoing messages, whether by mail, facsimile, e-mail, Internet transmission, or any other means, must be accurate, appropriate, and in accordance with this policy. Employees may not use the Engineer's Office's address for receiving personal mail or use the Engineer's Office's stationary or postage for sending personal mail. The Engineer's Office may only issue personalized Engineer's Office stationery and business cards. No employee shall tamper with, alter, or sabotage any County information maintained on computers.

Improper use of the Engineer's Office's communication systems and equipment will result in discipline. Improper use includes any misuse as described in this policy as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive uses of written, recorded, or electronically transmitted messages.

Disruption of electronic services, supporting equipment, or information available on it is prohibited, including, but not limited to, tampering with hardware or software, vandalizing or destroying data, introducing, or using computer viruses, attempting to gain access to restricted information or networks, violating copyright laws, or installing non-County-owned software of any kind.

### **3.15 Use of Internet, E-Mail, and Online Services**

Internet, electronic mail (hereinafter "e-mail"), and online services use can increase employee productivity. As is true with all the Engineer's Office's resources, there is potential misuse or abuse. Engineer's Office employees will be held accountable for their use and misuse of the Engineer's Office's Internet, e-Mail, and online services resources.

Unless otherwise expressly permitted, the availability of Internet, e-mail, and online services is limited to uses that further the Engineer's Office business. When appropriate material from the Internet, e-mail, or other online service is downloaded, it should be scanned using the Engineer's Office's anti-virus software. Individual appointing authorities may choose to permit employees certain personal use of the Internet, e-mail, or online services. Any personal use permitted by an appointing authority must occur when an employee is off duty and must be limited to a reasonable frequency and duration. Regardless of policies set by individual appointing authorities, the following uses by the Engineer's Office's employees are prohibited:

- a. Uses that interfere with normal business activities.
- b. Any use involving solicitations.
- c. Uses that are connected with a business activity that operates for profit.
- d. Employee use for the purpose of operating a business for personal gain.
- e. Sending chain letters.
- f. Soliciting money for religious or political organizations or causes.

- g. Uses that involve the transmittal, downloading, or printing of obscene, pornographic, threatening, or racially, sexually, religiously, or otherwise harassing materials.
- h. Distribution or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- i. Uses that would violate any federal, state, or local laws; and,
- j. Any use that could bring embarrassment or harm to the County.

No Engineer's Office employee shall provide access to confidential information through the Internet, e-mail, or online services. No employee shall use the Internet, e-mail, or online services of any other employee without authorization. All employees shall use reasonable safeguards when using the Internet, e-mail, or on-line services to avoid mistaken distribution of another's information.

Engineer's Office employees are hereby placed on notice that all Internet browsers furnish a trail that traces all sites visited by the user of that computer terminal. The Engineer's Office will access this trail and monitor employee Internet use as it considers appropriate. If required, Engineer's Office employees must disclose their Internet and e-mail passwords to their supervisor. The Engineer's Office may access and monitor employee Internet, e-mail, and other online uses by employees as it considers appropriate. Employees have no reasonable expectation of privacy in the use of the internet, email, online services, voice over IP, or other devices, systems, electronic systems, communication devices, and facilities provided for work purposes by the Engineer's Office.

Employees who improperly use the Internet, e-mail, and other online services in violation of the policy will be subject to discipline.

### **3.16 Use of Cellular Phones**

This policy is designed to provide guidelines to Engineer's Office employees who have been authorized to use cellular phones to conduct official business. Employees are expected to strictly adhere to this policy.

Only those employees who have been given express written consent by their Appointing Authority to use cellular phones to conduct Engineer's Office business may use such phones during working hours. In such cases, Engineer's Office phones will be distributed to the employee. Except in cases of an emergency, employees shall not use their personal cellular phone for either personal or Engineer's Office business during working hours. Likewise, Office-issued cellular phones may only be used for office business absent emergency circumstances.

Employees are expected to follow all federal, state, and local laws regarding the use of cellular phones. No phone numbers of Engineer's Office-owned cellular phones should be distributed to the public without prior approval. Any lost or stolen Engineer's Office-owned cellular phones should be reported immediately.



Employees may bring their personal cellular phones to work as a matter of convenience. Nonetheless, personal cellular phones may not be used during working hours unless the employee is on an approved break and/or during the employee's lunch break.

### **3.17 Use of Tools, Supplies and Equipment**

Tools, supplies and equipment needed to perform job duties may be provided by the Engineer Office. It is the responsibility of supervisors and employees to see that they are properly used and maintained.

Misuse, neglect, theft, and abuse of tools, supplies and equipment are prohibited. Accidents involving misuse of tools or equipment shall be reported immediately and may be cause for disciplinary action and shall be dealt with on an individual basis. Loss of tools on more than one occasion will require payment by the employee for the cost of the tools lost. Reckless and destructive operation of vehicles or equipment is grounds for disciplinary action. Personal use of tools, supplies, equipment, or vehicles is prohibited.

### **3.18 COUNTY PROPERTY**

#### **A. General.**

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

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

Employees required to answer the telephone or other communication, as part of their assigned duties, shall do so in a polite and courteous manner. No employee

shall use foul or abusive language over the telephone, or other communication, or in any dealings with the public. The County reserves the right to monitor any phone or other communications at any time. Personal phone calls or other person communication must be kept to an “on emergency basis” only. Toll calls and/or long distance calls for personal reasons shall not be charged to the County.

Belmont County may issue cellular phones to its employees. Cellular phones are not only capable of making and receiving phone calls, but they may also be capable of email, text messaging, internet browsing, running third party applications, GPS, and entertainment. Regardless of the capability of a particular cellular phone, County-issued cellular phones are considered County property and are for business use only. Features other than phone use must not be used or activated without direct authorization from a supervisor. Use of County cellular phones while operating a motor vehicle (County-owned or personal) is prohibited, including GPS and hands-free, unless authorized by a supervisor.

## **B. Vehicles.**

Employees operating a County motor vehicle are required to have a proper and valid motor vehicle operator’s license. An employee who operates a motor vehicle for work and who has his/her license suspended, but who has acceptable court-ordered driving privileges, may nevertheless have his/her driving privileges temporarily suspended by the County. When the County suspends driving privileges, the employee will be temporarily reassigned. The County need not reassign an employee who drives for work and has his/her license suspended by a court with no work-related driving privileges.

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

Use of a County-owned vehicle must be pre-approved by the employee’s supervisor. Employees shall not use or permit the use of County automobiles for any purpose other than official County business. Passengers not on official County Business (i.e. children, spouses, friends, etc.) are not permitted in County-owned vehicles. Employees, as representatives of the County, are expected to be

courteous to the public and to obey all traffic laws. County employees should drive and conduct themselves to enhance the reputation of the County and Department.

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

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

The County may, at its discretion, monitor the use of County vehicles through the use of a GPS system. Such monitoring by the County shall be limited to an employee's use during working hours; for take-home vehicles, to confirm that a vehicle is not being used improperly during non-working hours; or, for other reasons to confirm that the vehicle is being used for a purpose consistent with this policy.

### **3.19 CDL Driver Notification/Disqualification**

In accordance with federal regulations (49 CFR 383.37), the County is prohibited from knowingly allowing, requiring, permitting, or authorizing a driver to operate a Commercial Motor Vehicle (CMV):

- During any period in which the driver does not have a current commercial learner's permit (CLP) or commercial driver's license (CDL) or does not have a CLP or CDL with the proper class or endorsements. An employer may not use a driver to operate a CMV who violates any restriction on the driver's CLP or CDL.
- During any period in which the driver has a CLP or CDL disqualified by a State, has lost the right to operate a CMV in a State or has been disqualified from operating a CMV.
- During any period in which the driver has more than one CLP or CDL.
- During any period in which the driver, or the CMV he/she is driving, or the motor carrier operation, is subject to an out-of-service order.
- In violation of a Federal, State, or local law or regulation pertaining to railroad-highway grade crossings.

### **3.20 Multiple Driver's Licenses**

No employee of the County who operates a CMV shall at any time have more than one driver's license (49 CFR 383.21).

### **3.21 Notification of Conviction for Driver Violations**

Each employee of the County who operates a CMV and who is convicted of violating, in any type of motor vehicle, a state or local law relating to motor vehicle traffic control, must notify the County of such conviction. Violations covered under this subsection do not include parking infractions.

Notification of violations required under this section shall be made, in writing, to the Engineer's office. Notification of a violation under this subsection must be made within thirty (30) days after the date the employee has been convicted.

#### **1. Information Required in the Notification**

The notification submitted by the employee in accordance with this subsection shall contain the following information:

- a. Driver's full name.
- b. Driver's license number.
- c. Date of conviction.
- d. The specific criminal or other offense(s), serious traffic violation(s), and other violation(s) of state or local laws relating to motor vehicle traffic control, for which the person was convicted and any suspension, revocation, or cancellation of certain driving privileges which resulted from such conviction(s).
- e. Indication of whether or not the violation was in a CMV.
- f. Location of the offense.
- g. Driver's signature.

#### **2. Notification of Driver's License Suspension**

Any employee who has a driver's license suspended, revoked, canceled, or loses the right to operate a CMV for any period, shall notify the County Engineer of such suspension, revocation, cancellation, lost privilege, or disqualification.

Notification under this section shall be made, in writing, to the Engineer's office.

Notification under this section shall be made before the end of the next business day following the day the employee received notice of the suspension, revocation, cancellation, lost privileges, or disqualification.

If a driver/employee violates any of the notification provisions or prohibitions set forth in this section, the following consequences will result:

1. The driver shall be immediately removed from operating a CMV pending the results of an investigation into the alleged violation. Such removal is designed to give the County time to assess what effect, if any, the violation has on the driver's eligibility to operate a CMV, and therefore is not subject to any complaint or grievance procedure.
2. The driver may be disciplined, up to and including dismissal.

### **3.22 Employee Felony Conviction in Court of Law**

The felony conviction of any employee for breaking a federal, state, or local law whether outside of work or during the course of employment with the Employer shall be grounds for dismissal.

In accordance with Ohio Revised Code 124.34, employees who are convicted of a felony immediately forfeit status as a classified employee.

### **3.23 Employee Misdemeanor Conviction in Court of Law**

The conviction of any employee for a misdemeanor by a federal, state, or local court may be grounds for disciplinary action. If the conviction is relative to the individual's employment with the Employer, the discipline may result in the employee's dismissal.

Convictions for misdemeanor offenses not related directly to the individual's employment with the Employer may result in discipline being imposed. The Employer shall consider the following in determining the severity of the discipline: (1) the severity of the infraction; and (2) the overall status of employee performance and past conduct on the job.

### **3.24 Arrest of Employee**

An employee who is arrested and charged with the commission of a crime that is related or unrelated to the individual's employment with the Employer may be relieved of duty with pay until an investigation of the incident(s) which brought about the arrest can be conducted by the Employer.

Upon the completion of the investigation, one of the following courses of action shall be followed:

1. The employee shall continue in paid non-duty status, or;
2. The employee shall be issued a notification of pre-disciplinary conference, or;
3. The employee shall be returned to active-duty status.

### 3.25 Travel and Expense Reimbursement

County employees are to receive reimbursement for allowable expenditures made for a proper public purpose that are incurred while traveling out-of-County on official County business. Employees are eligible for expense reimbursement only when travel has been authorized in writing prior to the trip by the appointing authority and with appropriate receipts documenting claimed expenses. Overnight travel expense reimbursement requires the advance approval of the employee's appointing authority or the County Commissioners.

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

- A. **Commercial Air Flights**: Reimbursement is available for air flight expenses only when the automobile mileage reimbursement would be more costly than the air fare, or where travel time is of significance.
- B. **Bus, Limousine, Taxi, or Ride Share Services**: Employees are to use the most economical means available when traveling on County business.
- C. **Automobile**: Whenever possible, the appointing authority will assign a county vehicle for travel to and from meetings, conferences, and conventions. If no County vehicle is available and an employee is required to use his or her privately owned vehicle, he or she shall be reimbursed at a rate determined by the County Commissioners. Such payment is considered to be total reimbursement for all vehicle-related expenses (e.g., gas, oil, depreciation, insurance, etc.). Mileage reimbursement is payable to only one of two or more employees traveling on the same trip, in the same vehicle. Rental of a vehicle is not reimbursable without prior approval of the appointing authority.
- D. **Meals**: Expenses incurred for meals while on official business will be reimbursed at actual cost with the approval of the appointing authority. Such approval must be granted prior to the employee incurring the expense. An employee is eligible for such reimbursement only when travel has been authorized in writing by the Engineer. Employees shall order reasonably priced meals while traveling at the County's expense.

Any meal provided to employees that are not excluded from taxable income herein will be reported to the Auditor's office by the Engineer Office as a taxable meal.

- E. **Lodging**: Employees will be reimbursed for reasonable and necessary lodging expenses at the single room rate. If families accompany employees on out-of-town travel, the County will pay the single room rate and the employee will be responsible for the difference. Employees will request the government rate and obtain a sales tax exemption certification from the County prior to payment of the

lodging.

- F. **Phone Calls**: Phone calls necessary for official County business are reimbursable.
- G. **Parking and Tolls**: Expenses for parking, highway, bridge, and tunnel tolls are reimbursable. Parking expenses incurred within, and outside Belmont County are reimbursable providing the employee is on official County business. Valet parking should only be used if there are no alternatives.
- H. **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, including delivery fees for food apps.
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 itemized costs with receipts attached within two (2) weeks of the accrued expense. Detailed documentation will include the amount, date, time, place, and business purpose.

### **3.26 Safety and Health**

Work safety and health is the Engineer's primary concern. The safe and healthy performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is their responsibility to ensure that all safety equipment is used, and all safety procedures/practices are observed.

- a. Any employee found to be willfully negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined.
- b. Any employee found to be deliberately negligent in equipment operation, resulting in either damage to the equipment or an accident, shall be subject to discipline, up to and including termination.

- c. All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace. Any safety concerns should be immediately reported to a supervisor.
- d. Supervisors found to be negligent in requiring the use of prescribed safety equipment shall be subject to disciplinary measures.
- e. All employees will be given ample notice of safety training. Attendance at all scheduled safety training is required unless there is an approved emergency.

### **3.27 Accident and/or Incident Reporting**

It is the responsibility of every employee to ensure that all accidents and/or incidents are reported appropriately.

Process for reporting Incident(s) and/or Accident(s):

1. Notify your immediate supervisor of the incident or accident. This must be done within the same work period that it occurs.
2. Determine whether you have been involved in an incident or an accident.
  - a. **Accident:** An unfortunate event that happens unexpectedly and unintentionally, typically resulting in damage or injury. (Example: Crash involving road or vehicle)
  - b. **Incident:** An occurrence that is considered a near miss, there are no injuries or damage, no medical treatment is provided, and it is not recommended. (Example: A driver runs off the road to avoid a deer and is successful in avoiding a collision.)
3. Both an Accident and an Incident are reportable events or occurrences and must be reported on the Employee Incident/Accident Form. Any employee involved in either an accident or incident must complete all necessary forms.
4. If an employee is injured on the job, the Workers Compensation Policy will determine the next steps.
5. Any accident that involves a moving vehicle or equipment must be



medically cleared whether the employee feels they have been injured or not. Medical clearance will include a drug and alcohol test at the expense of the Engineer Office. An injured employee who is sent home by the attending physician will be paid the remainder of the workday.

6. All forms completed in relationship to an incident or accident must be provided to the Human Resource Department, via the Supervisor or the Office Manager.
7. Failure to report an injury during the work period in which an injury was incurred if possible, or falsification of an accident report, will result in disciplinary action.

### **3.28 Conceal Carry Policy**

The Employer, through the promulgation of this policy, hereby notifies its employees that carrying a concealed weapon is not part of any employee's job responsibility and that such activity does not arise "in the scope of employment." Any employee who carries, uses, brandishes, or displays a firearm while on duty will not be defended or indemnified.

Accordingly, the Employer specifically prohibits the following activities:

1. Carrying a weapon or firearm while on duty, whether or not they are licensed to do so.
2. Displaying a weapon or firearm while on duty.
3. Carrying or displaying a weapon or firearm, on or off-duty, while on strike or picketing.
4. Displaying an empty handgun holster while on duty.

Any violation of this policy may result in discipline, up to and including the employee's termination of employment. Should an employee display a weapon or firearm, whether in a facility or in a parking lot, such an action will be considered a threat and prosecuted to the fullest extent of the law.

### **3.29 Tobacco Use Policy**

A. In order to promote a healthy and comfortable work environment, Engineer Office employees are prohibited from using tobacco while on County property, while performing duties related to County employment whether on or off site, while traveling for County business, and in any other circumstances or locations where an employee is representing the interests of the County. County property includes, but is not limited to buildings, offices, restrooms, hallways, common work areas, parking lots, garages, County vehicles, conference rooms, sidewalks, green space, stairs, cafeterias/break rooms, and storage areas.

B. For the purpose of this policy, tobacco is defined as all tobacco, tobacco derived and/or substances mimicking tobacco containing products, including but not limited to: cigarettes, electronic cigarettes, vapor cigarettes, any artificial/faux cigarette, cigars, cigarillos, pipes, oral tobacco, or any other manner of using or consuming tobacco, tobacco derived substances and/or substances mimicking tobacco. The definition is intended to include all products that deliver nicotine for purposes other than cessation.

C. Any employee caught using tobacco in an area designated as a non-tobacco use area shall be subject to disciplinary action.

### **3.30 Political Activity**

Although the Belmont County Engineer encourages all employees to exercise their constitutional rights to vote, certain political activities are legally prohibited by classified employees of the Office whether in active pay status or on leave of absence. Violation of these prohibitions may result in possible disciplinary action up to and including removal.

The following activities are examples of conduct permitted by classified employees:

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

The following activities are examples of conduct prohibited by classified employees:

1. Participating in a partisan election as a candidate for office.
2. Declaring candidacy for an elected office that is filled by partisan election if the nomination to candidacy was obtained in a primary partisan election or through the circulation of a nominating petition identified with a political party.
3. Circulating official nominating petitions for any candidate.
4. Holding an elected or appointed office in any political organization.
5. Accepting appointment to any office normally filled by partisan election.
6. Filing of petitions meeting statutory requirements for partisan candidacy for elected office.
7. Campaigning by writing in publications, by distributing political material, or by writing

or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success.

8. Solicitation, either directly or indirectly, of any assessment, contribution, or subscription, either monetary or in-kind, for any political party or political candidate.
9. Solicitation for the sale, or actual sale, of political party tickets.
10. Partisan activities at the election polls, such as solicitation of votes for other than nonpartisan candidates and nonpartisan issues.
11. Service as witness or challenger for any party or partisan committee.
12. Participation in political caucuses of a partisan nature; and
13. Participation in a political action committee that supports partisan activity.

In addition to the above, all employees are prohibited from displaying or possessing partisan political materials at the Office's facilities and jobsites.

### **3.31 External Employment**

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

Employees are prohibited from engaging in secondary employment while on sick leave, disability leave, or family medical leave. Employees are prohibited from engaging in or conducting outside personal business during scheduled working hours and are further prohibited from engaging in conduct which creates a potential or actual conflict of interest with their duties and responsibilities as a County employee.

Employees shall be required to inform their supervisor, in writing, if they are employed elsewhere. This shall be to determine whether there is a conflict with the time or duties required of them in their assigned job with the County.

### **3.32 CONTACT WITH NEWS MEDIA**

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

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

### **3.33 Credit Card Use Policy**

Credit cards are designed to make purchases in order to reduce paperwork and processing time. This is an alternative to the traditional process and can significantly reduce the number of payments processed. Credit cards can also help minimize or eliminate the need for the use of personal funds reimbursed by expense report.

Ohio Revised Code § 301.27 permits the use of credit cards. The Board of County Commissioners formulates the policy for the use of the cards. This policy applies to the use of Office credit cards by Office employees where use has been approved by resolution of the Board of County Commissioners.

1. A “cardholder” is an individual who has been approved by the Board of County Commissioners to pay for certain work-related expenses with a credit card. The cardholder is responsible for the physical custody of the card, and for maintaining confidentiality of all information relating to the card such as the account number and expiration date.

2. Upon becoming a cardholder or at the time this Policy is adopted, cardholders will sign a written acknowledgment indicating that the cardholder understands this Policy and agrees to adhere to the Policy and the resolution of the Board of County Commissioners authorizing them as a cardholder.

3. Cardholders, spending limits, and authorized uses of credit cards are set by resolution of the Board of County Commissioners. In sum, cards can only be used for the following types of work-related expenses and only if expressly listed in said resolution and only up to any limits specified by said resolution:

- a. Food Expenses.
- b. Transportation Expenses.
- c. Gasoline and oil expenses.
- d. Minor motor vehicle maintenance.
- e. Emergency motor vehicle repair expenses.
- f. Telephone expenses.
- g. Lodging expenses.
- h. Internet service provider expenses.
- i. Webinar expenses; and

- j. Expenses for the purchases of automatic or electronic data processing or record-keeping equipment, software, or services.
  - k. Purchases may be made for any legitimate business reason as long as they do not conflict with state law and the employee complies with current policies and procedures. *Effective October 3, 2023.*
4. Only cardholders may use Office credit cards. Office credit cards are not to be loaned to anyone, including other Office employees.
  5. The debt incurred as a result of the use of an Office credit card shall be paid from moneys appropriated to specific appropriation line items of the Office for work-related expenses of the type listed above that have been authorized by resolution. Cardholders should therefore be cognizant that funds available could be limited by specific appropriations.
  6. Purchases made with Office credit cards are tax-exempt. If tax is charged inappropriately, the cardholder should present a tax exemption certificate to the vendor and receive credit for the unnecessary tax.
  7. Purchases can be made over the internet, but cardholders must ensure that account numbers of Office credit cards are encrypted while being passed electronically. For instance, websites with “https” as opposed to just “http” in their address are secure. Additionally, a lock displayed by a web browser indicates that a site is secure.
  8. Office credit cards may not be used for cash withdrawals.
  9. Cardholders are responsible for retaining receipts documenting credit-card use and will provide receipts to other County officials, as necessary.
  10. If an Office credit card is lost or stolen, the cardholder must notify the card issuer immediately. Upon receipt of the phone call, further use of the card will be blocked. The cardholder must confirm the phone call by written notification to the card issuer via mail or fax, with copies to the Engineer and person responsible for County credit card program administration. The date and time of the phone report of the lost or stolen card should be included in the written notification.
  11. Improper use of an Office credit card will subject a cardholder or employee to discipline up to and including termination.

### **3.34 Social Media Policy**

The Office supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages, social media posts or other forms of electronic

communication extend to employees revealing confidential information about the Office, Belmont County or their employees, or engaging in posting inappropriate material about the Office, County or their employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action up to and including termination. Employees shall not post on personal social media accounts, either on an Office computer/cell phone, or personal computer/cell phone during working time, unless permitted by a Supervisor.

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

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

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

In the event the Office operates and maintains a social media site, the Engineer, or his

designee, shall designate the employee(s) who is permitted to post, maintain, and monitor the postings on behalf of the Office. Absent prior approval, employees shall not add, or remove, any information, or posting, from the Office's social media site.

### **3.35 Workplace Violence**

#### **A. Zero Tolerance.**

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

#### **B. Prohibited Acts of Violence.**

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

#### **C. Warning Signs and Risk Factors.**

The following are examples of warning signs, symptoms and risk factors that may indicate an employee's potential for violence. In all situations, if violence appears imminent, employees should take the precautions necessary to assure their own safety and the safety of others. An employee should immediately notify management if they witness any violent behavior, including, but not limited to, the following: (1) hinting or bragging about a knowledge of firearms; (2) making intimidating statements such as: "I'll get even," or "You haven't heard the last from me."; (3) keeping records of other employees the individual believes to have violated departmental policy; (4) physical signs of anger, such as hard breathing, reddening of complexion, menacing stares, loudness, and profane speech; (5)

acting out violently either verbally or physically; (6) excessive bitterness by a disgruntled employee or an ex-employee; (7) being a “loner,” avoiding all social contact with co-workers; (8) having a romantic obsession with a co-worker who does not share that interest; (9) history of interpersonal conflict; (10) domestic problems, financial problems, unstable/dysfunctional family; and (11) brooding, depressed, strange behavior.

### **3.36 Public Records Request Policy**

Openness leads to a better-informed citizenry, which leads to better government and better public policy. It is the mission and intent of the Engineer’s Office to at all times fully comply with and abide by both the spirit and the letter of Ohio’s Public Records Act.

#### **A Defining Public Records**

1. A “record” is defined to include the following: A document in any format (paper or electronic (including, but not limited to, business e-mail)) that is created, received by, or comes under the jurisdiction of the Office that documents the organization, functions, policies, decisions, procedures, operations, or other activities of the Office.

2. A “public record” is a “record” that is kept by the Office at the time a public records request is made, subject to applicable exemptions from disclosure under Ohio or federal law. All public records must be organized and maintained in such a way that they can be made available for inspection and copying.

#### **B Response Timeframe**

Public records are to be available for inspection during regular business hours. Public records must be made available for inspection promptly. Copies of public records must be made available within a reasonable period of time. “Prompt” and “reasonable” take into account the volume of records requested, the proximity of the location where the records are stored, the necessity for any legal review and redaction, and other facts and circumstances of the records requested.

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

#### **C Handling Requests**

1. No specific language is required to make a request for public records. However, the requester must at least identify the records requested with sufficient clarity



to allow the Office to identify, retrieve, and review the records.

2. The requester does not have to put a records request in writing and does not have to provide his or her identity or the intended use of the requested public record(s). It is the Office's general policy that this information is not to be requested. However, the law does permit the Office to ask for a written request, the requester's identity, and/or the intended use of the information requested, but only if (1) a written request or disclosure of identity or intended use would benefit the requester by enhancing the Office's ability to identify, locate, or deliver the public records that have been requested; and (2) the requester is first told that a written request is not required and that the requester may decline to reveal the requester's identity or intended use.
3. In processing the request, the Office does not have an obligation to create new records or perform a search or research for information in the Office's records. An electronic record is deemed to exist so long as a computer is already programmed to produce the record through the Office's standard use of sorting, filtering, or querying features. Although not required by law, the Office should consider generating new records when it makes sense and is practical under the circumstances.
4. In processing a request for inspection of a public record, an Office employee may accompany the requester during inspection to make certain original records are not taken or altered.
5. All requests are logged for audit purposes. The log is kept by the Office Manager and must be reported by any employee handling the request.

## **D Electronic Records**

1. Records in the form of e-mail, text messaging, and instant messaging, including those sent and received via a hand-held communications device, are to be treated in the same fashion as records in other formats, such as paper or audiotape.
2. Public record content transmitted to or from private accounts or personal devices is subject to disclosure. All employees or representatives of the Office are required to retain their e-mail records and other electronic records in accordance with applicable records retention schedules.

## **E Denial and Redaction of Records**

If the requester makes an ambiguous or overly broad request or has difficulty in making a request such that the Office cannot reasonably identify what public records are being requested, the request may be denied, but the Office

must then provide the requester an opportunity to revise the request by informing the requester of the manner in which records are maintained and accessed by the Office.

If the Office withholds, redacts, or otherwise denies requested records, it must provide an explanation, including legal authority, for the denial(s). If the initial request was made in writing, the explanation must also be in writing. If portions of a record are public and portions are exempt, the exempt portions may be redacted, and the rest must be released. When making public records available for public inspection or copying, the Office shall notify the requester of any redaction or make the redaction plainly visible.

## **F Copying and Mailing Costs**

Those seeking public records may be charged only the actual cost of making copies, not labor. The charge for paper copies is posted in the Engineers Office.

A requester may be required to pay in advance for the actual costs involved in providing the copy. The requester may choose whether to have the record duplicated upon paper, upon the same medium on which the public record is kept, or upon any other medium on which the Office determines that the record can reasonably be duplicated as an integral part of the Office's normal operations.

If a requester asks that documents be delivered to them, he or she may be charged the actual cost of the postage and mailing supplies, or other actual costs of delivery. There is no charge for e-mailing documents stored electronically.

The Engineer Office staff may offer transaction assistance up to \$1.00 worth of charges as a free service. All requests that are printed on the plotter are charged at the posted rate.

## **G Managing Records**

The Engineer's Office records are subject to records retention schedules. The Engineer's Office current schedules are available at 101 W Main Street, St. Clairsville OH 43950 a location readily available to the public as required by Ohio Revised Code § 149.43(B)(2).

### **3.37 PERFORMANCE EVALUATIONS**

The Belmont County Engineer's Office may complete annual performance evaluations. Evaluations, if conducted, will be based upon defined and specific criteria, and will be reviewed and signed by the employee's direct supervisor, and those superiors in the

direct chain of command. The results will be discussed with the employee and the employee will be asked to sign the evaluation. An employee's signature will reflect their receipt of the evaluation, not their agreement with its contents. Should the employee refuse to sign, a notation will be made reflecting the date and time of the review along with the employee's refusal to sign. Employees may offer a written response to their performance evaluation. Such a response, if given, will be maintained with the evaluation.

### **3.38 USE OF COUNTY MOTOR VEHICLES BY EMPLOYEES**

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

Employees are responsible to ensure safe Vehicle operation. It is the responsibility of every Belmont 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 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.

#### **DRIVER ELIGIBILITY**

- I. PRE-EMPLOYMENT QUALIFICATIONS. Hiring of persons who will be required, or permitted, to drive as a function of his/her job duties will be in the sole discretion of Belmont 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.
- A. Employees or applicants for employment may be considered qualified to drive when the following are met to the satisfaction of Belmont County:
1. A review of the Employee's Motor Vehicle Record (MVR).
  2. A review of the Employee's MVR and a recommendation by Belmont County's insurance carrier ("Insurer")
  3. Proof of insurance or compliance with the State of Ohio's Financial Responsibility Laws.
  4. Employees whose position requires a commercial driver's license (CDL) will follow the driving policy specific to their department and position. In the event of a conflict, the department-specific policy controls, but only if the department-specific policy meets or exceeds the provisions of this policy.
- B. Employees, as defined above, who, in the sole discretion of Belmont County, have an MVR record that demonstrates poor driving habits shall not drive any Vehicle on behalf of Belmont 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 Belmont County's Insurer may exclude coverage for any driver or drivers on a temporary or permanent basis.

II. **ACTIVE EMPLOYMENT QUALIFICATIONS.** Belmont County's insurance office shall maintain an Eligible Drivers List containing the names of all employees eligible under this policy and authorized to drive a Vehicle. Active employees will be subject to either continuous driver record monitoring or annual review of an MVR. The insurer will forward to the employer recommendations regarding continuation of eligibility restrictions, etc., as necessary or requested.

A. Upon evaluation by Belmont County of an Employee's MVR and a recommendation by Belmont County's Insurer, drivers may have their driving eligibility temporarily or permanently revoked and/or be required to participate in driving or alcohol/controlled substance intervention programs. Any conviction of one or more of the ten violations below appearing on an employee's driver record during the prior 36 months may result in such action:

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.
10. Non-Compliance with Ohio Financial Responsibility Law.

An arrest and/or conviction for one or more of the above violations on or off county time must be reported within 24

hours of arrest/conviction to the employee's immediate supervisor.

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

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

C. In any case where the appointing authority or the County's Insurance carrier has temporarily or permanently suspended/revoked the Employee's driving eligibility and driving is an essential function of the employee's job, the appointing authority may take appropriate disciplinary action, up to and including termination, as permitted by department policy, laws and regulations of the State of Ohio, and any applicable collective bargaining agreement.

III. **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 following this policy.

IV. **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. Employees must report any and all accidents, arrests, violations, and citations issued to him or her. Failure to do so may result in disciplinary action.

V. **ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES**

- A. No Alcoholic beverages, illegal drugs or controlled substances are permitted in or on a Vehicle except as a function of law enforcement or medical emergency vehicles.
- B. No Alcoholic beverages or illegal drugs are permitted to be transported in or on a 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.

VI. **ACCIDENTS AND TRAFFIC CITATIONS.** In the event of a traffic accident or traffic stop for a violation while in the course of employment, Employees shall:

- A. Stop, no matter how minor the accident. Report all collisions involving Vehicles to the law enforcement agency having jurisdiction.
- B. Take precautions to avoid further damage or injury to persons or property.
- C. Make no statements admitting responsibility.
- D. Do not advise other parties involved in any matter, especially that the County will pay for the damage resulting from said accident.
- E. If a 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.
- F. 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.
- G. Report all accidents and known damage to Vehicles to as follows:
  - 1. Report accidents and/or damage to Vehicles to your Supervisor, who shall notify the Belmont County Engineer immediately.

2. Employee's Supervisor shall record and secure all appropriate information on initial accident report and forward to the Human Resource Department within twenty-four (24) hours.
  - a. In the event of a collision, Supervisor shall forward the following information to the Human Resource Department
    - i. A copy of all law enforcement reports, citations including all statements made at the scene or afterward to law enforcement, attached.
    - ii. Repair estimates, when appropriate, in due course.

In all investigations of the accident by Belmont County, the emphasis will be on fact-finding, however, discipline may result.

3. The Human Resource Office shall file all accident damage reports with the people named below and with CORSA.

Copies of the completed forms, law enforcement reports and estimates to the County Commissioners/County Administrator or his/her designee.

4. Accident reports to the Employer.
5. 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.

## VII. **USE OF PERSONAL VEHICLES ON OFFICIAL COUNTY BUSINESS**

- A. Use of personal vehicles by Employees on county business is discouraged unless a county vehicle is not available, the use of a county vehicle would cause serious inconvenience, extreme hardship or the



use of personal vehicles is otherwise authorized by the department supervisor or his/her designee.

- B. This policy applies in all respects to Employees who use personal Vehicles while on County business.
- C. Employees who use personal Vehicles while on County business shall abide by all County rules, including department rules.
- D. Insurance coverage for personal vehicles used on County business shall be the responsibility of the owner of the vehicle.
- E. All employees who use their own vehicle on County business shall first show proof of liability insurance to Belmont County. The recommended amounts are at least \$100,000 per person for bodily injury; \$300,000 per occurrence for bodily injury; and \$100,000 property damage per occurrence; or a combined single limit of not less than \$300,000.
- F. Employee's supervisor must approve use of personal Vehicles on County business in advance of any such use.
- G. Employees who are authorized and required to use their personal vehicles on County business will be reimbursed per mile at the authorized county rate.

#### **VIII. DRIVING POLICY IMPLEMENTATION.**

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

**IX. MISCELLANEOUS.**

- A. Parking tickets, moving violations, and other fines received while operating a Vehicle are the responsibility of the driver.
- B. Report theft of or from a Vehicle to the law enforcement agency with jurisdiction for investigation.
- C. Personal use of county vehicles shall be prohibited unless approved by the appointing authority.
- D. Cell phones are discouraged, and usage shall be limited to hands free devices while vehicle is in motion.
- E. For personal safety and county liability, employees and passengers shall comply with the state statute on seatbelt usage.
- F. The use of tobacco products is prohibited in all county-owned or leased vehicles.

**3.39 Cybersecurity**

**Purpose:**

To address cyber threats that are constantly evolving with increasing intensity and complexity.

To minimize these threats that may harm the ability to achieve the day-to-day operation of the Belmont County Engineer's and to minimize the potential loss or compromise of sensitive data and intellectual property.

**1) Password Security Suggestions**

- a) Passwords are the first line of defense, but do not replace the need for other data security measures. If passwords need to be documented, it is strongly recommended to use a Password Manager program.
- b) Specific requirements:
  - i) Passwords should not be recycled. The password policy should not allow the previous five to ten passwords to be reused.
  - ii) Passwords should be unique per account. Passwords should not be reused for different services or applications. Remembering many passwords is a difficult task and it is recommended that a password manager be used to document users' passwords.

- iii) Minimum Password Length should be twelve characters. However, if users employ the idea of passphrases, passwords should easily reach twenty or more characters.
  - iv) It is highly recommended that, whenever possible, Two Factor Authentication (2FA) should be implemented. 2FA should be a requirement for any web-based or cloud-based applications.
  - v) It is the employee's responsibility to not share passwords and not engage in unauthorized use of other users' passwords. It is the employee's responsibility to safeguard her/his password.
  - vi) Upon termination all employee IDs, passwords, etc. must be immediately disabled and data kept as per retention schedule.
  - vii) If all password requirements above are met, the official NIST recommendation states that passwords do not have to be changed ever. However, being realistic and recognizing that all users will not adhere to all of the guidelines above, our recommendation is that all passwords should be changed once a year. Policies should be put in place to automatically expire account passwords every 365 days.
- c) It is imperative that you keep your password(s) safe and not give it to any other individual or allow anyone but yourself to access systems using your password. Any event occurring to systems accessed under your password can result in discipline up to and including termination.

## **2) Antivirus/Malware and Firewall Software**

- a) Applicability
  - i) This policy applies to all computing environments, networks and computer systems owned, contracted, leased, or operated by the Belmont County Engineer's Office. It also applies to personally owned or third-party computers transmitting our sensitive data electronically or connecting directly to the member's network, including any websites operated by the member.
  - ii) This policy applies to all users, including administrative consultants, employees, contractors, administrators, and third parties.
- b) The willful introduction of computer viruses, malware, and disruptive/destructive code to the member network is prohibited.
- c) All Belmont County Engineer Office appointing authorities are responsible for deploying and maintaining licensed antivirus/malware and firewall prevention

software to all systems it supports/ administers and providing timely updates for all components of the software on:

- i) All servers on the county network including, but not limited to:
    - (1) Servers running the Windows Server Operation System
    - (2) Hypervisor servers (Hyper-V, VMWare, XenServer, etc.)
    - (3) Linux distributions & appliances
  - ii) Engineer Office deployed desktops, laptops, and tablets.
  - iii) When technically feasible, cell phones, smart phones, and PDAs
  - iv) For non-member deployed laptops or mobile devices, Engineer Office should ensure, where feasible, that both up-to-date antivirus/malware prevention software and a personal firewall are deployed on the connecting device prior to granting permission to connect to the member network.
- d) Users are not to make any changes to their system that will disable or remove our approved antivirus and malware prevention or firewall software or otherwise prevent the software from performing its intended purpose.
- e) Users are not to open any files or macros attached to an email from an unknown, suspicious, or untrustworthy source. All unexpected content received from a trusted source should be verified with that source prior to opening.
- f) Computer systems that are unable to run antivirus and malware prevention software must be restricted to an isolated network with sufficient network-level protections deployed to prevent viruses/malware from spreading into any other areas of our network (e.g. running antivirus technology at its “gateway” to the network).
- g) Computer systems that are running an End-of-Life version of software must be restricted to an isolated network with sufficient network-level protections deployed to prevent viruses/malware from spreading into any other areas of our network.
- i) As of the writing of this document the following software is considered “End-of-Life” and should be removed or isolated from the network as soon as possible.
    - (1) Windows XP
    - (2) Windows Vista
    - (3) Windows 7

- (4) Windows Server 2000
- (5) Windows Server 2003
- (6) Windows Server 2008

- h) All software updates will be installed and scheduled to run at regular intervals or upon electronic notification of a new security update, patch, vulnerability, or threat. Wherever possible, computing resources should be set to auto-apply/update security patches on a regular basis.
- i) Antivirus and malware prevention scanning should be programmed to run/initiate upon startup and/or reboot of PCs/servers/other computing devices.
- j) For PCs/servers/computing devices that are not normally rebooted, firewall, antivirus and malware scanning should be “always on” when technically feasible.
- k) All appointing authorities are responsible for receiving and acting upon alerts (via automated alert, email, news, etc.) promptly to ensure minimal exposure and security risk to the confidentiality, integrity, and availability of our electronic assets.
- l) Critical security patches should be deployed by a maximum of 48 hours after being released by the operating system software or application vendor unless there is reason to believe the patch might negatively impact a business-related activity or application.
- m) After appropriate testing, updates without issue will be made available to all PCs/servers/computing devices, as well as remote employees.
- n) Malware prevention software scans shall be run routinely (at a minimum weekly).
- o) Antivirus and malware prevention software shall be run immediately after the installation of any new software.
- p) Suspicious content (files or macros attached to email) should be quarantined for review or permanently deleted immediately.
- q) All downloads should be scanned with an updated member standard antivirus/malware prevention scanner immediately (automatically, if possible).

- r) Computing systems will be rebooted as required to ensure virus definitions (as well as operating system updates) are updated and that the antivirus software can run to check for viruses.
- s) Default settings should be set up so that antivirus software runs upon startup or reboot.

### 3) Mobile Computing

- a) Protection of laptop/mobile devices, especially when used off-site, is necessary in order to reduce the risk of both unauthorized access to the data contained on the device, as well as the data that the device has access to the Engineer's Office network. Protection is also necessary to safeguard against loss or damage of the device itself.
- b) A Virtual Private Network (VPN) is a secured private network connection built on top of a public network, such as the internet. Whenever feasible, it is strongly recommended to utilize a VPN for all remote computing.
- c) Shipments of new or unassigned laptops/mobile devices are to be stored in locked closets or rooms with controlled access and no false ceilings or partial walls within a reasonable time of receipt.
- d) Security instructions to users should be included with laptop/mobile device when issued.
- e) The laptop/mobile device make, model, serial number and media access control address is to be recorded and stored in a safe location in order to give precise information to authorities in case of theft.
- f) Unattended storage standards for laptop/mobile devices should be same as those for the storage of similar hard copy information.
- g) Back-ups of the Engineer's Office data onto servers should be accomplished on a basis which ensures the availability and negates the significant loss of **data**.
- h) The user has overall responsibility for the confidentiality, integrity, availability, and accessibility of his/her assigned member laptop/mobile device and the data on or accessible through the laptop/mobile device.

- i) Device/hard drive must be encrypted to maintain confidentiality and protect against the bypass of software controls (e.g., booting from a system disk or USB, file encryption) must be utilized.
- j) Anti-virus/anti-malware software will be installed on the laptop/mobile device and all incoming disks/magnetic/digital media /jump drives should be virus checked before being used.
- k) Users must take steps to prevent casual overview or attempted use by unauthorized personnel. The use of privacy screens is encouraged.
- l) User ID and authentication is required before access is given to data and applications residing on the laptop/mobile device. Some smartphones only allow for pattern or PIN for authentication without a User ID, which is acceptable for accessing the device itself.
- m) Passwords must meet the standards set forth in this policy.
- n) To help prevent damage and theft, a laptop should not be placed in or as checked baggage. If a laptop must be left in an automobile, it must be stored in the trunk or otherwise out of plain view.
- o) Any lost or stolen device must be immediately reported to appropriate appointing authority.

#### **4) Use of Personal Devices**

- a) The Belmont County Engineer's Office may provide its employees who acknowledge and agree to the terms and conditions below, the opportunity to use their own computers, smart phones, tablets, and other devices for business purposes to access and use Email and other authorized member systems and information. Authorization and use are up to the discretion of the appointing authority and is subject to the following terms and conditions:
  - i) Device Requirements
    - (1) "Personal Device" means a computer, smart phone, tablet, or other device that is authorized to access member data or is used to backup any such device and is owned by employee and acquired voluntarily, without payment by member and without any expectation of reimbursement for any costs related to the purchase, activation, operational/connectivity

charges, service or repairs, or other costs that may be incurred related to the device or its use.

- (2) The minimum-security requirements for using a Personal Device are listed below but may be subject to change.
- ii) A password/pin code must be entered on any Personal Device after fifteen (15) minutes of inactivity.
  - iii) The employee must maintain the original Personal Device operating system and keep the Personal Device current with security patches and updates, as released by the Personal Device manufacturer. The employee will not "Jail Break" or "Root" the Personal Device (installing software that allows the user to bypass standard built-in security features and controls) or otherwise modify the safeguards installed on the Personal Device by the manufacturer; and
  - iv) The Personal Device must be encrypted, and any resulting back-ups must also be encrypted.
  - v) The Personal Device must support the ability to be remotely wiped. This may result in loss of personal information if the device must be wiped for business purposes.
  - vi) If a Personal Device becomes non-compliant with any of the Minimum-Security Requirements, it must be remedied within a reasonable period of time, or the Personal Device will be blocked from access to member termination of this privilege may be revoked.
  - vii) All data on the device may be subject to a public records request or legal discovery.
- b) Personal devices should not be allowed on the internal network. A separate BYOD (Bring Your Own Device) network should be created for these semi-trusted devices. The purpose of the network is to provide access to specific network resources, including the Internet, via a network firewall.

## **5) Network Design and Administration**

- a) Implement a "trust no-one" policy. Assume all connections are a risk that needs to be minimized.



- b) No equipment should be connected to the network in an out-of-the-box configuration.
  - i) At a minimum, the default administrative passwords should be changed to comply with the strong password policy.
  - ii) Where possible, individual sign-ins to the administrative interface of the equipment should be used for access and change tracking rather than the default administrator account login.
- c) Security devices (Firewalls, Proxies, IDS/IPS, etc.) should be of an enterprise-grade type, no matter how small the operation. Major name brands of equipment should be used. It is highly recommended that a Next-Generation Firewall (NGFW) be implemented. This recent technology allows the firewall to inspect deeper into application flows and take smarter action to protect the network.
- d) Network equipment should be classified as MANAGED. Managed devices allow the administrator to log traffic and events, customize the configuration, and harden security.
- e) Cyber-threats evolve in real-time. Your equipment is vulnerable the second it is put into use. Firewalls, switches, and routers should have the most current firmware and threat-list available. In general, software patches should be applied weekly or monthly to servers and network equipment. Security Definitions (Antivirus and IDS definitions) should be applied hourly or daily.
- f) Network Address Translation (NAT) and Port Address Translation (PAT) should be used to mask all internal private IP addresses communicating to the internet or other external entities.
- g) The strongest AES encryption should be used in every instance of VPN connection. CJIS requirements should be observed as the minimum even in non-CJIS access (i.e., FIPS).
- h) Networks should avoid a “flat” network design where a person can open “Network” on their pc and see the entire organizations pc’s and servers listed. The design should include:
  - i) The use of multiple VLAN’s
    - (1) State\Fed mandated Secure (CJIS connected, etc.)
    - (2) By Department (HR, Accounting, Commissioners, Health, etc.)
    - (3) By Equipment (HVAC, Elevator, Server Type, etc.)
  - ii) The use of multiple IP Subnets

- (1) Per VLAN
  - (2) Per Department
  - (3) Per Equipment Type
  - iii) Deploy firewall zones to monitor communications between internal network segments (e.g. between network clients and network servers).
- i) Wireless Access Points are an easy target for anyone with a smartphone or a tablet.
    - i) SSID should NEVER be “open” and should always require authentication and encryption.
    - ii) It is recommended to use certificate-based authentication for all internal SSID's. This will allow Engineer Office devices to login to the network securely and will create a log trail per user that can be audited.
    - iii) It is recommended to use WPA2 or WPA3 with Passphrases for BYOD and guest SSID's.
    - iv) WEP and WPA are considered insecure and should not be used.
  - j) Unused network ports (no pc, printer, phone, etc. connected to them) should have the patched switch port DISABLED to prevent rogue and unapproved devices from being able to connect to the network by vendors, contractors, etc.
  - k) Contract with a reputable vendor for a network vulnerability assessments, run from both the outside and the inside and remediate where necessary.

## **6) Software Updates/Patches**

- 1) The Belmont County Engineer's Office will review, evaluate, and appropriately apply software patches as soon as possible after release. If patches cannot be applied immediately due to hardware or software constraints, mitigating controls will be implemented based upon the results of a risk assessment.
- 2) This policy covers all servers, workstations, network devices, operating systems (OS), applications, and other information assets for which vendors provide system patches or security updates.

## **7) Interaction With Other Information and Equipment Security Policies**

- a) This policy is one part of information and equipment security policies. It is to be utilized in addition to, not instead of, other policies such as, but not limited to, the Use of Member Property, Social Media, Computer Use, Internet, Email, Telephone and Privacy Policies.

## **8) Compliance**

- a) Violations of this policy may lead to suspension or revocation of system privileges and/or disciplinary action up to and including termination of employment. In the case of a third party, there may be contractual obligations for encryption that the third party is responsible for implementing. Violations of those provisions may result in cancellation of any related privileges or termination of the contract. We reserve the right to advise appropriate authorities of any violation of the law.

## **SECTION FOUR**

### **GRIEVANCE & DISCIPLINARY PROCEDURES**

#### **4.01 INVESTIGATIONS AND DISCIPLINE**

The Belmont County Engineer's Office has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations. Employees who are the subject of a formal investigation have the right to be accompanied, represented, and advised by an attorney. For all employees, the failure to respond, to respond truthfully, or to otherwise cooperate in an investigation, shall be considered insubordination and may result in termination. Employees involved in an investigation shall not discuss the facts of the investigation during the pendency of the investigation. Investigations shall be conducted upon receipt of an allegation of potential misconduct. Investigations shall be conducted promptly and in a reasonable and efficient manner to determine whether the alleged misconduct occurred.

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

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

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

The property and image of Belmont County Engineer's Office is to be respected at all times; as such, the off duty conduct of an employee has a nexus to the workplace or could negatively impact the Belmont County Engineer's Office may form the basis for discipline.

Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

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

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

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

Unclassified employees and probationary employees are not eligible for a Pre-Disciplinary Conference.

#### **4.02 COMPLAINT PROCEDURE**

Employees may have questions or concerns caused by misunderstandings in the application of policies, procedures, and work rules. The Engineer's Office believes questions and concerns will be heard promptly and action will be taken to resolve or clarify a particular situation, if necessary. Complaints regarding unlawful discrimination or harassment should be brought according to the unlawful discrimination and harassment policy contained in this manual.

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

**A. Step 1: Immediate Supervisor.**

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

**B. Step 2: County Engineer.**

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

All complaints must contain the following information to be considered and must be filed using the complaint form obtained from the Engineer's office:

- a. Grievant name and signature.
- b. Grievant classification or Job Title
- c. Date complaint was first discussed with supervisor and name of supervisor with whom grievance was discussed.
- d. Date complaint was filed in writing.
- e. Date and time complaint occurred.
- f. Location in which the complaint occurred.
- g. Description of the incident giving rise to the complaint; and
- h. Desired remedy to resolve the complaint. Where the alleged grievance is of a nature that qualifies for appeal under rules of the State Personnel

Board of Review, the aggrieved may not use the complaint procedure.

#### **4.03 Whistleblower Protection**

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 an enjoyable employment relationship can exist.

- A. If an employee becomes aware in the course of employment of a violation of state or federal statutes, rules, or regulations or the misuse of public resources, and the employee's supervisor or appointing authority has authority to correct the violation or misuse, the employee may file a written report identifying the violation or misuse with the supervisor or appointing authority.

If the employee believes that a violation or misuse of public resources is a criminal offense, the employee, in addition to or instead of filing a written report with the supervisor or appointing authority, may report it to the prosecuting attorney or to a peace officer. In addition to that report, if the employee believes the violation or misuse is also a violation of Chapter 102, Section 2921.42, or Section 2921.43 of the Ohio Revised Code, the employee may report it to the appropriate ethics commission.

- B. Except as otherwise provided in division (C) if this section, no officer, or employee shall take any disciplinary action against an employee for making any report authorized by (A) of this section, including, without limitation, doing any of the following:

- 1. Removing or suspending the employee from employment.
- 2. Withholding from the employee salary increases or employee benefits to which the employee is otherwise entitled.
- 3. Transferring or reassigning the employee.
- 4. Denying the employee promotion that otherwise would have been received.
- 5. Reducing the employee in pay or position.

- C. An employee shall make a reasonable effort to determine the accuracy of any information reported under (A) of this section. The employee is subject to disciplinary action, including suspension or removal, as determined by the Engineer, for purposely, knowingly, or recklessly reporting false information under (A) of this section.

- D. If an appointing authority takes any disciplinary or retaliatory action against an

employee as a result of the employee's having filed a report under (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is to file an appeal with the state personnel board of review within thirty (30) days after receiving actual notice of the appointing authority's action. If the employee files such an appeal, the board shall immediately notify the employee's appointing authority and shall hear the appeal. The board may affirm or disaffirm the action of the appointing authority or may issue any other order as is appropriate. The order of the board is appealable in accordance with Chapter 119 of the Ohio Revised Code.

#### **4.04 CONCLUSION STATEMENT**

It is the purpose of this Personnel Manual to give you information about your employer and a general understanding of the conditions, rules and benefits affecting you as an employee. If by chance this manual's interpretation of any provisions pertaining to wages, hours, working and other conditions of employment should conflict from those expressed in the labor agreement currently in effect, then it is understood that the terms of the labor agreement will apply to employees in the group with whom the agreement has been made. From time to time, questions may arise that cannot be suitably answered by reference to this manual. If you have any such questions, please see your supervisor for clarification.

**Corresponding forms are available from your supervisor or on our website.**

**The most current version of available forms must always be used.**